

Zoning Ordinance

Town of Gorham, New Hampshire

Amended March 8, 2016

Town of
Gorham, New Hampshire

Zoning Ordinance

ARTICLE I	
TITLE	1
ARTICLE II	
PURPOSE	1
ARTICLE III	
DEFINITIONS	1
ARTICLE IV	
DISTRICTS AND DISTRICT REGULATIONS	10
4.01 RESIDENTIAL A	11
4.02 RESIDENTIAL B	12
4.03 COMMERCIAL A	13
4.03.E. Commercial Compact	14
4.04 COMMERCIAL B	15
4.05 INDUSTRIAL	16
4.06 TIMBER AND AGRICULTURAL	17
4.07 PARK LAND	19
ARTICLE V	
GENERAL REGULATIONS	20
5.01 SITE PLAN REVIEW	20
5.02 HOME OCCUPATION	20
5.03 OFF-STREET PARKING	20
5.04 SIGNS	22
5.05 MULTI-FAMILY HOUSING	27
5.06 MANUFACTURED HOME PARK	27
5.07 LIGHTING STANDARDS	28
5.08 JUNKYARD	30
5.09 WIRELESS COMMUNICATIONS FACILITIES	30

5.10	NON-CONFORMING USES	36
5.11	FENCES, WALLS AND HEDGES	37
5.12	DRIVEWAY PERMITS	38
ARTICLE VI		
ADMINISTRATION		38
6.01	ENFORCEMENT	38
6.02	PERMITS	38
6.03	ENFORCEMENT	38
6.04	SPECIAL SITE REVIEW COMMITTEE	38
6.05	TECHNICAL STUDIES & SURVEYS	40
ARTICLE VII		
BOARD OF ADJUSTMENT		40
7.01	BOARD OF ADJUSTMENT	40
7.02	APPEALS	41
7.03	SPECIAL EXCEPTIONS	41
7.04	VARIANCES	41
ARTICLE VIII		
AMENDMENTS		42
ARTICLE IX		
SAVING CLAUSE		42
ARTICLE X		
EFFECTIVE DATE		43
TOWN WELL SOURCE PROTECTION ORDINANCE		44
FLOODPLAIN DEVELOPMENT ORDINANCE		50
APPENDIX - DRIVEWAY REGULATIONS		60

ARTICLE I
TITLE

Pursuant to the authority conferred by NH Revised Statutes Annotated 674:16, as amended, for the purpose of promoting the health, safety, and general welfare of the Town of Gorham, N.H., the following ordinance is hereby enacted by the voters of the Town of Gorham, N.H. This ordinance shall be known and may be cited as the Town of Gorham Land Use (Zoning) Ordinance hereinafter referred to as this "Ordinance."

ARTICLE II
PURPOSE

This Ordinance is designed to promote the health, safety and general welfare of the inhabitants of Gorham, to protect the value of property, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provisions of other public requirements.

ARTICLE III
DEFINITIONS

WORD DEFINITIONS: The word PERSON includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word SHALL or WILL, is mandatory, the word MAY is permissive.

3.01 ABUTTER: Means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes

the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

- 3.02 ACCESSORY BUILDING OR USE:** A building or use located on the same lot as the principal building or use, and use of which is considered incidental to that of the principal building, such as, but not limited to, detached garages, above or in-ground swimming pools and equipment sheds and, if the lot is an active farm, barns and sheds used for farming and agricultural purposes.
- 3.03 AGRICULTURE:** Use of land for forestry as defined in Section 3.20 and farming as defined in RSA 21:34-a as amended.
- 3.04 ASSISTED LIVING FACILITY:** Shall be defined as facilities licensed under RSA 151 for elderly (over 55 years of age) or disabled individuals, which provides onsite services that support independent living for residents, including, at a minimum, communal dining facilities, and may include onsite personal care services, housekeeping and linen service and the supervision of self-administered medications.
- 3.05 BED AND BREAKFAST:** An owner occupied and managed facility in which rooms are rented to guests for a period not to exceed 30 days in a one-year period, in which no more than one meal is typically served daily, and which the entire service, food and lodging are included in one price. A bed-and-breakfast may alternatively be operated by a residential manager.
- 3.06 BOARDING HOUSE:** Rented residential facilities where a lodger rents a single room and may share a kitchen, bathroom and/or other common areas with other lodgers who are not related to the person operating the rooming house (who lives at the facility).
- 3.07 BUFFER:** An area of land used to separate visibly one use from another or which acts as a separation between two land uses of different type or intensity.
- 3.08 BUILDING:** A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water. This definition also includes the term “structure” as the same may be defined in any building, safety or electrical code now or hereafter adopted and in force.

- 3.09 CAMPGROUND:** A parcel of land with one or more specific sites, with or without water, electricity and sewage hookups, that has provision for the pitching of a tent or the parking of any recreational vehicle or trailer for use as sleeping quarters, to be occupied by the same individual(s) for no more than 6 months in any one-year period, not for year-round residency.
- 3.10 CAR DEALERSHIP:** An establishment not associated with a junkyard which is engaged in the buying and selling of new and/or used automobiles and trucks.
- 3.11 CLUSTER DEVELOPMENT:** A residential subdivision of a tract of land where housing units are grouped on lots of reduced dimensions or in the case of condominium development where units are clustered so as to occupy a reduced portion of the total land area. The remaining land in the tract which is not built upon is reserved as permanently protected open space.
- 3.12 CODE ENFORCEMENT OFFICER:** A person or persons designated by the Board of Selectman of the Town of Gorham to uphold and enforce the Zoning Ordinance of the Town of Gorham.
- 3.13 COMMERCIAL SPORTING CAMPS:** Any building or group of buildings, or property designed, or used, for forest-based recreational activities, such as hunting, fishing or use of off-road motor vehicles, for rent or for a fee or any other monetary or non-monetary consideration.
- 3.14 DIRECTIONAL SIGN:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
- 3.15 DRIVEWAY:** An access from a public street, serving not more than two (2) dwellings, lots, sites or multi-family buildings as approved by the planning board, provided that each lot or site must have frontage meeting the requirements of Section 3.21. Driveway Permits are required; see Appendix.
- 3.16 DWELLING, SINGLE AND TWO FAMILY (ALSO DUPLEX):** A single-family dwelling is a freestanding residence designed for and occupied by one family only. A two-family dwelling (also duplex) is a residential building designed for and occupied by two families living independently of each other in individual attached dwelling units.
- 3.17 ENTITY:** For the purpose of Section **5.04 Signs**, the term “entity” shall mean a separate owner or lessor, identifiable as such to be a separate corporate

Zoning Ordinance, Town of Gorham, New Hampshire

or trade name by organization papers and/or taxpayer's identification number issued by either the US Internal Revenue Service or the New Hampshire Department of Revenue Administration.

- 3.18 ESSENTIAL SERVICES:** The erection, construction, alteration, operation, or maintenance by public utilities or municipal or other governmental agencies of facilities reasonably necessary for the furnishing of adequate water, sewer, sanitation, electricity, emergency or communications service by such public utilities or municipal or other government agencies to the public.
- 3.19 FIREWOOD PROCESSING FOR SALE BUSINESS:** The storing, cutting, and/or splitting of pre-cut, tree length or smaller timber for the purpose of resale as firewood. Also includes sale of firewood.
- 3.20 FORESTRY:** Timber growing and harvesting, not including processing activities such as sawmills, but including harvesting equipment such as log trucks, skidders, portable sawmills, and chippers.
- 3.21 FRONTAGE:** The width of a lot at its front lot line. Frontage may be determined by reference to any lot line which borders a public street but not more than one such lot line shall be used to determine required frontage.
- 3.22 GREENHOUSES/NURSERIES:** Facilities for the growth, display and sale of trees, flowers, vegetables, and shrubbery.
- 3.23 HEIGHT, BUILDING:** The vertical distance between the mean finished grade of the lot of land and the highest point of the roof of a building or structure.
- 3.24 HOME OCCUPATION:** Any use meeting the requirements of Section 5.02 which is conducted by a member of the occupant family within a dwelling or an accessory building, with a maximum of three non-occupant employees, which use is incidental to the use of the dwelling as a residence.
- 3.25 HOSTEL:** A budget-oriented, transient accommodation in a dormitory-type or en-suite facility where guests rent a bed and may share common facilities such as a bathroom, lounge and/or kitchen..

- 3.26 HOTEL;** A facility offering transient lodging accommodation to the general public, with access to units primarily from interior lobbies or halls, and which provide additional services, such as restaurants, meeting rooms, entertainment, and/or recreational facilities.
- 3.27 INDOOR/OUTDOOR THEATERS:** Structures or areas located either indoors or outdoors for the presentation of environmental, geological, cultural, or historical subjects in the form of live performances or audio-visual methods for entertainment.
- 3.28 KENNEL:** An establishment in which more than four dogs or more than eight small domestic companion animals in total, more than six months old are housed, groomed, bred, boarded, trained or sold whether for personal, commercial, humanitarian or other purposes.
- 3.29 LIVESTOCK:** Generally accepted outdoor farm animals, such as, but not limited to, cows, beef animals, bison, goats, horses, sheep, pigs, llamas, alpacas, deer, elk, but not including fowl, and not including small domestic companion animals, kept in accordance with Department of Agriculture Best Management Practices.
- 3.30 LOT:** A parcel of land of at least sufficient size to meet the minimum requirement of this Ordinance for use, area, setback and other open spaces, and having frontage on a maintained public highway as defined in RSA 229 or a right-of-way shown on a subdivision plat approved by the Planning Board and recorded with the County Registry of Deeds.
- 3.31 LOT LINE, FRONT:** Any lot line that is parallel to and coincides with a line of a public street.
- 3.32 LOT LINE, REAR:** The lot line most distant from the front lot line.
- 3.33 LOT LINE, SIDE:** Any lot line not a front or rear lot line.
- 3.34 MANUFACTURED HOME PARK:** Means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three or more manufactured houses.
- 3.35 MANUFACTURED HOUSING:** A 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 which is built on a permanent chassis and designed to be used

Zoning Ordinance, Town of Gorham, New Hampshire

as a dwelling with or without a permanent foundation when connected to the 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 as defined in RSA 674:31A.

- 3.36 MANUFACTURING HEAVY:** The manufacturing of products from raw or unprocessed materials. Normal operations might include the use of heat, noise, or odor generating/producing processes.
- 3.37 MANUFACTURING LIGHT:** An establishment or activity primarily engaged in manufacturing, production or assembly, which does not involve, on the premises, the use of heat, noise or odor generating processes, which are detectable off-site.
- 3.38 MOTEL:** A building or group of detached or connected buildings designed or intended to be used primarily for transient lodging accommodation to the general public, with the majority of rooms having direct access to each lodging unit from the outside, or from a common corridor, and with on-site parking for each lodging unit. Motels may or may not include additional services such as restaurants, meeting rooms, entertainment, and/or recreational facilities.
- 3.39 MULTI-FAMILY HOUSING:** A residential building or group of buildings designed for and occupied by three 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 residing in multi-family housing shall not exceed the number of single-family dwelling units contained therein.
- 3.40 NON-CONFORMING LOT:** Any lot which lawfully exists at the time this Ordinance becomes effective or is amended but which does not contain the size or dimensions required by this Ordinance for the district within which it is located at the time it is put to use or an existing use is expanded or changed.
- 3.41 NON-CONFORMING USE:** A use which lawfully exists at the time this Ordinance becomes effective or is amended but which does not conform with the regulations for the district in which it is located.
- 3.42 PERMITTED USE:** A use of property, which is allowed by right in a zoning district.
- 3.43 PRIVATE SCHOOLS:** Secular or religious affiliated elementary and/or secondary schools not supported by general tax dollars.

- 3.44 PROFESSIONAL SERVICE/PROFESSIONAL OFFICE:** The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, engineers and clergymen, including the office of a person engaged in any recognized occupation, vocation or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.
- 3.45 RAILROAD:** A business with operation and facilities that are normally associated with rail transport.
- 3.46 REMOTE CAMP:** A non-commercial hunting or fishing camp having no direct access to a public highway, but with approved septic facilities for the use of the lot owner and his/her invitees and guests, to be occupied by the same individual(s) for no more than 6 months in any one-year period, not for year-round residency.
- 3.47 RESEARCH AND DEVELOPMENT FACILITY:** A combination of office and laboratory or light manufacturing space used exclusively for the purpose of new product research or development. The limitations set forth in the Research Lab definition shall otherwise apply to R&D facilities.
- 3.48 RESEARCH LAB:** A use that provides for experimental study, and is not of a manufacturing nature, and at least 50% of the floor space shall be used for office space, and no activities shall result in heavy trucking.
- 3.49 RETAIL STORES AND SHOPS:** Business establishments dealing primarily with retail customers for merchandise and services.
- 3.50 ROOMING HOUSE:** Rented residential facilities where a lodger rents a single room and may share a kitchen, bathroom and/or other common areas with other lodgers who are not related to the person operating the rooming house (who does not live at the facility).
- 3.51 SETBACKS:**
Front: The depth of the front yard as measured from the street right-of-way by reference to which frontage is determined to the front line of a building.

Rear: The depth of the rear yard shall be measured from the rear lot line to the rear line of a building.

Side: The depth between the side of the building and the side lot line.

Except as provided in Section 4.01 C 2 (d), no buildings, structures or parking spaces will be allowed in setbacks. Driveways proposed to be placed inside of rear setbacks shall be subject to the granting of a Special Exception as provided for in Section 7.03 of this Ordinance. Setbacks may be reduced to as little as one foot by Special Exception provided that the proposed improvement abuts an unbuildable lot of record. In no event will any dedicated or publicly owned right of way be construed as an unbuildable lot of record.

3.52 SHOPPING CENTER: Three or more retail businesses on the same lot.

3.53 SIGN: Any structure or part thereof or device attached thereto or painted or represented thereon, which shall display or include any letter or word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. Sign includes portable message centers and projected images. The word sign includes the word "billboard," but does not include the actual product displayed in merchandise displays or the lettering on vending machines, nor does it include the flag of any State or Country. When a message is incorporated in a wall or other surface not on a sign structure, such as on an awning or mural, the sign shall be considered to be the area covered by the message, logo or product image. The word "sign" includes but is not limited to:

- i. **BALLOON, INFLATABLE SIGNS, OR INFLATABLE ATTENTION GETTING DEVICES** – Any air or gas filled device located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purpose of signage, advertising or getting attention.
- ii. **CANOPY SIGNS** – Any sign that is part of a projecting awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance or window or outdoor service area, or otherwise attached to a building face.
- iii. **SIGNS, CHANGEABLE COPY** – A sign or portion thereof designed to accommodate message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of the sign.
- iv. **SIGN, ELECTRONIC MESSAGE BOARD** – A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs whose alphabetic, pictographic

or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

- 3.54 SOLAR ENERGY SYSTEMS:** Any equipment or system utilizing solar energy to provide electricity and/or space heating or cooling, hot water heating and swimming pool heating. Roof or wall mounted collectors are a permitted used in all districts. Collectors other than roof or wall mounted require a Special Exception. All installations are required to meet Section M2301 of the International Building Code (latest edition).
- 3.55 STREET:** When used in reference to the issuance of a permit for a new building, or in reference to lot frontage or access to a lot, “street,” “road,” or “highway” shall mean only an existing Class V or better public right-of-way, or a right-of-way shown on a subdivision plat approved by the Planning Board recorded with the County Registry of Deeds, constructed to town specifications, and duly accepted by the Town, which provides the principal means of access to abutting property.
- 3.56 STRUCTURE:** A combination of materials to form a construction or enclosure for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water. Shall include outdoor wood boiler (also known as outdoor wood-fired hydronic heater) as defined in RSA 125-R. Shall not include fences unless more than six (6) feet high, or within the required setback and permanently affixed, e.g., posts set in concrete. A fence marketed as six (6) feet high and installed as flush with the ground as practical shall be considered to be a six (6) foot fence. This definition also includes the term “structure” as the same may be defined in any building, safety or electrical code now or hereafter adopted and in force.
- 3.57 TOURIST ACCOMMODATION:** A facility offering transient lodging accommodation to the general public. Tourist accommodations include, but are not limited to, bed-and-breakfasts, hostels, motor courts, overnight cabins, camping areas, inns, motels, hotels, resorts, and other forms of short term transient lodging. A tourist accommodation shall not include boarding houses, rooming houses, or any public housing or lodging accommodations for stays exceeding 30 days in a one-year period.
- 3.58 TRANSMISSION TOWER:** A structure on which transmitting and/or receiving antennas are located.

- 3.59 VETERINARY CLINICS:** Facilities used for the medical treatment of animals by a licensed veterinarian.
- 3.60 WAREHOUSE:** Facilities whose primary purpose is the inside storage of goods, materials and/or equipment.
- 3.61 WIND POWER FACILITY:** Means a structure or device designed to mechanically harness the energy of moving currents in the atmosphere so as to convert that energy to electric current or heat. Such facilities include windmills and associated turbines or other generators to be used in connection with the conversion of such energy into electric current or heat.
- 3.62 WIRELESS COMMUNICATION FACILITY:** Includes any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of telephone, internet, radio or television signals, or any other electromagnetic spectrum-based transmission/reception. "Wireless communication facility" also includes a use or structure that is situated on a legal lot and is the local point of interface between an electronic device and a wireless network.

**ARTICLE IV
DISTRICTS AND DISTRICT REGULATIONS**

The Town of Gorham shall have seven districts as listed below:

1. RESIDENTIAL A
2. RESIDENTIAL B
3. COMMERCIAL A
4. COMMERCIAL B
5. INDUSTRIAL
6. TIMBER AND AGRICULTURAL
7. PARK LAND

These districts as established are shown on the "Gorham Zoning Map" which by reference thereto hereby incorporated into and made part of this Ordinance.

All residential lots in existence as of March 14, 1995 located in Commercial A & Commercial B districts shall retain their residential classification and deemed to be a permitted use in the District until such time as their property is put to a different use.

4.01 RESIDENTIAL A

The intent of the Planning Board of the Town of Gorham is to maintain the integrity of this district. The following uses are permitted in the Residential A District of the Town of Gorham:

4.01 A: Residential uses:

1. Single family dwellings
2. One (1) two-family dwelling (duplex) per lot
3. Manufactured Housing, not to exceed one unit per lot
4. Home occupations as described elsewhere in this Ordinance
5. Accessory uses. Not more than three (3) accessory buildings
6. Solar Energy System (roof or wall mounted only)
7. Outdoor wood boiler in compliance with RSA 125-R

4.01 B: The following uses are allowed by Special Exception:

1. Multi-family housing containing not more than three units
2. Church, parish house or other religious use
3. School
4. Child or adult day care facilities
5. Manufactured home park
6. Non roof or wall mounted Solar Energy System
7. Small wind energy systems pursuant to RSA 674:62 – 66
8. Keeping of up to 6 chickens or other fowl on a single family home lot for noncommercial use.
9. Wireless Communication Facility

4.01 C: Lot area, yard and height requirements:

1. Lot area not less than 10,000 square feet
2. Minimum yard setbacks:
 - a. Front setback: 20 feet
 - b. Rear setback: 20 feet
 - c. Side setbacks: 10 feet
 - d. Exception for small sheds. Accessory storage buildings and tool and storage sheds shall be allowed within 5 feet of lot lines if the shed is less than 100 square feet and no taller than 8.5 feet at the peak and 7 feet at the wall.
3. Height:
 - a. Residential buildings and the habitable portions of nonresidential structures, i.e., those areas used or usable to conduct business: 35 feet.

- b. Nonhabitable portions of nonresidential structures: 35 feet, or up to 55 feet by Special Exception.
- c. The maximum height for exterior light fixtures shall be 28 feet from grade without a Special Exception.
- 4. Minimum Frontage: 50 feet

4.02 RESIDENTIAL B

The intent of the Planning Board of the Town of Gorham is to maintain the integrity of this district. The following uses are permitted in the Residential B district of the Town of Gorham:

4.02 A: Residential uses:

- 1. Single family dwellings
- 2. Home Occupations as described elsewhere in this Ordinance
- 3. Accessory uses. No lot may have more than three (3) accessory buildings, except that a farm may have additional accessory buildings if such buildings are used for farming and agricultural purposes.
- 4. Solar Energy Systems (roof or wall mounted only)
- 5. Outdoor wood boiler in compliance with RSA 125-R

4.02 B: The following uses are allowed by Special Exception:

- 1. Church, parish house, or other religious use
- 2. Agriculture, as defined in Section 3.03, and other keeping of livestock
- 3. Non roof or wall mounted Solar Energy System.
- 4. Small wind energy systems pursuant to RSA 674:62 – 66.
- 5. Wireless Communication Facility
- 6. Kennel

4.02 C: Lot area, yard and height requirements:

- 1. Lot area not less than one acre
- 2. Yard setbacks:
 - a. Front: 25 feet
 - b. Rear: 25 feet
 - c. Side: 25 feet
 - d. Accessory use setbacks: 10 feet
- 3. Height requirements:
 - a. Residential buildings and the habitable portions of nonresidential structures, i.e., those areas used or usable to conduct business: 35 feet
 - b. Nonhabitable portions of nonresidential structures: 35 feet, or up to 55 feet by Special Exception.

- c. The maximum height for exterior light fixtures shall be 28 feet from grade without a Special Exception.
- 4. Minimum Frontage: 100 feet.

4.03 COMMERCIAL A

Commercial A: The intent of the Planning Board of the Town of Gorham is to maintain the integrity of this district. The following uses are permitted in the Commercial A district of the Town of Gorham:

4.03 A: Residential uses:

- 1. Same as Residential A unless listed below.

4.03 B: Permitted uses:

- 1. Professional service
- 2. Restaurants
- 3. Retail establishments
- 4. Entertainment or recreational facilities
- 5. Community center hall, lodge, parks or playgrounds.
- 6. Tourist accommodations, hotels or motels.
- 7. School or churches
- 8. Child or adult day care
- 9. Multi-family housing
- 10. Warehouses
- 11. Funeral homes
- 12. Combination multi-family and retail stores and shops.
- 13. Assisted Living Facilities
- 14. Solar Energy Systems (Roof or wall mounted only).
- 15. Indoor/Outdoor Theaters
- 16. Automobile Service Stations
- 17. Outdoor wood boiler in compliance with RSA 125-R.

4.03 C: The following uses are allowed by Special Exception:

- 1. Non roof or wall mounted Solar Energy System.
- 2. Small wind energy systems pursuant to RSA 674:62 – 66.
- 3. Keeping of up to 6 chickens or other fowl on a single family home lot for noncommercial use.
- 4. Wireless Communication Facility

4.03 D: Lot area, yard and height requirements:

1. Lot area requirements:
 - a. Not less than 10,000 square feet.
2. Yard requirements:
 - a. Front setback: 20 feet
 - b. Rear setback: 20 feet
 - c. Side setback: 10 feet
3. Height requirements:
 - a. Residential buildings and the habitable portions of nonresidential structures, i.e. those areas used or usable to conduct business: 35 feet
 - b. Nonhabitable portions of nonresidential structures: 35 feet, or up to 55 feet by Special Exception.
 - c. The maximum height for exterior light fixtures shall be 28 feet from grade without a Special Exception.
4. Minimum frontage: 75 feet

4.03.E: COMMERCIAL COMPACT

Within the Commercial A District there shall be a Commercial Compact Overlay District comprised of lots directly adjoining and fronting on Exchange Street. The intent of the Planning Board of the Town of Gorham is to maintain, enhance and restore the role of the Commercial Compact as a vibrant, walkable downtown area.

1. Lot area requirements
 - a. Not less than 1,350 square feet
2. Yard requirements:
 - a. Front setback: 10 feet measured from the curb or edge of the travelled way
 - b. Rear setback: 10 feet
 - c. Side setback: 10 feet
3. Within the Commercial Compact Overlay District the Planning Board may grant a conditional use permit enabling further reductions in the rear and/or side setbacks. The applicant shall submit a site plan demonstrating that the following criteria for the requested reduction have been met:
 - a. Adequate provision for safety and fire protection have been made
 - b. Stormwater runoff from the lot will not be of higher volume or lower quality than prior to construction
 - c. Adequate parking will be provided for residential uses
 - d. The bulk, placement and use of the building as constructed or expanded is compatible with adjoining lots.

4. Height requirements:
Same as underlying district (Commercial A)

5. Minimum frontage: 15 feet

4.04 COMMERCIAL B

The intent of the Planning Board of the Town of Gorham is to maintain the integrity of this district. The following uses are permitted in the Commercial B district of the Town of Gorham:

4.04 A: Residential uses:

1. Same as Residential A unless listed below.

4.04 B: Permitted uses:

1. Professional services
2. Restaurants
3. Retail establishment
4. Entertainment or recreational facilities.
5. Community center hall, lodge, parks or playgrounds.
6. Automobile, truck, RV or mobile home sales.
7. Tourist accommodations, hotels or motels.
8. School or churches
9. Child or adult day care
10. Multi-family housing
11. Warehouses
12. Funeral homes
13. Light Manufacturing, product assembly, research and development with 15 or fewer employees, maximum building area of 8,000 square feet.
14. Assisted Living Facilities
15. Solar Energy Systems (roof or wall mounted only).
16. Indoor/Outdoor Theaters
17. Automobile service stations
18. Outdoor wood boiler in compliance with RSA 125-R.

4.04 C: The following uses are allowed by Special Exception:

1. Non roof or wall mounted Solar Energy System.
2. Small wind energy systems pursuant to RSA 674:62 – 66.
3. Wireless communication facilities.
4. Keeping of up to 6 chickens or other fowl on a single family home lot for noncommercial use.

5. Kennel

4.04 D: Lot area, yard and height requirements:

1. Lot area requirements:
 - a. Not less than 1 acre
2. Yard setback requirements:
 - a. Front: 20 feet
 - b. Rear: 20 feet
 - c. Side: 10 feet
3. Height requirements:
 - a. Residential buildings and the habitable portions of nonresidential structures, i.e. those areas used or usable to conduct business: 35 feet.
 - b. Nonhabitable portions of nonresidential structures: 35 feet, or up to 55 feet by Special Exception.
 - c. The maximum height for exterior light fixtures shall be 28 feet from grade without a Special Exception.
4. Buffer Zone: Light Industrial uses shall be required to maintain buffer zones between such facilities and streets and between such uses and abutting residential uses as shall be required by the Planning Board.
5. Minimum Frontage: 100 feet

4.05 INDUSTRIAL

This district includes land currently in industrial use and additional area for new or expanded industrial activities. The purpose of this district is to encourage the retention and development of local job opportunities, the expansion of the community tax base and safe and healthy industrial uses. The Town encourages a mix of industrial uses and hence is zoning for heavy and light industrial uses.

4.05 A: Permitted uses:

1. Heavy manufacturing facilities and other industries not injurious to the health of the community in accordance with the purpose of the district, but which may need to be monitored for pollution due to noise or discharges in the air and water. Such industries may include but are not limited to: chemical plants, oil refineries, blast furnaces, foundry rolling mills, paper mills, fertilizer and reduction plants, varnish plants, soap manufacturing factories, and woodchip power plants.
2. Storage and distribution facilities for petroleum, coal and wood products, and sand and gravel.
3. Warehouses.
4. Gravel Pits

5. Light Manufacturing
6. Solar Energy Systems (roof or wall mounted only).
7. Research and development facilities.
8. Professional offices
9. Separate buildings or self-contained areas for state licensed childcare facilities as an accessory use, lunch room or cafeteria intended for employees.
10. Outdoor wood boiler in compliance with RSA 125-R.

4.05 B: The following uses are allowed by Special Exception;

1. Non roof or wall mounted Solar Energy System.
2. Small wind energy systems pursuant to RSA 674:62 – 66.
3. Wireless Communication Facility

4.05 C: Area requirements:

1. Adequate area for the facility and sufficient parking for employees based upon the size of the industry but not less than one (1) acre.
2. The minimum depth of the front yard shall be 50 feet, or less with site plan review and adequate screening from the nearest street, highway, or right of way. The minimum side and rear setbacks shall be 20 feet if adjacent to another industrial lot. If the property borders on a residential district or abuts a dwelling, the side and rear setbacks shall be 50 feet. If a dense vegetation buffer is established and maintained around the side and rear boundary lines bordering any residential district, the side and rear setbacks may be reduced to 40 feet.
3. Minimum Frontage: 100 feet

4.05 D: BUFFER ZONES

In addition to the setbacks set forth in the previous section, permitted uses shall be required to maintain buffer zones between such facilities and streets and abutting residential uses as shall be required by the Planning Board to abate noise, odor or other conditions which may adversely affect surrounding property.

4.06 TIMBER AND AGRICULTURAL

The intent of the Planning Board of the Town of Gorham is to maintain the integrity of this district. The purpose of the Timber and Agricultural District is to permit forestry activities to occur with minimal interference from unrelated development. Soils and terrain in this district are often not appropriate for development.

4.06 A: Permitted uses:

1. Agricultural and forest management activities.
2. Land management and roads for forest management.
3. The operation of machinery and the erection of buildings and other structures used primarily for agriculture, forestry management or primitive recreational camping activities.
4. Surveying and other resource analysis.
5. Mineral extraction operations up to and including 2 acres in size.
6. Trails provided that they are constructed and maintained so as to reasonably avoid sedimentation of water bodies.
7. Individual campsites.
8. Motorized vehicular traffic on roads and snowmobile trails.
9. Wildlife and fishery management practices.
10. Sign for the directional purposes on trails or in accordance with purposes of district uses, not to exceed ten square feet in size.
11. Emergency operations conducted for the public health, safety, or general welfare.
12. Solar Energy Systems (roof or wall mounted only).
13. Outdoor wood boiler in compliance with RSA 125-R.

4.06 B: Allowed by Special Exception:

1. Commercial mineral extraction operations affecting more than two acres.
2. Commercial campgrounds with sites intended for rental purposes.
3. Utility facilities such as power plants, distribution switching stations, wind energy facilities, and hydroelectric power plants.
4. Single dwelling units
5. Remote camps
6. Noncommercial structures utilized for educational, scientific, or nature purposes.
7. Commercial sporting camps having a total gross floor area of no more than 8,000 square feet for all principal buildings concerned.
8. Other structures or uses, or services which the Board determines are consistent with the purposes of the district and of the Master Plan and are not detrimental to the resources they protect.
9. Keeping of livestock for nonagricultural purposes.
10. Non roof or wall mounted solar energy system.
11. Small wind energy systems pursuant to RSA 674:62 – 66.
12. Wireless Communication Facility
13. Kennel

4.06 C: Lot area, yard and height requirements.

1. Lot area requirements
 - a. Not less than 5 acres
2. Yard setback requirements
 - a. Front: 50 feet
 - b. Rear: 50 feet
 - c. Side: 50 feet
3. Height requirements
 - a. Residential buildings and the habitable portions of nonresidential structures, i.e. those areas used or usable to conduct business: 35 feet.
 - b. Nonhabitable portions of nonresidential structures: 35 feet, or up to 55 feet by Special Exception.
 - c. The maximum height for exterior light fixtures shall be 28 feet from grade without a Special Exception.
4. Minimum frontage: 200 feet

4.07 PARK LAND

The intent of the Planning Board of the Town of Gorham is to maintain the integrity of this district. Park Land is any land owned or maintained by the Town of Gorham that is set aside for the enjoyment or recreational use of the public.

4.07 A: Permitted uses:

1. Playgrounds
2. Baseball, softball, or soccer fields
3. Public swimming pools
4. Picnic areas
5. Tennis or basketball courts
6. Accessory structures such as but not limited to bandstands, fountains, information booths, or equipment storage sheds.

4.07 B: Uses permitted by permit from Board of Selectmen:

1. Public concerts
2. Carnivals
3. Flea Markets
4. Festivals or sporting events which the Selectmen determine will not create a nuisance.

**ARTICLE V
GENERAL REGULATIONS**

5.01 SITE PLAN REVIEW

All applications for multi-family or non-residential uses, or for a change or expansion of such uses, shall be subject to Site Plan Review by the Town of Gorham Planning Board pursuant to its Site Plan Review Regulations. Such requirement shall also pertain to any application, whether or not for a new, changed or expanded use, which includes differing or additional access to streets or which proposes to limit or change existing buffers to surrounding properties.

5.02 HOME OCCUPATION

Permits for home occupations such as defined in Section 3.24 may be issued by the Code Enforcement Officer if the following criteria are met:

- A. Home occupation is carried on wholly within the principal or accessory structures.
- B. There are no objectionable effects, such as but not limited to; noise, excessive traffic, vibrations, smoke, dust, odors, heat or glare produced.
- C. Home occupation does not utilize more than 25% of the total square feet of the living area.
- D. There is adequate parking for employees and customers.

If the above criteria are met, the Code Enforcement Officer may issue a permit after there has been notice to the abutters.

5.03 OFF-STREET PARKING

No parking spaces will be allowed in the setbacks. Driveways proposed to be placed inside of rear setbacks shall be subject to the granting of a Special Exception. Setbacks may be reduced to as little as one foot by Special Exception provided that the proposed improvement abuts an unbuildable lot of record. In no event will any dedicated or publicly owned right-of-way be construed as an unbuildable lot of record. A parking space shall have the dimensions of 9 feet x 18 feet. The following are requirements for off-street parking:

- A. Residential

Two spaces for each dwelling unit.

- B. Commercial

One space for each three hundred square feet of gross space and each employee on the premises at one time or one space for each anticipated patron and each employee on the premises at one time.

C. Restaurant

One space for each 4 seats.

D. Hotel, Motel, Tourist Accommodation

One space for each unit. Any hotel or motel over 20 units must provide a parking area to accommodate a minimum of two full-size buses or tractor-trailer units.

E. Industrial

One space for each employee on the premises at one time, in the largest employee shift.

F. Other

Adequate parking for accessory uses, e.g., tennis courts, swimming pools, and/or private recreation facilities, must be provided.

G. Home Occupation

One space is required for each 300 square feet of home occupation or one space for every non-resident employee, whichever is greater. There shall be at least one space provided. Home occupation parking is in addition to residential parking.

H. Church, Theater, Hall, Auditorium.

Shall provide at least one parking space for every four seats.

I. One-third of the off-street parking requirement may be satisfied with existing on street parking where available.

J. Parking provided by public lots in lieu of or in combination with on-site parking may be utilized when provided within a distance not to exceed four hundred (400) feet.

5.04 SIGNS

A. Purpose and Intent

The principal guiding this Article is that signage should not impede the safety of drivers, pedestrians or other users of the highway rights-of-way, or destroy or detract from the attractiveness of the community or interfere with scenic vistas. Therefore, recognizing that certain entities desire identification, and that the public needs direction, the following regulations are adopted for the specific needs of the Town of Gorham.

B. Permit Required

All signs in all districts, except as provided for in Paragraph C. below, shall not be erected or placed in the Town of Gorham without first obtaining a permit. A permit is also required for changes resulting in a different shape or increased size. An application for a sign permit shall include the proposed sign location, sign size, method of illumination, if any, and types of colors and materials to be used in construction.

Permits shall be issued by the Board of Selectmen or its authorized agent.

C. Permit Not Required

1. Every sign lawfully in existence at the time of adoption of this Ordinance may continue to exist. Non-conforming signs may continue to be maintained but shall not be altered structurally, enlarged, or moved unless made to comply with the provisions of this Ordinance and a permit obtained.

Any sign which has been damaged must be reestablished, restored or repaired within six (6) months of the damage in order to continue as a nonconforming use.

2. Directional signs four (4) square feet in size or smaller, without any advertising content such as name, slogan, or logo, located on the premises.

3. Interior window advertising displays, posters, or window lettering or similar signage.

4. Up to two (2) menu or restaurant bill of fare-type signs, flat against the building, not to exceed a total area of nine (9) square feet.

5. Political signs in accordance with state law.

6. Certain temporary signs as described in Section 5.04 G.1.

D. Prohibited Signs

1. Moveable Signs No vehicle, including parts thereof, trailers and other accessories, shall be used as a means of circumventing the purpose and intent of this Ordinance. A vehicle which is licensed, registered and inspected shall not be construed as circumventing the purpose and intent of this Ordinance if it is regularly and customarily used to transport persons or property for the business.

2. Blinking, flashing, animated and other signs using intermittent lighting. This subsection shall not be deemed to prohibit illuminated signs with variable content so long as they are designed and used in such a manner that the text of the sign is not altered more often than once every four (4) seconds .

3. Exterior or interior sign lighting that interferes with the line of sight for street traffic or within public pedestrian walkways, shines in drivers' eyes, or causes a distraction for drivers.

4. Signs which interfere with the line of sight or obstruct the visibility of drivers or pedestrians.

5. Signs involving movement, whether mechanical or air activated, shall not be allowed except in the case of temporary signs.

E. Standards for All Signs

1. All signs shall be constructed of durable materials and shall be maintained in good condition and repair at all times. Any sign not in good condition and repair shall be subject to the provisions of the Ordinance as found in Article VI Section 6.03.

2. Any sign pertaining to an abandoned or former use or business shall be removed no later than six (6) months after discontinuance of that use or business.

3. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded to prevent glare toward the public way, neighboring properties, and the sky.

F. Specifications

Number of Signs	Commercial A (including Commercial Compact Overlay District), Commercial B, and Industrial	All Other Districts
1. Maximum number of signs per lot	Three (3)	One (1)
2. Of the number of signs on the lot, how many can be freestanding	One (1)	One (1)
3. Of the number of signs allowed, how many can be off-premise	One of the three (3) signs allowed may be off-premise, provided however that the receiving property must still be within the limits for the maximum number of signs and for the number of freestanding signs.	

4. Exceptions to the maximum number of signs	
Commercial A	In the case where more than three (3) entities occur on a lot, the landowner or agent may apply to the Zoning Board of Adjustment for a Special Exception as provided in Section 7.03 to increase the number of signs up to the number of businesses, provided however that the additional signs allowed shall not be freestanding.
Commercial Compact Overlay District	Portable signs of the reader board type, sandwich board or chalkboard signs are permitted in the Commercial Compact Overlay District. Each entity, during operating hours only, may display one on-premises sandwich board or chalkboard-type sign not exceeding 3.5 feet in height or 7 square feet, subject to the following limitations: <ul style="list-style-type: none"> a. The sign shall not be located within a street. b. Where a sidewalk exists, such sign may be located on a sidewalk provided that a 36-inch minimum walkway remains. c. The sign shall not obstruct visibility of or by vehicles or pedestrians.
Commercial B/Industrial	<p>a. In the case where a lot has more than two hundred and fifty (250) feet of frontage on a public street, that lot shall be allowed one (1) additional sign for each one hundred (100) feet of frontage exceeding 250 feet to a maximum of five (5) signs.</p> <p>b. In the case where the number of entities on a lot in the Commercial B or Industrial District exceeds the number of signs otherwise provided for in the above sections, the landowner or agent may apply to the Zoning Board of Adjustment for a Special Exception as provided in Section 7.03 to increase the number of signs up to the number of entities.</p>
All Districts	In any case where two or more entities are on one lot, each entity shall be allowed to have a sign attached to their portion of the building and a portion of a shared (cluster) sign. The shared cluster sign shall count as one of the freestanding signs permitted under this Section. The total area of the signage allowed for each entity shall not exceed the limits set forth in this Section for that District.

Zoning Ordinance, Town of Gorham, New Hampshire

	Commercial A (including Commercial Compact Overlay District), Commercial B, and Industrial	All Other Districts
5. Maximum Size**	<p><u>Distance of sign from edge of right-of-way</u></p> <p>5-50 feet----- > 60 square feet</p> <p>Over 51 feet ></p> <p>The square footage of the sign shall be a maximum of the distance in feet from the edge of the right-of-way times 1.25 (example 65 feet x 1.25=81.25 square feet).</p> <p>In the case of more than one business on one lot, one shared (cluster) sign up to 100 (one hundred) square feet will be permitted.</p>	<p><u>Maximum square footage per sign</u></p> <p>Five (5) square feet</p>
<p>**The area of one side of a sign shall be regarded as the total area of the sign. This includes the message surface and any framing or molding but excludes the supporting structure. The square footage of a sign shall be calculated by multiplying the measure of the distance of the sign at its widest point times the distance of the sign from its lowest point to highest point. It will include all air space. In the case of a mural, the area of the mural containing a logo, message or product shall be considered to be the size of the sign.</p>		

6. Maximum Height: Maximum height of a freestanding sign is 30 feet with the exception of Commercial A where the maximum height shall be 15 feet.

7. Minimum Setback: With the exception of sandwich boards as described in Section F.4. in the Commercial Compact Overlay District above, all permanent and temporary freestanding signs shall be set back at least five (5) feet from any public right-of-way and ten (10) feet from any lot line.

8. Directional Signs: In addition to the number of signs and square footage provided above, when not visible from a public highway, one additional sign up to four (4) square feet may be utilized to identify a rear entrance.

G. Temporary/Portable Signs

Temporary signs include those that are temporarily attached to a permanent structure not intended to accommodate the sign, or a portable structure that is intended to be used for a limited period of time. A changing message on a permanent structure is not considered to be a temporary sign. Temporary/portable signs must meet the sign setbacks for the district and shall in no case exceed the dimensions permitted in the district in which they are displayed. Temporary/portable signs are not permitted except as provided below:

1. One temporary/portable sign may be displayed on each parcel when associated with activities of limited duration, such as, but not limited to: signs advertising the sale or lease of property; signs placed on construction sites during periods of active construction in order to identify the lender, general contractor or subcontractor(s) involved with the project; signs advertising sale events; and banners for special events.

2. Temporary or portable signs shall be allowed, for a period not to exceed sixty (60) days, during such time as the permanent free standing sign of the same size or larger is on order, unusable or under repair, pursuant to a properly issued permit. The temporary or portable sign shall be removed at the earlier of sixty (60) days or when the permanent sign is restored or installed. This section is meant to provide relief for those entities who would have no free standing sign due to establishment of a new entity, or for repair or replacement of an existing free standing sign.

3. In cases where, due to physical limitations of the lot where an entity is located, a free standing sign is not possible, an A-frame type of sign, not to exceed 20 square feet, including the area of both legs of the “A,” shall be permitted, provided that no such sign shall be located on, nor shall it obstruct, a public thoroughfare or right-of-way. No more than one such sign shall be allowed on any lot. A-frame signs permitted here shall be displayed only during business hours and shall be removed during non-business hours.

5.05 MULTI-FAMILY HOUSING

- A. Minimum lot size for any multi-family housing will be 10,000 square feet.
- B. For each additional living unit over 3 units, an additional 10,000 square feet of area must be available.
- C. The lot otherwise meets lot dimensional and frontage requirements for the applicable zone.

5.06 MANUFACTURED HOME PARK

Subdivision and Site Plan approval by the Planning Board is required for Manufactured Home Parks, following approval of a Special Exception by the Zoning Board.

- A. A manufactured home park shall have an area of at least 2 acres.
- B. Manufactured home parks shall provide for individual home spaces, driveways, parking and recreational open space.
- C. Each individual manufactured home site shall have at least 7,000 square feet of contiguous area on lots serviced by water and sewer and at least 20,000 square feet for other lots (larger if needed to meet NHDES water and wastewater requirements), with at least 50 feet of frontage on the street providing access to the individual manufactured home site. Contiguous area shall not include street right of way or other utility right of way or common area.
- D. No manufactured home with accessory buildings, including garage and storage building, and paved driveway and parking spaces shall occupy in excess of twenty-five percent (25%) of a site.
- E. A twenty (20) foot buffer strip shall be maintained along all manufactured home park boundaries. No part of this buffer strip shall be included within the boundaries of individual manufactured home sites or common areas.
- F. Each manufactured home site shall have at least 2 parking spaces.
- G. Adequate area for each manufactured home park shall be dedicated for recreation and/or open space for use by the park's residents.
- H. Setbacks shall be designated according to the requirement of the district. All accessory buildings shall also meet these setback requirements.
- I. All utilities (i.e., electric, telephone, gas, etc.) shall be provided to each site by the manufactured home park owner. It shall be the responsibility of the individual site owner/lessee to connect to the required utilities.
- J. Internal streets shall have a minimum right of way width of forty (40) feet. All streets within the park shall be constructed in accordance with all other town specifications as contained in the Town of Gorham Subdivision Regulations.
- K. A non-porous pad or piers shall be provided for each manufactured housing unit.
- L. The lot otherwise meets lot dimensional and frontage requirements for the applicable zone.

5.07 LIGHTING STANDARDS

A. Purpose

The purposes of the outdoor lighting regulations are to protect dark skies, to prevent light pollution by minimizing the spillover of light onto adjacent properties, and to protect the public safety by preventing glare from outdoor lighting sources.

B. Definitions

Direct light means light emitted directly from the lamp off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

Fixture means the assembly that house the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Lamp means the component of a luminaire that produced the actual light.

Light pollution means light emitted from a luminaire that illuminates more than the object or area it was intended to.

C. Regulations

1. All nonexempt outdoor lighting fixtures shall be shielded in such a way that direct light emitted by the installed fixture will be at an angle of twenty (20) degrees or more below the horizontal plane of the bottom of the fixture.
2. Post-top lighting is permitted, to a maximum of 150 watts per luminaire.
3. Outdoor lighting at places of business or public venues shall be turned off no later than one hour after closing, except what is needed for basic security. Vacant parking lots shall not remain lighted except as needed for basic security. In addition, there shall be no light trespass to any other property or glare when viewed from a road.

D. Exemptions: the following types of lighting are exempted from these requirements;

1. Lighting installed or used by public authorities or emergency crews.
2. Lighting required by the FAA or FCC.
3. Security lighting controlled by sensors set to provide illumination for a maximum of fifteen (15) minutes.
4. Lighting lawfully installed prior to the effective date of the adoptions of this Ordinance.
5. Lighting of non-commercial flags expressing constitutionally protected speech.
6. Decorative holiday lighting for a temporary period, provided that the amount of holiday lighting at any one property does not create a public nuisance.

5.08 JUNKYARD

As defined in RSA 236:112-I, are prohibited in all districts within the Town of Gorham.

5.09 WIRELESS COMMUNICATIONS FACILITIES

Purpose and Intent: The purpose of this section is to establish regulations for Wireless Communications Facilities. The goals of this section are:

1. to protect residential areas and lands by minimizing adverse impacts of towers; to allow wireless communications by Special Exception and subject to Site Plan Review by the Planning Board;
2. to encourage the location of towers in non-residential and otherwise appropriate zoning districts;
3. to minimize the total number of towers in the community;
4. to encourage the joint use of new and existing tower locations;
5. to ensure that towers are located in areas that minimize adverse impacts;
6. to ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
7. to enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;
8. to consider public health and safety impact on the community of the telecommunications facilities;
9. to avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures;
10. to encourage the attachment of antennas to existing structures; and
11. to facilitate the provision of telecommunications services throughout the municipality.

Wireless Facilities – Regulation and Performance Criteria: The location, placement on a lot and construction of wireless communications facilities shall be in accordance with this section as follows:

- A. Construction of wireless communications facilities shall be in accordance with all applicable provisions of this Ordinance.
- B. Collocation is the sharing of telecommunication facilities by more than one wireless provider. This ordinance encourages that wireless communications antenna be placed on an existing wireless facility tower if it is physically and legally possible. Antennas may be attached to an existing tower which is in compliance with all requirements of this section, as long as the height of the tower is not increased. The new antenna and any telecommunications support facilities must comply with all applicable regulations in this

Zoning Ordinance, Town of Gorham, New Hampshire

Ordinance. If a tower is replaced to accommodate collocation, only one tower may remain on the lot.

C. Variances to this section by the Zoning Board of Adjustment are subject to site plan review.

D. Wireless Facility Performance Criteria

Table D

Type of Wireless Communication Facility	Performance Criteria
1. Antenna to be affixed to a new (proposed) ground tower	1. Maximum tower height: 190 feet 2. Setbacks: The greater of the following two distances: a. As required for other structures within the zoning district. b. Tower height plus ten feet. 3. The tower shall be fenced to a minimum height of eight feet with two strands of barbed wire at the top. 4. Special exception and site plan review required.
2. Antenna to be affixed directly to an existing building	1. Antenna may be placed on a facade or roof of conforming building or structure without regard to height or setback of the building or structure. 2. Antenna support structures will be considered to be roof towers if the height of the structure exceeds ten feet above permitted height of the building or structure. 3. Site plan review required.
3. Antenna to be affixed to a new (proposed) roof tower	Towers may be placed on the roof of a conforming building. 1. Tower height above the roof must be at least ten feet less than the distance between the roof edge and the lot line. 2. The height of the building and tower together may not exceed 190 feet. 3. Special exception and site plan review required.
4. Antenna to be added to an existing approved or permitted tower	Allowed without special exception and site plan review if: a. the tower height is not increased, b. no ancillary features are added to the tower other than antenna and required safety hardware, and c. all conditions of the previous tower approval have been satisfied.

Zoning Ordinance, Town of Gorham, New Hampshire

5. Existing nonconforming tower	Subject to Section 5.10 Non-Conforming Uses, and if approved by the Zoning Board of Adjustment, the appropriate provisions of Section 5.09.
6. Ancillary equipment	1. Subject to all requirements of the zoning district. 2. Site plan review required.

2. All new ground towers shall be subject to site plan review. The assessment and review of each application for a wireless facility's compliance with the performance criteria of Table D shall be the responsibility of the Planning Board, subject to the Applicant funding the expense thereof as provided in section H(2). This assessment shall be in writing and provided to any Board or authority exercising jurisdiction over the application. Applications for collocation of antenna on existing facilities shall be expedited and, unless there is an additional impact on the site caused by the addition, site plan approval shall be waived upon such a finding by the Building Inspector.
3. As part of the site plan review process, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable or unwilling to remove the tower. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of the issue date of the notice to remove the tower or antenna. If the abandoned tower is not removed within 90 days, the Municipality may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.
4. Towers are allowed only in the zoning districts set forth in Article IV Districts and District Regulations. The existence of another structure or use on the same zone lot shall not preclude the installation of a tower provided all other requirements are met, there is compliance with the regulations contained herein and the structure is permitted by right for the zone in which it is located.
5. Towers and/or antennas shall meet the following requirements, all of which shall be reviewed as part of the Planning Board site plan review:
 1. The design of towers, antennas, and telecommunications support facilities shall use materials, colors, textures, screening, and landscaping that create compatibility with the natural setting, surrounding structures and minimize impact on surrounding properties.
 2. The towers, antennas and telecommunication support facilities shall be constructed in a manner and of material which ensures the safety of the

public, abutters and occupants of the lot upon which the structure is constructed. If there is a health or safety concern, the Planning Board may require such engineering or other scientific studies to determine the issue as it deems appropriate at the Applicant's expense and that all towers shall conform to national tower code ANSI/EIA/TIA-222- "F".

3. Signs shall be limited to those signs required for cautionary or advisory purposes only.
4. Towers:
 - a. Setbacks and height: Height and setback requirements are governed by Table D. Tower Height shall be the distance measured from the lowest point within ten (10) feet of the structure to the highest point on the tower or other alternative tower structure, including the base pad and any antenna attached to the tower;
 - b. Color: Towers shall be finished in a color to reduce visual obtrusiveness, and meet the requirements of subsection 1, subject to any applicable standards of the Federal Aviation Administration.
 - c. Support facilities and buildings associated with towers shall, in addition to the setback and height requirements of Table D, maintain the minimum setback requirements of the zone district in which it is located;
 - d. Support facilities and buildings associated with towers shall provide solid view-obscuring security fencing not less than eight (8) feet in height;
 - e. Support facilities and buildings associated with towers shall provide landscaping in accordance with the following requirements:
 - i. The tower compound shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base and support facilities from property used for residences. The standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the improvements and shall provide for and maintain suitable landscaping on the remainder of the lot so as to accomplish the purpose of this section;
 - ii. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the Planning Board as part of the site-plan review process;
 - iii. Existing mature free growth and natural land forms on the site shall be preserved to the maximum extent possible. For towers located on large, wooded lots, natural growth around the property perimeter may be considered a sufficient buffer;
 - f. Lighting: Towers shall not be artificially illuminated unless required by the Federal Aviation Administration or other governmental regulation.

Ground level security lighting not more than twenty (20) feet in height may be permitted if designed to minimize impacts on adjacent properties.

5. Antennas: installed on a structure other than a tower
 - a. Height: Height of the antenna shall be governed by Table D.
 - b. Telecommunications support facilities:
 1. Telecommunications support facilities may be located on the roof of a building, subject to applicable building and safety or fire codes.
 2. The antenna and telecommunications support facilities shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure.
- I. Application: The provisions of this Ordinance and the Town of Gorham Site-Plan review regulations, where applicable, shall govern all applications for wireless communication facilities. In order for an application to be acted on, the following must be submitted in addition to any requirements under the site plan review regulations:
 - a. The first application for a permit by a provider or an applicant for a provider shall include an inventory of all of that provider's existing towers, antennas, or sites approved for towers or antennas, that are either within Gorham or within two thousand (2,000) feet of the border thereof;
 - b. A vicinity map drawn to scale showing adjacent land uses within one thousand (1,000) feet; including those in adjacent municipalities;
 - c. A scaled set of plans containing the following information in addition to information required by Gorham's site plan review regulations:
 1. location and legal description of the proposed site;
 2. type and height of the proposed tower;
 3. on-site land uses and zoning;
 4. adjacent roadways;
 5. proposed means of access;
 6. setbacks from property lines;
 7. architectural elevation drawings of the proposed tower, antenna and any other telecommunications support facilities;
 8. site topography;
 9. parking;
 10. a landscape plan showing specific landscape materials and details;
 11. the method of fencing, finished color and, if applicable, the method of camouflage and illumination.
 12. cost details including schedule of values
 13. engineering design

- d. An affidavit from the owner of the property acknowledging that the owner of the property is responsible for the removal of a tower that is abandoned or is unused for a period of twelve (12) months. The landowner is only responsible in the case of the insufficiency of the bond that is specified in Section 5.09 (F).
- e. All towers, antennas and telecommunication support facilities shall meet applicable regulations of the Federal Aviation Administration. The engineer preparing the site plan shall certify that such requirements are met.
 - 1. Regardless of whether site plan review is required, every applicant for an antenna shall provide the Building Inspector with the information required in subsection I. (1). c., d. & e. of this section.
 - 2. The Building Inspector may share information, except for the confidential proposed system design, with other applicants applying for administrative approvals or use exceptions under this section or other organizations seeking to locate towers/antennas in Gorham, except that the Building Inspector is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for any use.
 - 3. Inventory and tracking: The Building Inspector shall compile a list of towers and maintain and update the same from information furnished by all service providers.
- J. Applicability: The requirements of the wireless communication regulations contained herein are limited as follows:
 - 1. Amateur Radio and Citizen Band Radios:

This section shall not govern any tower or the installation of any antenna that is owned and operated by a federally-licensed amateur radio station operator and the tower or antenna is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.
 - 2. This section shall not govern the installation of any antenna that is used for the exclusive purpose of facilitating the use of a Citizen Band Radio, except any towers in this section shall be limited to seventy (70) feet in height.
 - 3. Receive-Only Antennas:

This section shall not govern any tower, or the installation of any antenna that is used exclusively for receive-only antennas, except any towers in this section shall be limited to seventy (70) feet in height.
 - 4. Essential Services & Public Utilities:

Wireless communication facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in Gorham's Ordinances and regulations.

5. Existing Towers:

The provisions of this section shall not apply to the addition of antenna to existing wireless communications towers as of the effective date of this Ordinance, unless the addition of such will increase the height of the tower or otherwise additionally impact the existing tower's site modifications to existing towers, except as set forth in the preceding sentence, shall be subject to the terms hereof.

K. Severability:

The invalidity of any subsection or provision of this Section 5.09 shall not invalidate any other subsection or provision thereof.

5.10 NON-CONFORMING USES

- A. Non-conforming uses may be expanded only upon approval of the Zoning Board of Adjustment by Special Exception. The Board shall determine: a.) the proposed change arises naturally (such as the application of new and better technology to the fundamental use) out of the non-conforming use, and does not constitute a new and different use; and, b.) the change or expansion will not increase the non-conformity of the lot, building or use with the requirements of the zoning ordinance; and, c.) the change or expansion will not have a substantially different or adverse impact on surrounding properties.
- B. Any non-conforming use which has been discontinued for a period of two years shall not thereafter be resumed.
- C. A non-conforming use which has been damaged or destroyed by fire, accident or other cause may be repaired or reconstructed to its condition prior to such damages or destruction, provided such work is undertaken and completed within one (1) year after such damage or destruction.
- D. All non-conforming lots on record at the Coos County Registry of Deeds prior to the enactment or amendment of this Ordinance affecting the lot shall be considered buildable lots if all other requirements pertaining to the proposed use are met.
- E. In all districts decks, stairways, landings, and bona fide handicap access structures that are less than forty-eight (48) square feet in size and which are no closer than ten (10) feet to any property line are not considered structures for the purpose of determining setbacks.
- F. Additions to Structures of Record: A structure of record on the date of enactment of this amendment which does not meet setback requirements on

one or more dimensions or sides may extend that dimension or side one time only to no more than 50% of the existing dimension. In no case will the extension or addition violate any existing non-conforming setbacks or any other setback requirements.

5.11 Fences, Walls and Hedges:

A. The following criteria apply to all fences, walls and hedges:

1. Shall not cause a safety hazard by blocking visibility of or by vehicles or pedestrians.
2. Shall not be constructed or erected within any public right-of-way.
3. The entire fence, wall or hedge including its supporting structures or appurtenances shall be contained within the owner's property.
4. The finished side of a fence or wall shall face outward from the property on which the fence or wall is located; the side containing posts or poles or other bracing appurtenances shall face inward to the property on which the fence or wall is located.

B. A Special Exception from the Zoning Board of Adjustment is required for fences or walls more than six (6) feet high in the required setback. Prior to granting the Special Exception the Zoning Board of Adjustment must find, in addition to the conditions required pursuant to Section 7.03 Special Exceptions, that the proposed height is reasonably related to the stated lawful purpose.

	Permit Required	Special Exception Required
Fences more than 6 feet high.	X	
Fences of any height if permanently affixed, e.g., posts set in concrete, within the required setback.	X	
Fences more than 6 feet high in the required setback.	X	X

5.12 Driveway Permits

All lots shall access streets by driveways approved by the Planning Board or their designee in accordance with driveway regulations adopted by the Planning Board pursuant to RSA 236:13.

**ARTICLE VI
ADMINISTRATION**

6.01 ENFORCEMENT

It shall be the duty of the Board of Selectmen or their designees to administer this Ordinance.

6.02 PERMITS

After passage of this Ordinance, it shall be unlawful to change the use of a building or lot, construct a new building or structure, or make exterior dimensional additions to a building or structure or to make structural alterations thereto, without first obtaining a permit from the Board of Selectmen or their designee. Permits must be posted on site and be easily visible. It may be renewed at the end of one year if construction has not been completed. Renewal will be subject to any restrictions in the new Ordinance or conditions imposed by amendments to this Ordinance or to other applicable codes unless active and substantial construction has been commenced under the original permit.

6.03 ENFORCEMENT

The Board of Selectmen or their designee, upon well founded information of any violation, is hereby authorized to initiate immediate steps for enforcement of this Ordinance. Sanctions, fines or penalties for any violation shall be as provided in RSA 676:17 et seq. as the same may be amended from time to time.

6.04 SPECIAL SITE REVIEW COMMITTEE

- A. Establishment: In accordance with the vote of the Town to adopt the provisions of RSA 674:43 III, a Site Review Committee is hereby established to review and act upon minor site plans (as defined in Section E below).
- B. Membership: The Site Review Committee shall consist of two (2) members of the Planning Board, The Town's Code Officer and a member of the Board of Selectmen.

- C. Committee Actions: The Special Site Review Committee shall review all applications pursuant to RSA 674:43 & 44 involving the development or change or expansion of use of tracts for non-residential uses or multi-family dwelling units (defined as structures containing three or more dwelling units or lots containing three or more dwellings) whether or not such development includes a subdivision or re-subdivision of the site. It shall determine whether the application requires full Site Plan Review by the Planning Board in accordance with its scope of authority under Section 5.01 of the Gorham Zoning Ordinance. On applications that do not require full site plan review the Special Site Review Committee under its authority shall take the necessary action on the application. Any two members of the Committee may vote to require full Site Plan Review by the full Planning Board. The authority of the Special Site Review Committee shall be limited in scope and will be governed by Section 6.04.
- D. Certification: Upon approval of a site plan by the Committee, certification will be executed when the applicant files in the Office of the Planning Board:
1. Five copies, (22 inches by 34 inches), black or blue-line, of the final site plan for signing by the Chairman or his designee;
 2. Where required, a performance bond, irrevocable letter of credit, or escrow account, in a form satisfactory to the Town and in an amount established by vote of the Committee;
 3. All formal legal instruments where required in these regulations such as deeds, easements and irrevocable offers of dedication to the public of all streets, utilities and parks, in a form approved by the Committee.
- E. Minor Site Plans: Minor site plans shall include the following types of development but shall not include such plans if they require new intersections, signalization, sewer and water main extensions (other than along the frontage of the site for the purpose of providing connections to the site), significant new storm water drainage facilities (or having significant storm water impact on surrounding properties):
1. Multi-family of three (3) dwelling units.
 2. Conversion and/or reuse of an existing structure to a use in conformance with the Zoning Ordinance and which requires no building additions or site changes.
 3. Parking areas of ten (10) spaces or less.
 4. Building additions of one thousand (1,000) square feet (measured as total square footage over all floors, not as building footprint) or less which comply with all Zoning requirements and which require no changes in parking or utilities.

5. Any other proposed building or site change which the majority of the Committee reasonably determines:
 - a. is very small in scale and scope;
 - b. is fairly simple and straightforward;
 - c. will have no significant impact; and
 - d. is clearly consistent with the intent of this section.

Other site plans, including those having impacts described above, shall not be considered minor and shall go through the full Planning Board review process. Any minor site plan which any two (2) members of the Committee believes has the potential for significant impact on the Town or abutters shall be referred to the full Planning Board for action.

6.05 TECHNICAL STUDIES & SURVEYS

The Board of Selectman, Zoning Board of Adjustment and/or the Planning Board may require technical studies, surveys, and any plot plans as necessary to assist it in administering and enforcing the provisions of this Ordinance. The cost for such studies or plans shall be borne by the applicant and/or appellant.

ARTICLE VII BOARD OF ADJUSTMENT

7.01 BOARD OF ADJUSTMENT

A 5-person Board of Adjustment and 3 (maximum 5) alternates will be appointed by the Selectmen as provided in RSA 673, as amended, who may upon application:

- A. Review and decide on alleged error in enforcement of any zoning ordinance adopted pursuant to RSA 674:16, as amended.
- B. Grant or deny a Special Exception in accordance with the provisions of Section 7:03.
- C. Grant or deny a Variance in accordance with Section 7.04 and RSA 674:33(b), as amended.
- D. Conditions may be attached to the Special Exceptions or variances by the Zoning Board of Adjustment consistent with the intent and purpose of this Ordinance to protect the health, safety and general welfare of the Town's residents.

7.02 APPEALS

An appeal of an administrative decision must be made to the Zoning Board of Adjustment within 30 days of the date of the decision of the administrative officer and pursuant to RSA 676:5, as amended.

7.03 SPECIAL EXCEPTIONS

A use of a building or lot may be permitted under this Ordinance upon formal application to and approval of the Zoning Board of Adjustment when such use would not be detrimental to the public health, safety and general welfare and only in cases where the word "Special Exception" in this Ordinance pertains. A Special Exception will be allowed if the following conditions are met:

- A. The specific site is an appropriate location for such a use considering the permanent use and configuration of surrounding properties, traffic and site specific impacts of the proposed Special Exception use which may be detrimental to surrounding properties or exceed or impact adversely the capacity of public facilities serving the area.
- B. Property values in the district and surrounding property will not be reduced by such a use.
- C. No nuisance or unreasonable hazard shall result.
- D. Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.
- E. In addition, the applicant for a special exception for the keeping of up to 6 fowl on a single family lot shall also demonstrate the following:
 1. No roosters will be kept.
 2. Fowl will be kept in an enclosed area which, along with any manure storage, disposal or composting, will be an appropriate distance from the nearest residence and lot line to ensure that the fowl will not be a nuisance to any neighbors by means of odors or noise.
 3. Manure management will be consistent with most recent best management practices published by NH Department of Agriculture, Markets and Food.
 4. Stored feed will be kept in a location secure from rodents and bears.

7.04 VARIANCES

As provided in RSA 674:33, as amended, a variance from the terms of this Ordinance may be legally granted by the Zoning Board of Adjustment if the following conditions are met:

- A. The variance will not be contrary to the public interest;
- B. The spirit of the ordinance is observed;
- C. Substantial justice is done;

- D. The values of surrounding properties are not diminished; and
- E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - (1) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (ii) The proposed use is a reasonable one.
 - (2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (E) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

**ARTICLE VIII
AMENDMENTS**

This Ordinance may be amended in accordance with NH RSA:674 and 675 as amended.

**ARTICLE IX
SAVING CLAUSE**

The invalidity of any provision of this Ordinance shall not effect the validity of any other provision of this Ordinance.

ARTICLE X
EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage.

Effective Date March 8, 1988
Amended March 13, 1990
Amended March 10, 1992
Amended March 14, 1995
Amended March 12, 1996
Amended March 11, 1997
Amended March 10, 1998
Amended March 14, 2000
Amended March 13, 2001
Amended March 12, 2002
Amended March 11, 2003

Amended March 9, 2004
Amended March 8, 2005
Amended March 13, 2007
Amended March 11, 2008
Amended March 10, 2009
Amended March 9, 2010
Amended March 13, 2012
Amended March 12, 2013
Amended March 11, 2014
Amended March 10, 2015
Amended March 8, 2016

TOWN WELL SOURCE PROTECTION ORDINANCE

Section 1. Purpose & Authority

- A. Pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls, the Town of Gorham hereby adopts the following regulation. The purpose of this Ordinance is to enhance public health, safety and general welfare, to protect, preserve and maintain existing and potential groundwater supply and groundwater recharge areas within the known aquifer from adverse development, land use practices or depletion. This is to be accomplished by regulating the uses of land over certain known aquifers and their recharge areas so as to protect them from contamination caused by adverse or incompatible land use practices or developments. The Source Water Protection Plan Ordinance is intended to limit the uses of land so designated to those that will not adversely affect water quality by contamination or water quantity by preventing recharge of the aquifer.
- B. The Town of Gorham has adopted a “Source Water Protection Plan” to oversee the protection areas around the Well #1 and the Well #2 both of which are located on Town of Gorham land comprising the so-called Gorham Airport. The Source Protection Plan contains within it maps and/or other exhibits that define the areas involved. The Plan is to be reviewed annually and updated every 3 years by the Gorham Source Water Protection Committee.

Section 2. District Location

- A. The extent of the area of the Source Protection Plan shall follow the Well Head Delineation Area as defined by the NH Department of Environmental Services shown on the Source Protection Plan map(s) included in the Gorham Source Water Protection Plan.
- B. Incorrectly Designated Zones: Upon any well founded information that the actual boundary of the Source Water Protection Area is incorrectly mapped, the Planning Board or the owner of any land may engage a professional, recognized by the Planning Board as being qualified to perform such work, to determine more accurately the precise boundary of the Source Water Protection Area. The Planning Board may, based upon appropriate findings and evidence, adjust the boundary or area designation of the Source Water Protection Area or reduce or expand the designation area to more correctly define the location and the extent of the aquifer on a site-specific, case by case basis, with concurrence of the evidence by the NH Department of Environmental Services.

Section 3. Prohibited Uses

The following uses shall not be permitted in the Source Water Protection Area:

- A. Disposal of solid waste. Brush and stumps are permitted only if generated from clearing land and buried on the same site. A copy of the site plan which is required to be filed with the Commissioners of the Department of Environmental Services, in accordance with RSA 149-M for on site burial of stumps, must be submitted to the Planning Board for its files, and only, if permitted and, if required, a permit is actually issued pursuant to RSA 149-M.
- B. Subsurface storage of petroleum and other hazardous materials.
- C. Industrial uses which discharge contact type process waters on site. Non-contact cooling water is permitted.
- D. Storage of road salt or salted sand.
- E. Dumping of snow containing de-icing chemicals brought from outside the Aquifer Protection District.
- F. Commercial animal feedlots.
- G. Mining except for earth excavation carried out in compliance with the Town of Gorham's Regulation Governing Earth Excavation including any subsequent amendments and a Conditional Use Permit issued under Section 4 of this Ordinance and RSA 155-E.
- H. All on site handling, disposal, storage, processing or recycling of hazardous or toxic materials.
- I. Automotive service and repair shops, junk and salvage yards.
- J. Any other use or activity that, based upon the following findings of fact:
 - 1. Will have detrimental effect on the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long term susceptibility of the aquifer to potential pollutants;
 - 2. Will cause a significant reduction in the long-term volume of water contained in the aquifer, or in the storage capacity of the aquifer;
 - 3. Will discharge wastewater on site other than that which is permitted under the provisions of this article.
- K. Manure, agricultural compost and chemical fertilizer shall be handled in accordance with RSA 431:33, to 35, as amended. See Manual of Best Management Practices in Agriculture in New Hampshire as prepared by the New Hampshire Department of Agriculture, August 1993, as amended.

Section 4. Conditional Uses

A. Permit Required:

All subdivision proposals and other development proposals located within the Aquifer Protection District shall be reviewed by the Planning Board and shall conform to the

Zoning Ordinance, Town of Gorham, New Hampshire

provisions of this Ordinance. No conditional uses shall be conducted within the Aquifer Protection District unless a Conditional Use Permit has been issued by the Planning Board. The Planning Board is hereby authorized to attach any reasonable conditions to such permit regarding construction and operation. Conditional uses shall include but are not limited to:

1. Industrial, commercial, institutional and governmental uses not otherwise prohibited in Section 3 of this Ordinance.
2. Multi-family residential development where served by municipal sewer system connections.
3. Sand and gravel excavation carried out in compliance with the Town of Gorham's Regulation Governing Earth Excavations including any subsequent amendments, provided that such excavation is not carried out within 8 vertical feet of the seasonal high water table and that periodic inspections are made by the Planning Board or its agent to determine compliance.
4. Replacement of underground petroleum product storage tanks existing as of the time of adoption of this Ordinance, subject to all applicable permitting under state or local environmental laws or regulations.

B. Standards

The Planning Board may grant a permit for a conditional use only after written findings of fact are made that all of the following are true:

1. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
2. The proposed use, either alone or on a cumulative basis, will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.
3. The proposed use will discharge no wastewater on site other than that typically discharged by domestic wastewater disposal systems and will not involve on-site storage of disposal of toxic or hazardous material as herein defined;
4. Sufficient recharge to the aquifer will not be inhibited or prevented; and any use that covers over 20% of the lot with impervious material shall submit a "Storm water Management Plan" that satisfies the Planning Board requirements and the Best Management Practices for Urban Storm water Runoff, per current NHDES regulations.
5. The proposed use complies with all other applicable sections of this Ordinance.
6. Aboveground storage. Commercial and industrial chemicals, road salt, fertilizers, herbicides, pesticides, and other hazardous or toxic materials and waste shall not be allowed to be stored within any fully enclosed structure under any conditions.
7. Septic system design and installation. In addition to meeting all local and state septic system requirements, all new on-lot sanitary wastewater disposal systems

Zoning Ordinance, Town of Gorham, New Hampshire

installed in the Source Water Protection Area shall be designed by a septic system designer and installer licensed in New Hampshire. These systems shall be installed under the supervision of the Board of Selectmen or their designee, who shall perform a basic area inspection, in person, as part of said supervision, or as amended.

The Board of Selectmen, or their designee, shall inspect the installation of each new system prior to covering, and shall certify that the system has been installed as designed.

Septic systems are to be constructed in accordance with the most recent edition of Chapter Env-Ws 1000, Subdivision and Individual Sewage Disposal System Design Rules as published by the New Hampshire Water Supply and Pollution Control Division, or as amended.

The Planning Board may require that the applicant provide data reports prepared by a professional engineer to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board and the Board of Adjustment, if an appeal is filed, shall engage such professional assistance as is required to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs for any of the above mentioned services shall be paid by the applicant.

Section 5. Enforcement

It shall be the duty of the Board of Selectmen or its authorized agent to enforce the provisions of this Ordinance and to see that its requirements and restrictions are duly complied with. A Conditional-Use Permit may be withdrawn by the Board of Selectmen or by the Planning Board pursuant to RSA 676:4-a, if a site plan has been approved if the use is not conducted in accordance with the regulations of this Ordinance of the conditions of the permit.

The Board of Selectmen or its authorized agent shall institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this Ordinance.

Section 6. Appeals

Any person who is aggrieved of an administrative decision made under the provisions of this Ordinance may appeal to the Board of Adjustment, under the provisions of RSA 674:33. In any such appeal, the Board of Adjustment shall request from the Planning Board, the Water and Sewer Commission, and the Conservation Commission and advisory decision before rendering any decision on an appeal under this Section. Such

appeals must be filed within 30 days of the decision, and in accordance with RSA 675:5, as amended.

Section 7. Non-Conforming Uses

- A. Any non-conforming lot, dwelling, or business may continue in its present use or be maintained, repaired, replaced and improved unless such use is determined to be an imminent hazard to public health and safety by the Board of Selectmen.
- B. When any existing non-conforming use of land or building has been discontinued for one year the land and building shall thereafter be used only in conformity to this Ordinance, if such use otherwise is in compliance with all applicable laws and regulations.

Section 8. Definitions

The definitions contained in the Zoning Ordinance and the Subdivision Regulations shall apply to the Aquifer Protection ordinance, where applicable. As used in the Ordinance, the following terms shall have the meaning indicated:

- A. Animal Feedlot: A commercial agricultural establishment consisting of confined feeding areas and related structures for the raising of livestock.
- B. Aquifer: For the purpose of this Ordinance, aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies.
- C. Aquifer Protection District: The direct recharge areas of a designated aquifer. The Aquifer Protection District is shown on the Aquifer Map included in the Gorham Source Water Protection Plan.
- D. Best Management Practices (BMP): Management practices as defined by the USDA and the NH Dept. of Agriculture.
- E. Direct Recharge Area: The area immediately overlying the stratified-drift aquifer. The boundary of the direct recharge area is the contact between the stratified drift and adjacent till or bedrock.
- F. Groundwater: Water in the Sub-surface zone at or below the water table in which all pore spaces are filled with water.
- G. Groundwater Recharge Area: That area from which water is added to the saturated zone by: 1) natural processes such as infiltration or precipitation, or by 2) artificial processes such as induced infiltration.
- H. Hazardous or Toxic Materials: Material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed including without exception hazardous

materials identified and listed in accordance with Section 3001 or the Resource Conservation and Recovery Act of 1976.

Examples of hazardous materials include:

1. Toxic (Poisonous)
2. Flammable (paint, varnish remover, solvents and oils)
3. Reactive
4. Corrosive (acids)

- I. Induced Infiltration: The process by which water in a stream or lake moves into an aquifer because of a hydraulic gradient from the surface water body toward a pumping well or wells.
- J. Leachable Wastes: Waste material, including solid wastes, sludge and agricultural wastes that are capable of releasing contaminants to the surrounding environment.
- K. Mining: The activities performed in the extraction of minerals including the excavation of pits, removal of mineral, removal of dimension stone, disposal of overburden and the construction of roads for the haulage of mining materials.
- L. Non-Contact Cooling Water: Water which flows through a heat exchanger providing a physical barrier between the water and the process being cooled.
- M. Potential High Yield Aquifers: Area inferred to be underlain by medium to very coarse sand or sand and gravel with sufficient saturated thickness to have high potential to yield water. Included are areas with fine grained surficial deposits, which are inferred to be underlain by medium to very coarse sand or sand and gravel.
- N. Potential Medium Yield Aquifers: Areas inferred to be underlain by relatively thin saturated sections to medium to very coarse sand or sand and gravel that have medium potential to yield water.
- O. Process Water: Wastewater from and industrial process.
- P. Saturated Zone: The zone beneath the land surfaced in which all open spaces are filled with water.
- Q. Sludge: Residual materials produced by water and sewage treatment processes and domestic septic tanks.
- R. Solid Waste: Any discarded or abandoned material including refuse, putrescible material, septage, or sludge as defined by New Hampshire Solid Waste Rules He-P 1901.03. Solid waste includes solid, liquid, semi-solid, or contained gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations and from community activities.
- S. Stratified Drift: Unconsolidated, sorted sediment composed of layer of sand and gravel deposited by meltwater from glaciers.
- T. Stratified-Drift Aquifers: Stratified-drift deposits that are capable of yielding usable amounts of water.

FLOODPLAIN DEVELOPMENT ORDINANCE

January 10, 1990 (Amended March 12, 1990) (Amended March 14, 2000)(Amended March 8, 2005) (Amended March 13, 2012)

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Gorham Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Gorham Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeal under State law. If any provisions of this ordinance differ or appear to conflict with any provisions of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the Town of Gorham, N.H." (FIS) together with the associated Flood Insurance Rate Maps (FIRM), and Flood Boundary & Floodway Map dated May 2, 1994 and as amended from time to time, which are hereby incorporated by reference.

ITEM I

Definition of Terms: The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by, the provisions of any other ordinance of the Town of Gorham.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within the Town of Gorham subject to a one-percent or greater possibility of flooding in any given year. This area is designated as Zone A.

BASE FLOOD means the flood having a one-percent possibility of being equaled or exceeded in any given year.

BASEMENT means any area of a building having its floor subgrade on all sides.

BUILDING see STRUCTURE

BREAKAWAY WALL means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

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 operation.

FEMA means the Federal Emergency Management Agency.

FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry areas from:

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

FLOOD INSURANCE RATE MAP (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zone applicable to the Town of Gorham.

FLOOD INSURANCE STUDY (FIS) 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.

FLOODPLAIN or FLOOD PRONE means any land area susceptible to being inundated by water from any AREA source (see definition of FLOODING).

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 sanitation facilities, structures and their contents.

FLOODWAY see REGULATORY FLOODWAY

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

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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 local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior, or
 - 2) Directly by the Secretary of the Interior in states without approved programs.

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

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term MANUFACTURED HOME includes part trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL means the National Geodetic Vertical Datum (MGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION means, for the purposes of determining insurance rates, structures for which the start of construction" commenced on or after the effective date

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

100-YEAR FLOOD see BASE FLOOD

RECREATIONAL VEHICLE 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;
- 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 increasing the water surface elevation more than a designated height.

SPECIAL FLOOD HAZARD AREA see AREA OF SPECIAL FLOOD HAZARD.

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

START OF CONSTRUCTION includes substantial improvements, 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 the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

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

SUBSTANTIAL IMPROVEMENT means any combination of repairs, reconstruction, alterations, or improvements which are made to the interior or exterior of an existing structure in which the cumulative cost equals or exceeds 50 percent of the market value of the structure in any 12 month period. This is treated as new construction and is subject to the floodplain requirements of NFIP (National Flood Insurance Program) the market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure", or any uninhabited structure (such as a garage or shed) that meets acceptable flood proofing constructions standards.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Section V, Section VIII(2)(b), or Section VII(3)(4) of this ordinance is presumed to be in violation until such time as that documentation is provided.

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

ITEM II

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

ITEM III

The Building 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 located in a special flood hazard area, all new construction or substantial improvements shall:

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

ITEM IV

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area, the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

ITEM V

For all new or substantially improved structures located in zones A and AE, the applicant shall furnish the following information to the Building Inspector:

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

The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

ITEM VI

Zoning Ordinance, Town of Gorham, New Hampshire

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those government 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.

ITEM VII

1. In riverine situations, prior to the alteration or relocation of watercourse the applicant for such authorization shall notify the Wetlands Bureau of New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 482-A:3. Further the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the Building Inspector, 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 the flood levels within the community during the base flood discharge.
4. Along the watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development when combined with all existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
5. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

"No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

ITEM VIII

1. In the special flood hazard areas the Building Inspector shall determine the 100-year flood elevation in the following order of precedence according to the data available:
 - a. In Zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - b. In Zone A, the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).
2. The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in Zones AE and A that:
 - a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above 100 year flood elevation.
 - b. That all new construction or substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities' shall:
 - i. be floodproofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - iii. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
 - c. Recreational vehicles placed on sites within Zones A and AE shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 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.
 - d. 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. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- e. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

ITEM IX

Variances and Appeals:

1. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:4.
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 the law:
 - a) That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
 - b) That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
 - c) That the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25. for \$1,000. of insurance coverage and (iii) 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 (i) maintain a record of all variance actions, including their justification for the issuance, and (ii) reports such variance issued in this annual or biennial report submitted to FEMA's Federal Insurance Administrator.

Zoning Ordinance, Town of Gorham, New Hampshire

This is to certify that the above Floodplain Development Ordinance was adopted at the Official Town Meeting on March 12, 1994.

Grace LaPierre, Town Clerk

This is to certify that the original Floodplain Development Ordinance was adopted at the official Town Meeting on March 13, 1990, and dated this 5th day of April, 1990 in said Town of Gorham.

APPENDIX - DRIVEWAY REGULATIONS

Note: Driveway Regulations are not part of the zoning ordinance. They are adopted by the Planning Board under separate statute. They are being provided here for your convenience.

PURPOSE:

The purpose of these regulations is to promote the planned and safe growth of the Town of Gorham. Driveway review will protect the interest of the public and the taxpayer.

A “driveway” shall mean an access from a public street, serving not more than two (2) dwellings, lots, sites or multi-family buildings as approved by the Planning Board; provided that each lot or site must have frontage meeting the requirements of Section 3.21 of the Town of Gorham Zoning Ordinance.

BASIS OF THESE REGULATIONS:

- a. **AUTHORITY:** The following regulations governing the construction and alteration of driveways, entrances, exits and approaches within the limits of the right of way are adopted by the Planning Board in accordance with the provision of Chapter 236, sections 13, V and 14, New Hampshire Revised Statutes Annotated. It shall be unlawful to construct or alter in any way that which substantially affects the size or grade of any driveway exit or approach within the limits of the right of way of any highway under the jurisdiction of the Town of Gorham that does not conform to the terms and specifications of the written permit issued by the Planning Board or Public Works Director when authorized by these regulations.
- b. **SEPARABILITY:** If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidated any other section, clause, provision, portion or phrase of these regulations.

PROCEDURE FOR APPLICATION:

- a. **APPLICATION:** Any person wishing to construct or alter a driveway shall obtain a construction permit from the Town Office, and shall file said application together with a site plan map of the proposed construction with the same office. All information shall be provided as required by the application. An incomplete application will not be reviewed, including applications submitted without a site plan map. [Please note: DRIVEWAY ACCESS TO THE NH STATE HIGHWAY SYSTEM MUST BE OBTAINED FROM THE NH DEPT. OF

TRANSPORTATION, DISTRICT #1 (603-788-4641) not the Town of Gorham] The Public Works Director, Chief of Police and Fire Chief shall review the application for compliance with the standards outlined in section “b” below and inspect the site. The Planning Board shall review the comments of the Public Works Director, Chief of Police and the Fire Chief in determining whether to approve the application. If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications for the construction or alteration of the driveway.

FAILURE TO OBTAIN A PROPER DRIVEWAY PERMIT, AND TO CONSTRUCT A DRIVEWAY ACCORDING TO AN APPROVED APPLICATION, MAY REQUIRE THAT THE DRIVEWAY BE REMOVED AT THE OWNER’S EXPENSE. LAND OWNER’S WILL BE HELD RESPONSIBLE FOR ANY DAMAGE TO TOWN ROADS DURING AND FOLLOWING CONSTRUCTION. DRIVEWAY CONSTRUCTION MUST BE COMPLETED WITHIN ONE YEAR OF APPROVAL DATE.

If the application is denied, written notification shall be sent to the applicant stating the reason for denial. The applicant may then revise the application to comply with the regulations and appeal to the Planning Board for reconsideration.

If appealing the decision, the applicant shall outline in a letter addressed to the Planning Board why the standards cannot be met. The Planning Board shall conduct a public hearing on the appeal after giving abutters 10 days notice and posting the notice in two public places.

The Planning Board shall, after considering the application, the recommendation of the Public Works Director, Chief of Police and the Fire Chief, the comments from the applicant, and comments from abutters or other interested parties, approve, approve with conditions, or deny the driveway permit application. If denied, written notification outlining the reasons for denial shall be sent to the applicant.

c. STANDARDS

- 1) NUMBER: No more than two driveways shall be permitted on any one lot.
- 2) LOCATION: The location shall be selected to protect the most adequate degree of safety for the traveling public. The driveway shall be at least 25 feet from the nearest street intersection.
- 3) SITE DISTANCE: The location for the new driveway shall be selected to provide safe sight distance, and shall be designed and built in such a manner so that a driver at a point ten feet outside the shoulder of the town road, will have unobstructed views for a minimum of 150 feet in either direction.

- 4) DRIVEWAY ALIGNMENT: All driveways will enter at an angle of 90 degrees to the town road centerline. At a point 20 feet outside the town road shoulder, the alignment may be changed with a reasonable horizontal curve. If the degree of change exceeds 45 degrees, said design is subject to approval by the Planning Board.
- 5) DRIVEWAY WITH NEGATIVE GRADE: The driveway at a distance of 20 feet from the shoulder of the road will be no more than one foot lower than the shoulder grade. Beyond that point, a reasonable vertical curve will be used to meet up to 15% maximum negative grade.
- 6) DRIVEWAY WITH A POSTIVE GRADE: The driveway at a distance of six feet from the shoulder of the road will be a minimum of six inches lower than the shoulder grade. At a distance of 20 feet from the shoulder of the road, the driveway grade will be no more than 18 inches higher than the shoulder grade. Beyond that point, a reasonable vertical curve will be used to meet up to 15% maximum positive grade.
- 7) DRIVEWAY SURFACE: All driveways, for a minimum of 25 feet from the shoulder, shall be surfaced with a minimum of 12 inches of clean bank run gravel.
- 8) PAVED APRON: Driveways that abut paved street shall be constructed with paved aprons that shall be as wide as the driveway and at least 5 feet in depth as measured perpendicularly from the edge of the street pavement (and deeper if deemed necessary by the Planning Board). The paved apron shall be constructed in such a way as to protect the edge of the road pavement from deterioration.
- 9) DRAINAGE: All driveways entering on a town road in locations that have or require a side drainage ditch, shall have a culvert of the size, length, and gauge specified by the Public Works Director. Such culverts will have proper pitch and a minimum cover of 12 inches. Inlet and outlet ditches shall be as required for good drainage. All driveways in cuts will have side ditches at least 12 inches below driveway grade.
- 10) DRIVEWAY WIDTH: All driveways serving single residential homes will have a minimum width of 12 feet with proper flare at the intersection with the town road. Side ditches where required will be at least two feet outside the shoulder of the driveway.
- 11) SIDEWALK AND ROAD REPAIRS: When the construction of a driveway would require the disturbance of a street or a sidewalk, the applicant shall obtain the permission of the Public Works Director before proceeding with construction. Any road or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Public Works Director.

12) PERFORMANCE BOND: The applicant may be required by the Public Works Director to file a bond or letter of credit in an amount sufficient to cover the cost of construction of that portion of the driveway within the right of way of the road, including the required culverts, ditches, other drainage structures and pave apron, and to cover the cost of repairing public sidewalks and streets disturbed by the construction. All bonds or letter of credit shall be for 100% of the estimated cost as determined by the Public Works Director or engineer's cost estimate. The performance bond or letter of credit shall not be released until the Public Works Director has certified completion of the bonded construction and repairs in accordance with the standards.

ADMINISTRATION

- a. PENALTY: As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or these regulations shall be guilty of a violation or a misdemeanor and shall be liable for the cost of restoration of the street to the satisfaction of the Board of Selectmen.
- b. WAIVER: Where conformity to these regulation would cause undue hardship (other than financial), or injustice to the owner of the land, the Planning Board may, upon the recommendation and advisement of the Public Works Director, waive any of the above regulations, provided that the spirit of the regulations will be respected and that the public convenience and safety will not be affected.

NOTICE TO PROPERTY OWNERS

The Town of Gorham Driveway Regulations adopted by the Planning Board addresses the standards and specifications for the intersection of a driveway and a road within the limits of the road right of way. The driveway regulations DO NO APPLY to that part of the driveway extending beyond the road right of way. However, the Town wishes to notify property owners that in designing and construction a driveway beyond the limits of the road right of way that due consideration should be given to the fact that emergency vehicles in general may not be able to access driveways that exceed a grad of 15% and/or have curves with and inside radius less than 22.5 feet.

IT IS SOLELY THE PROPERTY OWNER'S RESPONSIBILITY IF EMERGENCY VEHICLES ARE NOT ABLE TO ACCESS THE SITE.

TOWN OF GORHAM, NEW HAMPSHIRE

DRIVEWAY APPLICATION FORM

A driveway permit is needed for the opening of any driveway onto a town road or onto a town approved road. A state driveway permit is required for a driveway onto a state maintained road.

No building permit will be issued unless there is an approved driveway permit on file.

Property Owner: _____ Date: _____

Property Address: _____

Phone Number: (days) _____ (eves) _____

Applicant (if other than Property Owner): _____

Tax Map: _____ Lot #: _____

Check One:

- New Construction Resurface / Modify Temporary Driveway

Check One:

- Home Business Logging

Zoning Ordinance, Town of Gorham, New Hampshire

As the landowner(s), I (We) hereby agree to the following conditions:

1. To bear all cost of construction and materials (including required drainage structures) necessary to complete the driveway to the Town of Gorham's satisfaction.
2. To hold harmless the Town of Gorham and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of exercise of this permit.
3. To abide by the provisions of the Driveway Regulations and the specifications below:
 - a. That the driveway be constructed in the location and with the dimensions as diagrammed on the attached sheet so that no drainage runs onto a Town roadway.
 - b. That any change or exceptions to the below specifications have written approval of the Public Works Director and;
 - c. That the Highway Department has the right to remove or correct – at the owner's expense – any driveway entrance not built in accordance with the Town of Gorham's Driveway Regulations or as outlined on this application form.
 - d. Private Driveway connections, including structures such as culverts, remain the continuing responsibility of the landowner, even those located within the Right-of Way.
 - e. If proposed driveway crosses a stream or a wetland applicant should refer to the State of NH Wetland Rules.
 - f. A MAXIMUM of two (2) approved driveways per lot is allowed.

Landowner(s) Signature

Date

Zoning Ordinance, Town of Gorham, New Hampshire

DIAGRAM SHALL INCLUDE DISTANCE FROM PROPERTY LINES TO DRIVEWAY AND WIDTH OF DRIVEWAY.

NOTE: THE LOCATION OF THE PROPOSED DRIVEWAY SHALL BE STAKED FOR INSPECTION.

The following information shall be provided:

- a. Sight distances in both directions
- b. Description and location (including dimensions) of any culverts together with the depth of fill over any culverts.

Examples of Driveway Diagram

Date: _____

Permit # _____

Permission to construct a driveway, entrance, exit, approach adjoining _____
_____ Road/Street pursuant to the location and specifications as described below, is hereby granted. Failure to adhere to the standards and drawings previously submitted and failure to complete construction within one calendar year of the date of this permit shall render this permit null and void. Driveways constructed in violation of these conditions shall be corrected immediately upon notification.

Zoning Ordinance, Town of Gorham, New Hampshire

LOCATION

1. This permit requires that the area adjacent to the road be graded such that the surface will slope from the edge of the pavement at 2% to a line Twenty-five (25) feet distant from the roadway pavement, and
2. Two (2) inches below the edge of pavement, which line will serve as a drainage gutter.
3. _____foot wide driveway is permissible. The driveway entrance may be flared as it approaches the roadway pavement.
4. Other access to the highway from the premises is to be prevented by construction of a barrier or barriers such as a grass plot, low hedge, curbed island, etc.
5. No structures, including buildings, permanent or portable signs, lights, displays, fences, walls, etc shall be permitted on, over or under the highway right-of-way.
6. The road right-of-way is located _____ feet from and parallel to the centerline of road pavement.
7. The applicant shall comply with all zoning ordinance and regulations specified by the Town of Gorham.
8. Brush and trees shall be cut back on both sides of the proposed to obtain a clear line of sight in both directions from a point in the proposed driveway approximately 12 feet from the edge of pavement.

By: Planning Board Chairman

Date

I agree to construct said driveway in complete compliance with the conditions of this permit, as shown above.

Signature of Applicant

Date