

**ZONING ORDINANCE  
TOWN OF OSS�PEE, NEW HAMPSHIRE**



**Originally Adopted 1988**  
**Revised Through March 13 , 2024**  
(Floodplain Map Reference Updated March 12, 2013)

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Thank you for your interest in the Town of Ossipee.

This Zoning Ordinance (as well as other Town of Ossipee publications, forms and information) is available on the Town of Ossipee website: [www.ossipee.org](http://www.ossipee.org)

The Town of Ossipee initially adopted zoning in 1988. The ordinance has been amended a number of times since then. If you need the date a particular section was added or amended, you can research that using the Town's annual reports available at the Town Hall.

Please note the various headings used throughout the Zoning Ordinance are for convenience purposes only and are not to be interpreted as limiting or expanding the scope or applicability of the relevant text.

**ZONING ORDINANCE FOR THE  
TOWN OF OSS�PEE, NEW HAMPSHIRE**

Revised Through March 14, 2023

**ARTICLE I - PURPOSE AND AUTHORITY**

In order to help retain the natural beauty of Ossipee, to encourage the most appropriate use of land, to conserve its natural resources, to stabilize the value of land and buildings, to prevent overcrowding of land and undue concentrations of population and to facilitate the economical provision of future required utilities and facilities; the following Ordinance is enacted in accordance with the authority provided by Chapter 674, Sections 16-23 and 30-32, New Hampshire Revised Statutes.

**ARTICLE II - TITLE**

This Ordinance shall be known and may be cited as the “Zoning Ordinance for the Town of Ossipee, New Hampshire,” it is hereinafter referred to as “This Ordinance.”

**ARTICLE III - DISTRICTS**

**3.1 ZONING DISTRICTS**

The Town of Ossipee is divided into multiple Zoning Districts, hereinafter referred to as “Districts”. Zoning Districts are established for the following purposes:

**3.1.1. Village District:** It is intended to blend living, business and public service uses in the three (3) existing village centers of Center Ossipee, Ossipee Village and West Ossipee.

**3.1.2. Residential District:** The vast land areas surrounding the Village Districts were intended chiefly for residential uses of lesser density than the Village District.

**3.1.3. Roadside Commercial District:** This district is intended to accommodate commercial uses along roads in a way that protects the scenic qualities of the area, allows compatibility with residential land uses and avoids the concentration of commercial uses as allowed in the Commercial District.

**3.1.4. Commercial District:** These areas are the prime commercial locations in Ossipee, ones which have developed commercially over the years. These are the areas where concentration of commercial land uses is encouraged.

**3.1.5. Commercial Node District:** This district is intended to encourage compact commercial development that accommodates pedestrians and a mixture of uses. The District features shared parking, shared access to a main road, and shared infrastructure that meets state water supply and pollution control requirements, including those allowing innovative technology. These areas are intended to accommodate and to concentrate commercial uses that by their nature generate relatively higher amounts of trips.

**3.1.6. Corridor District:** This district is intended to accommodate commercial uses and clustered residential uses that generate relatively lower amounts of traffic while also preserving the rural and scenic character of the Route 16 Corridor. It is intended to promote traffic safety and reduced traffic congestion through encouraging development of lesser intensity than other districts in these areas.

**3.1.7. Rural District:** The remaining areas of town are largely undeveloped. Here it is intended to protect the town's natural resources from premature and inappropriate development to minimize the need for extending community services, and to conserve open space.

**3.1.8. Water Resource Protection Districts:** This district is an overlay district and shall apply to all land described on the official map entitled "Ossipee Water Resource Protection Districts Map." This district is intended to protect both current and future ground and surface water resources by preventing contamination.

**3.1.9 Wetlands** (Section XIX). (Amended March 14, 2023)

**Please see NHDES Chapter 482-A: FILL AND DREDGE IN WETLANDS**

## **3.2 ZONING MAP**

The Zoning Districts listed above are bounded as shown on the map entitled "Ossipee Zoning Map" and the map entitled Ossipee Water Resource Protection District and the map entitled "Ossipee Wetlands Map," which maps are located in the Ossipee Planning Office at 1 Moultonville Road (the former "Freight House" building) and made a part of this Ordinance. The first map is hereinafter referred to as the "Zoning Map", the second map is referred to as the "Ossipee Water Resource Protection Map."

Regardless of the existence of other printed copies of the Zoning Map, the Water Resource Protection Map, which from time to time may be made or published, the official Zoning Map which shall be located in the Town Hall shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town.

The official Zoning Map for the Town of Ossipee to be used to determine exact Zoning District boundaries is drawn to a scale of two thousand (2000) feet to the inch and shall be certified as the official Zoning Map of the Town of Ossipee by the Town Clerk upon adoption of this Ordinance, upon any amendment that affects the Zoning Map and, upon such certification, shall be filed with the Planning Board.

## **3.3 BOUNDARIES**

A District boundary shown on the Zoning Map as approximately following the centerline of a right-of-way or road, shoreline of a body of water, a property line or other manmade or natural feature, shall be construed as following such centerline, shoreline, property line, or other manmade or natural feature. If the District classification of any land is in question, the Zoning Board of Adjustment shall determine the location of a district boundary upon an appeal from an administrative decision of the Zoning Enforcement Officer. (Amended March 10, 2015)

## ARTICLE IV - GENERAL PROVISIONS

### **4.1 SANITARY PROTECTION**

All buildings for human use or occupancy shall have sanitary systems constructed and maintained in accordance with standards set by The New Hampshire Department of Environmental Services (NHDES) by the Town Subdivision Regulations and applicable health and sanitary codes. (Amended March 14, 2023)

### **4.2 FIRE AND/OR RUINED BUILDINGS**

No owner or occupant of land in any district shall permit fire or other ruins which are uninhabitable to be left indefinitely, but within two (2) years shall remove or refill the same to clear ground level or shall repair, build or replace the structure. (Amended 2017, 2020 and March 12, 2024)

- a) Structures that are left unfinished for 2 years without exterior weatherproof siding or roof, shall be removed or refill the same to clear ground level or shall repair, build or replace the structure. This does not apply to an active construction site with a building permit.

### **4.3 HEIGHT REGULATIONS**

The building height for all buildings whose primary use is residential shall not exceed thirty- five (35) feet. The building height for all buildings whose primary use is non-residential shall not exceed thirty-five (35) feet. See building height definition. (Amended March 14, 2023)

### **4.4 STRUCTURES AND USES PER LOT**

- a) In the Village, Residential and Rural Districts there shall not be more than two principal structures allowed per lot. In the Village District, both commercial and residential uses may be combined in the same structure (Amended March 14, 2023)
- b) In the Roadside Commercial, Commercial, Commercial Node, and Corridor Districts the number of structures allowed per lot shall be limited by the permissible percentage of lot coverage, requirements of setback to boundaries, and spacing between structures. In the Commercial Nodal District, both commercial and residential uses may be combined in the same structure. (Amended March 14, 2023)

#### **c) HUD REQUIREMENTS**

All manufactured homes installed after the passage of this Ordinance must comply with the most recent specifications and standards established by the US Department of Housing and Urban Development. (24 CFR CHXX)

### **4.5 SIGN REGULATIONS**

All signs are governed by the regulations and provisions of the Sign Ordinance of the Town of Ossipee as adopted by its voters on November 2, 1982, as amended through March 14, 2023.

## **4.6 OFF-STREET LOADING AND PARKING**

Parking and loading accommodations must be adequate to service all increases in parking demand created by new construction, whether through new structures or additions to existing ones or through change from one category of use as listed in Table 1 to another, creating higher parking demand. Consideration shall be given to such special circumstances as shared parking for uses having peak parking demands at different times, unusual age or other characteristics of site users, car-pooling, bike access, or other trip conserving measures.

**4.6.1. Minimum – Residential.** Any proposed residential development shall provide a minimum of two (2) off-street parking spaces per dwelling unit.

**4.6.2. Minimum – Nonresidential.** Parking requirements for all non-residential uses shall be determined by the Planning Board, acting under Site Plan Review regulations. No spaces used for loading shall be credited toward meeting these requirements. In the Village District, on-street parking spaces may be credited if located between the parcel's side lot lines on the same side of the street. (Amended March 14, 2023)

**4.6.3. Sight Distance.** Nothing shall be so located to interfere with the safe sight distance of vehicles entering and exiting the property.

**4.6.4. Off-Site Parking.** Parking may be located on the same premises as the activity it serves or on a separate parcel, which may be shared. In the Village District, no parking shall be located closer to the street line than the building it serves. Walkways, including sidewalks if necessary, shall be provided by the applicant to connect the proposed activities with the parking, which serves it, and with adjacent premises, if developed. If an applicant is proposing to use a parcel for parking that is not under his ownership, he must obtain a parking easement. (Amended March 14, 2023)

## **4.7 PARKING AND STORAGE OF UNLICENSED VEHICLES/TRAILERS** (Amended March 14, 2023)

In any district, no more than one (1) motor vehicle/recreational vehicle/trailers which requires license plates, but which are without current license plates, shall be parked or stored except in authorized automobile sales areas, enclosed buildings or approved junk yards. No more than two (2) specialty vehicles which do not require license plates, such as homemade or factory constructed competition machines, shall be parked or stored out of sight from adjacent properties and may be subject to RSA 236:111. This does not pertain to farm vehicles or other vehicles which are in constant use and do not require a license plate for such use.

## **4.8 LOTS IN TWO OR MORE ZONING DISTRICTS** (Amended March 14, 2023)

Where the boundary line between two or more Zoning Districts divides a lot at the time of passage of this amendment to the Ordinance, the requirements of the Zoning District in which the lot has the majority of road frontage may be applicable to the remainder of the lot.

## **4.9 RECREATIONAL VEHICLES AND TENTS ON PRIVATE PROPERTY**

### **4.9.1. General Requirements**

A recreational vehicle or tent shall be located on private property (that isn't a Recreational Camping Park – See Article XV) only in compliance with this Section 4.9.

### **4.9.2. Campsite**

A campsite shall comply with the following requirements: (Amended March 14, 2023)

- a) A recreational vehicle or tent shall be located on private property wholly within a private campsite (as defined in this Ordinance) designated by the property owner.
- b) One private campsite per parcel of land is allowed from May 1 to October 31 each year.
- c) If a campsite is occupied or planned to be occupied for more than fourteen (14) consecutive days, the property owner shall obtain a permit from the Building Department and shall be required to show sufficient arrangements for adequate water supply, and that satisfactory sewerage and solid waste disposal safeguards are in place.
- d) No campsite shall be used as a permanent residence.
- e) A campsite placement on any lot shall conform to the setback requirements in Article VI, Sections 6.4.1. and 6.4.2. of this Ordinance. For purposes of applying, the setback requirements, the area of the campsite shall be treated the same as a structure is treated in Sections 6.4.1. and 6.4.2.
- f) Solid waste and sewerage shall be disposed of in a lawful manner.
- g) A recreational vehicle connected to a water supply shall be hooked to a sewage disposal system approved by the NH Department of Environmental Services or proper proof of disposal of septic waste at a State licensed facility must be available on site and presented to the Code Enforcement Officer upon request.
- h) Only two recreational vehicles or tents are allowed per campsite beyond 14 consecutive days.
- i) Recreational vehicles outside of the timeframe permitted must be in a road ready condition to include but not limited to, (i.e., Sliders in and secured, stabilizer jacks/leveling platforms to be retracted, awnings retracted, water hose disconnected, etc.) excluding a power connection to keep onboard batteries charged.
- j) Tents outside of the timeframe permitted must be taken apart and packed away.

#### 4.10 FLOODPLAIN DEVELOPMENT ORDINANCE

This Ordinance adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Ossipee Floodplain Development Ordinance. The requirements in this Ordinance shall overlay and supplement the requirements in the Town of Ossipee Zoning Ordinance and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this Ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other Ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. Federal Emergency Management Agency Standards Part 60 - Criteria for Land Management and Use and any additional requirements of Section 60.3 (d) are hereby incorporated into this Ordinance. Revised maps and base one hundred (100) year flood elevations are effective on March 19, 2013 (Amended March 14, 2023)

The following requirements in this Ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Study for the County of Carroll, NH” dated March 19, 2013, together with the associated Flood Insurance Study for the Town of Ossipee, NH” together with the associated Flood Insurance Rate Maps dated March 19, 2013, which are declared to be a part of this Ordinance and are hereby incorporated by reference.

**4.10.1. 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 Ordinances of the Town of Ossipee.

AREA OF SHALLOW FLOODING: A designated AO, AE or VO Zone on the Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual possibility of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within the Town of Ossipee subject to a one percent (1%) or greater possibility of flooding in any given year, the area is designated on the FIRM as Zones A and AE.

BASE FLOOD: The flood having a one percent (1%) possibility of being equaled or exceeded in any given year.

BASEMENT: Any area of a building having its floor subgrade on all sides.

BUILDING: See “Structure.”

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation or storage of equipment and materials.

FEMA: The Federal Emergency Management Agency.

FLOOD OR FLOODING: A general and temporary condition of partial or complete

inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters;
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY: Means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (“FIRM”): An official map incorporated with this Ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Ossipee.

FLOOD INSURANCE STUDY: See “Flood elevation study”.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

FLOOD PROOFING: Any combination of structural and 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: 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: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

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

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

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

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

**MEAN SEA LEVEL:** The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

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

**100-YEAR FLOOD:** See Base Flood.

**RECREATIONAL VEHICLES:** (Added March 1994 and amended March 12, 2024)  
A vehicle which is:

- a) built on a single chassis;
- b) four hundred (400) square feet or less when measured at the largest horizontal projection;
- c) designed to be self-propelled or permanently towable by a light duty truck and;
- d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- e) Recreational Vehicles must meet NFPA 1192 or be certified by the RV industry Association.

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

SPECIAL FLOOD HAZARD AREA: An area having flood, mudslide, and/or flood related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, VI-30, VE, V, M, or E. (See “Area of Special Flood Hazard”)

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

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 improvements was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as cleaning, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include the 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: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its previously damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension 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”.

VIOLATION: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Article 4.10.5, Article 4.10.8(2) (b), or Article 4.10.7(3)(4) of this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains.

**4.10.2. Permit Required.** All proposed development in any special flood hazard areas shall require a permit.

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

- i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 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 to prevent water from entering or accumulating within the components during conditions of flooding.

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

**4.10.5. Location in Certain Zones.** For all new or substantially improved structures located in Zones A, A1-30, AE, AO or AH, the applicant shall furnish the following information to the Zoning Enforcement Officer:

- 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 flood proofed, the as-built elevation (in relation to NGVD) to which the structure was flood proofed;
- c) any certification of flood proofing.

The Zoning Enforcement Officer shall maintain for public inspection and shall furnish such information upon request.

**4.10.6. Other Permits.** The Zoning Enforcement Officer shall not grant a building permit

until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

#### **4.10.7. Watercourses; Permits.**

1) In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of The New Hampshire Department of Environmental Services and submit copies of such notification to the Zoning Board of Adjustment, 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 Zoning Board of Adjustment, including notice of all scheduled hearings before the Wetlands Bureau and the Zoning Board of Adjustment.

2) The applicant shall submit to the Zoning Board of Adjustment, certification provided by a registered, professional engineer assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

3) Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

4) Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1- 30 and 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 (1) foot at any point within the community.

5) The Zoning Enforcement Officer 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 community during the base flood discharge.”

#### **4.10.8. One Hundred Year Flood Zone.**

1) In special flood hazard areas, the Zoning Enforcement Officer shall determine the one hundred (100) year flood elevation in the following order of precedence according to the date available:

a) In Zones A, AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM or FHBM.

b) In unnumbered A Zones, the Zoning Enforcement officer shall obtain, review, and reasonably utilize any one hundred (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).

c) In Zone AO, the flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least 2 feet.

2) The Zoning Enforcement Officer's one hundred (100) year flood elevation determination will be used as criteria for requiring in Zones A, AE that:

a) all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the one hundred (100) year flood elevation;

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

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

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

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

c) all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces; recreational vehicles placed on site within Zones A1-30, AH and AE shall either: (Added March 1994)

i) be on the site for fewer than one hundred eighty (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) 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 (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) 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.

e) proposed structures to be located on slopes in special flood hazard areas, Zones AH and AO shall include adequate drainage paths to guide flood waters around and away from the proposed structures.

#### **4.10.9. Variances and Appeals.**

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

2) If the applicant, upon appeal, requests a variance as authorized by RSA 674:33 1(b), the applicant shall have the burden of showing in addition to the usual variance standards under state 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;

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 \$100 of insurance coverage; and (ii) 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 their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

### **ARTICLE V - PERFORMANCE STANDARDS**

These standards shall apply to all uses of land and buildings, which are governed by this Ordinance. Prohibited uses include all uses which would be obnoxious or injurious because of glare, dust, smoke, refuse matter, fumes, noise, vibration, or which would be dangerous to the health

or safety of the community or to the community's disturbance or annoyance, notwithstanding any other provisions of this Ordinance and applicable State and Federal laws and regulations. Customary agricultural uses are expressly excluded.

Plans for the effective control and/or elimination of same shall be presented to the Planning Board for approval. When the effects of use are uncertain, the Planning Board, after prior notification to and at the expense of the applicant, shall employ such independent recognized consultant as necessary to ensure compliance with all requirements of this Section specifically related to the public health, safety and welfare and the abatement of nuisances. The estimated costs of such studies shall be deposited with the Town prior to their undertaking.

## **BASIC REQUIREMENTS:**

### **5.1 TRAFFIC**

The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic generators. "Curb cuts" shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable negative impact on the town road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.

### **5.2 NOISE (Amended March 2006)**

Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume at the lot lines. Without limiting the foregoing,

a) No person shall engage in, cause or permit any person to be engaged in construction activities on a site abutting any residential use between the hours of 7 pm of one day and 7 am (8 am on weekends and holidays) of the following day, if such construction activities generate any noise that can be heard off site.

b) The following uses and activities shall be exempt from the provisions of this article:

- 1) Home maintenance activities (for example, mowing lawns, cutting one's own firewood, etc.);
- 2) The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity; and
- 3) Traffic noise on existing public roads, railways or airports.

### **5.3 DUST, FUMES, VAPORS AND GASES**

Emission of dust, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of any establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

### **5.4 GLARE**

No land use or establishment shall be permitted to produce strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall also comply with applicable Federal and State regulations.

1) So as to protect dark night skies as a feature of the town's rural and scenic character, all outdoor lighting fixtures of commercial or industrial establishments, and all outdoor lighting fixtures of multi-family residential developments, shall be of fully shielded (full cut-off) design that emits no light above a horizontal plane through the lowest part of the fixture.

### **5.5 STORM WATER RUN-OFF**

Surface water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodway, or rights-of-way shall be maintained as nearly as possible. The design period is the fifty (50) year storm.

### **5.6 EROSION CONTROL** (Amended March 14, 2023)

Soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.

- a) Mechanical erosion control measures shall be installed prior to the start of construction and maintained in a proper manner to ensure function
- b) Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
- c) The duration of exposure of the disturbed area shall be kept to a practical minimum.
- d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- e) Permanent (final) vegetation shall be installed as soon as practical after construction ends.
- f) Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board.

g) The top of a cut or the bottom of a fill section shall not be closer than (10) feet to an adjoining property if in the Village or Commercial Node districts and shall not be closer than fifty (50) feet to an adjoining property in other districts, unless approved by the Planning Board upon determination that the design effectively precludes the threat of instability, erosion, sedimentation, or diverted storm water adversely impacting the adjacent premises. Excavation operations (sandpits, etc.) shall not be permitted except as provided for in Ossipee Earth Excavation and Restoration Regulations.

h) During grading operations, methods of dust control shall be employed, wherever practicable.

## **5.7 HAZARDOUS MATERIALS**

The purpose of this section is to protect, preserve and maintain the existing and potential ground water supply and surface waters in the Town of Ossipee.

5.7.1. The manufacture, storage, transport, use or disposal of hazardous materials shall comply with the provisions of this Ordinance, all other applicable local regulations and shall be in accordance with the New Hampshire Hazardous Waste Management Act, RSA 147 as amended.

5.7.2. Any substance deemed a “hazardous waste” under Section 3001 of the Resource Conservation and Recovery Act of 1976, as amended, 40 C.F.R., Part 261, shall be deemed a hazardous material for the purpose of this Ordinance.

5.7.3. The manufacture, storage, transport, use or disposal of hazardous material in the Town of Ossipee shall be permitted only by Special Exception.

## **5.8 EXPLOSIVE MATERIALS**

No highly flammable or explosive liquids or gases in an amount of 1000 gallons or more shall be stored above ground, unless located in anchored tanks at least seventy-five (75) feet (or forty feet for underground tanks) from any lot line, town right-of-way, residence, and interior roadway. In addition, all relevant Federal and State regulations shall be met. (Amended March 2006)

## **5.9 WATER-QUALITY**

All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials shall be located on an acceptable impervious surface and shall be completely enclosed by and impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this area during a fifty (50) year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the storage area. Storage tanks not exceeding five hundred fifty (550) gallons for “home heating oil” and vehicle fuel shall be exempt from this requirement, in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved. (Amended March 14, 2023)

## **5.10 REFUSE DISPOSAL**

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's disposal method and/or disposal area (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable State and Federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation. (Amended March 14, 2023)

## **ARTICLE VI - ZONING DISTRICT REGULATIONS**

### **6.1 PERMITTED USES**

For each district are shown in Table 1 Article XXXIV.

### **6.2 SPECIAL EXCEPTIONS**

For each district are shown in Table 1 and Articles 4.8, 5.7, 7.1, 15.1, 19.5, 23.2 and 23.3.

### **6.3 LOT REQUIREMENTS**

Minimum lot requirements shall be determined by soils and slopes, as shown in Table 3, except as provided below:

#### **6.3.1 Lot Size and Buildable Area:**

Each lot shall have a minimum contiguous buildable area as determined by soils and slopes as set forth in Table 3 contained herein, unless there is assurance that sewage disposal will be provided by a municipal treatment facility, an off-site effluent disposal system, whether shared or not, or an on-site disposal system using innovative alternative technology acceptable to the New Hampshire Department of Environmental Services for lots of the proposed size, based upon the requirements of Env-Wq 104q. (Amended March 14, 2023)

#### **6.3.2 Wastewater Disposal Approval Area:**

Wastewater Disposal Approval Area for non-residential uses on any lot shall be adequate for disposal of waste generated by said uses in accordance with Env-Wq Chapter 1000 of the New Hampshire Department of Environmental Services (NHDES) Water Division, unless employing an on-site disposal system using innovative alternative technology acceptable to the New Hampshire Department of Environmental Services for lots of the proposed size, based upon the requirements of Env-Wq 104q. (Amended March 14, 2023)

### **6.4 SETBACKS**

For the purposes of promoting health and the general welfare and to preserve an environmentally aesthetic community, the following setback requirements are established (for the

purposes of this section, setback will be measured from the road right-of-way, property line, or nearest normal high-water mark of a water course or body of water).

#### **6.4.1 Front Setback Area:**

a) No part of any building, except uncovered steps, and no other structure, other than a sign, or landscaping articles, shall be placed in the front setback area, measured from road right-of-way to setback line.

b) In case of corner lots, the front setback line shall apply to the side where the driveway enters the property.

c) For lots with frontage on a water course or a body of water, the front setback shall be the distance from the normal operating level of the water course or the body of water for dammed bodies and natural high-water mark for un-dammed water bodies or courses and the rear setback shall be the distance from the road right-of-way. (Amended March 14, 2023)

#### **6.4.2 Side and Rear Setback Area:**

a) No structure is allowed in the required side setback area, the space from side lot line to side setback line as specified in Table 2; (Amended March 11, 1997)

b) Rear setback area shall be the area enclosed by the rear lot line, and a line parallel to the rear lot line a distance from the rear lot line as specified in Table 2; (Amended March 14, 2023)

c) Ornamental features, eaves, cornices, etc., may project up to two (2) feet into the required side or rear setback area. Accessory buildings may be built in the rear setback area with height up to twelve (12) feet, no closer than ten (10) feet from rear lot line or other buildings and covering no more than thirty percent (30%) of the setback area.

### **6.5 LOT COVERAGE**

Lot coverage is the percent of the total lot area which may be covered by all impervious surfaces, including, but not limited to, sidewalks, paved or gravel parking areas and/or drives (unless designed to be porous) and structures. For the purpose of this subsection, a portion of a lot is covered by a structure if it has a roof, or if it has any part of any structure above it in a vertical line. All remaining land except open recreation areas shall be considered green space and shall be landscaped in compliance with Article 8.2 as such. All efforts shall be made by the applicant to place green space as buffer between the proposed use and the street, and the abutting property. (Amended March 14, 2023)

The maximum lot coverage in Table 2 may be increased by not more than twenty-five percent (25%) of said coverage when adequate systems for on-site storm water drainage are designed by a qualified professional engineer. Such increase shall not reduce the setback areas or buffer strips.

## **ARTICLE VII - WATERFRONT ACCESS**

### **7.1 TERMS AND CONDITIONS**

In addition to other provisions of this Ordinance, the following specific terms and conditions shall, by Special Exception, apply to all property in the Town of Ossipee with frontage on or over which deeded or other rights of access to public bodies of water in the Town of Ossipee are granted.

### **7.2 MINIMUM AREA**

Every lot or parcel of waterfront property to be used in common shall contain a minimum area of forty-four thousand (44,000) square feet plus three thousand (3,000) square feet for each additional dwelling unit that has water access. The area required for the beachfront; water access lot shall not be occupied by any dwelling unit. No portion of the waterfront lot may be counted to satisfy minimum lot size for construction or subdivision. (Amended March 14, 2023)

### **7.3 MINIMUM LOT DIMENSIONS**

Minimum lot dimensions for each waterfront lot shall be as follows:

#### **7.3.1. Minimum Shore Frontage**

Minimum shore frontage shall be one hundred (100) feet for the first dwelling unit to be granted access.

#### **7.3.2. Additional Dwellings**

An additional fifty (50) feet of frontage is required for each additional dwelling unit after the first unit.

#### **7.3.3. Frontage**

The same frontage may not be allocated more than once.

### **7.4 PARKING**

For each dwelling unit to be granted rights of access to the water, one (1) parking space shall be provided at the common use beach area for each such dwelling unit located more than 2 miles (by road) from the water access lot. (Amended March 14, 2023)

### **7.5 SEPARATE AREAS**

Waterfront lots may be divided into boating areas and swimming areas and must comply with standards of the State of New Hampshire and all regulations of agencies of the State of New Hampshire applicable thereto.

**7.6 SANITARY FACILITIES**

One (1) toilet facility for every twenty (20) dwelling units or portion thereof shall be provided in accordance with all applicable state and local regulations.

**7.7 RUBBISH**

A rubbish collection facility shall be provided.

**7.8 EROSION PLAN**

A detailed erosion and sediment control plan shall be submitted for all waterfront developments.

**ARTICLE VIII - SETBACKS AND BUFFERS**

**8.1 SETBACKS**

In reference to the dimension requirements of Table 2, the setback and buffer areas shall be provided as follows<sup>1</sup>:

**SETBACK AREA, INCLUDING THE SCREENING OR BUFFER AREA:**

- 8.1.1. Where land used industrially abuts any other land use..... 50 feet
- 8.1.2. Where commercial land abuts industrial land use..... 25 feet
- 8.1.3. Where land used commercially abuts a residential usage.....25 feet
- 8.1.4. Where commercial land use abuts commercial land use.....10 feet
- 8.1.5. Where roadside commercial use abuts other commercial or roadside commercial land use... .. 25 feet

<sup>1</sup> Except in the Commercial Node District, Roadside Commercial District, Corridor District, and Village District, in which case the setbacks included in Table 2 shall apply.

**8.2 GREENSPACE**

All setback areas shall be greenspace (retained natural woodland shall be the preferred greenspace) or covered with grass, shrubs or ground cover. This article shall not apply to driveways including entrance and exits but at no time can the side/rear/front setback area be used for parking or storage of items unless the items are for sale. (Amended March 2023 and March 12, 2024)

## **ARTICLE IX – DISCONTINUANCE AND EXPIRATION OF USE**

### **9.1 EXPIRATION OF APPROVAL**

If the use has not commenced within two (2) years, the approval for such use shall be null and void. (Amended March 14, 2017)

### **9.2 DISCONTINUANCE; EFFECT**

If the use is discontinued for two (2) years, said use shall be deemed abandoned.  
(Amended March 14, 2023)

## **ARTICLE X - ROADSIDE COMMERCIAL DISTRICT**

Routes 16 and 25 are natural Roadside Commercial areas. Several commercial concentrations have occurred along these routes in recent years. They have been recognized as Commercial Districts in the Zoning Ordinance. The addition of a Roadside Commercial District is to allow some continued commercial development along Routes 16 and 25, without going over the entire stretch of these highways to scattered strip development. By setting the following performance standards, the Town expects to encourage high quality commercial development that does not detract from the largely rural appearance, and which promises to eliminate the potential for conflict between commercial and abutting residential uses. (Amended March 14, 2023)

### **10.1 MINIMUM SIZE**

The minimum parcel size shall be no less than one (1) acre with a minimum road frontage of two hundred (200) feet. (Amended March 1995)

### **10.2 PARKING**

Commercial parking shall not be closer than fifty (50) feet to any adjoining property line (except as in Section 8.1.5.) The provisions are intended as minimum standards.  
(Amended March 14, 2023)

## **ARTICLE XI - CLUSTER DEVELOPMENT**

For the purpose of this Ordinance, a cluster development is a division of land into sites or lots used, or available for use, as residential building sites for single detached one family dwellings or other lawful buildings where such lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening common land.

### **11.1 PURPOSE**

The purpose of cluster development, to which purposes it must adhere are the following:

- a) To preserve the natural beauty of existing undeveloped land within the Town of

Ossipee and to encourage less intensive residential development.

b) To allow flexibility and diversity of housing opportunities, with open space areas and pedestrian and vehicular safety.

c) To maximize environmental and aesthetic protection and promote the more efficient use of land, streets and utility systems.

(Amended March 14, 2023)

## **11.2 GENERAL REQUIREMENTS**

11.2.1. The total land area included within the development shall be a minimum of (5) acres with 25% of land left for open public space. (Amended March 2023 and March 12, 2024)

11.2.2. The parcel to be subdivided shall have a minimum of two hundred (200) feet of frontage on Class V or better road and shall comply with the provisions of Article VII of this Ordinance regarding waterfront access, if applicable.

11.2.3. The cluster development shall be served by a community water and sewer system if not on the municipal water and sewer system unless the soil conditions will permit individual on-site systems.

11.2.4. Individual lots shall comply with the dimensional requirements for the Village District in accordance with Table 2 of this Ordinance.

11.2.4 (a) In all districts except the Village District the entire perimeter of the cluster development shall have a 25' green space around it.

11.2.5. All developments shall have at least one (1) entrance upon a Class I thru Class V public road and no more than one (1) entrance per eight hundred (800) feet of frontage on said public road.

11.2.6. All roads within a development shall be constructed to Town standards.

11.2.7. Pedestrian walkways shall be provided, where practical, for separation of pedestrian and vehicular traffic.

11.2.8. The area which has not been built upon shall be consolidated into open space accessible from a road and shall be held in corporate ownership by the owners within the development. (Amended March 14, 2023)

11.2.9. The open space shall be designed as an integral part of the development and used for recreation, conservation or park purposes. Such open space may be used to accommodate the community water supply and septic systems. (Amended March 14, 2023)

11.2.10. The developer shall include in the deed to the owners, beneficial rights in said open space and any use of the open space shall be for the benefit for the owners. (Amended March 14, 2023)

### **11.3 PLAN APPROVAL**

The Planning Board shall study the plan with respect to the requirements of this article and the Subdivision Regulations and approval under this article includes subdivision approval.

11.3.1. Each application for cluster development shall be accompanied by plans prepared in accordance with the specifications of the Planning Board for subdivision approval with other details as may be deemed necessary by the Planning Board.

## **ARTICLE XII - (RESERVED)**

## **ARTICLE XIII - MANUFACTURED HOME SUBDIVISIONS**

To promote a balance of housing opportunities which will meet community needs, this section is intended to provide for affordable housing and encourage the development of attractive, convenient and safe neighborhoods which harmonize with the general environment.

### **13.1 REQUIRED ACREAGE**

The total land area included within the development shall be a minimum of ten (10) acres. (Amended March 14, 2023)

### **13.2 OWNERSHIP REQUIREMENTS**

All building lots shall be individually owned.

### **13.3 SUBDIVISION REGULATIONS; APPLICABILITY**

Plans for subdivisions created for the placement of manufactured housing must comply with the requirements set forth in the Subdivision Regulations of the Town of Ossipee.

### **13.4 FOUNDATIONS**

Placement of manufactured housing on lots shall be located on permanent foundations and comply with the provisions of Article VI contained herein.

### **13.5 HUD REQUIREMENTS**

All manufactured homes installed after the passage of this Ordinance must comply with the most recent specifications and standards established by the US Department of Housing and Urban Development. (24 CFR CHXX)

### **13.6 REPLACEMENT**

Any owner of a manufactured home installed on land in the Town of Ossipee as of the date

of enactment of this Ordinance desiring to replace his present manufactured home on the same site, by the installation of a replacement manufactured home shall be permitted to do so in accordance with article 13.5. (Amended March 14, 2023)

## **ARTICLE XIV - MANUFACTURED HOME PARK**

This section is intended to promote health, safety, economic and social wellbeing, convenience and general welfare. It is further intended to secure safety from fire and other dangers, to provide adequate light and air, to prevent overcrowding on the land and to facilitate the adequate provision of water, sewerage, parks and recreation. Good civic design should encourage the proper use of natural resources and minimize the impact of potentially incompatible land uses. A manufactured home park shall be considered a subdivision and the Planning Board shall insure the plan is in compliance with the performance standards of this article.

### **14.1 LOCATION AND SIZE**

All manufactured home parks shall be in conformance with Table 1. The manufactured home park shall be a minimum of ten (10) acres and shall be graded to insure adequate and sanitary drainage of surface water and sewage. All such parks shall be in areas free of wetlands, swamps, or other potential breeding places for insects and rodents. (Amended March 14, 2023)

### **14.2 DENSITY DETERMINATION**

The land submitted for a manufactured home park shall first be submitted to the Ossipee Planning Board as a standard residential lot subdivision, complying with all subdivision regulations including, but not limited to minimum lot area (as determined by soils and slopes), road and water frontages, road layout and access to determine density. Conditional approval by the Planning Board would then be granted. Upon receiving conditional approval from the Planning Board, the applicant shall submit plans for such parcel of land for approval under the minimum manufactured home park performance standards Article 14.3. The number of manufactured home sites shall not exceed twice the number of residential lots originally approved by the Planning Board.

### **14.3 MANUFACTURED HOME PARK PERFORMANCE STANDARDS**

To receive approval, specific evidence and facts shall be shown that the plan of use and the development of all, or part, of the parcel as a manufactured home park meet the standards set forth in this article.

14.3.1. That the plan be consistent with the intent and purposes of this Ordinance to promote public health, safety and general welfare.

14.3.2. The manufactured home park grounds and appurtenant facilities shall be under single ownership but may be under such management or supervisory lease control as may be necessary to carry out the provisions of this article. The manufactured home may or may not be individually owned.

14.3.3. A greenspace of seventy-five (75) feet on all roadside boundary lines and fifty (50) feet on all other boundary lines in compliance with Article 8.2 shall be provided and maintained. (Amended March 14, 2023)

14.3.4. Utilities including electricity, community water and sewage disposal shall be provided by the Manufactured Home Park owner. NHDES and all approvals from any state agency shall accompany the application for a manufactured home park. (Amended March 14, 2023)

14.3.5. Proper connections to each manufactured home lot shall be provided for electrical, water and sewer facilities. All electrical installations shall comply with the applicable provisions of the National Electrical Code. Underground installation of all utilities is preferred. (Amended March 14, 2023)

14.3.6. Every park shall be equipped at all times with fire extinguishing equipment in good working order, or such type, size and number and so located within the park as to satisfy applicable regulations of the Fire Department.

14.3.7. An area of usable land shall be provided for recreational purposes and shall be separated and protected from automobile traffic and parking areas. No single recreation area shall contain less than five thousand (5000) square feet. The recreation area requirements of no less than five hundred (500) square feet per manufactured home site shall be set aside and maintained for the joint use of all the occupants of the park.

14.3.8. The manufactured home park shall have a maximum of two access points per development.

14.3.9. All manufactured home sites shall abut a road built to town standards which has unobstructed access to a public road. All such private roadways shall be maintained by the park owner or management. (Amended March 14, 2023)

14.3.10. The manufactured home park owner shall provide adequate individual storage buildings or common storage facilities to accommodate each site. (Amended March 14, 2023)

14.3.11. Every owner, manager, or other person responsible for the operation of the manufactured home park shall maintain a register containing a record of all mobile homes and occupants using the park. Such register shall be available to any authorized person inspecting the park. Such register shall contain:

- a) The names and permanent addresses of the owners of all mobile homes stopping in the park.
- b) The make, model, license number and other pertinent data of all manufactured homes in the park.
- c) The dates of arrival and departure of all manufactured homes.

14.3.12. A minimum of fifteen thousand (15,000) square feet shall be required for each manufactured home site and shall have a minimum road frontage of one hundred (100) feet. Water

frontage, if applicable, shall also be one hundred (100) feet.

14.3.13. Each manufactured home site shall be provided with at least four hundred (400) square feet of off-street parking space.

14.3.14. Each manufactured home shall be located on individual sites so that it is located at least thirty (30) feet from the right-of-way of the interior road and at least fifteen (15) feet from any other interior lot line of this site.

14.3.15. All manufactured homes installed after the passage of this Ordinance must meet the most recent specifications and standards established by the US Department of Housing and Urban Development. (24 CFR CHXX).

## **ARTICLE XV - RECREATION CAMPING PARK PERFORMANCE STANDARDS**

A Recreational Camping Park shall be an approved lot on which two or more tents, recreational vehicles or trailers are used as temporary living quarters for recreation or education, and a fee is charged for such land use. Planning Board approval of a Site Plan Review must be granted.

### **15.1 MINIMUM REQUIREMENTS**

The following regulations shall apply with respect to all recreational camping parks:

15.1.1. A recreational camping park shall have an area of not less than five (5) acres. The minimum area shall not include slopes greater than twenty-five percent (25%) or soils on which septic systems are not permitted. (Amended March 14, 2023)

15.1.2. A minimum of eight hundred (800) square feet shall be provided for each tent site and sixteen hundred (1600) square feet shall be provided for each vehicle campsite with no on-site sewage disposal system. Any parking area shall be a minimum of an additional two hundred (200) square feet.

15.1.3. A strip of land at least seventy-five (75) feet in width shall be maintained as a landscaped area abutting any state or town road and fifty (50) feet abutting all other perimeter recreational camping park property lines. Expansion into side and rear setbacks, not to exceed twenty-five (25) feet may be permitted by Special Exception.

15.1.4. Every recreational camping park shall have facilities for sewage disposal, meeting applicable state and local laws and regulations. The water supply source must meet all local and state regulations.

15.1.5. Each recreational camping park shall provide one (1) or more service buildings containing flush-type toilets. Separate toilet areas shall be provided for males and females in accordance with all applicable state and local laws. There shall be an average of one (1) toilet for every six (6) campsites with a minimum of one (1) toilet for males and one (1) for females. Toilet rooms shall contain one (1) lavatory with running water, for each two (2) toilets, but in no case shall any toilet room be without at least one (1) lavatory with running water.

15.1.6. Each park must maintain at least ten percent (10%) of its area as common land, exclusive of individual campsites, roadways, and sanitation areas.

15.1.7. No site shall be used as a permanent or primary residence.

15.1.8. Within campgrounds all roads shall be well drained, graveled, or hard-surfaced, and maintained in good condition. All two-way roads shall be a minimum width of twenty (20) feet traveled way, and all one-way roads shall be a minimum width of twelve (12) feet of traveled way.

15.1.9. Management quarters, recreational facilities, showers, laundry facilities and other uses and structures customarily incidental to operation of a campground are permitted as accessory uses.

15.1.10. RSA 72:7-d. Required reporting annually to the Town of Ossipee assessing official.

(a) For purposes of this chapter, recreational vehicles, as defined in RSA 216-I:1, VIII, having a valid motor vehicle registration and current number plate, having a maximum width of 8 feet and 6 inches while being transported, and located at a "recreational campground or camping park," as those terms are defined in RSA 216-I:1 VII, shall not be taxable as real estate.

(b) Annually, before April 1, each campground owner, as defined in this chapter and RSA 216-I:1, III, shall provide the local assessing officials with the name and address for each owner of a recreational vehicle at the campground, and shall identify which of such recreational vehicles at the campground currently meet the criteria described in subparagraph (a). (Added March 14, 2023)

## **ARTICLE XVI - (RESERVED)**

## **ARTICLE XVII – TELECOMMUNICATIONS**

(Added March 2001)

### **17.1 PURPOSE AND GOALS**

This article establishes general standards for the siting, construction and development of telecommunications facilities through the enhancement and fulfillment of the following specific purpose and goals which are in addition to those stated in Article I of this ordinance:

a. Further the goals, objectives and recommendations of the Ossipee Master Plan, and preserve the authority of the Town of Ossipee to regulate land uses including telecommunication facilities.

b. Provide reasonable opportunities for the siting of telecommunication facilities.

c. Reduce adverse impacts such facilities may create, including, but not limited to impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values.

d. Require cooperation and co-location to the highest extent possible between competitors where practical and consistent with goals of this Ordinance in order to reduce the cumulative negative impacts upon the Town of Ossipee.

e. Permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

f. Provide constant maintenance and safety inspections for all facilities.

g. Provide for the removal of abandoned or discontinued facilities that are no longer inspected for safety concerns and Code compliance. Provide a mechanism for the Town of Ossipee to remove such facilities to protect the public from imminent harm and danger; and

h. Provide for the removal or upgrade of facilities that are technologically outdated.

## **17.2 APPLICABILITY**

This Article applies to all construction and expansion of Telecommunication Facilities, except as provided below.

a. The following are exempt from the provisions of this Article.

(1) Emergency Telecommunication Facility. Temporary Telecommunication Facilities for emergency communications by public officials.

(2) Amateur (ham) radio services. Amateur (ham) radio services licensed by the Federal Communications Commission (see RSA 674:16).

(3) Parabolic (dish) antenna. Parabolic antenna that is accessory to a residential use of property.

(4) Maintenance, repair or reconstruction. Maintenance and repair of a Telecommunication Facility and related equipment if there is no change in the height or any other dimension of the facility.

b. Essential Services and Public Utilities. Telecommunication facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunication facilities is a use of land and is addressed by this Article.

c. Telecommunication Facilities shall be considered either a principal or a secondary non-residential use. Such facilities shall not be deemed an accessory use. A different use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

## **17.3 SITING STANDARDS**

a. Location of facilities and use generally. Applicants seeking approval for

Telecommunication Facilities shall comply with the following general criteria:

(1) If feasible, Telecommunication Facilities shall be located in or on existing structures, including but not limited to buildings, water towers, existing telecommunication facilities, utility poles and towers and related facilities, provided that such installation preserves the character and integrity of those structures. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate. Licensed carriers shall share Telecommunication Facilities and sites where feasible and appropriate, thereby reducing the number of stand-alone Telecommunication Facilities within the Town of Ossipee. All applications for Special Exception shall demonstrate a good faith effort to co-locate with other carriers. If an applicant does intend to collocate or to permit co-location, the applicant shall provide drawings and studies to both the Planning Board and Zoning Board of Adjustment which show the ultimate appearance and extent of operations. If the Zoning Board of Adjustment approves co-location for a Telecommunication Facility, the decision shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the decision shall not require further approval from the Zoning Board of Adjustment. However, the addition of any facilities not specified in the Special Exception approval shall require a new approval.

(2) If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:

(a) Substantial Evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

(b) Substantial Evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.

(c) Substantial Evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) Substantial Evidence that applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(e) Substantial Evidence that the fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(f) Substantial Evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

The applicant proposing to build a new tower shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a Condition to any Approval. This statement shall, at a minimum, require the applicant to supply available collocation for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate

with the orderly and well-planned development of the Town of Ossipee, and grounds for a denial.

b. Historic buildings. Any Telecommunications Facility located on or within an historic structure shall not alter the character defining features, distinctive construction methods, or original materials of the building.

c. Sensitive natural resources. Specific natural resource characteristics as may be present throughout the Town of Ossipee that are fundamentally incompatible with new tower construction: (1) slopes of 25% or greater, (2) wetlands, (3) deer wintering habitat areas as inventories by the New Hampshire Department of Fish and Game, (4) threatened, rare or endangered flora as determined by the New Hampshire Natural Heritage Inventory. Telecommunication Facilities shall be located and designed to avoid or mitigate impacts to the above-referenced natural resources.

#### **17.4 DIMENSIONAL REQUIREMENTS**

a. Classification of facilities. For purposes of distinguishing between different Telecommunication Facilities, the following classification shall apply:

Class 1. Antenna location or co-location on an existing structure including but not limited to a church steeple, building roof or water tower.

Class 2. Antenna location or co-location on an existing tower.

Class 3. New tower construction or tower expansion – applicable to tower facilities used primarily for purposes of establishing or improving a capacity service facility, a residential service facility or as an alternative coverage facility.

Class 4. New Tower construction or tower expansion – applicable to tower facilities used primarily for purposes of establishing a coverage service facility.

b. Height. The requirements set forth in this section shall apply only to Telecommunication Facilities and shall preempt all other height limitations required by the Town of Ossipee Zoning Ordinance.

(1) Class 1 Facilities – An antenna may be located or co-located on an existing structure (such as a building, church or water tower) which shall not project more than 10’ above the height of the building or structure.

(2) Class 2 Facilities – Antenna may be located or co-located on an existing tower which does not increase the height of the tower nor violate the terms or conditions of any previous local approval.

(3) Class 3 Facilities – The maximum tower height shall be 100 feet above ground level. Actual, permissible tower heights shall be determined on a case-by-case basis by the Zoning Board of Adjustment pursuant to the Special Exception review process.

(4) Class 4 Facilities – The maximum tower height shall be 140 feet above ground

level. Actual permissible tower heights shall be determined on a case-by-case basis by the Zoning Board of Adjustment pursuant to the Special Exception review process.

Phased Vertical Expansion – An applicant may request and/or the Zoning Board of Adjustment may require that towers be engineered to be capable of vertical expansion in phases. The general purpose of such a request or requirement shall be to provide a tower/antenna height that is initially proportionate to the tree line at the time of construction, while providing an option for future vertical expansion in a manner that is incrementally consistent with the vertical growth of the surrounding vegetation. All subsequent phases of vertical tower expansion shall be subject to the Special Exception application review process.

The review of such a subsequent application shall be limited in scope to the proposed vertical expansion as it relates to the terms and provisions of this Ordinance.

c. Setbacks. All Telecommunication Facilities and their equipment shelters shall comply with the building setback provisions of the underlying zoning district in which the facility is located.

In addition, the following setbacks shall be observed:

(1) In order to ensure public safety, the minimum distance from the base of any tower to any property line, road, dwelling, business, institution or public recreational area shall be equal to two-thirds of the height of the tower. This setback shall be known as the fall zone.

(2) In the event that an existing structure is proposed as a mount for a Telecommunication Facility, a fall zone shall not be required.

(3) In reviewing an application for Special Exception, the Zoning Board may reduce the required fall zone and/or setback distance of the zoning district up to 50% of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the Zoning Board of Adjustment shall consider both the visual and safety aspects of the proposed use.

(4) Tower Separation. No tower facility (Class 3 or Class 4) shall be located within two thousand feet (2000 ft.) of another tower facility (Class 3 or Class 4). Distance separating two facilities shall be measured as a straight, horizontal line between two points.

## **17.5 PERFORMANCE STANDARDS**

All telecommunications facilities shall be subject to the provisions of this Ordinance and the standards contained within and as applied under the Site Plan Review Regulations and other applicable ordinances and regulations.

a. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date

of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.

b. Building Codes and other safety considerations. To ensure the structural integrity of towers and antennas, the owner of the facility shall ensure that it is constructed, attached and maintained in compliance with standards contained in the local building code applicable to non-residential structures and facilities. Prior to the issuance of a Certificate of Use and Occupancy, the applicant shall submit to the Code Enforcement Officer written certification that any antenna installation or tower construction meets or exceeds the applicable codes.

c. The installation and/or construction of all Telecommunication Facilities subject to this Ordinance shall require a building permit and a Certificate of Use and Occupancy. No Telecommunication Facility shall operate prior to the issuance of a Certificate of Use and Occupancy.

## **17.6 SPECIAL EXCEPTION REVIEW PROCEDURES**

a. Application Requirements – Applications for Special Exception shall include, at a minimum, the following additional information:

(1) Written evidence that the proposed use/facility will comply with the FCC regulations regarding radio frequency exposure.

(2) Written evidence that the proposed use/facility will meet the requirements of the National Environmental Policy Act.

(3) Copies of any Environmental Assessment or Environmental Impact Statement produced in accordance with FCC or NEPA requirements.

(4) An inventory of existing towers that are within the jurisdiction of the Town and those within two miles of the Town borders, including specific information about the location, height, design as well as economic and technical feasibility for colocation. Written evidence shall be presented that no existing structure can accommodate the applicant's proposed antenna in a manner that will achieve the required technical result.

(5) Engineering information detailing the proposed size and coverage range together with the technical reasons for the facility design.

(6) A description of the tree cover on the subject property and adjacent properties by dominant species and average height, as measured by or available from a verifiable source.

(7) Representations, dimensioned to scale, of the proposed tower, antennas, equipment shelters including elevation drawings of all structures and the vegetative buffer.

(8) A visual impact assessment including before-condition photographs and after-condition photographic simulations of the proposed facility showing what can be seen from any

public viewpoint.

b. **Criteria for Special Exception.** It shall be the burden of the applicant to provide sufficient evidence to persuade the Zoning Board of Adjustment that all applicable criteria of this ordinance have been met and that the proposal does not represent unreasonable adverse impacts. An applicant's failure to satisfy the burden of proof shall result in the denial of an application. Additional factors considered in granting decisions:

- (1) Height of proposed tower or other structure.
- (2) Proximity of tower to residential development or zones.
- (3) Nature of uses on adjacent and nearby properties.
- (4) Surrounding topography.
- (5) Surrounding tree coverage and foliage.
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (7) Proposed ingress and egress to the site.
- (8) Availability of suitable existing towers and other structures as discussed in this ordinance.
- (9) Visual impacts on view sheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
- (10) Availability of alternative tower structures and alternative siting locations.

c. **Outside Technical Review.** The Zoning Board of Adjustment may retain a technical expert in the field of radio frequency engineering to review and verify technical claims made by the applicant including but not limited to the co-location findings, alternative locations and innovative design opportunities. The cost of such technical review shall be borne by the applicant.

d. **Conditions.** In approving an application for Special Exception, the Zoning Board of Adjustment may impose such conditions, as it deems appropriate to substantially secure the objectives, standards or requirements of this ordinance.

e. **Site Plan Review** by the Ossipee Planning Board is required for any proposal which includes the construction of a new tower or the construction or expansion of an equipment shelter.

f. **Joint meetings and public hearings** between the Planning Board and Zoning Board of Adjustment may be held in accordance with the provisions of RSA 676:2.

## **17.7 BONDING, SECURITY AND INSURANCE**

Recognizing the extremely hazardous situation presented by abandoned and unmonitored

towers, the Planning Board, under Site Plan review, shall set the form and amount of security that represents the estimated cost for removal and disposal of abandoned towers in the event the tower is abandoned, and the tower owner is incapable or unwilling to remove the tower. All security shall be maintained for the life of the tower. The Town as an administrative matter may periodically require the amount of the security to be adjusted to cover the then current cost of removal and disposal. Proof of adequate insurance coverage for accident or damage shall be provided for all tower facilities prior to the issuance of a Building Permit. Said proof shall be submitted to the Town on an annual basis thereafter and be placed on file for public inspection with the Selectmen's Office. Failure to maintain adequate security for removal of an abandoned tower and/or adequate insurance coverage shall invalidate the Certificate of Use and Occupancy.

## **17.8 ABANDONMENT**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of current, satisfactory inspection by a qualified person to conduct such inspection. The owner shall remove the abandoned structure within ninety (90) days of receipt of a declaration of abandonment from the Town notifying the owner of such determination. A declaration of abandonment shall only be issued following a public hearing with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within ninety (90) days, the Town shall have all necessary authority to 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.

## **17.9 DEFINITIONS**

a. ANTENNA: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

b. CO-LOCATION: The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

c. DESIGNATED HISTORIC BUILDINGS and other RESOURCES: Historic resources listed in the National Register of Historic Places or determined to be eligible for listing in the National Register, individually or as a district.

d. EQUIPMENT SHELTER: An enclosed structure, cabinet, shed or box at or near the base of the mount within which are housed electrical equipment.

e. FAA: An acronym that shall mean the Federal Aviation Administration.

f. FCC: An acronym that shall mean the Federal Communications Commission.

g. FALL ZONE: The area on the ground within a prescribed radius from the base of a facility within which there is a potential hazard from falling debris (such as ice) or collapsing material.

h. HEIGHT: for the purposes of this article shall mean the vertical measurement from a

point on the ground at the mean finished grade adjoining the foundation to the highest point of the building or structure. Measurement of tower height shall include antenna, base pad, footings and other appurtenances.

i. MOUNT: The structure or surface upon which antennas are mounted, including the following types of mounts: roof mounted (roof of building), side mounted (side of building), ground mounted and structure mounted (other than a building).

j. PLANNING BOARD: The Town of Ossipee Planning Board.

k. PRE-EXISTING TOWERS and ANTENNAS: Any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. Shall also mean any tower or antenna lawfully constructed in accordance with this ordinance.

l. TELECOMMUNICATION FACILITIES: Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile services, unlicensed services, cellular phone services, specialized mobile radio communications (SMR), and personal communications services (PCS), and common carrier exchange access services.

m. TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

n. UNREASONABLE ADVERSE IMPACT: The proposed facility would produce a result which is excessively out of character with the designated resources affected.

## **ARTICLE XVIII - SMALL WIND ENERGY SYSTEMS**

(Added March 10, 2010)

### **18.1 PURPOSE**

This Article pertaining to small wind energy systems is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672: I-III-a. The purpose of this Article is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this Article provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

### **18.2 DEFINITIONS**

METEOROLOGICAL TOWER (MET TOWER): Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this Article, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small

wind energy system.

**MODIFICATION:** Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

**NET METERING:** The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

**POWER GRID:** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

**SHADOW FLICKER:** The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

**SMALL WIND ENERGY SYSTEM:** A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption and limited to one system per lot of record.

**SYSTEM HEIGHT:** The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

**TOWER:** The monopole, guyed monopole or lattice structure that supports a wind generator.

**TOWER HEIGHT:** The height above grade of the fixed portion of the tower, excluding the wind generator.

**WIND GENERATOR:** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

### **18.3 PROCEDURE FOR REVIEW**

1. **BUILDING PERMIT:** Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. No small wind energy system shall be erected, constructed, or installed without first having a Site Plan Review with the Planning Board and receiving a building permit from the Ossipee Zoning Enforcement Officer (ZEO). A building permit shall be required for any physical modification to an existing small wind energy system.

2. **APPLICATION:** Applications submitted to the Planning Board shall contain a site plan with the following information:

- a. Property lines and physical dimensions of the applicant's property.

- b. Location, dimensions, and types of existing major structures on the property.
- c. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
- d. Tower foundation blueprints or drawings.
- e. Tower blueprints or drawings.
- f. Setback requirements as outlined in this Article.
- g. The right-of-way of any public road that is contiguous with the property.
- h. Any overhead utility lines.
- i. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
- j. Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
- k. Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
- l. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.
- m. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
- n. List of abutters to the applicant's property with three sets of address labels.
- o. Application for Site Plan Review and fees.
- p. Show that, if the system should collapse, no portion of the system shall fall across any property line.

3. **ABUTTER and REGIONAL NOTIFICATION**: In accordance with RSA 674:66, the Planning Board shall notify all abutters and the local governing body by verified mail upon application for a Site Plan Review and building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the ZEO prior to the issuance of the building permit. The ZEO shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the ZEO shall follow the procedures set forth in RSA 36:57, IV.

## 18.4 STANDARDS

1. The ZEO shall evaluate the application for compliance with the following standards.

- a. The center of the base of the tower must be 1.5 times the height of the tower from any property line, road line, or utility line.
  - i) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
  - ii) Guy wires used to support the tower are exempt from the small wind energy system setback requirements.
- b. TOWER: The maximum tower height shall be restricted to 35 feet above the potential mature tree canopy as determined by a licensed forester within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.
- c. SOUND LEVEL: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe windstorms and utility outages.
- d. SHADOW FLICKER: Small wind energy systems shall be sited in a manner that does not result in any shadow flicker impacts on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
- e. SIGNS: All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.
- f. CODE COMPLIANCE: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
- g. AVIATION: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
- h. VISUAL IMPACTS: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
  - i) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site

selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

ii) The color of the small wind energy system shall be painted with a nonreflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

iii) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

i. APPROVED WIND GENERATORS: The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

j. UTILITY CONNECTION: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A: 9.

k. ACCESS: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

l. CLEARING: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

## **18.5 ABANDONMENT**

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the ZEO by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the ZEO. “Physically remove” shall include, but not be limited to:

- a. Removal of the wind generator, tower, and related above-grade structures.
- b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

3. If an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the ZEO shall issue a Notice of Abandonment by verified mail to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the ZEO shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the ZEO shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

4. If the owner fails to respond to the Notice of Abandonment or if, after review by the ZEO, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the ZEO may pursue legal action to have the small wind energy system removed at the owner's expense.

## **18.6 VIOLATION**

It is unlawful for any person to construct, install, or operate a small wind energy system that does not comply with this Article. Small wind energy systems installed prior to the adoption of this Article are exempt from this Article except when modifications are proposed to the small wind energy system.

## **18.7 PENALTIES**

Any person who fails to comply with any provision of this Article or a building permit issued pursuant to this Article shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.

### **ARTICLE XIX - WETLANDS**

(Added March 13, 1990) (Amended March 14, 2023)

Please see **NHDES Chapter 482-A: FILL AND DREDGE IN WETLANDS**

### **ARTICLE XX - WATER RESOURCE PROTECTION DISTRICTS**

(Added March 14, 1989)

The purpose of the Water Resource Protection Districts is to protect public health by preventing contamination of both current and future ground and surface water resources capable of providing water to the Town of Ossipee, New Hampshire, in accordance with the authority of RSA 674:21.

## **20.1 ESTABLISHMENT OF DISTRICT**

The Water Resource Protection Districts are herein established as overlay districts. The Water Resource Protection Districts include the Watershed Recharge area of Dan Hole Ponds, the

community water supplies, and the stratified drift material as delineated in the U.S. Geological Survey report, “Geohydrology and Water Quality of Stratified Drift Aquifers in the Saco and Ossipee River Basins, East-Central New Hampshire,” USGS Water Resources Investigations Report 95-4182, or subsequent USGS revisions. The Water Resource Protection Districts are described on an official map entitled “Water Resource Protection Districts, Town of Ossipee, New Hampshire” located in the Ossipee Town Hall and on file with the Town Clerk. (Amended March 10, 2015)

Where the bounds of the Water Resource Protection Districts are in doubt or dispute, as delineated on the Water Resource Protection Districts map, the burden of proof shall be upon the owner of the land in question to show where they should properly be located. At the request of that landowner(s), the Town may engage a professional hydrogeologist to determine more accurately the location and extent of the recharge area and may charge the owner for the cost of the investigation.

## 20.2 USE REGULATIONS

Within the Water Resource Protection Districts, the permitted uses in Table 1 and dimension requirements of Table 2 of the underlying districts continue to apply. A special use permit (SUP) is required even where the underlying district requirements are more permissive. Where there is no entry to this section, the underlying district controls. (Amended March 14, 2023)

### 20.2.1. Principal Uses (Amended March 14, 2023)

- a) Manufacture, storage, transport, use or disposal of hazardous materials as a principal activity..... SUP
- b) Sanitary landfill, septage lagoon, wastewater treatment facility for municipal or industrial wastes. .... SUP
- c) Junkyard, salvage yard. .... SUP
- d) Road salt stockpile in excess of 6 cubic yards..... SUP
- e) Truck terminal with more than ten (10) trucks. .... SUP
- f) Gasoline station, car wash, auto repair, auto body. .... SUP

### 20.2.2. Accessory Uses (Amended March 14, 2023)

- a) Underground storage of hazardous materials, fuel oil, or gasoline. .... SUP
- b) Hazardous materials storage, above ground for commercial use..... SUP
- c) Any use generating hazardous wastes for commercial use..... SUP

### 20.2.3. Other Uses (Amended March 14, 2023)

- a) Mining Operations, including sand and gravel operations.....SUP
- b) Animal feed lots, manure storage lots.....SUP
- c) Rendering impervious more than twenty percent (20%) of the total lot area,

regardless of size.....SUP

- d) Any use retaining less than thirty percent (30%) of total lot area in its natural vegetative state .....SUP

**20.3 SPECIAL USE PERMIT GRANTING AUTHORITY**

Pursuant to RSA 674.21, this innovative zoning shall be administered by the Planning Board which shall be the Special Use Permit Granting Authority (SUPGA). Such Special Use Permit shall be granted if the Planning Board determines that the intent of this regulation as well as the specific criteria of 20.5 is met. In making such determination, the Planning Board shall consider the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed. The Planning Board shall explain any departures from the recommendations of other town agencies in its decision.

20.3.1. The completed application for a Special Use Permit shall be submitted to the Planning Board at a regularly scheduled meeting and accompanied by a site plan drawn to an indicated scale and showing the location and dimensions of all significant structures and uses present and proposed. A reasonable fee established by the Planning Board may be required to accompany the application to cover processing costs. The Planning Board shall hold a public hearing within thirty (30) days of acceptance of a completed application, and shall cause notice of date, time, and place of such hearing to be given to the applicant, abutters, and all property owners within two hundred (200) feet of the boundaries as determined by the Ossipee GIS mapping service and to be published in a newspaper of general circulation in the municipality, the date of the first publication to be at least ten (10) days prior to the hearing. (Amended March 14, 2023)

20.3.2. The Planning Board shall, within thirty (30) days of a public hearing or within sixty (65) days of accepting a completed application, or within such other time limit as may be otherwise mutually agreed to issue an order denying or granting approval of the application. Both the approval and the denial of an application for a Special Use Permit by the Planning Board shall be in writing and shall state the reasons for that decision. The Planning Board may impose such additional permit conditions as it finds reasonably appropriate to serve the purpose of this Ordinance.

20.3.3. Upon acceptance of the completed Special Use Permit application, the Planning Board shall transmit one copy each to the Board of Selectmen, Fire Department, Zoning Board of Adjustment, and Conservation Commission for their written recommendations.

Failure to respond within thirty (30) days shall indicate approval of said agencies. The copies necessary to fulfill this requirement shall be furnished by the applicant.

20.3.4. The Planning Board may engage such professional assistance, as it requires to assist in the evaluation of the Special Use Permit application prior to making a determination and may charge the owner(s) or agent for all or part of the evaluation.

**20.4 PERMIT AMENDMENT**

If adherence to the permit conditions cannot be maintained, the owner shall apply to the Planning Board for a permit amendment. An application shall be completed and submitted to the Planning Board in the manner provided in Article 20.3 of this Ordinance.

## **20.5 SPECIAL USE PERMIT CRITERIA**

Special Use Permits under 20.3 shall be granted only if the Planning Board determines, in conjunction with comments and recommendations of the other agencies specified therein, that ground and surface water quality resulting from on-site wastewater disposal or other operations on-site shall not fall below federal or state standards for drinking water, or, if existing ground and surface water quality is already below those standards, on-site disposal or operations shall not be more deleterious to any existing, proposed or likely improvement programs or proposals.

20.5.1. In considering an application for a Special Use Permit, the Planning Board shall evaluate the immediate and long-range impact of the proposed use on the ground and surface waters and the possible effects of the proposed use upon the maintenance of safe and healthful conditions. The Planning Board may request the Conservation Commission to review any proposal and make recommendations.

20.5.2. In making such a determination, the Planning Board shall consider the following: the amount and type of waste to be generated by the proposed use and the adequacy of the proposed disposal system, the capability of the land and water to sustain use without degradation, the topography and drainage of the proposed site, susceptibility to flooding, and evaluation of information submitted in accordance with the provisions of Articles 20.6 and 20.7.

20.5.3. The Planning Board in approving an application for a Special Use Permit may impose such reasonable conditions concerning the location and site of waste disposal area, the quantity of potential pollutants to be permitted on site within a Water Resource Protection District, and like matters, as it deems advisable in order to protect the quality of the groundwater.

## **20.6 SUBMITTALS**

An application for a Special Use Permit shall include a site plan indicating the following information:

20.6.1. All proposed subsurface disposal of waste materials.

20.6.2. Proposed excavations and/or earth moving operations which alter the slope or composition of the soil.

20.6.3. Proposed methods of conveying water from roads, and paved surfaces.

20.6.4. Any proposed diversion of ground or surface waters on or adjacent to the site.

20.6.5. A surface drainage plan which considers the kind and extent of contaminants that may be carried off in surface runoff. The plan should also specify the methods, such as holding basins, oil and grease skimmers and filters that will be used to protect the groundwater from surface

runoff. The plan should show evidence that runoff will be recharged on site by diversion towards areas covered with vegetation for surface infiltration to the maximum extent possible. Dry wells shall be used only where other methods are not feasible and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.

## **20.7 OTHER INFORMATION**

In addition to the site plan, the Planning Board may require all or some of the information listed below, at its discretion, to be submitted as per Section 20.3:

20.7.1. A complete list of all chemicals, pesticides, fuels, or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers or facilities from vandalism, corrosion, and leakage, and to provide for the control of spills.

20.7.2. A description of all potentially hazardous wastes to be generated, including provisions for storage and disposal methods as described in subsection 20.7.1 above.

20.7.3. For above ground storage of hazardous materials and wastes, evidence of qualified professional supervision of design and installation of such storage facilities or containers.

20.7.4. For mining operations, including sand and gravel operations, such excavation or mining activity shall be in compliance with the Town of Ossipee Earth Excavation and Restorations Regulations.

20.7.5. For manure storage, evidence of qualified professional supervision of design and installation of such storage facilities and a description of the measures proposed to prevent leaching and vandalism.

## **ARTICLE XXI - ACCESSORY DWELLING UNITS**

(Added March 14, 2017) (Amended March 14, 2023)

Where permitted, an accessory dwelling unit shall comply with the following:

21.1. A maximum of one (1) Accessory Dwelling Unit (“ADU”) per property is permitted either attached or detached. An ADU shall be permitted on a property where two primary dwelling units exist.

21.2. Exterior alterations, enlargements, or extensions of the single-family dwelling or detached accessory structure are permitted in order to accommodate the accessory dwelling unit.

21.3. An ADU shall have an area no larger than twelve hundred (1,200) sq. ft.

21.4. A minimum of one dedicated off-street parking space shall be provided for each bedroom in the ADU.

21.5. (Deleted March 2022.)

21.6. The property owner/s must occupy one of the two dwelling units.

21.7. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced. (Per RSA 674:72 V and any future amendments.) (Amended March 2022.)

## **ARTICLE XXII – SHORT TERM RENTALS** **(Added March 12, 2024)**

### **PURPOSE**

The purpose of the Town of Ossipee Short-Term Rental Ordinance is to allow Short-Term Rentals (STR) in all districts, as allowed by the Ossipee Zoning Ordinance, for the benefit of both the homeowners and visitors to our community, while ensuring safety and minimizing neighborhood disruption resulting from this type of business activity.

### **22.1 DEFINITION**

A Short-Term Rental unit is defined as any individually or collectively owned single family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home, that is offered for a fee for less than 30 consecutive days, and that is not considered a commercial tourist accommodation per RSA 48-A:1. **Exclusions:** campers, camping trailers and tents do not meet this definition and shall not be rented as a STR.

### **22.2 PERMIT REQUIRED:**

On or before [March 12, 2024], all Short Term Rental units must have a permit with the Town. An application form is available at [www.ossipee.org](http://www.ossipee.org) or at the Town Hall. An application signed by the Selectboard designee shall constitute a Short Term Rental Permit.

The permit will be valid for a 2-year period beginning the first morning after the Selectmen's approval. Re-application with safety inspection by the Zoning Officer/Building Inspector must be completed prior to permit expiration.

**22.3 FEE:** The permit fee to register the property as a Short Term Rental with the Town is per the Board of Selectmen's Fee Schedule.

### **22.4 TERMS:**

22.4.1. A short-term rental must be permitted with the town.

22.4.2. Maximum number of guests shall be limited by the number of bedrooms as determined by the Town Tax Card and NHDES approved septic design, maximum limit of (2) people per bedroom plus (2) additional people per property.-

22.4.3. The homeowner of a Short Term Rental unit must provide proof of a current NH Rooms and Meals Tax license ID number.

22.4.4. Removal of trash.

22.4.5. Ensuring that occupancy limits are not exceeded;

22.4.6. Any other site-specific conditions imposed as part of the approval.

22.4.7. A short-term rental may not be established until a permit to operate a short-term rental has been issued by the Zoning Officer. The property owner shall submit a STR Permit Application to operate a short term rental to the Zoning Officer. The proposal shall be reviewed for compliance with all Building, Fire, and Safety Codes. Site plan review is not required for a short-term rental.

22.4.8. Safety Inspection Required

22.4.9. Permits are not transferable. If the property is sold, the new owner shall obtain a permit before any STR occur on the property.

22.4.10. Signage is restricted to following the Ossipee Sign Ordinance.

22.4.11. All vehicles shall be parked on the property and in designated parking areas.

22.4.12. Guests must comply with town ordinances and state laws at all times.

22.4.13. Within 30 days of the date of the Selectmen's decision to approve or deny an application for a Short Term Rental, an aggrieved party may file an appeal in writing with the Board of Selectmen, requesting that the Selectmen reconsider their decision and setting forth the reasons why reconsideration would be appropriate. If such an appeal is timely filed by an aggrieved party, the Selectmen shall schedule the appeal for a public hearing within 45 days upon receipt pursuant to RSA Chapter 43.

22.4.14. Short Term Permit (STR) shall be displayed at the main entrance to the structure visible to the occupants.

## **22.5 SAFETY INSPECTION:**

The Zoning Officer and Building Inspector shall conduct a safety inspection on all Short Term Rentals prior to the issuance of a permit. The inspection process shall include the following:

22.5.1. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.

22.5.2. Windows and/or doors designated for emergency egress are maintained and in operational order.

22.5.3. No basement space shall be used as a sleeping area unless there are two means of egress that are properly sized windows and/or doors conforming to the NH State Fire Code and NH State Building Code.

22.5.4. A functional fire extinguisher is visibly installed in any kitchen area.

22.5.5. Hand rails, and railings conforming to the NH State Fire Code and NH State Building Code.

22.5.6. Upon a complaint the Town may conduct an interior inspection at any time with 24 hours' notice.

22.5.7. **Exceptions:** Existing homes will not be required to upgrade their egress windows in accordance with IRC or IBC Building Code Standards. Older homes that are not compliant with today's codes shall be compliant as determined by the Town tax card and/or approved septic design.

## 22.6 PROHIBITIONS

22.6.1. **INCIDENTAL CAMPING:** A STR permit allows use of the primary residence on a lot only and does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.

22.6.2. **SUBLETTING:** Guests are prohibited from subletting a short-term rental. Only owners with a valid STR permit may advertise and rent a primary residence on a lot as a short-term rental.

22.6.3. **SPECIAL EVENTS:** Short-term rental property shall not be used for special events.

## 22.7 ENFORCEMENT:

Short Term Rentals permitting and inspection process will be inherently through the Zoning Enforcement Officer in accordance with Ossipee zoning ordinance. The code enforcement officer has the authority per RSA 676:17, to impose fines upon the owner of any unpermitted or a violation of a Short-Term Rental zoning ordinance or other Ossipee zoning ordinances. Upon a complaint the Town may conduct an interior inspection at any time with 24 hours' notice. [date]:

## 22.8 REVOCATION

22.8.1. The Board of Selectmen, or their designee, may revoke a permit for any Short-Term Rental unit upon notice by the town's Health Officer, Police Chief, Fire Chief, or Code Enforcement Officer that the dwelling is in violation of any conditions.

22.8.2. Revocation for violations of guests causing a nuisance to neighboring properties or the public will require a minimum of three incidents within one year, validated by any sworn law enforcement officer with jurisdiction, with documentation of notification of the contact person. Any owner found to be operating a Short-Term Rental after revocation of the permit shall be fined

according to Town standards.

22.8.3. If a permit is revoked, the owner may appeal the decision to the Board of Selectmen within 30 days of the date of revocation, and the Selectmen shall hold a public hearing on the appeal within 45 days and either affirm the revocation or overturn the revocation. If the revocation is overturned, the Selectmen can impose conditions upon the reinstatement of the permit.

## **ARTICLE XXIII - NON-CONFORMING STRUCTURES, LOTS AND USES**

This Ordinance is intended to regulate land uses so areas will contain compatible uses on adequate lots with proper structures. The Ordinance shall be administered so that deleterious effects of non-conforming lots, buildings, and uses shall be reduced and eventually eliminated.

### **23.1 NON-CONFORMING LOTS**

A lot is not contiguous to another lot owned by the same party that has less than the prescribed minimum area or frontage, may be built upon provided that all other regulations of this Ordinance are met and that lot, before the adoption of the requirements which have made it non-conforming:

- a) was lawfully laid out by plan or deed duly recorded in the Carroll County Registry of Deeds, or
- b) was shown as a subdivision plan approved before 1988 under the Subdivision Regulations of the Town of Ossipee, or
- c) was otherwise exempt from such regulations by the provisions of statute, and provided that such lot conforms to the area and frontage requirements of the Zoning Ordinance applicable at the time of said recording or approval.

23.1.1. A pre-existing lot, as described in 23.1 above, which does not conform to the minimum area and/or frontage standards in Table 2 may be built upon and shall conform to all other provisions of this Ordinance, provided that approval for the design of an on-site sewage disposal system is obtained from the New Hampshire Water Supply and Pollution Control Division.

23.1.2. Non-conforming adjoining lots of less than one (1) acre under the same ownership shall only be developed with such adjacent lot.

### **23.2 NON-CONFORMING USES**

If a lawful use exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the Zone under terms of this Ordinance, said use may be continued, so long as it remains otherwise lawful and subject to the other provisions of this Section.

23.2.1. DISCONTINUED USE: If a non-conforming use is discontinued for two (2) years or superseded by a conforming use, it shall thereafter conform to the requirements of the

zone and the non-conforming use may not be resumed. (Amended March 10, 2020)

23.2.2. SUPERSEDING, NON-CONFORMING USE: A non-conforming use may not be superseded by another non-conforming use.

23.2.3. EXPANSION: A non-conforming use may be expanded within the limits of the property by Special Exception under Article 26.2 provided, the unity of the use is retained, and other requirements of the Zone are complied with.

### **23.3 NON-CONFORMING STRUCTURES AND USES**

If a lawful structure or use exists before this Ordinance is effective, which does not comply with the requirements contained herein, it may remain subject to the other provisions of this Ordinance. (Amended March 2006)

23.3.1. REPAIRS: Normal repairs, renovations, and maintenance may be made to any non- conforming structure. (Amended March 2006)

23.3.2 A NON-CONFORMING STRUCTURE: May be expanded or altered, provided that the expansion or alteration is compliant with the current setbacks and height restrictions within the Zoning Ordinance. If the proposed expansion or alteration, will not be compliant with the current setbacks and/or height restrictions, a non-conforming structure may be expanded or altered by Special Exception under Article 26.2, as the business or conditions warrant, providing, however, that such expansion or alteration does not make a conforming structure non-conforming or a non- conforming structure more non-conforming. (Amended March 9, 2021).

23.3.3 A NON-CONFORMING USE: The volume, intensity, or frequency of the nonconforming use (such as adding more tables to a restaurant) may be increased provided there is no substantial change in the use's effect on the neighborhood. However, expansion of the non-conforming use shall not be allowed (such as expansion of the non-conforming use into another part of the building which had not previously been used in a non-conforming manner). (Added March 2006)

23.3.4. GENERAL SAFETY: Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any building or part thereof upon order by any public official charged with protecting public safety.

## **ARTICLE XXIV - ADMINISTRATION, ENFORCEMENT AND PENALTY**

### **24.1 ADMINISTRATION**

The Ossipee Board of Selectmen is the final authority in administration and enforcement of this Ordinance. The Board of Selectmen shall appoint a Zoning Enforcement Officer whose duty it shall be to represent the Board of Selectmen in administering and enforcing this Ordinance. The appointment of a Zoning Enforcement Officer does not supersede the Board of Selectmen's authority or obligation.

### **24.1.1 BUILDING AND ZONING PERMITS**

(Added March 1995; Amended March 2006, 2010, 2018, 2023, 2024)

a) The issuance of a permit by the Town Authority (Zoning Enforcement Officer or Building Inspector) is required prior to the placement, commencement of construction or modification of any structure within the Town of Ossipee except for detached accessory structures of 120 Sq. ft. or less, and a maximum height of 12 ft. fences 7ft. and under, general repairs that do not involve structural repairs or changes.

b) Fee: See building permit fee schedule

c) Permits are valid for one year and can be extended at the discretion of the zoning officer for one additional year only.

d) Permits may be revoked if the permit is not acted upon within 180 days or the zoning officer determines that the project is unsafe or is in violation of the state building code.

e) If there is a known zoning violation, no new building permit shall be issued.

### **24.2 TECHNICAL STUDIES AND SURVEYS**

The Board of Selectmen, Zoning Enforcement Officer, Zoning Board of Adjustment and/or 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 will be borne by the applicant and/or appellant.

### **24.3 INSPECTIONS**

The Board of Selectmen or its Zoning Enforcement Officer shall make inspections, as appropriate to ensure conformity with the provisions of this Ordinance.

### **24.4 ENFORCEMENT**

Upon any well-founded information that this Ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce the provisions of same by seeking an injunction in the Superior Court, or by any other legal and appropriate action, however, failure to do so will not constitute a waiver of the Town's right to take such action.

### **24.5 PENALTIES**

RSA 676:17 Fines and Penalties; Second Offense. –

I. Any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that

such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a separate offense.

24.5.1. The Town may, in addition to other remedies, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, or abate any violation. If the Town prevails in any legal actions brought, hereunder it may recover reasonable attorney's fees and its costs, including but not limited to inspection fees, expert fees and investigatory expenses. Additionally, the Court may order, as an additional civil penalty, restitution for any public funds expended which are not otherwise reimbursed hereunder. Further and alleged violator may be required to post bond, pursuant to RSA 676:17 IV.

## **ARTICLE XXV - BOARD OF ADJUSTMENT**

### **25.1 TERM, MEMBERSHIP, AUTHORITY AND DUTIES**

In accordance with the provisions of RSA, 673:3 will elect a five-member Zoning Board of Adjustment. The Zoning Board of Adjustment members who are elected shall be elected for the term provided under RSA 673:5. The terms of appointed members of the Zoning Board of Adjustment in the municipalities in office on the effective date of an affirmative decision to elect such board members shall not be affected by the decision. However, when the term of each member expires, each new member shall be elected at the regular municipal election for the term provided under RSA 673:5. Purpose: To enhance participation of people in Town affairs, to represent a broad spectrum of residents. (Amended March 8, 1994)

### **25.2 POWERS AND DUTIES**

The Board of Adjustment shall have the powers assigned to it by RSA 674:33 and any other powers assigned by Ordinance and is the final authority in the interpretation in keeping with the purpose and intent of this Ordinance. The Board of Adjustment shall:

25.2.1. Notify the Planning Board, the Board of Selectmen and other relevant Town Boards at least two (2) weeks prior to taking action on Special Exceptions, Variances and Appeals.

25.2.2. Consider appeals brought by any person aggrieved or by any officer, department, board or commission of the municipality affected by any decision of the town officials, in the manner prescribed by RSA 676:5 as amended, within the time limit set by the Board of Adjustment according to said statute. The Board of Adjustment may reserve or affirm, wholly or in part, or may modify the decision, and to that end shall have all the powers of the official or board from whom the appeal is taken. All costs and fees shall be paid by the person making the appeal at the time of application.

25.2.3. Grant Special Exceptions to the Zoning Ordinance under the conditions and procedures described in Article XXVI.

25.2.4. Grant Variances to this Zoning Ordinance under the conditions and procedures described in Article XXVII.

25.2.5. No Variance or Special Exception may be granted for premises on which outstanding violations of this Ordinance exist unless the effect of such a Variance or Special Exception would be to remedy all such violations.

### **25.3 PROCEDURES**

The Board of Adjustment shall conform to the provisions of RSA 676 and this Ordinance.

25.3.1. BYLAWS: The Board of Adjustment shall adopt rules governing its proceedings pursuant to requirements of RSA 676:1.

25.3.2. JOINT MEETINGS: The Board of Adjustment may hold joint meetings with other Town Boards and Commissions as provided in RSA 676:2.

25.3.3. MEETINGS AND HEARINGS: Meetings of the Board of Adjustment and public hearings on appeals being heard by the Board shall be held as required by the bylaws of the Board. The concurring vote of three (3) members shall be necessary to decide in favor of any appeal or to reverse any action appealed from (RSA 674:33 III). Notice of public hearing shall be given not less than five (5) days before the hearing date, by verified mail, as defined in RSA 451-C:1, VII to the appellant, abutters, and all property owners within two hundred (200) foot radius of the boundaries and by placing notice in a newspaper of general circulation, as required by RSA 676:7, (b), and also be provided to the Board of Selectmen, Zoning Enforcement Officer and other Town Boards and Commissions. Cost of giving notice shall be borne by the person at the time of application. The Zoning Enforcement Officer, unless prevented by good cause, shall attend all hearings and shall present to the Board of Adjustment all plans, photographs or other factual material which is appropriate to an understanding of the appeal. (Amended March 12, 2019)

25.3.4. REFERRAL TO PLANNING: The Board of Adjustment may, before taking final action on any matter, refer it to the Planning Board for review and recommendation. Where the approval of the Planning Board is required under this Ordinance, the Board of Adjustment shall, before taking final action on any matter, refer it to the Planning Board for review and recommendation. The action of the Planning Board shall be reported to the Board of Adjustment within thirty (30) days of such referral. Any recommendation received from the Planning Board shall be disclosed at the public hearing and shall become a part of the record of the matter.

25.3.5. NOTICE OF DECISION: The Board shall issue a final written decision with all reasons and conditions set forth for the record on each appeal heard. If the appeal is not approved, the decision shall state the reasons for disapproval (RSA 676:3 I). The decision shall be placed on file with the Board's Office and shall be made available for public inspection within 5 business days of such vote. (RSA 676:3 II). In addition, a copy of the decision shall be given to the appellant, Board of Selectmen, Zoning Enforcement Officer, and other Town Boards and Commissions and shall be published in local newspaper. (Amended March 12, 2019)

25.3.6. REHEARINGS: Within thirty (30) days after any order or decision of the Board of Adjustment, any party to the action or any person directly affected may apply for a rehearing, as provided in RSA 677:2. (Amended March 12, 2019)

a) MOTION FOR REHEARING: A motion for rehearing shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. The Board of Adjustment shall within thirty (30) days after a motion for rehearing is filed, either grant or deny the motion or suspend the order or decision complained of pending further consideration (RSA 677:3 II). The Board's decision to grant or deny a rehearing may be made at a regular or special meeting. (Amended March 12, 2019)

b) REHEARING PROCEDURE: If a motion for rehearing is granted, the procedure for public notice and for conduct of the rehearing shall be the same as for the original hearing, except that the Board may limit the rehearing to consideration of the grounds set forth in the motion for rehearing.

## **ARTICLE XXVI - SPECIAL EXCEPTIONS**

Certain uses, structures or conditions are enumerated in this Ordinance as Special Exceptions. The Board of Adjustment shall review the application to ensure that the proposed use meets the general purpose and intent of this Ordinance so as to affect the orderly and harmonious development of the District.

### **26.1 APPLICATION PROCEDURE**

Before application for a Special Exception is made, a preliminary plan or site plan shall have been presented to the Zoning Enforcement Officer for review and comment to determine how the proposal relates to the overall zoning objectives. The proposal may also receive comments from the Selectmen, the Planning Board, Road Agent, Fire Department and Conservation Commission.

26.1.1. The applicant shall submit to the Zoning Board of Adjustment the completed application and five (5) full size copies of plans for the proposed development or change in use of the site and other pertinent information that is necessary to determine that the proposed use meets the requirements and spirit and intent of this Ordinance. (Amended March 12, 2019)

26.1.2 The completed application, including the list of names of abutters and all property owners within two hundred (200) feet of the boundaries and addresses, and all applicable fees shall be submitted to the Zoning Board of Adjustment.

26.1.3. An incomplete application will not be formally accepted by the Board nor will notices of a public hearing be posted, published or mailed.

26.1.4. Before reaching a decision under this Article, members of the Board may view the subject area. Said viewing shall be noted in their records.

26.1.5. If the Board finds that the requirements of Section 26.2 contained herein have been met, it shall issue a written Building and Use Approval. In approving a Special Exception, the Board may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this Ordinance. Informational copies shall be sent to the Selectmen, the Planning Board, and Zoning Enforcement Officer.

26.1.6 The expiration of an approved special exception by the Zoning Board of Adjustment shall be in accordance with RSA 674:33 I-a as revised. (For informational purposes, the text of RSA 674:33, IV as of March 2014, modified for inclusion in this Ordinance, is as follows): Special Exceptions approved by the Zoning Board of Adjustment shall be valid if exercised within 2 (two) years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such special exception shall expire within 6 (six) months after the resolution of a planning application filed in reliance upon the special exception.

All special exceptions that were approved before August 19, 2013 and that have not been exercised are terminated, provided:

- a. the planning board posts notice of the termination in the town hall,
- b. the notice is posted for one year,
- c. the notice prominently states the expiration date, and
- d. the notice states that special exceptions authorized before August 19, 2013 are scheduled to terminate but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause. (Amended March 11, 2014 and March 9, 2021)

26.1.6. If the Board finds that the application fails to satisfy the requirements of Section 26.2, contained herein, it shall deny approval, stating in writing the reasons for its action. Informational copies shall be sent to the Selectmen, the Planning Board and the Zoning Enforcement Officer.

## **26.2 REQUIREMENTS FOR SPECIAL EXCEPTIONS**

Before granting a Special Exception, the Board of Adjustment shall determine that the proposal is found to be in compliance with the following requirements and other applicable requirements as set forth in this Ordinance.

26.2.1. That the use is a permitted Special Exception as set forth in Table 1 hereof or elsewhere in this Ordinance. (See Article 6.2).

26.2.2. That the use is so designed, located and proposed to be operated that the public health, safety, welfare, and convenience will be protected.

26.2.3. That the specific site is appropriate for the proposed use or structure.

26.2.4. No factual evidence is found that the property values in the district will be reduced, due to incompatible land use, by such use.

26.2.5. Adequate and appropriate facilities and parking will be provided for the proper operation of the proposed use or structure, as required herein.

26.2.6. There will be no undue nuisance or serious hazard to pedestrian or vehicular traffic.

26.2.7. The proposed use shall not violate the provisions of Article IV and V of this Ordinance.

26.2.8. There is no valid objection from the abutters based on demonstrable fact.

26.2.9. The applicant for a Special Exception shall, as a condition of the Special Exception, obtain Planning Board approval of the site plan, if required by site plan review regulations.

## **ARTICLE XXVII – VARIANCES**

A Variance is a relaxation or setting aside, in a specific case, of certain specified terms of this Ordinance. In accordance with RSA 674:33, I (b), the Board of Adjustment may grant in specific cases such Variances as will not be contrary to the public interest if owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed, and substantial justice done.

### **27.1 SPECIAL REQUIREMENTS**

(Amended March 11, 2014)

The Zoning Board of Adjustment may authorize a Variance where the applicant meets all requirements of RSA 674:33 as revised. (For informational purposes, the five main criteria for a variance as contained in RSA 674:33, I (b) as of March 2014 are as follows):

- 27.1.1 The variance will not be contrary to the public interest.
- 27.1.2 The spirit of the ordinance is observed.
- 27.1.3 Substantial justice is done.
- 27.1.4 The values of surrounding properties are not diminished; and
- 27.1.5 Literal enforcement of the provision of the ordinance would result in an unnecessary hardship.

### **27.2 ADMINISTRATIVE PROCEDURES**

The Board shall consider granting Variances from this Zoning Ordinance by the following administrative procedures.

27.2.1. An owner of a parcel of land who wishes to use said parcel in a manner not permitted by this Ordinance, shall submit an application to the Zoning Board of Adjustment identifying the parcel and describing the proposed use, substantially in the manner required for Special Exceptions under Article XXVI.

27.2.2. Before applying for a Variance, appellant shall submit to the Board of Adjustment a determination that the proposed use is not permitted without a Variance. This determination may take any of the following forms:

- a) A building permit denial;
- b) A notification in writing from the Planning Board that it lacks jurisdiction to

grant a site plan or subdivision approval;

c) A notification in writing from the Selectmen, Zoning Enforcement Officer, or other cognizant town board or official that the proposed use does not conform to the Ordinance.

### **27.3 APPLICATION DISPOSITION**

The Zoning Board of Adjustment may approve, approve with conditions, or deny applications for Variances. All reasons and conditions must be set forth for the record. Informational copies shall be sent to the Selectmen, the Planning Board, and the Zoning Enforcement Officer.

### **27.4 EXPIRATION OF APPROVAL**

(Amended March 11, 2014 and March 9, 2021)

The expiration of an approved variance by the Zoning Board of Adjustment shall be in accordance with RSA 674:33, I-a as revised. (For informational purposes, the text of RSA 674:33, I-a as of March 2014, modified for inclusion in this Ordinance, is as follows):

Variances approved by the Zoning Board of Adjustment shall be valid if exercised within 2 (two) years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such variance shall expire within 6 (six) months after the resolution of a planning application filed in reliance upon the variance.

The Zoning Board of Adjustment shall note the expiration date for such variance on the approval, but the failure to note the expiration date shall not extend or render the expiration date void or voidable.

All variances that were approved before August 19, 2013 and that have not been exercised are terminated, provided (a) the planning board posts notice of the termination in the town hall, (b) the notice is posted for one year, (c) the notice prominently states the expiration date, and (d) the notice states that variances authorized before August 19, 2013 are scheduled to terminate but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause.

## **ARTICLE XXVIII – APPEALS**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the town officials, in the manner prescribed by RSA 676:5, as amended, within the time limit set by the Board of Adjustment according to said statute. The cost of advertising and costs of mailing and the notices of a hearing shall be paid by the person making the appeal at the time of application.

## **ARTICLE XXIX - NOTIFICATION OF OTHER TOWN BODIES**

The Board of Adjustment shall notify the Planning Board, the Board of Selectmen and other relevant town bodies at least two (2) weeks prior to taking action on Special Exceptions, Variances and Appeals.

## **ARTICLE XXX - RELATIONSHIP TO EXISTING ORDINANCES**

Nothing contained in this Ordinance shall be construed as repealing or modifying any other Ordinance or regulation of this town, except as may be specifically repealed or modified by this Ordinance but shall be in addition thereto.

### **30.1 MORE RESTRICTIVE PROVISION CONTROLS**

Whenever the provisions of this Ordinance differ from those prescribed by any statutes, other Ordinance, or other regulation or restriction, that provision which imposes greater restriction, or the higher standard shall apply.

### **30.2 SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not, in and of itself, invalid or unconstitutional.

### **ARTICLE XXXI - (RESERVED)**

### **ARTICLE XXXII - (RESERVED)**

### **ARTICLE XXXIII – DEFINITIONS**

(Amended March 2024)

For the purpose of this Ordinance, certain terms or words herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular includes the plural.

The word “person” includes a corporation, as well as an individual.

References to the male gender includes the female gender.

The word “lot” includes the word “plot” or “parcel”.

The term “shall” is mandatory; “may” is permissive.

The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, designed to be used or occupied”.

In this Ordinance, the following terms have the following meanings:

**ABUTTER**: Any property owner whose property is located in New Hampshire and adjoins the boundaries or is directly across the street or stream from the land under consideration. For the purpose 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.

**ACCESSORY BUILDING**: A subordinate building incidental to and on the same lot occupied by the main building or use.

**ACCESSORY DWELLING UNIT**: A secondary dwelling unit (a) attached and subordinate

to a single-family dwelling or (b) detached and subordinate to a single-family dwelling. (Added March 14, 2017)

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building or located on the same lot with such principal use.

AGRICULTURE: Agriculture shall mean cultivating the soil, producing crops, and raising livestock or poultry, exclusive of home gardens.

ALLOWED OCCUPANCY: Is the number of guests allowed in a permitted STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental Services Subsurface Division for septic capacity plus two. Number of beds in the STR is not the measure of allowed occupancy.

AMUSEMENT DEVICE: A mechanical device which is operated by the public through the insertion of a coin, token, slug or plate, or the paying of a consideration for the general purpose of a game, entertainment or amusement. Such devices may include but are not limited to pinball machines, pool tables, electronic and/or video games, gaming devices or children's rides. Such devices shall not include pay telephones, cigarette machines, newspaper, food, beverage or product dispensing machines.

BED & BREAKFAST: See Lodging House.

BUILDING: Any structure having a roof and intended for shelter, housing or enclosure of persons, animals or property.

BUILDING HEIGHT: The vertical distance measured from the average grade surrounding the foundation of the building, to the highest point of the roof, excluding chimneys, ventilators, silos, vent pipes, antennas, cupolas- maximum 8'x8'x10' on outside measurement and other such accessory features. (Amended March 14, 2023)

CAMPING GROUNDS: Land rented for temporary occupancy by tents, tent trailers, campers or sleeping quarters of any kind, except dwellings and mobile homes, for recreational purposes according to the standards in Article XV.

CAMPSITE, PRIVATE. Maximum of one area per parcel of land on private property and not in a recreational campground or camping park for the placement of a tent or a recreational vehicle for the overnight use of its occupants. (Added March 13, 2018) (Amended March 14, 2023)

COMMERCIAL: A use primarily concerned with the making of profit from the sale of goods or services.

COMMERCIAL/RESIDENTIAL MIXED: A building that contains both commercial and residential uses. This use definition only applies to the Commercial Node and Village Districts and to those uses specified in Table 1 COMMERCIAL USES as Bed and Breakfast, Business Offices, Veterinary Clinics, Schools/Day Care Facilities Restaurant, Retail Store, Warehouse/Storage Facilities/ Inns, Motels, Hotels, Personal Service Shops, Repair Shops.

CLUSTER DEVELOPMENT: Is a division of land into sites or lots used, or available for

use, as residential building sites for single detached one family dwellings or other lawful buildings where such lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening common land.

DISCONTINUED USE: The visible or otherwise apparent intention of the owner to discontinue the use of the building or premises or the removal of characteristic equipment or furnishings used in the performance of any non-conforming use without its replacement by similar equipment or furnishings. The replacement of any non-conforming use of building by any conforming use or building.

DWELLING: A building or portion thereof designed for permanent residential occupancy beyond 30 consecutive days, including single family, two-family and multiple family, but not including hotels, motels, short term rentals or rented rooms in lodging houses or similar uses.

DWELLING, SINGLE FAMILY: A detached residential building other than a manufactured home designed for and occupied by one family only. Pre-site built homes which are constructed on a conventional foundation are considered to be single family dwellings as distinct from “manufactured housing.”

DWELLING, TWO FAMILY: A residential building designed for or occupied by two families living independently of each other in individual dwelling units, commonly referred to as a duplex.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by more than two (2) families, and not to exceed a total of four (4) families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING UNIT: One room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, sanitary and sleeping facilities.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including pole, wires, mains, drains, sewer, pipes, conduit cable, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, but not including buildings, reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health or safety or general welfare.

EXCAVATION: Digging of any type.

EXISTING NON-CONFORMING USE: Any lawful use existing in a district where it is not allowed under Table 1 and which existed prior to the adoption of the Zoning Ordinance.

EXPANSION OF A NON-CONFORMING USE: Any increase in size, intensity of use or degree of non-conformity shall constitute an expansion.

FLOODPLAIN: (Also See Article 4.10.1) Land subject to a one percent (1%) or greater

chance of flooding in any given year as delineated on the Flood Hazard Boundary Map for the Town of Ossipee, New Hampshire.

FLOODWAYS (Also See Article 4.10.1) The channel of a stream and those portions of the floodplain adjoining the channels that are required to carry and discharge the flood water or flood flows of any river or stream.

FORESTRY: Commercial growing and harvesting of forest products.

FRONTAGE: The distance along a lot line on an approved private road or an improved public road, Class V or better, and on a body of water, if applicable.

FRONT SETBACK: Distance from a lot line on a road or water boundary.

HAZARDOUS MATERIALS: Any substance or combination of substances which because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential threat to water supplies or to human health if disposed of into or on any land or water in this town. Any substance deemed a hazardous waste under Section 3001 of the Resource Conservation and Recovery Act of 1976, 40 C.F.R. Part 261, shall also be deemed a hazardous material for the purposes of the Ordinance.

HOME OCCUPATION: Any income-producing use conducted and contained completely within a dwelling and/or accessory building by the residents and their employees that is secondary to the residential purposes and does not change the character of the building or the character of the neighborhood.

IMPERVIOUS: Impenetrable by surface water.

INDUSTRIAL: A use involving the manufacture of a product generally requiring many employees, extensive parking facilities, good routes of transportation and requiring other services not needed by commercial or light manufacturing uses.

INN (HOTEL OR MOTEL): A single structure affording accommodations such as lodgings, food and entertainment for transient guests.

JUNKYARD: Includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in bulk to two (2) or more motor vehicles. "Junkyard" shall also include any place of business or storage, or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a motor vehicle or cut up the parts thereof.

LIGHT INDUSTRY: A use involving a service or manufacturing process or activity that can be carried on totally within the industrial building itself. Such use shall not require heavy, noisy, or otherwise objectionable machinery or generate excessive traffic conditions. Large

structures for storage or other use outside the Principal structure shall not be permitted.

LIVESTOCK: Outdoor farm animals, such as, but not limited to, cows, goats, horses, sheep, llamas, Alpacas and barnyard fowl, and does not include common domestic house pets.

LODGING HOUSE: Any place consisting of a room, or a group of rooms located on one premises where non-transient accommodations for sleeping or living purposes are provided for a price, with no cooking facilities in an individual room or apartment.

LOT (Amended March 12, 2019): A lot is a parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incidental to the parcel.

1. A lot shall be of sufficient size to meet minimum Zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.

2. Such lot shall have frontage on an improved public road or on an approved private road or, in the case of backland, shall have a private right-of-way leading to it, and may consist of:

a. A single lot of record;

b. A portion of a lot of record;

c. A combination of complete lots of record, or complete lots of record and portions of lots of records, or of portions of lots of record;

d. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

3. Exception: Farm buildings to house livestock and poultry shall be permanent structures and shall have an area no greater than one thousand (1,000) square feet, before a Special Exception shall be required by the Zoning Board of Adjustments.

LOT MEASUREMENTS: Depth of a lot shall be the average distance between front and rear lot lines. Width of a lot shall be the average distance between the lot sidelines.

LOT OF RECORD: A lot which is a part of a subdivision approved by the Ossipee Planning Board and recorded in the Carroll County Registry of Deeds, or a lot or a parcel described by metes and bounds, the description of which was so recorded prior to the enactment of the present Zoning Ordinance.

MANUFACTURING: Any process whereby the nature, size, shape, finish or appearance of articles is changed or where articles are assembled or packaged in quantity.

MANUFACTURED OR MOBILE HOME: Any structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on the site, is three hundred and twenty (320) square feet or more, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, (which includes plumbing, heating and electrical) and which meets the most recent specifications and standards established

by the US Department of Housing and Urban Development.

MANUFACTURED HOME OR MOBILE HOME PARK: A mobile home park is land upon which two (2) or more manufactured homes (mobile homes) are parked and occupied for living purposes, regardless of whether or not a charge is made for such accommodations. A park remains in single ownership with lots offered on a rental basis. Permanent foundations are not required for mobile homes in parks.

MANUFACTURED HOME SUBDIVISION: An approved subdivision created by the developer for individual ownership and for the placement, for living purposes, of individually owned manufactured housing.

MOTOR VEHICLE: A vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

PARKING SPACE: An off-street space available for the parking of one motor vehicle, as defined in Article 4.6.

PERMANENT FOUNDATION: A foundation of cement, concrete block, granite or some other permanent material that supports the structure.

PRE-SITE BUILT HOUSING: Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. For the purpose of this Ordinance, pre-site-built housing shall not include manufactured housing, as defined in RSA 674:31.

QUALIFIED PROFESSIONAL: Individuals whose training, experience and professional certification are appropriate to accomplish the specific tasks with accuracy and proficiency. Reports, plans, or other materials submitted must bear the signature and seal of the individual who drafted or supervised the drafting of such documents.

RECREATIONAL FACILITIES: Major outdoor recreational facilities requiring large natural land areas such as ski slopes, trails, ball playing fields, and golf courses.

RECREATIONAL VEHICLE: A recreational vehicle means any of the following vehicles:

- 1) Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- 2) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- 3) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be

designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.

4) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes. (Definition of “Recreational Vehicle” added March 13, 2018)

5) Boats, powered by gasoline/diesel engine or sail. (Amended March 14, 2023)

6) Recreational Vehicles must meet NFPA 1192 or be certified by the RV industry Association.

ROAD: Shall mean a Class V or better highway, a private road shown on a subdivision plat approved by the Planning Board; or a Class VI highway, provided that the requirements of RSA 674:41 I(c) are met.

SAFE SIGHT DISTANCE: A straight line view which encounters no obstruction measured between two points along the center line of the street entirely within the street right-of-way, each point to be at a height of four (4) feet above the road surface.

SEPTIC APPROVAL: Means a copy of the official NHDES approval for the septic system located at the applicant’s property.

SETBACK: The minimum distance from the property lines, road right-of-way lines, or high- water mark of a waterbody, established by the requirements of this Ordinance for each Zoning District. A line runs parallel to the property line. The area between the property line and the minimum setback line shall remain open space and unoccupied by any structure except as permitted herein.

SHORT-TERM RENTAL: Is any unit individually or collectively owned single family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home, that is offered for a fee for less than 30 consecutive days, and that is not considered a commercial tourist accommodation per RSA 48-A:1. **Exclusions**: campers, camping trailers, yurts and tents do not meet this definition and shall not be rented as a STR.

SIGN: A device designed to inform or attract attention: (Amended March 1996)

- a. ON-SITE: A sign with the subject matter related to the lot on which it is located.
- b. OFF-SITE: Any sign other than an “On-Site” sign.

SPECIAL EXCEPTION: A Special Exception is a use that would not be appropriate generally or without conditions, but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare.

SOLID WASTES: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to, rubbish, garbage, scrap materials, junk refuse, inert fill material and landscape refuse.

**STRUCTURE**: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes, steel storage/shipping containers, fences exceeding seven (7) feet in height and billboards. It shall not include minor installations such as mailbox, flagpole and fences or walls less than seven (7) feet high. (Amended 1997, 2020, and March 14, 2023)

**STRUCTURE, ACCESSORY**: A portable canopy, carport, garage, shed, shelter or tent, chicken coop, treehouse, playhouse and other similar uses. An accessory structure shall be subject to all setbacks and shall have the same setback requirements as an accessory building. Accessory structures are permitted in all zones without a primary structure. (Added March 2018, 2023, and March 12, 2024)

**TENT**: A portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes. (Added March 13, 2018)

**TRAILER**: an unpowered vehicle towed by a motor vehicle

**TRANSIENT**: a person who is staying or working in a place for only a short time of less than 30 days.

**VARIANCE**: A departure from the strict letter of the Zoning Ordinance as it applies to a particular piece of property permitting a property to be developed in a manner that conflicts with specific terms of the Zoning Ordinance, but for which approval is granted by the Zoning Board of Adjustment after public hearing and review.

#### **ARTICLE XXXIV - PERMITTED USES & SPECIAL EXCEPTIONS**

(Amended March 14, 2023)

Uses designated “P” shall be permitted as a matter of right subject to Footnotes (1), (2) and (3).

Uses designated “SE” shall be permitted as a Special Exception.

Uses designated “N” shall not be permitted in that district except by Variance.

Footnotes:

1) Multifamily in the Rural Zone must have 2-acre minimum lot size with 300 ft road frontage. Front setback of 80 ft. Side and rear setback of 50 ft. Planning Board approval of a site plan must be granted.

2) Within the Commercial Node District, any plan for development shall not contain more than sixty percent (60%) Single Family, Two-Family, or Multi-family development. At least forty percent (40%) of any development in the Commercial Node District must contain uses other than those listed under 34.1 “Residential Uses” in Table One. Commercial Use may encompass the entire one hundred percent (100%) of said lot. (Amended 2005)

3) More than 50% of structure must be used for religious purposes and a planning board site plan must be completed. (Compliance with HB1021 2022)

4) Sign Ordinance regulations are permitted if there is an in-home business, an approved site plan review on record or an existing deeded right.

**TABLE 1 – CHART OF USES**

(Amended March 14, 2023)		Village	Residential	Roadside Commercial	Commercial	Rural	Commercial Node	Corridor
<b>34.1 RESIDENTIAL USES (See also Article XXXV, Section 35.1)</b>								
a.	Single-family Dwelling	P	P	P	P	P	P(2)	P
b.	Two-family dwelling	P	P	P	P	P	P(2)	P
c.	Multi-family dwellings	P	P	P	P	P(1)	P(2)	P
d.	Multi-family dwellings of 5+ units (Amended March 14, 2023)	N	P	P	P	N	P	P
e.	Lodging Houses	P	P	P	P	P	P	P
f.	Manufactured Home Parks	N	SE	SE	N	N	SE	SE
g.	Manufactured Home Subdivisions	N	P	N	N	P	N	N
h.	Manufactured Homes	P	P	N	N	P	N	N
i.	Cluster Development (See also Article XI)	P	P	P	P	P	P	P
<b>34.2 COMMERCIAL USES (See also Article XXXV, Section 35.2)</b>								
a.	Amusement Facility	P	N	P	P	N	P	P
b.	Automobile Service Station	SE	N	P	P	N	P	P
c.	Automobile and Truck Repair	SE	N	P	P	N	P	P
d.	Bed and Breakfast	P	P	P	P	P	P	P
e.	Business Offices	P	SE	P	P	SE	P	P
f.	Inns, Hotels and Motels	P	N	P	P	N	P	P
g.	Junkyards	N	N	P	P	SE	P	P
h.	Personal Service Shop	P	SE	P	P	SE	P	P
i.	Repair Shop	P	N	P	P	N	P	P
j.	Restaurant	P	N	P	P	N	P	P
k.	Retail Store	P	N	P	P	N	P	P
l.	Salesroom	N	N	P	P	N	P	P
m.	Veterinary Clinic	N	SE	P	P	SE	P	P
n.	Warehouse	N	N	P	P	N	P	P
o.	Storage Unit Facilities	N	N	N	N	N	N	N
p.	Fuel, oil, and propane dispensing & storage	SE	N	P	P	SE	P	P
q.	Commercial/Residential Mixed	P	N	P	P	N	P	P
r.	Telecommunication Facilities	N	N	SE	SE	SE	SE	SE
s.	Property Management Services (Added March 12, 2019)	SE	SE	P	P	P	P	P
t.	Sports and Recreational Facility (Added March 12, 2019)	P	N	P	P	N	P	P
u.	Athletic/Fitness Facility (Added March 12, 2019)	P	P	P	P	P	P	P
v.	Outdoor/Indoor Events	P	P	P	P	P	P	P
w.	Storage	N	N	P	P	N	P	P
<b>34.3 INSTITUTIONAL USES (See also Article XXXV, Section 35.3)</b>								
a.	Churches	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)
b.	Civic Uses	P	SE	SE	SE	SE	SE	SE
c.	Convalescent Homes	P	P	P	P	P	P	P
d.	Essential Services	P	P	P	P	P	P	P
e.	Group Homes	SE	SE	P	P	SE	P	P
f.	Organizations/clubs	P	P	P	P	P	P	P
g.	Schools/day care facilities	P	P	P	P	P	P	P

**TABLE 1 – CHART OF USES (continued)**

(Amended March 14, 2023)		Village	Residential	Roadside Commercial	Commercial	Rural	Commercial Node	Corridor
<b>34.4 OPEN SPACE USES (See also Article XXXV, Section 35.4)</b>								
a.	Agricultural Uses (Amended March 12, 2019)	P	P	P	P	P	P	P
b.	Conservation Uses	P	P	P	P	P	P	P
c.	Forestry	P	P	P	P	P	P	P
d.	Recreational Facilities	SE	SE	SE	SE	SE	SE	SE
e.	Stables and Riding Schools (Amended March 12, 2019)	P	P	SE	P	SE	SE	SE
f.	Recreational Camping Parks	N	N	SE	N	SE	SE	SE
<b>34.5 INDUSTRIAL USES (See also Article XXXV, Section 35.5)</b>								
a.	Commercial Earth Excavation	N	N	N	N	P	N	N
b.	Light Industry	P	P	P	P	P	P	P
c.	Printing and Publishing	P	P	P	P	P	P	P
d.	Sawmills	N	P	P	P	P	P	P
<b>34.6 ACCESSORY USES (See also Article XXXV, Section 35.6)</b>								
a.	Accessory Buildings	P	P	P	P	P	P	P
b.	Home Occupation	P	P	P	P	P	P	P
c.	Outdoor Storage	P	P	P	P	P	P	P
d.	Non-pets	P	P	P	P	P	P	P
e.	Swimming Pools	P	P	P	P	P	P	P
f.	Temporary Structures	P	P	P	P	P	P	P
g.	Refer to Sign Ordinance Regulations (Amended March 14, 2023)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)
h.	Short Term Rentals	P	P	P	P	P	P	P

**ARTICLE XXXV – DESCRIPTION OF PERMITTED USES**

The descriptions listed below are not to be interpreted as detailed definitions but rather as extensions, restrictions or examples of the permitted uses listed in Table 1. Permitted uses in the Roadside Commercial and Corridor Districts are additionally regulated accordingly. Footnotes (1) and (2) of Table 1.

**35.1 RESIDENTIAL USES**

a) Single Family Dwelling - A detached residential building other than a manufactured home designed for and occupied by one family only. Pre-site built homes which are constructed on a conventional foundation are considered to be single family dwellings, as distinct from “manufactured housing.”

1) (Deleted March 2022)

2) Accessory Dwelling Unit – An ADU attached or detached with a maximum area of twelve hundred (1,200) sq ft shall comply with Zoning Ordinance ARTICLE XXI - ACCESSORY DWELLING UNITS. (Added March 2022) (Amended March 14, 2023)

b) Two Family Dwelling - A residential building designed for or occupied by two families living independently of each other in individual dwelling units, commonly referred to as a duplex. (Amended March 12, 2024)

c) Multi-Family Dwelling – Multi-Family Dwellings in the Village, Residential and Rural Districts shall not exceed a total of four (4) residential units. A site plan must be approved by the Planning Board (Amended March 2005) (Amended March 14, 2023)

d) Multi-Family Dwellings of 5+ Units – Multi-Family Dwellings in the Residential, Roadside Commercial, Commercial, Commercial Node and Corridor Districts means a building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household and must meet or exceed all town and state regulations. A site plan must be approved by the Planning Board. (Amended March 14, 2023)

e) Lodging House - Shall be a room or group of rooms located on one (1) Premises where regular, non-transient-type accommodations for sleeping or living purposes, together with meals, are offered for compensation. The lodging house shall be operated by the owner, an individual person or persons, and shall not have more than six (6) double-occupancy sleeping units with no cooking facilities in the individual rooms or apartments. (Amended March 14, 2023)

f) Manufactured Home Park - Shall comply with Article XIV.

g) Manufactured Home Subdivision - Shall comply with Article XIII.

h) All Manufactured Homes installed after the adoption of the amendment must comply with the most recent specifications and standards established by the U.S. Department of Housing and Urban Development (24 CFR Ch. XX).

i) CLUSTER DEVELOPMENT: Is a division of land into sites or lots used, or available for use, as residential building sites for single detached one family dwellings or other lawful buildings where such lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening common land. (Shall comply with Article XI) (Added March 12, 2024)

**35.2 COMMERCIAL USES - Planning Board approval of a site plan must be granted.**  
(Amended March 12, 2024)

a) Amusement Facility - Any commercial use which offers for hire to the general public, access to structures, vehicles, mechanical or electrical contrivances or other facilities which are intended primarily to provide entertainment, amusement, or recreation, and in which the patron is engaged on the premises as an active participant rather than as a spectator, and where such uses occupy in excess of twenty percent (20%) of the total interior or exterior public area.

b) Automobile Service Station - Primarily concerned with the sale of fuel oil and grease, related products and services, not including major mechanical repairs.

c) Automobile and Truck Repair - Garage providing the making of all but minor repairs being conducted wholly within a building sufficiently sound insulated to confine objectionable

noise to the premises.

d) Bed and Breakfast - Any place consisting of a room, or a group of rooms located on one (1) premises where transient or semi\*transient accommodations for sleeping or living purposes are offered for compensation, provided that the same is occupied and operated conjunctively by the owner, an individual person or persons, and shall not leave more than six (6) double-occupancy sleeping units with no cooking facilities in the individual rooms or apartments.

e) Business Offices - Professional and commercial. Office facilities intended for the rendering of a professional or commercial service and not in conjunction with a manufacturer or an industrial facility.

f) Inns, Motels and Hotels - Motel, hotel, tourist cottages, or similar use intended primarily for transient occupancy. All such uses must meet zone restriction on dwelling units per acre unless an easement has been granted to the Town preventing the conversion of the building to unit ownership.

g) Junk Yards – RSA 236:112(I) "Junk yard" means a place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. No junk yard or private dump shall be operated or maintained in the Town of Ossipee unless in compliance with permit requirements of N. H. RSA 236:111 through :129 (Amended March 14, 2023)

h) Personal Service Shop - Barber, or beauty shop, laundry or dry-cleaning shop, shoe repair shop, self-service dry cleaning or laundry, rentals, pharmacy and similar commercial uses,

i) Repair Shop - Business for repair of small appliances, radios, televisions, office equipment or similar use.

j) Restaurant - lunch room, cafeteria, or other building whose primary purpose is the serving of food or beverages.

k) Retail Store - A building where merchandise is primarily sold to customer for personal use.

l) Salesroom - Business with the primary purpose to sell or rent automobiles, boats, motorcycles, trucks, snowmobiles, farm equipment or other large objects and. which has outdoor display and storage of the objects.

m) Veterinary Clinics - Kennel, or place for the boarding or commercial raising of animals, pets, provided the kennel area is enclosed by a solid wall or fence which effectively screens all noise from adjoining property.

n) Warehouse - A building for the storage of materials, merchandise, products or equipment containing no assembly, repair, or other incidental facilities, provided that such use is not hazardous by reason of potential fire, explosion or radiation.

o) Storage Unit Facilities - a fully enclosed or semi-enclosed room or space that is primarily intended for the storage of personal property and which will be accessible by the renter of the unit pursuant to the rental agreement.

p) Fuel, Oil, and Propane Dispensing and Storage - Virgin petroleum products, propane, LP gas, or similar products, which shall comply with Article 5.8 of the Zoning Ordinance and all applicable State and Federal laws and rules.

q) Commercial/Residential B Mixed - A building that contains both commercial and residential uses.

r) Any structure, antenna, tower, or other device which provides radio/television transmission, commercial, mobile services, unlicensed services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier exchange access services.

s) Property Maintenance Services - A commercial business which provides lawn and yard care, and property maintenance services.

t) Sports And Recreational Services - An indoor and/or outdoor establishment engaged in providing amusement or entertainment for a fee or admission charge and include such activities as cinemas; theaters; bands; orchestras and other musical entertainments, batting cages, mini-golf, go- carts, driving range, bowling alleys, billiard and pool establishments; and pinball and video game parlors including, but not limited to similar recreational diversions. The facility may also provide accessory structures necessary to meet the needs of various sports and recreation activities (i.e., Laser tag, etc.).

u) Athletic/Fitness Facility - Any recreational facility whose primary purpose is for the active participation of all members in athletic/fitness programs and activities.

v) Outdoor/indoor events: A site that accommodates the gathering of groups and/or individuals to host a commercial event such as a wedding, business meeting(s), or any other activity. Such events are expected to be conducted indoors/outdoors which includes accessory buildings or structures that are ancillary uses. (Amended March 14, 2023)

w) Storage: The storage of boats, materials, merchandise, products or equipment containing no assembly, repair, or other incidental facilities, provided that such use is not hazardous by reason of potential fire, explosion or radiation. (Amended March 12, 2024)

**35.3 INSTITUTIONAL USES - Planning Board approval of a site plan must be granted.**  
(Amended March 12, 2024)

a) Church - A place for worship and related religious functions, not for habitation.

b) Civic Uses - Uses by agencies and departments of local, county, state and federal governments. The type of function of the governmental facility is stated below.

1) Office: Includes such functions as governmental office, laboratory, post office,

clinic, assembly, and court.

2) Education: Includes such functions as elementary, middle, junior high schools, and high schools, college, vocational or technical schools, kindergarten, library and similar educational institutions.

3) Institution: Governmental and other facilities primarily engaged in public services such as education, health and research.

4) Public Safety: Includes such functions as fire, police, and rescue and ambulance services.

5) Service: Includes such functions as garage, warehouse, and vehicular repairs, outside storage for vehicles and supplies and similar uses.

6) Recreation: Includes such functions as recreation center, senior citizens center, gymnasiums, auditorium, and outdoor recreation facilities such as play fields, tennis courts, and golf courses.

7) Refuse Disposal: Includes areas or structures for disposal of sewage, solid waste and garbage under the control of a governmental unit, including sanitary landfills, incinerators, sewage treatment plants, and similar methods of disposal.

8) Cemetery: Includes such functions as cemetery, cemetery vaults, and necessary maintenance structures.

9) Parking: Includes but is not limited to municipally owned parking facilities, available for use by the general public.

c) Convalescent Home - A building where three (3) or more infirm or aged persons are housed for compensation and licensed by the State of New Hampshire including convalescent hospital, home for the aged, rest homes and similar uses.

d) Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewer, pipes, conduit cable, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health or safety or general welfare.

e) Group Home - A facility wherein (a) the operator is not legally related to the individuals supervised and is licensed by the State and wherein (b) one or more individuals is provided with room, board, specialized and distinctive care and supervision in a family environment, or where five or more individuals reside and are provided with food, board, ordinary care and supervision in a family environment.

f) Organization/Club - A facility devoted to meetings and functions of a private organization which may include indoor recreation and the preparation and service of meals and beverages.

g) School Day Care Facility

1) Commercial School - a school for the teaching of a specific trade, trades, or skill, operated as a commercial venture for the profit of its owners.

2) Day Care Facilities - A place for the care of more than five elementary school ages or younger children for payment. Play areas shall be separated from a major or collector street by a fence or barrier which the children cannot cross unaided.

### 35.4 OPEN SPACE USES

a) Agricultural & Livestock Uses - Orchard, market garden, nursery, dairy farm, commercial animals, poultry, livestock, or other commercial agricultural activity is allowed in all districts as an accessory use per Zoning Ordinance 34.6 and 35.6 (d), 1 and 2. Home gardening is allowed in all districts as an accessory use including poultry, livestock, and other farm animals. The following restrictions are for commercial operations only. (Amended March 14, 2023)

1) A minimum of one acre shall be required to maintain one animal defined as livestock. For each additional such animal, an additional one quarter acre shall be required.

2) An Accessory Building is allowed per lot for housing of farm animals and/or farm equipment. (Amended March 12, 2024)

3) Building permits are required for construction of all structures.

4) Setbacks for structures shall apply per zoning ordinance requirements.

5) Enclosures shall provide a minimum of three (3) square feet per fowl.

6) Farm buildings to house livestock and poultry shall not be erected nor shall waste materials be stored or located closer than one hundred (100) feet from any property line.

7) The area used for grazing, exercising, or training of said animals shall be securely fenced to prevent the animals from straying.

8) A farm shall adhere to all zoning regulations of the district in which it is located.

9) A farm will adhere to the current Best Management Practices for Agriculture in New Hampshire as published by the NH Department of Agriculture, Markets, and Food.

10) Farm stands shall be permitted to sell their own produce grown solely on the property of said farm stand. A Farmer's Market can sell produce that was produced both on and off the property with a Site Plan Review Approval by the Planning Board. (Amended March 14, 2023)

b) Conservation Uses - Reservation, wildlife preserve, or other use of land which primary purpose is conservation of natural resources.

c) Forestry - Timber growing and harvesting, not including processing activities such as sawmills and assembly yards.

d) Recreational Facilities - Major outdoor recreational facilities requiring large natural land areas such as ski slopes, trails, ball playing fields, and golf courses.

e) Stables and Riding Schools - A facility with appropriate structures and fenced-in areas for the purpose of boarding, feeding, breeding, care of, and instruction of riding horses for recreation and show purposes.

1) Stable. Any building or enclosed area used for the housing, feeding or care of one (1) or more horses.

2) Stable, Commercial. A stable where horses are kept for profit or gain, including, but not limited to, boarding of horses, riding instruction or renting of horses.

3) Stable, Non-commercial. A stable used solely for horses owned by the residential-occupant, except that occasional and temporary stabling of horses not for gain, direct or indirect, is permissible.

f) Recreational Camping Parks - Includes organized summer camps and shall comply with Article XV.

### **35.5 INDUSTRIAL USES**

a) Commercial Earth Excavation shall be in compliance with the Town of Ossipee Earth Excavation and Restoration Regulations.

b) Permitted Light Industrial Use: Manufacturing research and testing, assembly, fabrication, processing, reproducing, packaging, packing or bottling, provided that all resulting cinders dust, gases, odors, refuse matter, smoke, vapors electromagnetic or radio-active emission shall be completely and effectively confined within a building or so regulated as to prevent any nuisance or hazard to the public health or safety, and further provided that no objectionable noise, vibration, or other disturbance is noticeable at the boundary of the premises and shall comply with Article IX.

c) Printing: commercial including job printing, newspaper printing and publishing.

d) Sawmill: A facility whose primary purpose is the processing (sawing) of forest products into timber for the building industry.

### **35.6 ACCESSORY USES**

a) Accessory Building: Garage, child's playhouse, greenhouse, tool shed, or shelter, used primarily by occupants in the main building.

b) Home Occupations: Any home occupation shall be permitted as an accessory use in the zone where allowed, and shall be subject to the following criteria:

- 1) The home occupation is clearly an accessory use to the residential use of the property.
- 2) The home occupation is customarily incidental to the primary use of the property as a dwelling.
- 3) The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.
- 4) The home occupation shall be carried on only within the principal or accessory structure, and there shall be no obvious commercial interruption of the residential appearance of the area.
- 5) Not more than eight hundred (800) square feet of the floor area of the dwelling house or accessory buildings shall be devoted to such home occupation.
- 6) A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.
- 7) A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood. All parking must be provided for on- site.
- 8) The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation except for the permitted sign.
- 9) Home occupations shall consist of those customarily traditional home occupations which are generally acceptable to be carried on in dwellings in a residential area.
- 10) In addition to the customarily traditional home occupation, the following are permitted uses, providing they qualify under the other criteria: Physician and dentist offices, professional offices of attorneys, accountants and architects, studios, barber shops and beauty parlors, dressmaking, and child care.

11) Planning Board Site-plan approval is required. (Amended March 14, 2023)

c) Outdoor Storage - Outdoor storage of material and/or equipment not for sale, that is clearly necessary to the operation and conduct of a permitted principal use provided that it shall be maintained in good repair.

d) Non-Pets - The keeping of all non-pets shall conform with the following:

1) No barn, shelter, or other building used for the housing of said animals or the storage of feed and supplies shall be located within the setback area. Waste materials shall not be stored or located closer than one hundred (100) feet from any property line.

2) The area used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying or a suitable restraint shall be provided to prevent straying.

e) Swimming Pools - Any swimming pool must have an adequate enclosure, either surrounding the property or pool area, so it is inaccessible to small children. The enclosure, including gates, must extend at least four (4) feet above the ground, and must not be operable from the outside by small children.

Any above-the-ground pool four (4) feet or greater in height with a retractable staircase entrance or barrier meets the requirement of the paragraph.

f) Temporary structures – An applicant may receive a building permit/ RV-Tent permit for one (1) year for a temporary structure/recreational vehicle while building or re-constructing a residential structure if the temporary structure/recreational vehicle meets all New Hampshire, federal, and local requirements. The applicant may receive a one (1) year renewal of the building permit/RV-Tent permit if in the judgment of the Code Enforcement Official the applicant has made substantial construction progress. For a second renewal, the applicant must apply to the Zoning Board of Adjustment for a Special Exception (Amended March 12, 2024)

g) Refer to Sign Ordinance Regulations (Added March 14, 2023)

h) Short-Term Rental - Is the provision of transient lodging for compensation in the primary dwelling unit on a lot in Ossipee for stays less than 30 consecutive days, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast per RSA 48-A:1. **Exclusion:** Campers, and camping trailers and tents do not meet this definition and may not be rented as a STR. (Added March 12, 2024)

**TABLE 2 – DIMENSIONAL REQUIREMENTS**

<b>Zone</b>	<b>Minimum Lot Frontage (ft.)</b>	<b>Front Setback (ft.)</b>	<b>Side/Rear Setback (ft.)</b>	<b>Maximum Lot Coverage % (*4)</b>	<b>Minimum Lot Size (*1)</b>
<b>Village</b>	80	10	15 (*5)	50	10,000 sq. ft.
<b>Residential</b>	200	40 (*2)	25	25	44,000 sq. ft.
<b>Roadside Commercial</b>	200	40	50/25 (*3)	40	1 acre
<b>Commercial</b>	200	50	25 (*3)	50	44,000 sq. ft.
<b>Commercial Node</b>	80	10	15 (*5)	50	10,000 sq. ft. (*6)
<b>Rural</b>	200	40	25	25	1 acre
<b>Corridor</b>	200	50	50	25	2 acres

(Amended March 14, 2023)

(\*1) A larger lot size may be required by soil type and slope (see Table 3). However, that increase is not required in the Village District or the Commercial Node District if there is assurance that sewage disposal will be provided by a municipal treatment facility, an off-site effluent disposal system, whether shared or not, or an on-site disposal system using innovative alternative technology acceptable to the New Hampshire Department of Environmental Service for lots of the proposed size.

(\*2) May be reduced to the minimum setback from the street line of principal buildings existing on the premises as of the effective date of this provision, or the average of the setbacks from the street line of buildings on adjoining lots, whichever is least restrictive.

(\*3) See Article VIII.

(\*4) See Article 6.5.

(\*5) The requirements of Section 8.1 shall not apply.

(\*6) No smaller than required by soil, type and slopes (Table 3).

**TABLE 3 – SOIL MAP**

<b>Map Symbol</b>	<b>Soil Type</b>	<b>A 0-3% B 3-8%</b>	<b>Slope C 8-15%</b>	<b>D 15-25%</b>
*Ac	Acton fsl	55,000	82,500	^
Ad	Acton vs fsl	55,000	82,500	^
Am	Adams ls	44,000	49,500	175,000
AW	Alluvial land, wet	NP	NP	NP
Bc	Becket vsfsl	55,000	82,500	175,000
Bs	Berkshire vsfsl	44,000	49,500	175,000
Bt	Berkshire xsfs	144,000	49,100	175,000
*Cf	Charlton fs	144,000	49,500	175,000
Ci	Charlton vsfs	144,000	49,500	175,000
Cm	Chocorua mucky peat	NP	NP	NP
Cn	Colton glfs	44,000	49,500	175,000
Cy	Croghan lfs	66,000	^	^
De	Deerfield lfs	66,000	^	^
Dn	Duane fs	166,000	^	NP
FA	Freshwater Marsh	NP	NP	NP
*Gl	Gloucester fs	144,000	49,500	175,000
Gs	Gloucester vsfs	144,000	49,500	175,000
Gt	Gloucester xsfs	144,000	49,500	175,000
GW	Greenwood Mucky peat	NP	NP	NP
Ha	Hadley vfl	NP	NP	NP
*Hf	Hermon fsl	44,000	49,500	175,000
Hm	Hermon vsfsl	44,000	49,500	175,000
Hn	Hermon xsfsl	44,000	49,500	175,000
Hs	Hinckley gls	44,000	49,500	^
Ht	Hollis-Clarlton fs	166,000	88,000	175,000
Hv	Hollis-Charlton vrfs	188,000	110,000	175,000
Hx	Hollis-Clarlton rock outcrop	88,000	110,000	175,000
Lf	Leicester-Walpole vsfsl	NP	NP	NP
LK	Limerick silt loam	NP	NP	NP
Lm	Limerick vfl	NP	NP	NP
Ln	Lyman-Berkshire vrfsl	88,000	110,000	175,000
Ls	Lyman-Berkshire ro	88,000	110,000	175,000
*Ma	Marlow fsl	55,000	82,500	175,000
Md	Marlow vsfl	55,000	82,500	175,000
*Hi	Millis fsl	55,000	82,500	175,000
Ms	Millis vsfsl	55,000	82,500	175,000
MU	Muck and Peat	NP	NP	NP
Na	Naumburg ls	NP	NP	NP
*Nc	Nicliolville silt 1, s subsoil	66,000	^	^
*Of	Ondawa fsl	NP	NP	NP

Map Symbol	Soil Type	A 0-3% B 3-8%	Slope C 8-15%	D 15-25%
*Oh	Ondawa fsl, high bottom	NP	NP	NP
*Os	Ondawa vfsl	NP	NP	NP
OT	Ossipee mucky peat	NP	NP	NP
*Pa	Paxton fsl	55,000	82,500	175,000
Pd	Paxton vsfsl	55,000	82,500	175,000
Pe	Peru vsfsl	66,000	99,000	175,000
*Po	Podunk fsl	NP	NP	NP
Ps	Podunk fsl, sandy subsoil	NP	NP	NP
Ra	Raynham silt loam	NP	NP	NP
Rg	Ridgebury fsl	NP	NP	NP
Rl	Ridgebury vsfsl	NP	NP	NP
*Sa	Salmon vfs	44, 000	49,500	175,000
Sd	Scituate vsfsl	66,000	99,000	175,000
Se	Skerry vsfsl	66,000	99,000	175,000
Sf	Suncook lfs	NP	NP	NP
*Sn	Sutton fsl	55,000	82,500	^
Su	Sutton vsfsl	55,000	82,500	^
Wa	Waumbek vsfsl	55,000	82,500	^
WC	Wlaitman vsl	NP	NP	NP
Wd	Windsor ls	44, 000	49,500	175,000
*Wn	Winooski vfsl	NP	NP	NP
*Wo	Woodbridge fsl	66,000	99,000	175,000
W	Woodbridge vsfsl	66,000	99,000	175,000

**Legend:**

ls - loamy sand                      lfs - loamy fine sand  
vr - very rocky                      g - gravelly  
vs - very stony                      s - sandy  
ro - rocky outcrop                  fsl - fine sandy loam  
xs - extremely stony              l – loam

\* prime Agricultural Soils

Septic systems not permitted on slopes over 25 percent - cannot be included in minimum lot size determination.

NP - Septic systems not permitted on these soils - cannot be included in minimum lot size determination.

^ - Soil types do not normally occur with these slopes. On-site determination required.