

Town of Deerfield, NH

ORDINANCES



ORDINANCES

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ANIMAL CONTROL

- Ordinance 01-2023 Dog Addendum 2
- Ordinance 2017-2 (Animal Control Amendment) 3

**ANIMAL CONTROL ORDINANCE 01-2023
DOG ADDENDUM**

Prohibition in Parks and Commons:

1. No person, firm or corporation shall allow any animal to be present in the Town of Deerfield's designated park and recreational properties with the following exceptions:
 - A. Dogs are permitted on a leash;
 - a. On town conservation properties and town designated trails unless posted otherwise,
 - b. At Gazebo Field when there are no scheduled events, gatherings or similar programming.
2. These restrictions shall not apply to service dogs and their handlers.
3. Animal owner and/or handler shall be responsible for proper clean-up of animal waste while on town owned properties and facilities.
4. It shall be noted that conservation properties under conservation easement but not owned by the town of Deerfield are subject to animal restrictions as posted by the actual landowner.
5. Dogs and other animals are specifically prohibited from the Bicentennial Athletic Fields, Hartford Brook Fields and Veasey Park.

Adopted and effective this *19th day of June in the Year Two Thousand and Twenty-three.*

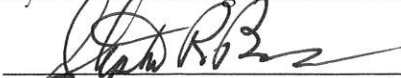
(Effective: August 8, 2008, Amended June 19, 2023)

DEERFIELD BOARD OF SELECTMEN



Richard W. Pitman, Chairman

Cynthia B. McHugh, Selectwoman



Stephen Barry, Selectman



Frederick J. McGarry, Vice Chairman



William Huebner, Selectman

Filed: *June 20, 2023*
Deerfield Town Clerk

ANIMAL CONTROL ORDINANCE 2017-2
(Amendment)

Free Range Livestock:

- 1. Definition-** If any person having the charge of custody of any poultry, cattle, (cows, bulls etc.) pigs, goats, horses or any other fowl which is domestically raised for the purpose of food or a food by product, as a pet or a mode of transportation, such as a horse.
- 2. Ordinance-** No person, persons company or corporation shall allow any live stock as defined above to roam unconfined off the property of its owner or keeper. The mere fact that the livestock as defined shall be off the property of its owner or keeper and not under control of its owner or keeper shall be construed as prima facie evidence of violation of this order.
- 3. Penalty-** Subject to a fine of offense, \$25.00 per head, second offense \$50.00 per head and 3rd offense \$100.00 per head.

Adopted and effective this 13th day of March, in the Year Two Thousand and Seventeen.


Stephen Barry, Chairman

Richard Pitman, Vice Chairman

R Andrew Robertson


Jeffrey Shute

Fredrick J. McGarry

Board of Selectmen


Certification

This is to certify that on the 13th day of March 2017, the above captioned Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witnessed by my hand this 13th day of March, 2017.

A True Record;
Attest:





Kevin Barry, Town Clerk/Tax Collector

DEERFIELD COMMUNITY SCHOOL

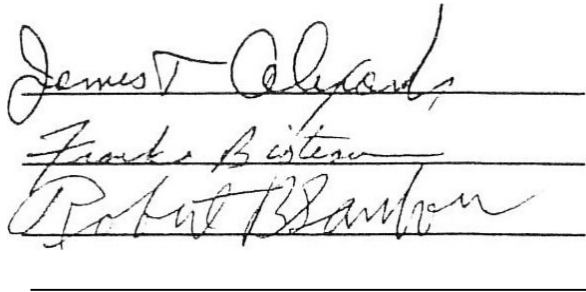
- Ordinance Relative to No Parking Signs and Stop Signs 6
- Ordinance Relative to Playground Hours 7

**Deerfield Community School - ORDINANCE Relative to
NO PARKING SIGNS AND STOP SIGNS**

The Board of Selectmen hereby authorize the Deerfield Police Department to enforce the no parking and stop signs erected upon the DCS property based on the recommendation of the Deerfield School Board.

Penalty: \$10.00 per offense


Effective date: November 22, 1993



BOARD OF SELECTMEN

This is to certify that on the 3rd day of November, 1993 the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Deerfield, N.H.

Witness my hand this 23rd day of November, 1993.

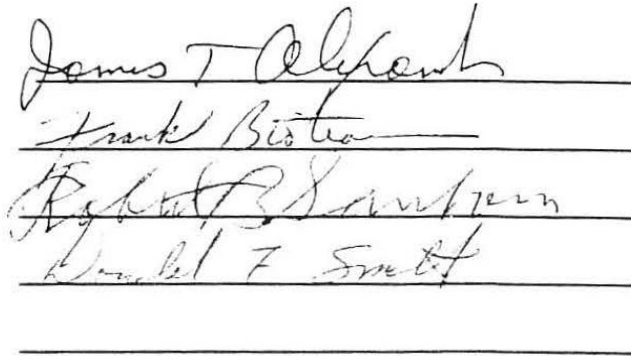

Cynthia E. Heon, Town Clerk

DEERFIELD COMMUNITY SCHOOL - ORDINANCE Relative To PLAYGROUND HOURS

The Board of Selectmen hereby authorize the Deerfield Police Department to enforce an ordinance regarding hours for the playground.

- The Deerfield Community School Playground will be **closed** from **dusk until dawn**.
- This ordinance is for the protection and safety of the participants of the playground.
- **Penalty:** \$10 per offense

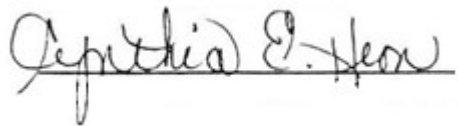
Effective date:


James T. Olyphant
Frank Bistea
Robert B. Sampson
Donald F. Smith

Board of Selectmen

This is to certify that on the 15th day of December, 1994 the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Deerfield, N.H.

Witness my hand this 15th day of December, 1994, 1:50pm



Cynthia E. Heon, Town Clerk

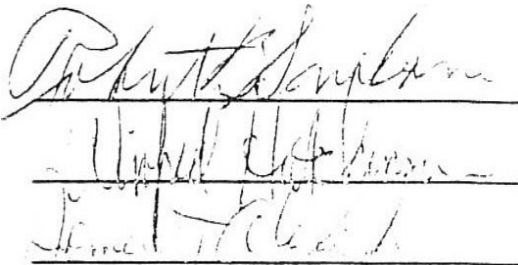
LANDFILL & VEASEY PARK

- Ordinance Relative to Permits for Landfill & Veasey Park_____ 9
- No Scavenging Ordinance relative to the Landfill_____ 10
- Landfill Ordinance Regulating Tire Disposal_____ 11

**LANDFILL and VEASEY PARK PERMIT
ORDINANCE**

PERMITS CURRENTLY REQUIRED FOR ENTRANCE INTO VEASEY PARK AND LANDFILL MUST BE IN PLACE ON THE INTERIOR OF VEHICLE. PERSONS ELIGIBLE FOR THE PERMIT MUST BE A RESIDENT OR PROPERTY OWNER.

Effective date: July 3, 1990



BOARD OF SELECTMEN

This is to certify that on the 2nd day of July, 1990 the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Deerfield, N.H.

Witness my hand this July 2, 1990

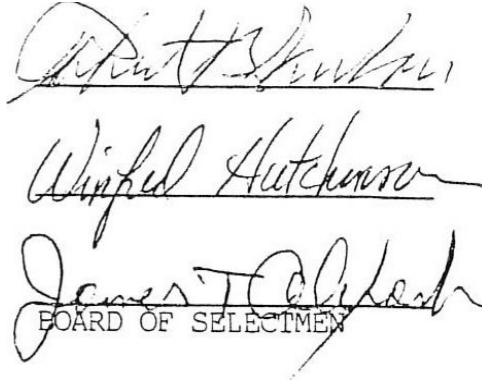


Cynthia Heon, Town Clerk

**LANDFILL ORDINANCE
NO SCAVENGING**

THERE WILL NO LONGER BE ANY SCAVENGER PICKING AT THE DEERFIELD
LANDFILL.

Effective Date: 4/8/90


BOARD OF SELECTMEN

This is to certify that on the 3rd day of April, 1990 the above ordinance was filed and recorded
with the records of the Town Clerk of the Town of Deerfield, N.H.

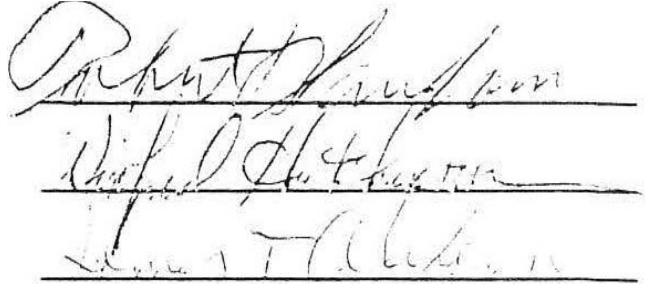
Witness my hand this April 3, 1990


Cynthia Valade, Town Clerk

**LANDFILL ORDINANCE
REGULATING TIRE DISPOSAL**

THE DISPOSAL OF TIRES WILL BE RESTRICTED TO TWO TIRES PER VISIT TO THE LANDFILL.

Effective date: July 12, 1990

Three handwritten signatures are stacked vertically, each on a horizontal line. The signatures are in cursive and appear to be of the same person or a group of people.

BOARD OF SELECTMEN

This is to certify that on the 2nd day of July, 1990 the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Deerfield, N.H.

Witness my hand this July 2, 1990

A handwritten signature in cursive, reading "Cynthia E. Heon", is written over a horizontal line. Below the line, the text "Cynthia Heon, Town Clerk" is printed.

PUBLIC SPACES

• Ordinance 1-1993 Public Property Hours	13
• Ordinance 1-1996 Parking & Picnicking at Pleasant Lake Dam	14
• Ordinance 2-2000 Skate Board, Roller Blades, & Roller Skates	16
• Ordinance 97-2 False Alarms & Civil Assessments	18
• Ordinance 97-3 Loud, Unusual, or Other Unnecessary Noise Relative to Vehicles	20
• Ordinance 97-4 Open Container	22
• Ordinance Relative to Off Highway Recreational Vehicles	23

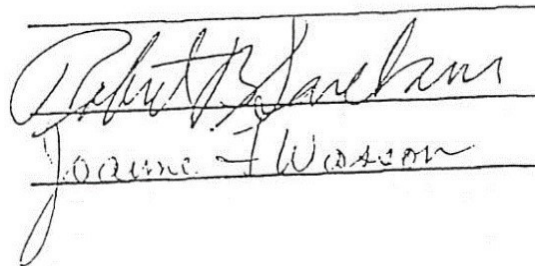
ORDINANCE 1-1983
PUBLIC PROPERTY HOURS

Be it enacted this date, June 13, 1983 that:

All public parks, cemeteries, conservation areas and other public lands are closed to the public from nine o'clock in the evening (9:00 PM) until sunrise, except with written permission of the Board of Selectmen.

- Penalty and Validity:
 - A. Penalty - Any person violating any of the provisions of this Ordinance or the rules and regulations made under the authority thereof, shall be liable to a penalty of not more than One Hundred Dollars (\$100) for each offense.
 - B. Validity - if any section or part of section, or paragraph of this Ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, e, or effect of any other section or sections, or part of a section or paragraph of this Ordinance.

Witness our hands and seal this thirteenth day of June, 1983

Two handwritten signatures are written on two horizontal lines. The top signature is 'Robert J. Sanborn' and the bottom signature is 'Joanne F. Watson'.

BOARD OF SELECTMEN

This is to certify that on the fifteenth day of June, 1983 the above ordinance was filed and recorded with the records Of the Town Clerk of the Town of Deerfield, New Hampshire.

Witness my hand this fifteenth day of June, 1983

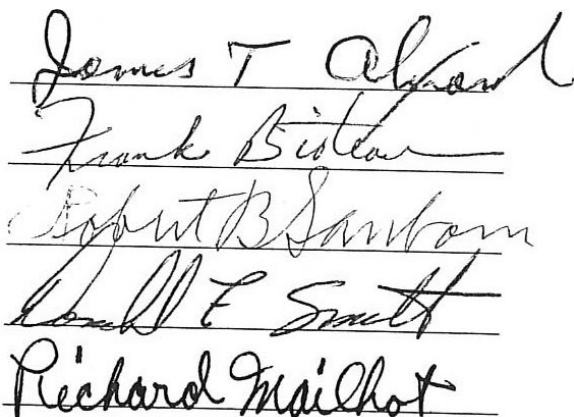
Ruth S. Sanborn, Town Clerk

PUBLIC SPACES - ORDINANCE 1-1996
Relative to Parking and Picnicking at Pleasant Lake Dam

Be it enacted this date, July 1, 1996, that:

- Whereas New Hampshire **RSA 47:17** empowers towns to regulate parking on town roads and other activities on town property, and whereas the Board of Selectmen has determined that such regulation will have a salutary effect on conditions at the Pleasant Lake Dam.
 1. No person, or persons, shall park any automobile, truck, or other motor vehicle, attended or unattended along the road in front of the Pleasant Lake Dam, nor within fifty (50) feet from any "No Parking" sign placed by the Town of Deerfield along the road by the dam.
 2. Nor shall any person or persons use any property owned by the Town of Deerfield in conjunction with ownership of the Pleasant Lake Dam for the purposes of picnicking, or the consumption of any food or beverages.
 3. Any person violating the provisions of this ordinance shall be subject to a fine of not more than twenty-five dollars (\$25.00) for each offense.

Witness our hands and seal this first day of July, 1996


James T. Albani
Frank Biotar
Robert B. Sanborn
Donald E. Smith
Richard Mailhot

BOARD OF SELECTMEN

This is to certify that on the second day of July, 1996 the above ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire. Witness my hand this second day of July 1996.

A True Record,
Attest:

A handwritten signature in cursive script, reading "Cynthia E. Heon", written over a horizontal line.

Cynthia E. Heon, Town Clerk

A True Copy;
Attest:

A handwritten signature in cursive script, reading "Cynthia E. Heon".

ORDINANCE 2-2000
SKATE BOARDS, ROLLER BLADES, AND ROLLER SKATES

The Board of Selectmen finds that the use of Skateboards, Rollerblades and or Roller Skates creates a high potential for both accidents and serious injuries. It is the intent of this ordinance to attempt to prevent these accidents and injuries, while still allowing the recreational use of these items.

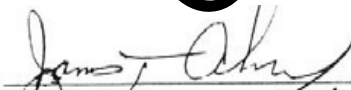
Pursuant to **RSA 41:11** and **RSA 47:17 (VII)** the Board of Selectmen of the Town of Deerfield hereby enacts the following Ordinance:

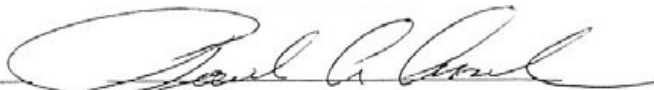
- The use of Skateboards on Public Ways within the Town of Deerfield is prohibited. Violators shall be issued a written warning for the first offense and fined ten dollars (\$10.00) for subsequent offenses. On subsequent offenses, the skateboard shall be confiscated. The owner of the skateboard, and his/her parent if a juvenile, must see the Chief of Police to retrieve the skateboard.
- The use of Roller Blades and Roller Skates on Public Ways within the Town of Deerfield in a reckless, unsafe or dangerous manner is prohibited. Violators shall be issued a written warning for the first offense and fined ten dollars (\$10.00) for subsequent offenses.
- Skateboarders, Rollerbladers and Roller Skaters may use the basketball court at the G B. White Building at their own risk, on condition that they wear helmets and/or other appropriate safety gear and clean up all materials used by them when finished.

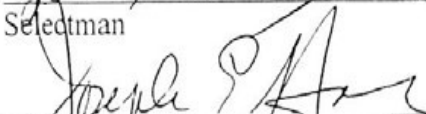
Effective Date:


This Ordinance shall be effective upon adoption by the Board of Selectmen, following a properly noticed public hearing and upon the recording of an Attested Copy of the same with the Town Clerk.


Given under our hands and seals this 1st day of May, 2000.


Selectman


Selectman


Selectman

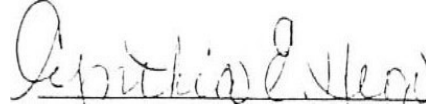

Selectman


Selectman

This is to certify that on the 2nd day of May, 2000 above ordinance was filed and recorded with the records of the Town Clerk of the Town of Deerfield, New Hampshire.

Witness my hand this 2nd day of May, 2000.

A True Record,
Attest:

A handwritten signature in cursive script, appearing to read "Cynthia E. Heon", written over a horizontal line.

Cynthia E. Heon, Town Clerk

Overturned 5/10/2021

ORDINANCE 97-2
False alarms and Civil Assessments

1. For the purpose of this Town Ordinance a “false alarm” shall be defined as an alarm signal eliciting a response by police when a situation requiring a response by the police does not in fact exist but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.
2. Except during the first thirty-day period following the installation of an alarm system, there shall be a service charge of twenty-five (\$25.00) for each false alarm received in excess of five (5) in a “calendar year”, which shall be defined as the period from January 1 through December 31. If the false alarm is due to an alarm system malfunction which is in the process of being repaired or where immediate steps are taken to identify or correct the problem(s), the Chief of Police may waive the service charge. Refusal to pay the service charge within thirty (30) days may be punishable as a violation of this Town Ordinance.
3. Whenever an alarm is received at Police Dispatch and or Headquarters, and the Police are;
 - a. unable to make contact with the person(s) responsible to re-set the alarm and or secure the premises, or;
 - b. the person(s) responsible does not, do not expeditiously respond when notified of the alarm, the Town of Deerfield, the Deerfield Police Department and its officers, agents and employees shall be exempt from any and all liability for any claim to include, but not limited to, loss or damage to real or personal property which may result. A service fee of ten dollars (\$10.00) may be assessed to the alarm user, if they fail to respond when requested to do so. This service charge shall be in addition to any other service charge that may be imposed pursuant to this ordinance.
4. In any case a false alarm is received in excess of five (5) per calendar year from an alarm system, the Chief of Police may require the alarm user to produce a certificate from the alarm company maintaining the equipment indicating that the system has been inspected and is in reliable working order. Failure to produce the above certificate within thirty (30) days of request shall be punishable as a violation of this Town Ordinance.
5. Penalty - If any person shall violate the provisions of this Ordinance, he or she shall be punished by a fine of (\$50.00) dollars.

REVISED: May 5, 1997

Date

BOARD OF SELECTMEN

James T. O'Brien
Frank Butler
Frank + Barbara Brown
Richard Mailhot
Donald F. Smith

This is to certify that on the sixth day of May, 1997 the above ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this sixth day of May, 1997

True Record,
Attest:

Cynthia E. Heon
Cynthia E. Heon

Town Clerk

ORDINANCE 97-3
LOUD, UNUSUAL OR OTHER UNNECESSARY NOISE

PURPOSE:

It is the declared intent and purpose of this ordinance to prohibit any vehicles in any way in the Town of Deerfield, from making any loud, unusual, or other unnecessary noise as hereinafter defined. It is recognized that the people have a right to and should be insured an environment free from excessive noise that may jeopardize their health, safety, welfare, or degrade the quality of life. This regulation is enacted to protect, preserve and promote the health, safety, welfare and quality of life for citizens of Deerfield, through the reduction, control and prevention of excessive noise.

1. Vehicle - The word “vehicle” shall include bus, highway equipment, motorcycle, motor truck, motor vehicle, semi-trailer, side-car, tractor or other vehicles, all as defined in **RSA 259:122**.
2. Way - The word “way” shall include crosswalk, intersecting or other public highway, or other way, all as defined in **RSA 259:125**.
3. Loud, Unusual, other Unnecessary Noise – The words, “loud, unusual or other unnecessary noise” shall include any noise occasioned by any one or more of the following actions of the operator of any vehicle:
 - a. Misuse of power exceeding tire traction limits in acceleration, sometimes known as “laying down rubber” or “peeling rubber,” or;
 - b. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency, or;
 - c. Rapid acceleration by means of quick down-shifting or transmission gears with either a clutch and manual transmission or an automatic transmission, or;
 - d. Rapid deceleration by means of quick down-shifting of transmission gears with either a clutch and manual transmission or an automatic transmission, or;
 - e. Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is in motion or standing still, or;
 - f. The blowing of any horn except as a warning signal or the use of any other noise making device, whether the vehicle is either in motion or standing still, or;
 - g. The use of radio equipment, whether fixed or portable, shall not be allowed if it will cause an excessive amount of sound, noise, or vibration.
4. Penalty - If any person shall violate the provisions of this Ordinance, he or she shall be punished by a fine of fifty (\$50.00) dollars for each offense.

REVISED: May 5, 1997

Date

BOARD OF SELECTMEN

James T. Alford
Frank Bioten
Robert B. B. Barry
Richard Mailhot
Donald F. Smith

This is to certify that on the sixth day of May, 1997 the above ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this sixth day of May, 1997.

A True Record,
Attest:

Cynthia E. Heon
Cynthia E. Heon
Town Clerk

ORDINANCE 97-4
OPEN CONTAINER

1. It shall be unlawful for any person to consume or possess in an open can, bottle or other container, any alcoholic beverage or alcoholic liquor, as defined in Chapter **175** of the New Hampshire Revised Statutes Annotated, while in a motor vehicle, on a way, a public sidewalk, and/or public areas, municipal parking lots, parking lots open to the public, municipal parks or commons, or any other public way as defined by Chapter **259:125** of the New Hampshire Revised Statutes Annotated, within the limits of the Town of Deerfield.
2. It shall be unlawful to consume or possess any alcoholic beverages, as defined in Chapter 175 of the New Hampshire Revised Statutes Annotated, in any type of open container on any Town owned property, in the Town of Deerfield.
3. **Penalty** - If any person shall violate the provisions of this Ordinance, he or she shall be punished by a fine of one-hundred (\$100.00) dollars.

REVISED: 6/2/1997

Date

BOARD OF SELECTMEN:

James T. Allyn
Frank B. Burt
Donald T. Smith

This is to certify that on the third day of June, 1997 the above ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this third day of June, 1997.

A True Record,

Attest:

Cynthia E. Heon
Cynthia E. Heon

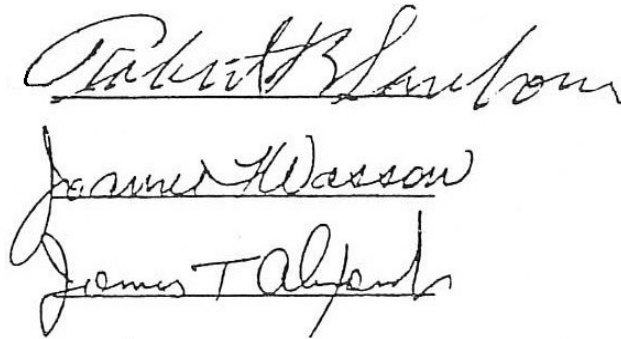
Town Clerk

**PUBLIC SPACES - ORDINANCE RELATIVE TO
OFF HIGHWAY RECREATIONAL VEHICLES**

- The Board of Selectmen of the Town of Deerfield hereby enact an ordinance to prohibit the use of off highway recreational vehicles (OHRV's) on any property owned by the Town of Deerfield. **RSA 215-A:21**

Date: 4/20/87

Signed:

Three handwritten signatures in cursive script, each written over a horizontal line. The signatures are: Robert H. Larson, James Wasson, and James T. Albright.

BOARD OF SELECTMEN

ROADS


• Ordinance 01-2002 Parking on Stage Road & Raymond Road during the Deerfield Fair	25
• Ordinance 02-2001 Snow Obstruction	26
• Ordinance 03-2001 Snow Emergency	27
• Ordinance 04-2001 Maximum Highway Weight Limits	28
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• Ordinance BOS 2006-01 Regulating Prima Facie Speed Limits on the Town Roads	37
• Ordinance Limiting Hours for Use of Highways by Certain Heavy Vehicles	38
• Ordinance Relative to Parking Within Right of Way	39
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• State of New Hampshire D.O.T. Parking Regulation Relative to Restricted Parking on Route NH 47&107	41
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ROADS - ORDINANCE 01-2002
Parking on Stage Road and Raymond Road During the Deerfield Fair


Whereas **RSA 47:17** empowers Towns to regulate parking on roads and other Town property, and, whereas the Board of Selectmen has determined that such regulation will have a salutary effect on conditions during the four (4) days the Deerfield Fair is in operation,

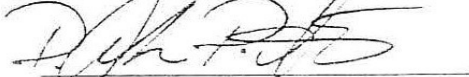
- No person or persons shall park any automobile, truck or other motor vehicle, attended or unattended, along either side of Stage Road, also known as Route 43, from the intersection of Raymond Road, also known as Route 107, up to the North Entrance of the fairgrounds, and, no person shall park any automobile, truck, or other motor vehicle, attended or unattended, along the West side of Raymond Road, also known as Route 107, from the intersection of Stage Road, also known as Route 43, in a Northerly direction up to the bridge.
- Any person violating the provisions of this ordinance shall be subject to a fine of Fifty Dollars (\$50.00) for each offense.

This Ordinance was adopted by the Deerfield Board of Selectmen on March 4, 2002.


James T. Alexander


Joseph E. Stone


Frances L. Menard


R. Andrew Robertson

Paul P. Dinneen

This is to certify that on the 4th day of March, 2002 the above Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 4th day of March, 2002.

A True Record,
Attest:



Cynthia E. Heon, Town Clerk


ORDINANCE 02-2001
SNOW OBSTRUCTION

It shall be unlawful for any person to put or place, or cause to be put or placed, any snow or ice upon the surface of the traveled portion of any town-maintained roadway or, to plow, or cause to be plowed, any snow across any town maintained which causes obstruction to traffic or reduces the traffic way.

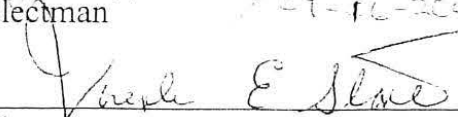
- Any person violating this ordinance shall be subject to a fine of One Hundred Dollars (\$100.00), plus the cost of removing snow or ice by the Highway Department.

This Ordinance shall be effective immediately.


This ordinance was adopted by the Deerfield Board of Selectmen on: July 9, 2001



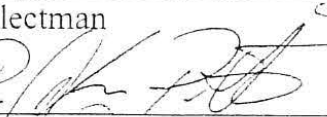
Selectman 07-16-2001




Selectman 07-16-2001



Selectman 07-16-2001



Selectman 07-16-2001



Selectman 07-16-2001

This is to certify that on the day of 2001, the above Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 16th day of July, 2001.

A True Record,
Attest:



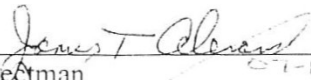
Cynthia E. Heon, Town Clerk

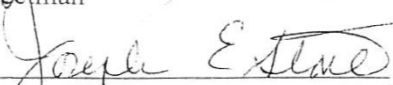
ORDINANCE 03-2001
SNOW EMERGENCY


It shall be unlawful for any person having custody or control of any vehicle to park or cause to be parked on any town road during snow removal, sanding or salting operations.

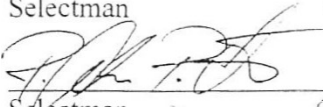
- Members of the police department are hereby authorized to have towed any vehicle in violation of this ordinance.
- Any person violating this ordinance shall be subject to a fine of Fifty Dollars (\$50.00) and shall be responsible for any and all towing and storage charges.


This Ordinance was adopted by the Deerfield Board of Selectmen on: July 9, 2001


Selectman 07-16-2001


Selectman 07-16-2001


Selectman 07-16-2001



Selectman 07-16-2001


Selectman 07-16-2001

This is to certify that on the 16th day of July, 2001, the above Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 16th day of July, 2001.

A True Record,
Attest:

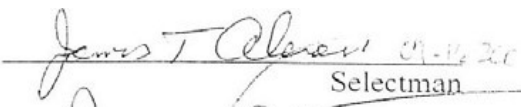

Cynthia E. Heon, Town Clerk

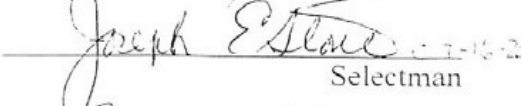
**ROADS - ORDINANCE FOR
MAXIMUM HIGHWAY WEIGHT LIMITS
04-2001**

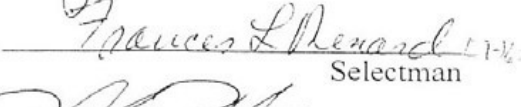
The Deerfield Board of Selectmen adopts the following ordinance under authority granted by **RSA 231:191**;

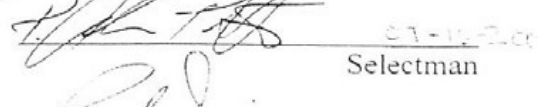
- Maximum weight limits, determined necessary by the Deerfield Highway Agent to prevent unreasonable damage or extraordinary Town maintenance expenses are hereby established at six tons at certain times of the year for all Town owned highways.
1. EXCEPTION: Parade Road and Cotton Road which shall have a load limit of 20 tons.
 2. Signage shall be posted as required by Law.
 3. No person shall drive a vehicle in violation of maximum weight limits without written permission of the Road Agent, whose authority shall be posted as required by statute.
 4. Such written permission shall be subject to regulations for bonding and restoration and other reasonable conditions.
 5. Any person who meets the criteria **RSA 231:191 V** shall be entitled to an exception to maximum weight limits, subject to the regulations and statutory obligations concerning bonding and restoration of highways.
 6. Any person violating such maximum weight limits shall be subject to a fine of One Hundred Dollars (\$ 100.00) and the penalties and remedies in **RSA 231:191, VI**.

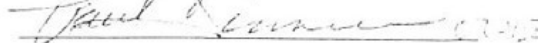
This Ordinance was adopted by the Deerfield Board of Selectmen on July 9, 2001.


Selectman


Selectman


Selectman


Selectman

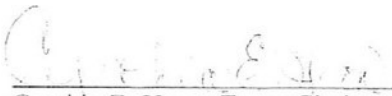

Selectman

This is to certify that on the 16th day of July, 2001, the above Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 16th day of July, 2001

A True Record,

Attest:

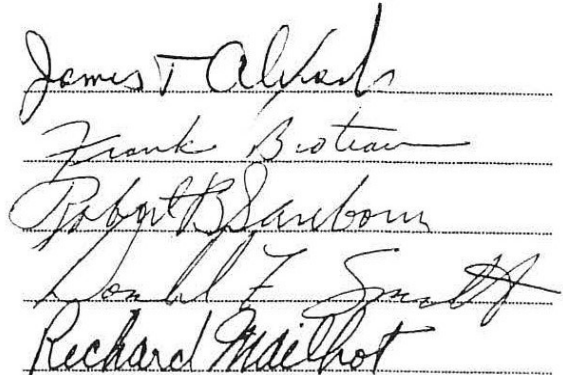


Cynthia E. Heon, Town Clerk

**ROADS - ORDINACE 95-1
CLOSING CLASS VI HIGHWAYS**

- By order of the Deerfield Board of Selectmen, under authority granted by **RSA 41:11** and **RSA 47:17, sec VII**, and at their discretion, any or all Class VI highways within the Town will be closed to all motorized wheeled vehicles when the Selectmen find it in the Town's interest to do so.
 1. The intent of this ordinance is to protect and preserve roads from damage during, but not limited to the time period April 1 to May 30. This action makes it possible to close certain Class VI roads or portions thereof when road conditions deteriorate and then reopen them again when road conditions have improved.
 2. Violators will be fined up to \$1,000 as allowed under **RSA 47:17** and be liable for damages to the highway under **RSA 236:38** and **236:39**.
 3. The only exception to the above ordinance is if the person(s) operating the motorized wheeled vehicle has properly obtained a written Class VI Highway Usage Permit from the Deerfield Highway Agent. This permit must be immediately available for inspection by any person requesting it. A Usage Permit does not exempt the user from being liable for damage to the roadway.

This Ordinance was adopted by the Deerfield Board of Selectmen on June 12, 1995.


Board of Selectmen

This is to certify that on the day of June, 1995 the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Deerfield, N.H.

Witness my hand this 15th day of June, 1995


Cynthia E. Heon, Town Clerk

ROADS - ORDINANCE 98-2
Regulating Prima Facie Speed Limits on
The Town Roads of Deerfield


Pursuant to the authority conferred by **RSA 265:63**, the Board of Selectmen of Deerfield enact the following ordinance regulating the Prima Facie Speed Limits on Town Roads:

- All Town roads shall be posted at 35 miles per hour (mph), except the following:
 1. All gravel roads shall be posted at 30 mph
 2. **Cotton Road (changes in Ordinance 2005-01)**
 3. Brown Road, Oak Drive, Maple Ave., Haynes Road and Birch Road shall be posted at 30 mph
 4. Parade Road, from the junction of Route 107 to the junction of Nottingham Road, shall be posted at 30 mph
 5. Nottingham Road, from the junction of Route 107 to the junction of Harvey Road, shall be posted at 30 mph
 6. Old Center Road, South, from the junction of Route 107 to a point of 155 feet West of the Congregational Church, shall be posted at 25 mph
 7. The paved portion of Cate Road shall be posted at 30 mph
 8. The paved portion of Coffeetown Road shall be 30 mph

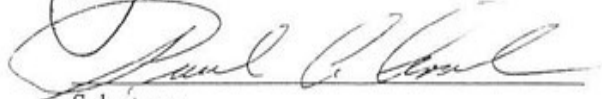
Effective Date:

This Ordinance shall be effective upon adoption by the Board of Selectmen, following a properly noticed public hearing and upon the recording of an Attested Copy of the same with the Town Clerk.

Given under our hands and seals this 20th day of July, 1998.


Selectman


Selectman


Selectman


Selectman

Selectman

BOARD OF SELECTMEN

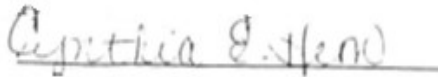
TOWN OF DEERFIELD

This is to certify that on the twenty first day of July, 1998, the above ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this twenty first day of July, 1998.

A True Record,

Attest:



Cynthia E. Heon
Town Clerk/Tax Collector

ROADS - ORDINANCE 98-3

REGULATING THE USE OF CLASS VI HIGHWAYS

SECTION 1: PURPOSE

WHEREAS, the Town of Deerfield has as part of its highway system, an extensive network of unmaintained Class VI roads; these roads are a valued public resource for recreational activities, as well as a means of accessing back lands within the Town of Deerfield for fire and other public safety purposes; motorized wheeled vehicle usage can damage these public highways; and the preservation of these highways is in the Town's best interest; now therefore the Board of Selectmen, having followed due process, enact the following ordinance under the authority of NH RSA 41:11 to regulate the use of public highways and NH RSA 47:17 to make By-Laws and Ordinances.

SECTION 2: REGULATED ACTIVITY

All unmaintained portions of Class VI highways within the Town are closed to all motorized wheeled vehicles whenever the Selectmen determine that it is in the best interest of the Town and its highway system. The intent of such closure is to protect and preserve roads from damage during, but not limited to the period March 1 to June 1. This action makes it possible to close certain Class VI roads when road conditions deteriorate and then reopen them when road conditions have improved. The only exception to the above listed closure is if the person operating a motorized wheeled vehicle has properly obtained a written Usage Permit from the Deerfield Board of Selectmen and/or Road Agent. This permit must be immediately available for inspection by any person requesting it. Such permit does not exempt the user from being liable for damage to the roadway. A person who owns land on a Class VI road shall be entitled to use such road, even if closed hereunder, for access to such person's land.

SECTION 3: REGULATED LOGGING OPERATIONS WHICH USE CLASS VI ROADS

Any person (hereinafter "User"), prior to conducting logging operations which use Class VI roads in the Town of Deerfield, shall obtain written permission from the Board of Selectmen (hereinafter "Town").

1. Users shall not commence logging operations until the Intent to Cut and Road Use Agreement forms have been approved by the Town.
2. The User shall assume full responsibility for any and all injuries or damages to all persons and property caused by User's operations in the Town of Deerfield.
3. The User shall immediately repair and restore all roads, drainage structures, bridges and other structures which may be damaged as a result of User's operations and shall not at any time interfere with the right of the public to safe use of Town roads.
4. The Town may require that the User maintain liability insurance in full force and effect with an insurance carrier licensed to do business in the State of New Hampshire in an amount of not less than \$500,000 throughout the terms of this agreement and provide the Town with a certificate of insurance to verify that the insurance has been obtained.
5. The Town may require that the User file with the Board of Selectmen prior to commencement of hauling a Restoration Guaranty such as cash, surety bond, an escrow

deposit or irrevocable letter of credit, in an amount sufficient to secure the obligation to repair and restore the improvements referred to above. The amount and form of security shall be approved by the Board of Selectmen.

SECTION 4: PENALTY

Violators will be fined up to **\$1,000.00** and may be held liable for damages to the highway under **RSA 236:38** and **236:39**.

SECTION 5: SEVERABILITY

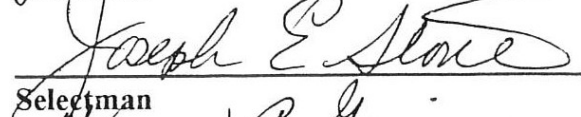
If any section, provision, portion, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Ordinance.

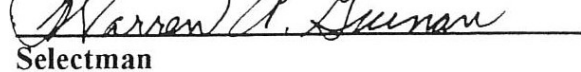
SECTION 6: EFFECTIVE DATE

This Ordinance shall be effective upon adoption by the Board of Selectmen, following a properly noticed public hearing and upon the recording of an Attested Copy of the same with the Town Clerk.

Given under our hands and seals this 27th day of July, 1998.


Selectman


Selectman


Selectman

Selectman

Selectman

**Board of Selectmen
Deerfield, New Hampshire**

This is to certify that on the 27th day of July, 1998, the above record was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 27th day of July, 1998.

A True Record,
Attest:



Cynthia E. Heon, Town Clerk

**TOWN OF DEERFIELD
CLASS VI ROAD USAGE PERMIT**

ISSUED TO: _____

ADDRESS: _____

TELEPHONE #: _____

DESCRIPTION OF VEHICLE TO BE USED: _____

LICENSE PLATE #: _____

STARTING DATE: _____ ENDING DATE: _____

This temporary permit entitled the bearer to use the following Class VI Road in Deerfield, New Hampshire so long as he/she abides by the Rules and Regulations applicable thereto.

(List Road or Roads): _____

APPROVED BY: _____ ISSUE DATE: _____

ROADS - ORDINANCE BOS 2005-01
Regulating Prima Facie Speed Limits on the Town Roads of Deerfield


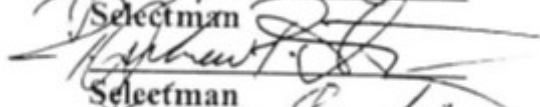
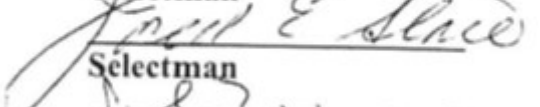
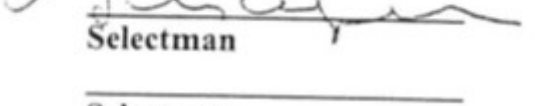
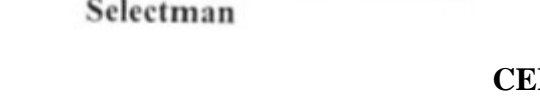
Pursuant to the authority conferred by NH **RSA 265:63**, the Board of Selectmen of the Town of Deerfield hereby enacts the following ordinance regulating the Prima Facie Speed Limits on Town Roads:

1. Meetinghouse Hill Road shall be posted at 30 Mile Per Hour,
2. James City Road shall be posted at 25 Miles Per Hour,
3. Cotton Road shall be posted at 35 Miles Per Hour,
4. Pleasant Hill Road shall be posted at 30 Miles Per Hour

Effective Date:

This ordinance shall be effective upon adoption by the Board of Selectmen and upon the recording of an Attested Copy of the same with the Town Clerk.

Given under our hands and seals this the 1st day of Aug, 2005.


Selectman

Selectman

Selectman

Selectman

Selectman

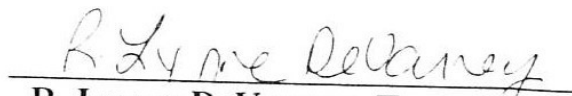
CERTIFICATION

This is to certify that on the 2nd day of Aug, 2005, the above captioned ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witnessed by my hand this the 2nd day of Aug, 2005.

A True Record,

Attest:


R. Lynne DeVarney, Town Clerk

ROADS - ORDINANCE BOS 2006-01
Regulating Prima Facie Speed Limits on the Town Roads of Deerfield

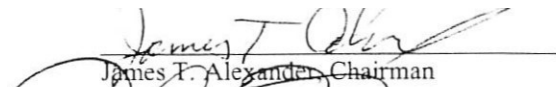
Pursuant to the authority conferred by NTI **RSA 265:63**, the Board of Selectmen, of the Town of Deerfield, hereby enacts the following ordinance regulating the Prima Facie Speed Limits on Town Roads:

1. Cole Road, 30 mph

Effective Date:

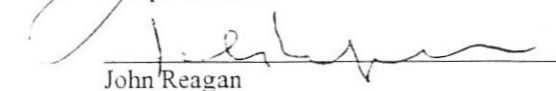
This ordinance shall be effective upon adoption by the Board of Selectmen and upon the recording of an Attested Copy of the same with the Town Clerk.

Given under our hands and seals this the 9th day of January, 2006.


James T. Alexander, Chairman


R. Andrew Robertson, Vice Chairman


Joseph E. Stone


John Reagan

Stephen R. Barry

**BOARD OF SELECTMEN
TOWN OF DEERFIELD**

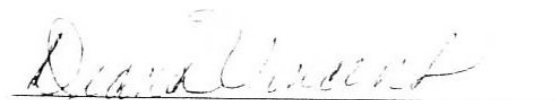
CERTIFICATION

This is to certify that on the 10th day of January, 2006, the above captioned Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witnessed by my hand this the 10th day of January, 2006.

A True Record;

Attest:



Diana Vincent, Town Clerk Tax Collector

**ROADS - ORDINANCE LIMITING HOURS FOR
USE OF HIGHWAYS BY CERTAIN HEAVY VEHICLES**

Authority and Purpose:

These regulations are adopted pursuant to **RSA 41:11** for the purpose of balancing the rights of residents to be free of unreasonable and offensive levels of noise and the rights of operators of heavy vehicles and their customers to use public highways in Deerfield.

Restriction on Hours of Highway use by Certain Vehicles:

No person shall operate a vehicle with a gross weight in excess of 5 ton upon any public highway in the town Of Deerfield (except State Routes 107 and 43) on Monday through Friday between the hours of 9 o'clock p.m. and 7 o'clock a.m. or on Saturday between the hours of 9 o'clock p.m. end 8 a.m. Agricultural vehicles and emergency vehicles on bona fide emergency calls shall be exempt from these regulations.

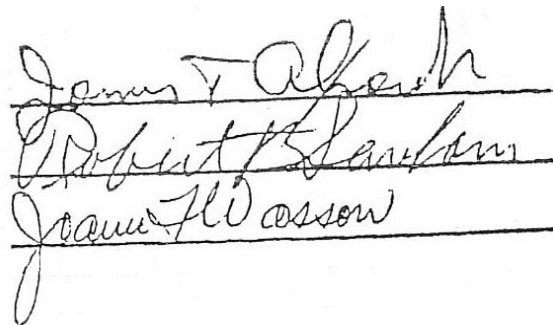
Penalty:

Any violation of these regulations shall be punishable by a penalty not exceeding \$1000.00.

Effective Date:

These regulations shall take effect February 1, 1987.

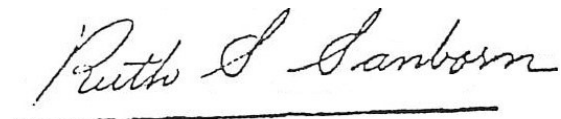
Witness our hands and seal this 26th day of January, 1987



BOARD OF SELECTMEN

This is to certify that on the 26th day of January, 1987 the above regulation was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 26th day of January, 1987.

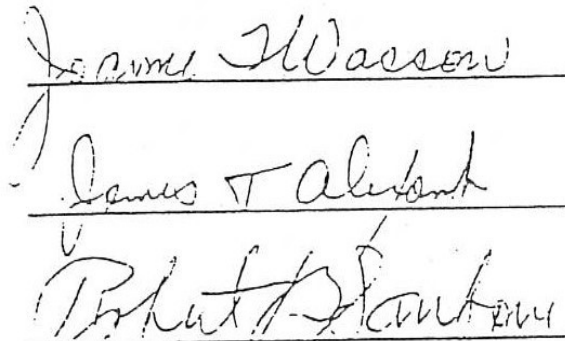


**ROADS - ORDINANCE RELATIVE TO
PARKING WITHIN RIGHT OF WAY**

The Board of Selectmen hereby prohibit Parking, Storing, or Depositing of privately owned vehicles or parts thereof within the town right of way.

PENALTY: \$50.00 for 1st offense
\$100.00 for 2nd offense

EFFECTIVE DATE: November 21, 1988


**BOARD OF SELECTMEN
TOWN OF DEERFIELD**

This is to certify that on the 21st day November, 1988 the above ordinance was filed and recorded with the records of the Town Clerk of the of Deerfield, N.H.

Witness my hand this

Cynthia Valade, Town Clerk

**STATE OF NEW HAMPSHIRE
D.O.T. PARKING REGULATION
RELATIVE TO GULF ROAD**

In accordance with **RSA 265:71** and **RSA 236:1** a section of Route NH 107 in the Town of Deerfield, New Hampshire, beginning at a point on the east side of the highway approximately 220 feet south of the intersection of Gulf Road and extending in a northerly direction a distance of approximately 600 feet on Route NH 107 is hereby restricted and within the area so described the parking of vehicles of any type is prohibited at any time.

Given under my hand this 23rd day of August, 2012.

New Hampshire Department of Transportation

A handwritten signature in black ink, appearing to be 'M. J. [unclear]', written over a horizontal line.

Traffic Engineer/Administrator,
Bureau of Traffic for Director of Operations

In accordance with Revised Statutes Annotated **236:21** have caused to be filed a copy thereof in the records of the New Hampshire Department of Transportation and with the Clerk of the Town of Deerfield, New Hampshire.

A handwritten signature in black ink, appearing to be 'Jamie Cetner', written over a horizontal line.

Authorized Agent of the Commissioner

Date: 8-30-12

STATE OF NEW HAMPSHIRE
D.O.T. PARKING REGULATION
Relative to Restricted Parking on Route NH 43/107

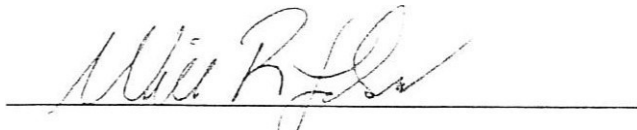
- Supersedes Parking Regulation dated May 26, 1995.

In accordance with **RSA 265:71** and **RSA 236:1** a section of Route NH 43/107 in the Town of Deerfield, New Hampshire, is hereby restricted and within the areas so described below the parking of vehicles of any type is prohibited at any time.

1. Beginning at a point on the west side of the highway at the intersection of the southerly drive to the George B. White Building and extending in a southerly direction a distance of approximately 1400 feet.
2. Beginning at a point on the east side of the highway at the intersection of the southerly drive to the George B. White Building and extending in a southerly direction a distance of approximately 840 feet.

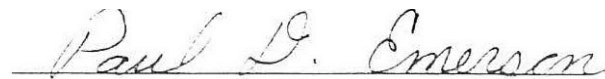
Given under my hand this 11th day of July, 2000.

New Hampshire Department of Transportation



State Traffic Engineer for Director of Operations

In accordance with Revised Statutes Annotated **236:21** have caused to be filed a copy thereof in the records of the New Hampshire Department of Transportation and with the Clerk of the Town of Deerfield, New Hampshire.



Authorized Agent of the Commissioner

Date 7/11/2000

TOWN ORDINANCE
4-2020

Relative to Parking on Reservation and Pleasant Hill Road

Be it enacted this date, April 13, 2020, that:

Whereas New Hampshire RSA 47:17 empowers Towns to regulate parking on Town roads and other activities on Town property, and whereas the Board of Selectmen has determined that such regulation will have a salutary effect on conditions at Reservation Road and Pleasant Hill Road, no person, or persons, shall park any automobile, truck, or other motor vehicle, attended or unattended along either road within fifty (50) feet from any "No Parking" sign placed by the Town of Deerfield along either road.

Any person violating the provisions of this Ordinance shall be subject to a fine of not more than twenty-five dollars (\$25.00) for each offense.

Witness our hands and seal this 13th day of April, 2020.

BOARD OF SELECTMEN:

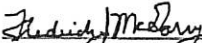


R. Andrew Robertson, Chairman



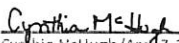
R.W. Pitman (Apr 17, 2020)

Richard W. Pitman, Vice Chairman



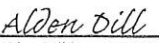
Frederick J. McGarry (Apr 17, 2020)

Frederick J. McGarry, Selectman



Cynthia B. McHugh (Apr 17, 2020)

Cynthia B. McHugh, Selectwoman



Alden Dill (Apr 17, 2020)

Alden Dill, Selectman



This is to certify that on the 14 day of April, 2020, the above Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 14 th day of April, 2020.

A True Record,

Attest:



Kelly Roberts, Town Clerk/Tax Collector

SIGNS

• Ordinance 01-2004-PD Relative to Posted Stop Signs	44
• Ordinance 2-1999 Relative to Stop Signs	45
• Ordinance 3-1996 Relative to Posted Yield Signs	46
• Ordinance 4-1998 Relative to Parking on Gulf Road	47
• Ordinance 2001-01 Relative to Posted Stop Sign	48
• Ordinance 2006-01 Relative to Posted Stop Signs	49
• Research on Stop Signs without Ordinances = Ordinance 2-1996 being Created	51

**ORDINANCE 01-2004-PD
RELATIVE TO POSTED STOP SIGNS**

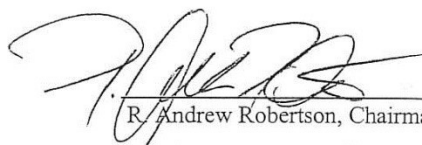
Pursuant to NH **RSA 41:11** and **RSA 47:17, VII, VIII**, the Board of Selectmen do hereby authorize the placement of a stop sign on:

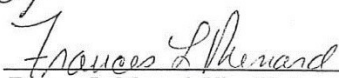
- Candia Road at the intersection of Old Center Road South, and;
- Old Center Road South at the intersection of Candia Road.

Effective Date: May 17, 2004


This ordinance shall be effective upon adoption by the Board of Selectmen, and upon the recording of an Attested Copy of same with the Town Clerk.

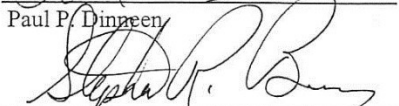
Given under our hand and seal this 17th day of May, 2004.


R. Andrew Robertson, Chairman


Frances L. Menard, Vice Chair

Joseph E. Stone


Paul P. Dinning


Stephen R. Barry

**Board
of
Selectmen**



This is to certify that on the 17th day of May, 2004, the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Deerfield, NH.

Witness my hand this 17th day of May, 2004.

A True Record,
Attest;



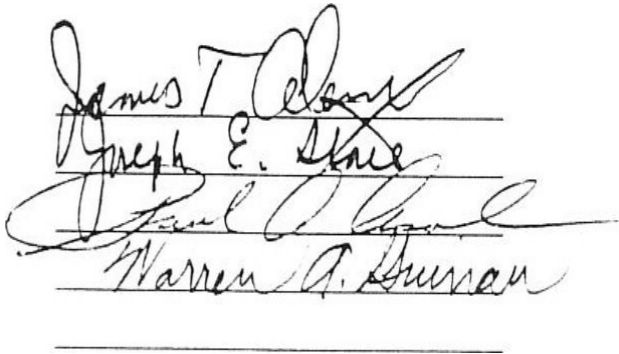
Town Clerk

ORDINANCE 2-1999
Relative to Stop Signs

- Be it enacted this date, September 13, 1999, that, the Board of Selectmen do hereby affirm the existence of a Stop Sign at the following location:

1. Tandy Road at Reservation Road.

Witness our hands and seal this 13th day of September, 1999.



James T. Albani
Joseph E. Stone
Paul J. Gaud
Warren A. Thurman

Board of Selectmen
Town of Deerfield

This is to certify that on the day of September, 1999 the above Ordinance was filed and recorded the records of the Town Clerk of Deerfield, New Hampshire.

A True Record,

Attest:

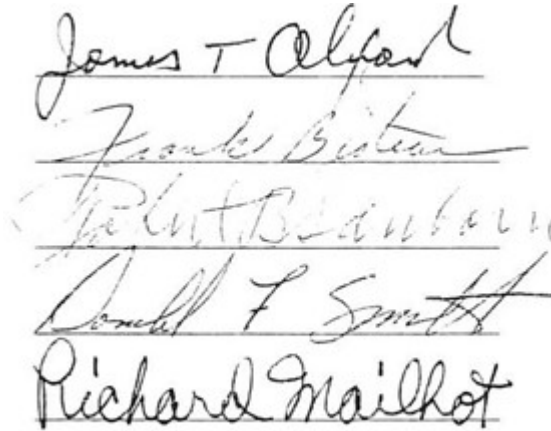


Cynthia E. Heon
Town Clerk/Tax Collector

ORDINANCE 3-1996
Relative to Posted Yield Signs

- Be it enacted this date, July 15, 1996, that, the Board of Selectmen do hereby affirm the existence of Yield Signs at the following locations:
 1. South Road at Middle Road
 2. Candia Road at Old Center Road
 3. Old Center Road at Candia Road
 4. Griffin Road at Old Center Road

BOARD OF SELECTMEN:

The image shows five handwritten signatures, each on a separate line. From top to bottom, the signatures are: James T. Alfard, Frank B. Birtan, Robert B. Birtan, Donald F. Smith, and Richard Mailhot.

This is to certify that on the sixteenth day of July, 1996 the above ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this sixteenth day of July, 1996

A True Record,
Attest:

The image shows a handwritten signature in cursive script, which appears to read "Cynthia E. Heon".

Cynthia E. Heon
Town Clerk

ORDINANCE 4-1998
Relative to Parking on Gulf Road

- *ORDINANCE 4-1998 SUPERSEDES ORDINANCE 1-1996*

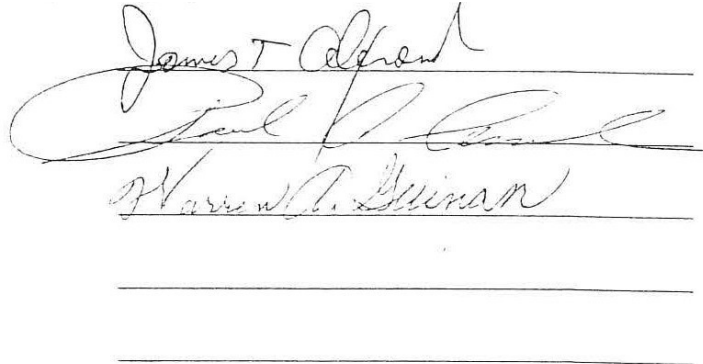
Be it enacted this date, August 10, 1998, that:

Whereas New Hampshire **RSA 47:17** empowers Towns to regulate parking on Town roads and other activities on Town property, and whereas the Board of Selectmen has determined that such regulation will have a salutary effect on conditions at the Pleasant Lake Dam, no person, or persons, shall park any automobile, truck, or other motor vehicle, attended or unattended along the road in front of the Pleasant Lake Dam, nor within fifty (50) feet from any "No Parking" sign placed by the Town of Deerfield along the road by the Dam.

→ Any person violating the provisions of this Ordinance shall be subject to a fine of not more than twenty-five dollars (\$25.00) for each offense.

Witness our hands and seal this 10th day of August, 1998

BOARD OF SELECTMEN:



This is to certify that on the tenth day of August, 1998, the above Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 10th day of August, 1998.

A True Record,
Attest:



Cynthia E. Heon
Town Clerk/Tax Collector


ORDINANCE 2001-01
Relative to Posted Stop Sign

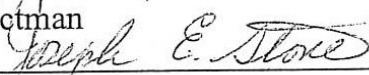
- Be it enacted this date, March 26, 2001, the Board of Selectmen do hereby affirm the existence of:
 1. Stop Sign on South Road at the intersection of Middle Road


Effective Date:

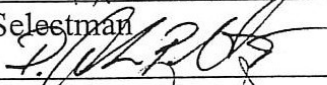
This Ordinance shall be effective upon adoption by the Board of Selectmen, following a properly noticed public hearing and upon the recording of an Attested Copy of the same with the Town Clerk.


Given under our hands and seals this 26th day of March, 2001.



Selectman


Selectman


Selectman


Selectman


Selectman

BOARD OF SELECTMEN
TOWN OF DEERFIELD

This is to certify that on the 27th day of March, 2001, the above Ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 27th day of March, 2001.

A True Record,
Attest:



Cynthia E. Heon/Town Clerk

ORDINANCE 2006-01
RELATIVE TO POSTED STOP SIGNS

Be it enacted this date, August 28, 2006, that, the Board of Selectmen do hereby grant permission to erect Stop Signs:

1. On Old Center Road, North at the intersection of Old Center Road South, Meetinghouse Hill Road and Mount Delight Road
2. On Old Center Road, South at the intersection of Old Center Road, North, Meetinghouse Hill Road and Mount Delight Road
3. On Meetinghouse Hill Road at the intersection of Old Center Road North and South
4. On Mount Delight Road at the Intersection of Old Center Road North and South

Effective Date:

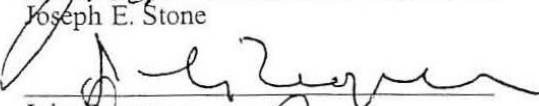
This Ordinance shall be effective upon adoption by the Board of Selectmen and upon recording of an Attested Copy of the same with the Town Clerk.

Given our hands and seals this 28th day of August, 2006.


James T. Alexander, Chairman


R. Andrew Robertson, Vice Chairman


Joseph E. Stone


John Reagan


Stephen R. Barry

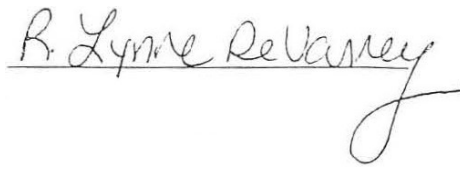
Town of Deerfield
Board of Selectmen

This is to certify that on the 29th day of August 2006, the above Ordinance was filed and recorded with records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this 29th day of August 2006.

A True Record,

Attest:

A handwritten signature in cursive script, reading "R. Lynne DeVarney", written over a horizontal line.

R. Lynne DeVarney
Town Clerk/Tax Collector

Research on STOP SIGNS without an ORDINANCE


In researching the Town Clerk's records regarding stop sign ordinances, with the exception of page 153 found in volume # 14 which installed stop signs at the intersection of Mt. Delight and Old Center Roads, there are no ordinances covering the rest of the stop signs installed on Town roads. This was researched back to the year 1888.

- I personally drove the roads of the Town and found the following **stop signs** which are located at the following road intersections:
 1. Ridge – Candia
 2. Haynes – Ridge
 3. Range -Middle
 4. South – Maple
 5. Maple - Oak South – Oak
 6. South – Birch
 7. Meetinghouse Hill - Old Center
 8. Mt. Delight – Haynes
 9. Swamp - Mt. Delight
 10. Brown - Landfill entrance
 11. Inside Landfill
 12. Mountain- Nottingham
 13. Harvey – Nottingham
 14. Cate – Nottingham

With the exception noted in the first paragraph none of the above appear in any Town Ordinances.

- The following have **yield signs**:
 1. South - Middle
 2. Candia - Old Center
 3. Old Center - Candia

Sincerely,

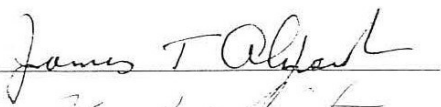
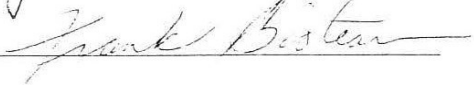
A handwritten signature in dark ink, appearing to read 'Joe Stone', with a long horizontal flourish extending to the right.

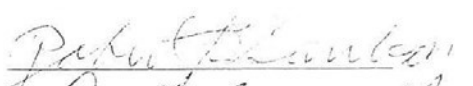
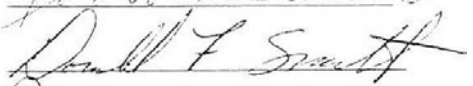
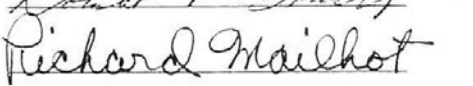
Joe Stone
Highway Administrative Assistant
June 17, 1996

ORDINANCE 2-1996
Relative to Posted Stop Signs

- Be it enacted this date, July 15, 1996, that, The Board of Selectmen do hereby affirm the existence of Stop Signs at the following locations:
 1. Ridge Road at Candia Road
 2. Haynes Road at Ridge Road
 3. Range Road at Middle Road
 4. Maple Avenue at South Road
 5. Oak Drive at Maple Avenue
 6. Oak Drive at South Road
 7. Birch Road at South Road
 8. Meetinghouse Hill Road at Old Center Road
 9. Haynes Road at Mt. Delight Road
 10. Swamp Road at Mt. Delight Road
 11. Landfill entrance at Brown Road
 12. Inside Landfill
 13. Mountain Road at Nottingham Road
 14. Harvey Road at Nottingham Road
 15. Cate Road at Nottingham Road
 16. Mt. Delight Road at Old Center Road Haynes Road at Mt. Delight Road

Witness our hands and seal this fifteenth day of July, 1996

BOARD OF SELECTMEN

This is to certify- that on the sixteenth day of July, 1996 the above ordinance was filed and recorded with the records of the Town Clerk of Deerfield, New Hampshire.

Witness my hand this sixteenth day of July, 1996

A True Record,
Attest:


Cynthia E. Heon

Town Clerk

TOWN BOARDS, COMMISSIONS, AND COMMITTEES

- Conflict of Interest Ordinance 55

TOWN OF DEERFIELD
CONFLICT OF INTEREST ORDINANCE

SECTION 1: AUTHORITY

This conflict-of-interest Ordinance is adopted pursuant to the authority vested in the Town under RSA 31:39-a.

SECTION 2: PURPOSE

The purpose of this Ordinance is to establish a conflict-of-interest Ordinance applicable to all public servants of the Town of Deerfield, whether elected or appointed, full time or part time, paid or volunteer, and to ensure consistency in the application of the Ordinance among the various Boards, Commissions, and public servants of the Town of Deerfield. The Ordinance is intended to encourage a high level of public trust and confidence that public servants will always act in the public interest.

This Ordinance shall be known as the “Town of Deerfield Conflict of Interest Ordinance.”

SECTION 3: DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings:

Board: Any Board, committee, or commission, permanent or special, appointed or elected (unless the context indicates otherwise).

Conflict of Interest: A situation, circumstance or financial interest that has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty. The conflict shall be immediate, definite, and capable of demonstration; not remote, uncertain, contingent, and speculative, that is, such that persons of ordinary capacity and intelligence would not be influenced by it.

Family: Any person who is related to a public servant in one of the following ways: spouse, domestic partner, parent, grandparent, child, grandchild, sibling, or similar relation to the individuals' spouse. This includes all persons who are members of the same household as the public servant in question, regardless of whether they are related by blood or marriage.

Firm: A sole proprietorship, joint venture, partnership, corporation or any other form of enterprise.

Interest: Any legal or equitable right, share, or claim, whether or not subject to an incumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including, but without limitation or right, share, or claim.

Pecuniary: Any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not apply to economic advantage applicable to the public generally, such as reduction or increase in prosperity generally.

Principals: Those people who are the subject of the action or application that is before the Board or public servant.

Public Servant: All officials and officers of the Town, whether elected, appointed, paid, or unpaid.

Recuse: Removing or excusing oneself from participating in a specific action or discussion due to a conflict of interest. Recusal requires one to completely remove oneself from all further participation as a public servant in the matter in question.

SECTION 4: CONFLICTS OF INTEREST

A. Public Servants shall avoid legal conflicts of interest.

1. A public servant shall not participate in any matter in which the public servant, or

a member of the public servant's family, has a personal or pecuniary interest.

2. A public servant shall not participate in any matter in which a member of his or her family is a principal.

3. A public servant shall not participate in any matter in which his or her employer or employee is a principal.

4. A public servant shall not accept any gift or gratuity of anything more than nominal value.

5. No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege, or other private or personal advantage for the public servant, his or her family, or any person or firm associated with the public servant, or member of the public servant's family.

6. No public servant shall appear on behalf of a client or friend or family member before the board of which the public servant is a member.

7. No public servant shall:

- (a) Coerce or attempt to coerce any public servant or municipal employee to engage in political activities;
- (b) Coerce or command a public servant or municipal employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, candidate, or person for political purposes.

SECTION 5: DUTY TO RECUSE

Public servants have a duty to recuse themselves from participating in a specific action or discussion where they have a conflict of interest.

Public servants who have been recused may remain in the hearing room for the public input portion of the hearing and shall seat themselves with the other members of the public that are present. When recused, the recused person shall not participate in the discussions, unless she

or he clearly states for the record that she or he is doing so only as a general member of the public.

SECTION 6: ADVISORY VOTE

1. Prior to any vote, each public servant should give consideration to whether a potential violation of this conflict-of-interest Ordinance might exist. If the public servant is not sure whether a potential violation may exist, the public servant should disclose such facts to the Board.

2. When uncertainty arises as to the application of this conflict-of-interest Ordinance to a Board member in a particular circumstance the public servant shall disclose the nature of the possible conflict and the Board shall, upon the request of that member or another member of the Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may not be requested by persons other than Board members.

SECTION 7: ADMINISTRATION

1. The Select Board shall be responsible for administering this Ordinance. The Board shall be the sole arbiter of the terms of this Ordinance and its decisions shall be final.

2. Any resident of the Town who believes that a public servant has violated this Ordinance may report the alleged violation to the Select Board by using the attached form. This form shall be the only manner by which a complaint may be considered. The form shall be completed in detail.

3. The Select Board shall provide a copy of the complaint to the public servant who is alleged to have violated this Ordinance.

4. The Board shall, in the first instance, consider the complaint and determine whether a reasonable person could conclude the complaint states a claim that may rise to the level of a violation of this Ordinance. If the complaint does not state sufficient cause to proceed it shall be dismissed, and the resident and public servant alleged to have violated this Ordinance shall be advised of the decision, in writing.

5. If the Board determines the complaint could present a violation of this Ordinance, then it may investigate in any manner it sees fit. All documents and short descriptions of the results of interviews, if any, shall be made part of the record and shall be made public.

6. Upon completion of any investigation, the Board shall schedule a public hearing where the public servant shall have the right to make a presentation. The resident also shall have an opportunity to be heard but may not supplement the complaint as filed with the Board.

7. The Board shall issue a written decision.

8. All records shall be public documents and the hearing of the Board shall be a public proceeding.

TOWN OF DEERFIELD
CONFLICT OF INTEREST ORDINANCE COMPLAINT FORM

Please complete this form legibly and in as much detail as possible.

Name: _____

Address: _____

Telephone number: (daytime) _____ (evening) _____

Email Address: _____

Public Servant(s) against whom the complaint is made:

Name: _____ Board: _____

Please describe, in detail, how the public servant's conduct violated the Conflict of Interest Ordinance:

(Attach additional information, as necessary)

With my signature I declare that the statements made are accurate and truthful.

Signature: _____ Date: _____

Completed forms are to be returned to the Town Administrator.

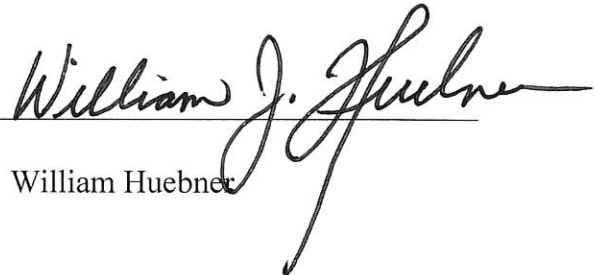
This policy shall be effective upon a vote of approval by the Town of Deerfield as it appears on the ballot in 2024.

Adopted By the Select Board: June 5, 2023

Richard Pitman, Chair


Frederick McGarry, Vice Chair

Cynthia McHugh


William Huebner


Stephen Barry

ZONING

- “Smith Ordinance” – Minor Subdivision on A Private Way 63
- Zoning Ordinances as of 2016 65

“Smith Ordinance”
REGULATIONS FOR SECTION 207 (2)
MINOR SUBDIVISION ON A PRIVATE WAY

1. The application, submission requirements, notice, and hearing procedures shall be the same as the Subdivision Regulations for a Minor Subdivision, except as provided in these regulations. The applicant shall also forward a copy of the application to the Town Building Inspector.
2. The applicant is encouraged to utilize the Design Review Phase under the Subdivision Regulations so that the Board may make a preliminary finding as to whether “...it is likely that the proposed private way could be extended to serve additional dwelling units in the future...” under the provisions of the Ordinance. In the event that the applicant does not utilize the Design Review Phase, the Board shall first make said preliminary finding, and may, in its discretion, continue the application acceptance question until such time as the applicant shall provide any necessary further information to constitute a complete application.
3. In determining as to Whether a proposed private way is likely to serve additional dwelling units in the future, the Board shall consider the following:
 - a. Topography
 - b. land ownership in the vicinity
 - c. type and location of roads in the area
 - d. geographic location in town
 - e. traffic flow in the area
 - f. other factors relevant to short and long-range growth in the area.
 - *To assist the Board in determining if and how the private way is likely to serve additional dwelling units, the applicant shall submit a non-binding conceptual plan of the property as it might appear if fully developed under current zoning. The optimum road layout would then be determined based upon this information.*
4. If the Board finds that the proposed private way “is likely” to serve more than four dwelling units in the future, the Subdivision Regulations shall apply except the requirement of 200’ frontage on Class V road. The applicant can request that the Board waive certain Subdivision Regulation specifications where appropriate. The applicant shall have the burden of justifying any waiver.
5. If the Board finds that the proposed private way “is not likely” to serve more than four dwelling units in the future, the following specifications shall apply:
 - a. Traveled Way and Right-of-Way:

Single-Family Dwelling		Appx.			
Units	*VPD	Traveled Way	Shoulders	ROW	
1	10.1	12 ft. gravel	--	50	
2 to 3	20.2 - 30.3	16 ft. surface-treated gravel	--	50	
4	30.4 - 40.4	18 ft. surface-treated gravel	--	50	

Note: Surface - treated gravel shall be according to the State of New Hampshire Department of Transportation TRA standards.

- b. Depth of Gravel: Gravel requirements as shown in Appendix A of the Deerfield Subdivision Regulations.
 - c. Turn Around: Sufficient for emergency vehicles to turn around. See attached typical layouts.
 - d. Drainage: Drainage requirements shall be in accordance with the applicable sections of the Deerfield Subdivision Regulations.
 - e. Clearing the Right of Way: The sub-divider is urged to minimize the disturbance of trees and other natural features within the right of way. Clear cutting within the right of way is not required.
6. The following apply to all applications under Section 202(2) of the Zoning Ordinance:
- a. Deed Restrictions and Plan Footnotes:
 - No further subdivision.
 - No right-of-way across lots for access to lots in rear.
 - Property owners will be liable to maintain private road.
 - b. Plan Footnote Only:

“As a condition of acceptance of the road by the Town, I, _____ the owner, or future owners, shall be liable for bringing this (these) private way(s) up to the Planning Board’s specifications for roadway construction in effect at the time of request for acceptance.

Signature: _____

Town of Deerfield New Hampshire



ZONING ORDINANCE

2016

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ARTICLE I - PREAMBLE AND TITLE

Section 101: Preamble

Pursuant to the authority conferred by Chapter 674, Sections 16-23, New Hampshire Revised Statutes Annotated, 1955, as amended, in conformity with a Comprehensive Plan and for the purposes of lessening congestion in the streets; securing safety from fires, panic and other dangers; promoting health and general welfare; providing adequate light and air; preventing overcrowding of the land; avoiding undue concentration of population; facilitating the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks; and assuring proper use of natural resources and other public requirements, now therefore the following ordinance is hereby enacted by the voters in the Town of Deerfield, New Hampshire, in official Town Meeting convened.

Section 102: Title

This ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Deerfield, New Hampshire.”

ARTICLE II - ESTABLISHMENTS OF DISTRICTS AND DISTRICT REGULATIONS

Section 201: Establishment of Districts

The Town of Deerfield is hereby divided into the following districts as shown on the official zoning maps:

- AR Agricultural-Residential District

The Floodplain District shall be considered as an overlay of the above-listed districts. The floodplain development regulations cited in Section 211 shall be applicable within the Floodplain District.

Section 202: The Zoning Map

The districts as established in Section 201 are shown on a map entitled “Town of Deerfield Zoning Map” dated March 1987 and as amended on file in the offices of the Town of Deerfield, which maps are part of this ordinance. For purposes of identification the date of adoption and the signatures of the members of the Planning Board on the date of adoption are indicated.

Section 203: Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center of streets, highways, or alleys shall be construed to following such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following town lines shall be construed as following such town lines.
- D. Boundaries indicated, as following railroad or utility rights-of-way shall be construed to follow the centerline of the right-of-way.
- E. Boundaries indicated as following shorelines shall be construed to follow such shore lines, to the high-water lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. In cases not covered by A. through E. above, the Zoning Board of Adjustment shall resolve district boundary questions.

Section 204: District Objectives and Land Use Control

The following tables set forth the objectives of each of the districts hereby established and the provisions of the regulations that apply respectively in each district. Any use designated as a “Permitted Use” in a particular district may be commenced in such district pursuant to Section 205 of this ordinance. Any use designated as a “Special Exception” in a particular district may be commenced in such district pursuant to Section 206 of this ordinance. Explanations of the terms lots, classification of lots, dimension requirements, accessory uses and application of District Regulations are found in Sections 204 through 324, inclusive.

- **Table 204.1 “AR” AGRICULTURAL-RESIDENTIAL**
Objective and Characteristics- To encourage and maintain an area of rural-agricultural character with a lot residential density.

A. Permitted Uses:

1. Agricultural
2. Single Family Dwelling
3. Two Family Dwelling
4. Seasonal Dwelling
5. Accessory Use Outbuildings
6. Home Occupation (Section 320)
7. Manufactured Housing (Article IV)
8. Portable Saw Mills
9. Family Day Care Home
10. Bed & Breakfast
11. Senior Housing up to twenty (20) units requiring Planning Board Approval under provision of **RSA 676.4**.
12. Accessory Apartment

B. Allowed by Special Exception:

1. Meeting Hall (Legion, V.F.W., etc.)
2. Multifamily Dwellings (Section 310)
3. Lumberyards/Permanent Saw Mills
4. Church
5. Convalescent and Nursing Home

6. Outdoor Recreational Facilities
7. Public Utility Facilities
8. Municipal Facilities
9. Excavation of Natural Materials
10. Day Care Facilities Larger than Family Day Care Home (as defined in this Ordinance), Kindergarten, Nursery School
11. Docks, open decks, and stairways located within wetlands setbacks.
12. Aircraft Take Offs and Landing Strips as an accessory to a dwelling.
13. Home Occupations which generate hazardous waste.
14. Kennel

C. Areas and Dimensions:

1. Minimum Lot Size

Area Per Dwelling (Unit in Acres)	Frontage in Feet
3	200

2. Minimum Yard Dimensions in Feet

Front	Each Side	Rear
40	37.5	37.5

Section 205: Permitted Uses

Permitted uses are those uses that are allowed, providing the standards established by this ordinance are met.

Section 206: Special Exceptions

206.1 General Provision- Certain uses of land and buildings may be allowed as a special exception only by approval of the Board of Adjustment, if the standards contained in this ordinance are complied with. Before allowing such special exception, the Board of Adjustment shall first determine that the proposed use will conform to such requirements including:

- A. Required Plan.** A plan for the proposed development of a site for a special exception shall be submitted with the application and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that the Board may deem necessary to determine if the proposed use meets the requirements of this ordinance.
- B. Expiration.** A permit for a special exception shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than one year for any reason, and a new application shall be submitted for continuance for such special exception.
- C. Existing Violations.** No permit shall be issued for a special exception for a property where there is an existing violation of this ordinance unless the granting of the special exception will correct the violation.
- D. Criteria for a Special Exception.** In order for a special exception to be granted the proposed use or structure shall meet the following criteria;
 1. Shall not adversely affect the capacity of existing or planned community facilities.

2. Shall be an appropriate location for the use or structure with respect to the character of the surrounding area, and shall fulfill all requirements for local, state and federal permit or approval.
3. Shall not create a substantial increase in traffic in the vicinity.
4. Shall not create a safety hazard due to:
 - a. Condition or design of roads in the immediate vicinity.
 - b. Location of driveway or parking.
 - c. Danger of fire, explosion or release of toxic fumes or material.
 - d. Equipment or activity which poses substantial danger to children, if in a residential area or proximate to a school or day care facility larger than family care home as defined in this ordinance.
5. Shall not create a substantial increase in water onto adjacent property or roads.
6. Shall not create a “nuisance” in the vicinity due to noise, vibration, odor, glare or unsightly outside storage of material or equipment and shall be in conformity with other uses and/or structures in the vicinity.

206.2 Standards Applicable to Special Exceptions- If deemed necessary to protect the best interests of the surrounding property, the neighborhood, or the town as a whole, the Board of Adjustment shall impose standards which may include the following:

- A. Increasing the required lot size or yard dimensions in order to protect the adjacent properties.
- B. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent properties.
- C. Requiring suitable on-site landscaping and screening where necessary to reduce noise and glare and to maintain the property in character and keeping with the surrounding area.
- D. Specifying a time limit for initiation of construction, alteration, or enlargement of a structure to house an exception.
- E. Requiring that any future enlargement or alteration of use be accomplished only with the approval of the Board of Adjustment.
- F. Specifying standards for operation of this special exception so that it will be no more objectionable to the neighborhood by reasons of noise, odors, vibrations, flashing lights or hours of operation than will be the operation of a permitted use at that site.
- G. Requiring such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of this ordinance and to protect the best interests of the surrounding property and the neighborhood.
- H. In addition to the above criteria, applications for special exceptions for kennels shall also meet the following criteria:
 1. When housed outside, animals shall be kept within a wall or woven wire fence enclosure.
 2. The kennel enclosure shall be located at least 37.5 feet from the side and/or rear of the property line.
 3. Kennels shall not be located in the front yard of the property.
 4. Waste materials from the kennel shall be properly stored and disposed of.
 5. The lot containing the kennel shall be a minimum of three acres in area.

6. The applicant will submit with their application for a special exception the application for a license to operate a kennel in the Town of Deerfield.
7. The kennel shall be subject to inspections by the Animal Control Officer or his designee.
8. Runoff from the kennel shall not contaminate surface waters.
9. Applicant shall, in the siting of the kennel, make every effort to minimize noise disturbance to abutting properties.

Section 207: Dimensional Requirements

The following dimensional standards shall apply:

207.1 Minimum Frontage-

- A. Frontage - Every building lot shall have a minimum frontage as specified in Section 204 provided that where lots are located on the exterior of a curving street, a shorter front dimension may be permitted provided that the width of the lot measured along the front setback line shall be the minimum specified in Section 204.
- B. In the alternative, provided all requirements for lot dimensions of this Ordinance can be met, up to four (4) single family dwellings may be constructed on lots which front on a private way.
 - If, in the opinion of the Planning Board, considering the topography and land ownership in the vicinity, it is likely that the private way could be extended to serve additional dwelling units in the future, the layout of said private way shall be done in such a fashion that all of the geometric layout specifications of the subdivision regulations for a public street could be met.
 - If the private way is unlikely to serve more than four (4) dwelling units, it shall be constructed following minimum specifications:
 1. The right-of-way shall be at least 50 feet in width to accommodate upgrading of the road should future owners choose to dedicate it to the Town;
 2. The roadway specifications shall be graduated based upon standard traffic calculations (e.g. a private way for one dwelling unit generates 10.1 vehicles per day and thus would require a 12-foot wide gravel way);
 3. The private way shall provide adequate access for emergency vehicles to said new dwellings:
 - a. Both the private way and the arrangements for paying the costs of maintenance and repair of said private way, as well as provisions for turning over said way to the Town as a public street should the Town so request, shall be described in instruments referred to in said deeds.
 - b. The applicant shall provide the Planning Board with a nonbinding conceptual plan of the parcel. This plan would show the parcel as it would appear if built out to the maximum number of lots allowed by current zoning and would show how such growth could be accommodated.

207.2 Front Yard Regulations and Exceptions-

- A. No building shall be built nearer to any street line than the minimum front yard specified in Section 204.
- B. No accessory building may occupy any part of a required front yard.

207.3 Side Yard Regulations and Exceptions-

No building shall be built nearer to a side lot line than the minimum dimension specified in Section 204. For low impact accessory structures or buildings, less than 200 square feet, the side yard and rear yard setback shall be at least ten (10) feet.

207.4 Rear Yard Regulations and Exceptions-

No building shall be built nearer to a rear lot line than the minimum rear yard depth specified in Section 204. For low impact accessory structures or buildings, less than 200 square feet, the side yard and rear yard setback shall be at least ten (10) feet.

207.5 Height Regulations and Exceptions-

- A. The height of any building shall be measured from the average sill line along the building front and shall not exceed a height of thirty feet except as provided for in this section or unless a special exception is granted by the Board of Adjustment.
- B. Flagpoles located on a roof or in any required yard may extend above the height limit specified.
- C. Chimneys, spires, silos, towers, stage houses, lightning rods, or the like superstructure not used for human occupancy may extend above the height limit specified if located on a structure of main use.
- D. Radio or TV antennae for private, non-commercial reception may be located on the roof or in the side or rear yard of a structure of main use, but not in the required front yard.

Section 208: Application of District Regulations

Any legal non-conforming use existing on the effective date of this ordinance may be continued indefinitely to the extent set forth in this ordinance. Otherwise, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located, as referenced in 315.1 through 315.4 and 316.

Section 209: Site Plan Review

All non-residential uses whether permitted or by special exception shall comply with the Site Plan Review Regulations.

Section 210: Wetlands Conservation District

210.1 Purpose- The purpose of this ordinance is to protect the public health, safety and general welfare by controlling and guiding the use of land areas that have been found to be subjected to high water tables for extended periods of time. It is intended that this ordinance shall:

- A. Control the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and ground water by sewage or toxic substances.
- B. Prevent the destruction of or significant changes to natural wetlands which provide flood protection, groundwater recharge, pollution abatement, and augmentation of stream flow during dry periods.
- C. Protect unique and unusual natural areas.
- D. Protect wildlife habitats and maintain ecological balances.

- E. Prevent expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.
- F. Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.
- G. Docks, Open Decks, and Stairways: Docks, Open Decks, and Stairways proposed to be located within the building setback from any body of water, including rivers, streams, lakes, or ponds shall be subject to obtaining a Special Exception from the Zoning Board of Adjustment. No such improvement shall be enclosed. All other required permits from other regulatory agencies shall be obtained before making application to the Board of Adjustment.

210.2 Wetlands Defined-

Soil series and land types commonly associated with wetlands, as described by the “Soil Information for Resource Planning, Town of Deerfield, Rockingham County, New Hampshire” dated June, 1985; include the following “very poorly drained” soils and “poorly drained” soils. In addition, for the purpose of this ordinance, wetlands include those areas which are determined to be wetlands in accordance with the current State of New Hampshire Wetlands Regulations (New Hampshire Code Administrative Rules Wt 100-800) (*Adopted March 14, 2006*)

A. “Very Poorly Drained” Soils:

Scarboro, fsl-15
 Greenwood and Ossipee soils, ponded-197
 Chocorua mucky peat-6 and 395
 Greenwood mucky peat-295
 Scarboro muck, very stony-549
 Ossipee mucky peat-495

B. “Poorly Drained” Soils:

Ridgebury very fine sandy loam 646
 Ridgebury very fine sandy loam, very stony 647
 Walpole very fine sandy loam, very stony – 547
 Rayham silt loam 533
 Pipestone sand – 214
 Rippowam-Pootatuck complex 4 & 5

210.3 District Boundaries-

- A. The Deerfield Wetlands Conservation District is defined as those areas of the town that contain wetlands as defined as these areas of the Town that contain wetlands as defined in 210.2 including, but not limited to, marshes, ponds, bogs, lakes, streams and rivers as well as soils that are defined as poorly or very poorly drained by the National Cooperative Soil Survey conducted by the U.S. Department of Agriculture Soil Conservation Service.
(Adopted March 14, 2006)
 Poorly drained soils less than one quarter (1/4) acre in area shall be excluded from definition provided that these soils are at least one hundred feet (100') from any wetlands.
- B. “Town of Deerfield Wetlands Conservation District Map” is hereby deemed to be a part of the official zoning map of the Town of Deerfield.

- C. Wetlands incorrectly delineated: where it is alleged that an area has been incorrectly delineated as a wetland, or that an area not so designated meets the criteria for wetland designation, the Planning Board shall determine whether the regulations contained herein have application.

The Planning Board shall make their judgment under this section only upon the determination by a qualified soil scientist(s) and/or plant scientist(s) on the basis of additional on-site investigation or other suitable research that the information contained on the Wetlands Map is incorrect. This evidence shall be acceptable only when presented in written form by said scientist(s) to the Planning Board. Any necessary soil testing procedures shall be conducted at the expense of the landowner or developer.

210.4 Relation to Other Districts-

Where the Wetlands Conservation District is superimposed over another zoning district; the more restrictive regulations shall apply.

210.5 Permitted Uses-

- A. Poorly Drained Soils: Permitted uses in areas of poorly drained soils are as follows:

1. Agriculture, including grazing, hay production, truck gardening and silage production provided that such use is shown not to cause significant increases in surface or groundwater contamination by pesticides or other toxic or hazardous substances and that such use will not cause or contribute to soil erosion.
2. Forestry and tree farming to include the construction of access roads for said purposes.
3. Wildlife habitat development and management.
4. Recreational uses consistent with the purpose and intent of this section as defined in part A.
5. Conservation areas and nature trails.
6. Water impoundment and the construction of well water supplies.
7. Drainage ways to include streams, creeks, or other paths of normal runoff water and common agricultural land drainage.
8. Any use otherwise permitted by the Zoning Ordinance and state and federal laws that does not involve the erection of a structure or that does not alter the surface configuration of the land by the addition of fill or by dredging except as a common treatment associated with a permitted use.

- B. Very Poorly Drained Soils: Permitted uses in areas containing very poorly drained soils, marshes, bogs, open water and major streams are as follows:

1. Use specified under Part 210.5.A (1 through 8) above shall be permitted except that no alteration of the surface configuration of the land by filling or dredging and no use which results in the erection of a structure, except as provided for in Part 210.5.B.2 below shall be permitted.
2. The construction of fences, foot bridges, catwalks, and wharves only, provided: (1) said structures are constructed on posts or pilings so as to permit the unobstructed flow of water; (2) the natural contour of the wetland is preserved; and, (3) the Planning Board has reviewed and approved the proposed construction.

- C. Vernal Pools: Vernal pools are small scattered temporary springtime ponds fed by snowmelt and spring rains. Proposed uses shall avoid, minimize or mitigate any filling of a vernal pool.

210.4 Conditional Use-

- A. A Conditional Use Permit may be granted by the Planning Board (**RSA 674:21, II**) for the construction of roads and other access ways, and for utility pipelines, power lines, and other transmission lines provided that all of the following conditions are found to exist:
1. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District.
 2. Design and construction methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original grade and condition.
 3. No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible.
 4. Economic advantage alone is not reason for the proposed construction.
- B. Prior to granting of a Conditional Use Permit under this Part, the applicant shall agree to submit a performance security to the Board of Selectmen. The security shall be submitted in a form and amount, with surety and conditions satisfactory to the Selectmen and approved by Town Counsel, to ensure that the construction has been carried out in accordance with the approved design. The security shall be submitted and approved prior to the issuance of any permit authorizing construction.
- C. The Planning Board, with the concurrence of the Conservation Commission, may require the applicant to submit an environmental impact assessment when necessary to evaluate an application made under this Part. The cost of this assessment shall be borne by the applicant.
- The Planning Board may also assess the applicant reasonable fees to cover the costs of other special investigative studies and for review of documents required by particular applications.

210.5 General Provisions-

- A. For lots created after the adoption of this amendment no septic tank or leach field may be constructed or enlarged closer than one hundred (100) feet of any wetlands. (Adopted March 14, 2006).
- For lots in existence prior to March 14, 2006, no septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any wetland.
- B. No part of areas designated as having very poorly drained soils, or bodies of water, may be used to satisfy minimum lot size.
- C. Areas designated as having poorly drained soils may be used to fulfill up to 25% of the minimum lot size required by town ordinances and subdivision regulations, provided that the non-wetland area is sufficient in size and configuration to adequately accommodate all required utilities such as sewage disposal and water supply, including primary and auxiliary leach field locations.
- D. All land included in the Wetlands Conservation District shall be appraised for tax purposes at its full and true value in money, based on its market value as undevelopable land required to remain in open space.

- E. For lots created after the adoption of this amendment no building shall be erected within one hundred (100) feet of any wetland.
- F. For lots in existence at the time of the adoption of this amendment, March 14, 2006, no building shall be erected within seventy-five (75) feet of any wetland.

210.6 Separability-

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

210.7 Conflict with Other Regulations-

Where any provision of this ordinance is in conflict with State law or other local ordinance, the more stringent provision shall apply.

210.8 Special Exception for Non-Conforming Lots-

Upon application to the Board of Adjustment, a special exception shall be granted to permit the erection of a structure within the Wetlands Conservation District on vacant lots provided that all of the following conditions are found to exist:

- A. The lot upon which an exception is sought is an official lot of record, as recorded in the Rockingham County Registry of Deeds, prior to the date on which this amendment was posted and published in the town.
- B. The use for which the exception is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District.
- C. Due to the provisions of the Wetlands Conservation District, no reasonable and economically viable use of the lot can be made without the exception.
- D. The design and construction of the proposed use will, to the extent practical, be consistent with the purpose and intent of this Section.
- E. The proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reason.

The Board of Adjustment may themselves, or upon petition from the Building Inspector, Conservation Commission or abutters, hire a qualified consultant or consultants to prepare such studies as are necessary to determine whether the conditions set forth above have been met. The cost of such studies shall be borne by the applicant.

210.9 Exemption for Residential Structures-

Notwithstanding other provisions of this Section, the construction of additions and extensions to one and two-family dwellings shall be permitted within the Wetlands Conservation District provided that: (1) the dwelling lawfully existed prior to the effective date of this Section; and (2) that the proposed construction conforms with all other applicable ordinance and regulations of the Town of Deerfield.

210.10 Exemption for Existing Septic System Permits-

Any septic system design approved for construction by the State of New Hampshire Water Supply and Pollution Control Commission, for which date of approval is prior to the effective date of this Section, will be valid for building permit approval.

210.11 Docks, Open Decks, and Stairways-

Docks, open decks, and stairways proposed to be located within the building setback from any body of water, including rivers, streams, lakes, or ponds shall be subject to obtaining a Special Exception from the Zoning Board of Adjustment. No such improvement shall be enclosed. All other required permits from other regulatory agencies shall be obtained before making application to the Board of Adjustment.

Section 211: Floodplain Development Regulations

A. Applicability:

These floodplain development regulations shall overlay and supplement the regulations in the Town of Deerfield Zoning Ordinance and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of these regulations differs or appears to conflict with any other provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Rockingham County, New Hampshire" dated May 17, 2005 or as amended, together with the associated Flood Insurance Rate Map Panels numbered 0060E, 0065E, 0070E, 0090E, 0095E, 0155E, 0160E, 0178E, 0180E, 0185E dated May 17, 2005 or as amended which are declared to be part of this ordinance and are hereby incorporated by reference.

B. Definition of Terms:

The following definitions shall apply only to these floodplain development regulations and shall not be affected by the provisions of any other ordinance of the Town of Deerfield.

1. **"Area of Special Flood Hazard"** is the land in the Town of Deerfield subject to a one percent or greater possibility of flooding in any given year. The area is designated as Zone A on the FIRM.
2. **"Base Flood"** means the flood having a one-percent possibility of being equaled or exceeded in any given year.
3. **"Basement"** means any area of a building having its floor sub grade on all sides.
4. **"Building"** - see "Structure."
5. **"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.
6. **"FEMA"** means the Federal Emergency Management Agency.
7. **"Flood"** or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; or
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
8. **"Flood Insurance Rate Map" (FIRM)** means an official map incorporated with this Ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Deerfield.
9. **"Floodplain"** or **"Flood-prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

- 10. “Flood Proofing”** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
- 11. “Floodway”** - see “Regulatory Floodway.”
- 12. “Functionally Dependent Use”** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities, but does not include long-term storage or related manufacturing facilities.
- 13. “Highest Adjacent Grade”** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 14. “Historic Structure”** means any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary 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.
- 15. “Lowest Floor”** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.
- 16. “Manufactured Home”** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purpose, the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than one hundred and eighty (180) days.
- 17. “Mean Sea Level”** means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
- 18. “100-year Flood”** - see “Base Flood.”
- 19. “Regulatory Floodway”** means the channel of a river, stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

- 20. “Recreational Vehicle”** means a vehicle which is
- a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- 21. “Special Flood Hazard Area”** means an area having flood, mudslide, and/or flood related erosion hazards, and shown on the FHBM or FIRM as zone A, AO, A1 -30, AE, or A99. (see – “Area of Special Flood Hazard”).
- 22. “Structure”** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- 23. “Start of construction”** includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred and 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 a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
- 24. “Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- 25. “Substantial Improvement”** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should equal: (a) the appraised value prior to the start of the initial repair or improvement, or (b) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of an “historic structure,” provided that the alteration will not preclude the structure's continued designation as an “historic structure.”

26. “Water Surface Elevation” means the eight, 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 floodplains.

C. Permit Required:

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

D. Permit Provisions:

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether the 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:

1. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Be constructed with materials resistant to flood damage;
3. Be constructed by methods and practices that minimize flood damages; and
4. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Water Supply and Wastes Disposal:

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

F. Elevations and Flood-proofing:

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

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

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

G. Building Permit to be Withheld:

The Building Inspector 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.

H. Altered or Relocated Watercourses:

1. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies required by N.H. **RSA 482-A:3**. Further, the applicant shall be required to submit copies of said notification to those adjacent communities, as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Board.
2. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:
“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels during the base flood discharge.”

I. Building Provisions:

1. In unnumbered A zones, the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any Federal, State, or other source, including data submitted for development proposals submitted to the community (i.e. subdivisions and site plan approvals).
2. The Building Inspector’s 100-year flood elevation determination will be used as criteria for requiring in Zone A that:
 - a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation;
 - b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:
 - 1) be flood proofed so that below the 100-year flood elevation, the structure is watertight with walls substantially impermeable to the passage of water; have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - 2) 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 within or substantially within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100-year flood elevation; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, the 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;

- 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; and
 - 3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - the bottom of all openings shall be no higher than one foot above grade; and
 - openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- e. Recreational vehicles placed on sites within Zones AI-30, AH and AE or designated in the Flood Insurance Rate Maps dated September 1, 1989 also known as Flood Hazard Boundary Map shall either:
 - 1) be on the site for fewer than 180 consecutive days,
 - 2) be fully licensed and ready for highway use, or
 - 3) meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in Paragraph (c) (6) of Section 60.3.

J. Variances and Appeals:

- 1. Any order, requirement, decision, or determination of the Building Inspector made under these floodplain development regulations may be appealed to the Zoning Board of Adjustment as set forth in N.H. **RSA 676:5**.
- 2. If the applicant, upon appeal, requests a variance as authorized by N.H. **RSA 674:33, I(b)**, in determining whether or not any variance will be contrary to the spirit of these regulations, the Board of Adjustment shall consider the following:
 - a. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
 - b. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
 - c. that the variance is the minimum necessary, considering the flood hazard, to afford relief
- 3. The community shall:
 - a. maintain a record of all variance actions, including their justification for their issuance; and
 - b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

Section 212: Deerfield Business Overlay District

212.1 Purpose and Intent-

The purposes of the Deerfield Business Overlay District are: (1) to encourage flexibility and creativity for compatible commercial, industrial development or other business uses to occur throughout the Town of Deerfield; (2) to attract uses to the town that meet a set of standards that maintain Deerfield's rural character which includes a mix of residential, agricultural and businesses uses set within a network of open space lands; and (3) encourage new development which is consistent with the goals of the Town's Master Plan and Open Space Plan.

212.2 Permitted Uses-

The flexible Business Overlay District is a town wide provision that has performance standards to insure the proposed developments will minimize adverse impacts and fit into Deerfield's desired rural community character. Compatible nonresidential land uses include, but are not limited to:

- A. Commercial and retail sales;
- B. Convenience store;
- C. Office building;
- D. Mixed use development;
- E. Light manufacturing;
- F. Veterinary hospital;
- G. Assisted living facility;
- H. Café/restaurant;
- I. Mixed use development; and
- J. Other similar low intensity development.

212.3 Authority-

The Town of Deerfield enacts this provision pursuant to NH RSA 674:21, I (h) and (I), innovative land use controls and as such, the Planning Board has discretion and flexibility with its administration. This innovative land use control ordinance allows a particular land use upon the granting of conditional use permit by the Planning Board. In addition, the Board can grant waivers from specific requirements of this Section.

212.4 Review and Approval Process-

The Board encourages applicants to meet for a preliminary conceptual consultation. The applicant shall prepare a Site Plan Review application and a Conditional Use Permit (CUP) application, which consists of a succinct and complete narrative that addresses items # 1 through # 5 in this Section.

212.5 Standards-

- A. Community Character: The applicant's statement shall specifically address consistency with the Master Plan and all its chapters, including Energy and Open Space, and how the proposed development is compatible with the site and the Town's historic preservation and rural character. The following design principles provide guidance:
 - 1. Buildings and grounds should be compatible with their surroundings and traditional New England architecture and land use.
 - 2. Site design and buildings should be integrated into a coherent design.

3. Site design should encourage pedestrian and bicycle access and use.
4. The reuse of existing buildings with special historical value is encouraged.
5. The proposed building(s), structure(s) and site design should be consistent with practices in the Deerfield Design Guide.

B. Resource protection standards:

1. **Open Space:** A proposed development that contains land identified in the Master Plan or Open Space Plan as important conservation/recreation lands shall develop a design that protects those lands.
2. **Scenic Roads:** The proposed development shall maintain stonewalls, trees, vegetation and other amenities consistent with scenic road designation or other roads with potential scenic road designation to the extent possible.
3. **Topography:** The site design should preserve significant existing vegetation and landforms to the extent practical and incorporate existing stone walls and woods roads whenever possible.
4. **Geology (or Natural Features):** A proposed site plan with areas of natural or geological hazard such as slopes over 15%, rock falls, flood hazard areas, or soil conditions unfavorable to development (such as wetlands and/or poorly and very poorly drained soils) and their vegetative buffers, should set aside these areas from development. Permanent protection through an easement, deed restrictions, or other protective covenants is encouraged.
5. **Plants and Wildlife:** A site that contains an area which serves as a habitat for wildlife and/or plant species identified by NH Fish and Game Wildlife Action Plan or NH Natural Heritage Inventory as significant, and in particular need of attention, should take special precautions in site planning, construction, and operation to preserve these areas and maintain wildlife connectivity across the site.
6. **Historic areas:** A proposed development located within an existing village or historic area that may include a locally designated historic structure, shall maintain the integrity of the historic resources on the site.
7. **Mineral Deposits:** A proposed development which includes an area known to contain a commercial mineral deposit for which extraction could be commercially feasible, should design the project to preclude future extraction. Such uses on the same site could be incompatible.
8. **Fragile Areas:** A proposed site plan that contains lands identified in the Deerfield Open Space Plan or other relevant study as ecologically sensitive and/or important (e.g. aquifers, lakeshores, agricultural soils of prime and/or statewide importance, unfragmented areas, important forest soils), should avoid development of these areas. Permanent protection is encouraged.
9. **Noise:** The noise level for proposed land uses and activities shall not exceed the following maximum sound pressure level (SPL). Sound pressure levels shall be measured on a sound level meter at all major lot lines of the site, at a height of at least 4 feet above the ground surface. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute "American Standard Specification for General Purpose Sound Level Meters" and be set to the B-weighted response scale

and slow response. Acceptable levels for boundaries that border residential properties is: 60 dB(SPL) from 7 a.m. —6 p.m. and 55 dB(SPL) from 6 p.m. - 7 a.m. Areas that border primarily commercial properties with no residential uses should be 75 dB(SPL) from 7 a.m. - 6 p.m. and 65 dB(SPL) from 6 p.m. - 7a.m. Consideration will be given to whether the noise is intermittent or continuous in duration.

C. Energy Performance standards:

- 1. Energy efficiency:** Any proposed new construction or major renovation is encouraged to incorporate recognized energy demand reduction practices such as specified by Architecture 2030 Challenge. Architecture 2030 and US Green Building Council LEED or other similar high-performance practices are encouraged. All buildings should incorporate energy performance goals such as those found in USEPA EnergyStar Target Finder (btu/sq ft/year), and report performance in relation to those goals annually. (See <http://www.energystar.gov/buildings/service-providers/design/step-stepprocess/evaluatetarget/epa's-target-finder-calculator?s=mega> for more information). Passive solar orientation and floors plan and active solar or other renewable energy are encouraged.
- 2. Resiliency:** The applicant should be aware of Town's Hazard Mitigation Plan and past extreme weather events in Deerfield. Use of resilient site plan and construction practices that maximize the capacity of any development to remain habitable in extreme weather and/or in the absence of electricity are encouraged.
- 3. Access:** A proposed development that is likely to generate more than 25 visits or 50 trips per business day per acre both to and from the site, shall be directly served by an arterial or collector street. A proposed development that is likely to generate more than 25 visits or 50 vehicle trips per acre both to and from the site in the busiest hour of the operating day (annual average) shall be served by an arterial street.
- 4. Repair and service facilities:** All repair and service activity, including storage, shall occur within a building.

212.6 Conditional Use Permit (CUP)-

The planning board shall review the submission and make a finding of fact relative to granting of a conditional use permit based on the following:

- A.** If completed as proposed, the development in its proposed location will comply with the Sections 1-5 of this Section.
- B.** The use will not materially endanger the public health, safety, or welfare.
- C.** The use will be adequately serviced by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Section 213: Senior Housing Overlay District

(Approved by ballot at a Special Town Meeting on October 23, 2001. Article 11, Establishment of Districts and District Regulations was amended by ballot at March 12, 2003, Town Meeting by adding the following Section 213.)

213.1 Purpose and Intent-

The provisions relating to senior housing are established to promote affordable housing for the senior population, provide for the efficient use of land and utilities consistent with the needs of the senior population 62 years of age and over to preserve open space.

A. General Requirements and Location:

1. The design and site layout of all elderly housing developments shall compliment and harmonize with the rural character of the Town of Deerfield, shall maximize the privacy of dwelling units and preserve the natural character of the land. A mixture of exterior architectural styles, acceptable to Planning Board, shall be provided in each development.
2. All such elderly housing developments shall be landscaped to enhance their compatibility with surrounding areas, with emphasis giving to the utilization of natural features wherever possible.
3. Senior Housing may be located in the A/R Zone.

213.2 Minimum Lot Size and Overall Residential Unit Density-

- A. The minimum lot size for senior housing development shall be at least three (3) acres. Very poorly drained soils, wetlands, and slopes greater than 20% shall not be included in determining the minimum lot.
- B. The maximum number of residential units permitted shall be based on the distance the further extent of the property is from the common intersection of South Old Center, Candia, North and Raymond Roads. One mile or less 3 units per acre Greater than one mile but less than two miles 2 units per acre Greater than two miles 1 unit per acre

213.3 Frontage-

All senior residential housing developments shall maintain a minimum of two hundred feet of frontage on a Class V or better road. In a case where the frontage is on an arc, the frontage shall be measured along the chord of the arc and shall be determined at the building set-back line.

213.4 Building Requirements-

- A. The front, side line and rear setbacks for buildings, internal roadways, and parking lots from all external property lines shall be fifty (50) feet.
- B. Lot coverage, including roofs, roadways, sidewalks and parking areas shall not exceed 25(%) percent of the lot.
- C. Senior housing development shall not be located within identified floodplains.
- D. No dwelling unit shall contain more than two (2) bedrooms.
- E. Each dwelling unit within the complex shall contain at least four hundred (400) square feet of living space.
- F. No more than one third (1/3) of the dwellings shall be a single bedroom unit.
- G. Dwelling units containing two (2) bedroom units shall have a minimum of six hundred (600) square feet per unit.
- H. Two (2) story buildings are permitted but all units shall have at-grade access. The maximum building height shall not exceed thirty-five (35) feet.
- I. There shall be no more than four (4) dwelling units in any one structure.
- J. Where there will be more than one building on a lot, they shall have a minimum horizontal separation of thirty-five (35) feet.

- K.** A community building shall be provided of sufficient size for the residents which can be used as a place of assembly and to provide the usual amenities and living aids found in housing designed for use by the elderly.

213.5 Buffer-

A buffer area shall be of sufficient width to provide privacy and noise protection but shall not be less than the setbacks otherwise required in this section. The buffer shall provide and maintain a strip of nativized plantings along and within the buffer area.

213.6 Water Supply and Wastewater Disposal-

The water supply and wastewater disposal systems serving the residential units shall be owned, operated, and maintained by the development. The water supply system, through the well yield or on-site pressurized storage, shall be of sufficient size to operate fire suppression sprinkles required in each of the units. Water supply and wastewater disposal systems shall be approved by the N.H. Department of Environmental Services.

213.7 Access Drives, Parking Lots, Walkways and Lighting Requirements-

- A.** All access driveways and parking lots for senior housing shall be maintained by the owners. There shall be provided off-street parking areas to allow one and one-half spaces for each dwelling unit. All parking areas, including driveways, shall be paved in accordance with the requirements of the Town of Deerfield Site Plan Review Regulations. There shall be adequate provisions for drainage and snow removal.
- B.** Paved sidewalks and/or walking paths shall be provided within the development for access to public road, connection to other walking paths in the vicinity and, to the extent possible, to off-site community facilities. Such sidewalks and/or walking paths shall be pedestrian access for exercise/recreation for the residents.
- Lighting shall be provided along access roads, parking lots and walking paths that shall be appropriate for the residents of the development.

Two (2) parking spaces per unit are required. (Adopted March 14, 2006)

213.8 Site Plan Review-

Senior housing unit developments shall conform to procedural and plan requirements of the Site Plan Review Regulations of the Town of Deerfield Planning Boards.

213.9 Assurances of Senior Residency-

Residency restrictions for residential projects approved under the Elderly Housing Ordinance shall be accomplished by restrictions recorded in deeds, Condominium Declarations and/or other documents recorded at the Rockingham County Registry of Deeds. All deeds and covenants shall be subject to review of the Planning Board's attorney at the sole expense of the developer/builder and shall be approved by the Planning Board. Covenants shall expressly provide that they may be specifically enforced by the Town whether by injunctive relief or otherwise. Covenants shall be signed by the Planning Board and shall contain language specifying that Board approval is required for any subsequent changes to the covenants. Covenants shall expressly provide that they shall not be amended or modified, nor waivers granted thereunder, without the prior written approval of the Planning Board.

213.10 Common Land/Open Space-

- A.** In every Elderly Housing development, common land/open space shall be set aside and covenanted to be maintained permanently as open space. The required amount of open space for all elderly housing developments shall be calculated as follows: either
 - 1.** No less than 30% of the gross upland area of the development. Upland area is defined as all soils, excluding poorly and very poorly drained soils, alluvial soils (subject to flooding), water bodies, and slopes equal to greater than 20%: or
 - 2.** No less than 30% of the gross land area of development. No more than 50% of the open space land shall contain poorly drained soils.
- B.** In calculating common/open space area the following shall not be included: public right-of-way, very poorly drained soils, soils with slopes equal to or greater than 20%, parking lots, the footprints of all structures and the area within 35 feet of the structures. For developments with interior lot lines, the area inside the lot lines shall not be included in the open space calculations.
- C.** Use of Common Land. Such common land shall be restricted to open space recreational uses such as parks, swimming pool, tennis courts, golf courses, or conservation. While the setbacks, front, rear and side are considered part of the common land, none of the above uses shall be allowed within these areas nor any other uses that would disturb the natural vegetation within these areas. These restrictions of the use of the common land (including the landscaped buffered area) shall be stated in the covenants running with the land.
- D.** Access to Open Space/Common Land. Such common land shall have suitable access to a road within the development.
- E.** Protection of Common Land. Open space, common areas, common facilities, private roadways, and other features within the Elderly Housing development shall be protected by covenants running with the land and shall be conveyed by the property owner to a homeowner's association so as to guarantee the following:
 - 1.** The continued use of land for the intended purposes.
 - 2.** Continuity of proper maintenance for those portions of the development requiring maintenance.
 - 3.** The availability of funds required for such maintenance.
 - 4.** Recovery for loss sustained as a result of casualty, condemnation or otherwise.
 - 5.** Creation of a homeowner's association or tenancy-in-common or similar form of ownership, with automatic membership and obligation of residents of the Elderly Housing development upon conveyance of title or lease to single dwelling units. Homeowners association, tenancy-in-common, or similar form of ownership shall include lien provisions and shall be subject to review by the Planning Board.

213.11 Homeowner's Association-

It shall be the responsibility of the developer/builder of each such elderly housing development to establish a Homeowner's Association and to prepare and adopt appropriate Articles and By-Laws, which are to be submitted in advance to the Planning Board and Town Counsel for their review and approval. In preparing the Articles and By-Laws, particular consideration shall be given to accommodating the unique needs of the elderly citizens and to ensuring that residents of such developments are guaranteed adequate and appropriate services. The creation of the

Homeowner's Association and the Articles and By-Laws shall be at the sole expense of the developer/builder and the costs for the review by the Planning Board and Board's attorney shall also be borne by the developer/builder. Any association formed for the purpose of elderly housing must have stipulated in the By-Laws and Declaration of Covenants that the Association will at all times be in compliance with current ordinances of the Town governing elderly housing.

213.12 Senior Housing Documents-

- A. Condominium Documents, By-Laws, Homeowner's Association and Declaration of Covenants shall be submitted to the Planning Board at the time the application is filed. The application will not be considered complete unless these documents are included. All documents in their final form must be signed by the Chair of the Planning Board and recorded at Rockingham County Registry of Deeds.
- B. The applicant shall provide a listing of all elderly housing developments undertaken in the previous ten years by that applicant.

213.13 Maximum Amount of Senior Housing Units-

The total number of dedicated senior housing units in the Town of Deerfield shall not exceed ten (10) percent of the total number of dwelling units in the Town at the time the determination is made. The total number of existing dwelling units shall not include those units set aside for senior housing. (Adopted March 14, 2006)

Section 214: Groundwater Protection (Adopted March 8, 2011)

Authority: The Town hereby adopts the following Section, 214, pursuant to the authority granted under **RSA 674:16**, in particular **RSA 674:16, II** and **RSA 674:21, I, (j)** relative to innovative land use controls.

214.1 Purpose- The Town of Deerfield views existing and potential groundwater supply areas and surface waters as being a finite resource within the Town. These resources are needed for both present and future public water supplies within the Town. The purpose of this section is accomplished by regulating those land uses that could contribute pollutants to the Town's present and/or future public water supply.

214.2 Definitions-

- A. Ambient Groundwater Quality Standards: Maximum concentration levels for regulated contaminants in groundwater which result from human operations or activities, as delineated in **RSA 485-C:6**.
- B. Aquifer: A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.
- C. Green Yard: A junkyard which has been certified by the NH DES as a Green Yards under Phase II: Compliance Assurance and Certification component of the NH DES Green Yards Program.
- D. Groundwater: Subsurface water that occurs beneath the water table in soils and geologic formations.
- E. Impervious: Not readily permitting the infiltration of water.

- F. Impervious Surface:** A surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. The following surfaces are not considered impervious: earthen, wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them.
- G. Junkyard:** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk (ex. such as scrap metal, used appliances), or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. The word does not include any motor vehicle dealers registered with the director of motor vehicles under **RSA 261:104** and controlled under **RSA 236:126**.
- H. Loam:** See NH Department of Transportation Section 641.
- I. Outdoor Storage:** Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
- J. Public Water System:** A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year [New Hampshire Administration Rule **Env-Ws 302.02 (bg)** and **RSA 485:I-aXV**].
- K. Regulated Substance:** Petroleum, petroleum products and substances Listed under 40 **CFR 302.4**, 7-1-90 Edition, or current edition [US Code of Federal Regulations], excluding the following substances: ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium hydroxide, potassium permanganate and propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure. Copies of 40 **CFR 302.4**, 7-1-90 Edition, or current edition, are available on line at the Environmental Protection Agency (EPA) website or in the Planning Board Office.
- L. Sanitary Protective Radius:** The area around a well that must be maintained in its natural state as required by **Env-Ws 378** or **379** (for community water systems) and **Env-Ws 372.13** (for other public water systems).
- M. Secondary Containment:** A structure such as a berm or dike with an impervious surface which is adequate to hold at least 110% of the volume of the largest regulated-substances container that will be stored there.
- N. Snow Dump:** For the purposes of this ordinance, a location where snow which is cleared from roadways and/or motor vehicle parking areas is placed for disposal.
- O. Stratified-drift Aquifer:** A geologic formation of predominantly well sorted sediment deposited by or in bodies of glacial melt water, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.
- P. Surface Water:** Streams, lakes, ponds and tidal waters, including marshes, water courses and other bodies of water, natural or artificial.
- Q. Top Soil:** See Loam
- R. Wellhead Protection Area:** The surface and subsurface area surrounding water well or well field supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field. [**RSA 485-C:2** Definitions]

214.3 Groundwater Protection District-

The Groundwater Protection District is an overlay district that is superimposed over the existing underlying zoning of the entire Town of Deerfield and corresponds to the map entitled “Town of Deerfield Public Water Supply and Wellhead Protection Areas” prepared by the SNHPC in 2007.

214.4 Applicability-

This Section applies to all uses in the Groundwater Protection District, except for those uses exempt under Section K of this Article.

214.5 Performance Standards-

The following Performance Standards are in addition to the regulations set forth in the balance of this Article and apply to all uses in the Groundwater Protection District unless exempt under Section K:

- A.** For any use that will render impervious more than 15% or more than 10,000 square feet of any lot, whichever is greater, a storm water management plan shall be prepared in a manner consistent with Storm water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992 and Best Management Practices for Urban Storm water Runoff, NH Department of Environmental Services, January 1996. The Planning Board shall determine whether or not the Storm water Management Plan is consistent with the above referenced standards and may reject any Management Plan which fails to conform to the standards.
- B.** Storm water management plans prepared pursuant to paragraph 1 above shall demonstrate that storm water recharged to groundwater will not result in violation of Ambient Groundwater Quality Standards (**Env-Ws 410.05**) at the property boundary.
- C.** Animal manures, fertilizers, and compost must be stored in accordance with the Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August, 1998, and subsequent revisions.
- D.** All regulated substances stored in containers with a capacity of 5 gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.
- E.** Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door(s) and/or gate(s) which are locked when authorized personnel are not present and must be inspected weekly by the facility owner.
- F.** Outdoor storage areas for regulated substances must be protected from exposure to precipitation and must be located at least 75 feet from surface water or storm drains, wetlands, private wells and outside the sanitary protective radius of wells used by public water systems.
- G.** Secondary containment must be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of regulated substances are stored outdoors on any particular property.
- H.** Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another.

- I. All land cleared and graded for the purpose of establishing lawns and subject to Subdivision or Site Plan Review Regulations must be finish graded with at least 4 inches of good quality loam or topsoil in order to reduce the demand for lawn irrigation.

214.6 Permitted Uses-

All uses permitted by right, special exception or variance in the underlying district shall be permitted in the Groundwater Protection District unless identified in Section H. as a Prohibited Uses or Section I. as a Conditional Use. All Permitted Uses must comply with the Performance Standards set forth in Section F. unless specifically exempted under Section K. Exemptions.

214.7 Prohibited Uses-

The following uses are prohibited in the Groundwater Protection District.

- A. The siting or operation of a hazardous waste disposal facility as defined under **RSA 147-A**.
- B. The siting or operation of a solid waste landfill.
- C. The siting or operation of a wastewater or septage lagoon.
- D. The siting or operation of a sludge monofill or sludge composting facility.
- E. The storage of regulated substances, unless in a free-standing container within a building, or above ground with secondary containment adequate to contain 110% of the container's total storage capacity.
- F. The storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of runoff or leachate.
- G. The sitting or operation of junkyards, unless such facility is certified by the NH DES as a Green Yards under the Phase II: Compliance Assurance and Certification component of the NH DES Green Yards Program.

214.8 Conditional Uses-

The issuance of a Conditional Use Permit is subject to Site Plan Approval by the Planning Board. The Planning Board may grant a Conditional Use Permit for a use that is otherwise permitted within the underlying district, if the permitted use is or is involved in one or more of the following:

- A. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate plan is in place to prevent, contain, and minimize releases from catastrophic events such as spills or fires which may cause large releases of regulated substances.
- B. Any use that will render impervious more than 15% or 10,000 square feet of any lot, whichever is greater. In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use and will be in compliance with the Performance Standards as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards. The amount of this bond shall be in addition to any other bond required by the Board under either the subdivision or site plan regulations.
- C. The siting or operation of a commercial composting facility.
- D. The siting or operation of a snow dump from offsite sources.

- E. The siting or operation of a commercial car wash. The facility must be designed and operated as a closed-loop system.

214.9 Existing Nonconforming Uses-

Existing nonconforming uses may continue without expanding or changing to another nonconforming use but must be in compliance with all applicable state and federal requirements, including NHDES Rules **Env-Ws 421**, Best Management Practices for Preventing Groundwater Contamination. However, under no circumstances will a nonconforming use be permitted when a continuance of that use presents a risk to public health and/or safety.

214.10 Exemptions-

The following uses are exempt from the provisions of this Article. This exemption shall not excuse compliance with all other applicable local, state, and federal requirements:

- A. Any private residence is exempt from all Performance Standards except for Section F. 1, 2, and 3.
- B. Any business or facility where regulated substances are stored in containers with a capacity of five (5) gallons or less is exempt from Performance Standard F. 5.
- C. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detect F. 5.
- D. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards F. 5 through 8.
- E. Storage and use of office supplies is exempt from Performance Standards F. 5 through 8.
- F. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards F. 5 through 8.
- G. The sale, transportation, and use of pesticides as defined in **RSA 430:29 XXVI** are exempt from all provisions of this Article.
- H. Household hazardous waste collection projects regulated under NH Code of Administrative Rules **Env-Hw 401.03(b)(I)** and **501.01(b)** are exempt from Performance Standards F. 5 through 8.
- I. Underground storage tank systems and above ground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section M. of this Article.

214.11 Relationship between State and Local Requirements-

Where both the State and the municipality have existing requirements the more stringent shall govern.

214.12 Maintenance and Inspection-

Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Code Enforcement Officer at reasonable times with prior notice to the landowner.

- A. All properties within the Groundwater Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of 10 gallons or more except for facilities where all regulated substances storage is exempt from this Article under Section K., shall be subject to inspections under this Section.

- B. The Planning Board may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Planning Board as provided for the **RSA 41-9: a.**

214.13 Enforcement Procedures and Penalties-

Any violation of the requirements of this Article shall be subject to the enforcement procedures and penalties detailed in **RSA 676.**

214.14 Saving Clause-

If any provision of this Article is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the Article.

214.15 Effective Date-

This Article shall be effective upon adoption by the municipal legislative body, March 8, 2011

ARTICLE III - GENERAL PROVISIONS

- The following provisions shall apply to all districts except where listed.

Section 301: Uses Not Permitted

In all districts the following uses are not permitted: Junk/Salvage yards, machinery wrecking yards, and not more than two unregistered vehicles on a particular owner's land.

Section 302: Front Yard Setback

On streets with less than 50-foot right-of-way, the front yard requirement shall be 65 feet from the center line of the existing right-of-way.

Section 303: Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such district boundary line is established, the regulations for either district of such lot shall extend not more than thirty feet into the other district, provided the lot has frontage on a street in the district for which the use is being granted.

Section 304: Dwellings on Lots

There shall be only one dwelling on a lot.

Section 305: Set-Back from Water Bodies

No building permit will be issued for any structure having a set-back of less than 75 feet from any river or stream, lake or pond.

Section 306: Collapsed or Burned Buildings and Structures

No owner or occupant of land in any district shall permit a collapsed or burned building to remain as such, but within one year shall remove the building or structure and clear the site to ground level or shall repair and rebuild or replace the building or structure. The Board of Adjustment may grant an extension of this time limit provided.

Section 307: Lot Coverage

No building shall cover more than twenty-five percent (25%) of the lot.

Section 308: Building Coverage, Open Porches, Carports and Garages

In determining the percentage of building coverage of a lot, porches or carports open at the side but roofed, and all principal and accessory buildings shall be included.

Section 309: Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of this ordinance shall be less than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

Section 310: Multifamily Dwellings *(Adopted March 9, 2010)*

Multifamily dwellings will only be allowed through conversion of residential buildings in existence prior to March 30, 2010. The maximum number of dwelling units allowed in a building will be determined by the combination of units such that no individual one-bedroom unit is less than 350 square feet, an individual two-bedroom unit no less than 750 square feet, and where there are more than four (4) dwellings units in the conversion fifty (50) percent or more shall be two-bedroom units. Any units with more than two (2) bedrooms shall increase the size of the unit by no less than 150 square feet for each additional bedroom

Section 310.1 Requirements/Limitations-

In addition to any other requirements of this Zoning Ordinance, multifamily conversions will be subject to the following:

- A. The multifamily units must be developed in a manner which does not alter the character or appearance of the existing dwelling unit.
- B. The multifamily units shall not be considered to be additional dwelling units for the purpose of determining minimum lot size.
- C. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
- D. A building permit for a multifamily conversion must be approved and issued prior to the construction of such unit.
- E. For purposes of this Section, the adequacy of off street parking shall be determined by the Planning Board and it shall provide for the combined needs of all units within the building structure.
- F. Adequate provisions must exist or be made for ingress, egress and turning of vehicles within the site.
- G. Any exterior fixtures that are supportive of the multifamily conversion, such as dumpsters and above ground gas tanks, shall be located to the side or rear of the building and be screened with fencing or vegetation.
- H. The existing, replacement or proposed septic system must be certified by a licensed septic designer in accordance with New Hampshire **RSA 485A:38**.

Section 311: Open Excavation

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

- B. For safety purposes, abandoned excavations with slopes exceeding one horizontal to two verticals shall be protected by a fence at least four feet in height.

Section 312: Obstruction of Vision

On a corner lot regardless of the district, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the heights of three feet and ten feet above the surface of each street. The Board of Adjustment may waive, as a special exception, this requirement in the commercial district.

Section 313: Agricultural Uses Shall Comply with the Following Requirements

- A. Farm buildings, other than a dwelling shall not be erected within 37.5 feet of a neighboring property line.
- B. Feed lots, fenced runs, pig pens, and similar intensively used facilities for animal raising and care shall not be located within 100 feet of a neighboring dwelling or street line, excluding pastures.

Section 314: Non-Conforming Uses

Any non-conforming use existing on the effective date of these regulations may be continued indefinitely but:

- A. Shall not be expanded, enlarged, or extended (except as provided in 3 16), nor shall any external evidence of such use be increased by any means whatsoever.
- B. Shall not be changed to another non-conforming use.
- C. Shall not be reestablished if such use has been discontinued for a period of twelve months, or has been changed to, or replaced by a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
- D. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless carried on without interruption in the undamaged part of the building.

Section 315: Expansion of a Non-Conforming Use

- A. Any non-conforming use of land or buildings may continue in their present use except that such nonconforming use shall not be changed, extended or enlarged more than twenty-five percent (25%) except by variance of the Board of Adjustment. A discontinuance of one (1) year shall void the permit.
- B. The expansion of structures on sub-standard size lots is permitted, but only so long as said expansion occurs, within the yard dimensions for the district in which the lot is located, subject to Section 307 and all other applicable requirements of this Ordinance. (*Amendment adopted to Section 315 "Expansion of a Non-Conforming Use" by vote at March 12, 2003 Town Meeting*).

Section 316: Off-Street Loading

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

Section 317: Off-Street Parking

Parking facilities shall be provided for all permitted uses, and in all instances off the street and outside of the public right-of-way.

Use	Parking Space Requirement
Dwelling Unit	2 parking spaces per unit
Industrial and Manufacturing	1.5 parking spaces for each employee on a major shift
Church or Meeting Hall	1 parking space for every four persons
Restaurants	1 parking space for every three seats
Bed & Breakfast	2 spaces for each dwelling unit and 1 for each sleeping room

- A parking space shall contain a minimum of 200 square feet.

Section 318: Signs

Signs as defined in Article VI are specifically prohibited except as herein provided:

- A. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
- B. In any residential district, a sign not exceeding four square feet is permitted which announces the name, address, or professional or home business of the occupant of the premises on which said sign is located.
- C. A bulletin board not exceeding twenty-four square feet is permitted in connection with any church, school, or similar public structure.
- D. A temporary real estate or construction sign, not exceeding twenty square feet is permitted on the property being sold, leased, or developed. Such sign shall not obstruct the view of traffic and shall be removed.
- E. A business sign shall be permitted in connection with any legal business or industry located on the same premises and meeting the following requirements:
 1. Two signs are permitted for any established business, one may be free standing.
 2. The primary purpose of the sign shall be for identification and not for advertising and may state only the owner, trade names, trademarks, products sold, and/or the business or activity conducted on the premises on which the sign is located.
 3. Signs shall not extend above the roof or parapet of the building. The height of a freestanding sign shall not exceed 15 feet.
 4. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.
 5. Signs which are animated, flashing, or with intermittent illumination are prohibited.
 6. Signs shall not project over public right-of-way or property lines.
 7. Maximum square footage of any sign shall be 32 square feet.

Section 319: Home Business

A Home occupation as herein defined, shall be permitted within the Agricultural-Residential District. Home occupation means the operation of a business, office or shop for: the manufacture and/or sale of products such as jewelry, pottery or similarly small objects; use by a lawyer, doctor, realtor or other professional or service provider; or use by an electrician, plumber or similar tradesman provided that all of the following qualifications are observed:

- A. The use shall be subordinate to the principal residential use of the dwelling;
- B. The use shall be limited to and carried out entirely within the confines of a detached single-family dwelling or accessory structures;
- C. The use shall not utilize outdoor storage or display of materials or products;
- D. The use shall not change the residential character of the dwelling, the property on which the dwelling is situated, or the neighborhood in which the property is located;
- E. The use shall not become the source of undue nuisance to the neighbors by reason of hours of operation, noise, dust, glare, vibration, traffic or other disruptive influences;
- F. The use shall not employ more than two persons other than persons who live within the dwelling; any proposed use which does not conform to this limit on the number of employees will require a Special Exception from the Board of Adjustment.
- G. The operator of the home occupation shall be a person who is in continuous residence in the dwelling within which the occupational use is conducted; and
- H. Parking shall be provided, off-street.
- I. No home occupation shall generate hazardous waste as defined under New Hampshire Department of Environmental Services, Waste Management Division, and Rules for Management of Hazardous Waste unless by Special Exception granted by the Board of Adjustment. Applicants for such a Special Exception must demonstrate compliance with all current State and Federal Regulations regarding management, storage, transportation and disposal of hazardous waste.

Section 320: Excavation of Natural Material

- A. Soil, loam, sand, gravel, clay or stone may be removed from any lot by special exception. Excavation incidental to construction or grading on the same lot is not subject to special exception.
- B. The applicant shall submit plans of the site prepared by a registered land surveyor or professional engineering showing property lines, existing natural and manmade features, the scope of the proposed operation, the proposed restoration of the site, and other information useful to the Board in evaluating the aspects of the proposed excavation referred to in Section 320 - C.
- C. In determining whether a special exception is appropriate, the Board of Adjustment shall, in addition to the criteria of Section 206, consider the public health, safety and welfare of the following aspects of the proposed excavation:
 - 1. Feasibility of site for excavation and water restoration without excessive slopes, water pollution, soil erosion, or alteration of drainage onto adjoining land;
 - 2. The impact of the proposed excavation on ground water;
 - 3. Site drainage, erosion control and water pollution during and after proposed excavation;
 - 4. Quantities of materials to be removed;
 - 5. Duration of operation in terms of months;

6. Hours of operation daily and weekly;
 7. Offsite transportation routes, including health and safety hazards and risk of damage to public highways and bridges posed by trucks;
 8. Safety of site entrance and exit;
 9. Dust, noise, odor and other off-site impacts of proposed excavation, and need for vegetative or other screening;
 10. Need for fencing to ensure safety;
 11. Disposal of stumps, boulders and other debris;
 12. The capacity of the applicant to post sufficient surety for the cost of restoring the site after excavation and repairing damage to public roadways and bridges caused by truck traffic to and from the site;
 13. Any other aspect of the proposed excavation that is likely to have an adverse impact on public health, safety or welfare.
- D. Special exception approvals for excavation may be made subject to appropriate conditions related to the criteria set forth in Section 320 - C.
- E. The Board may require the applicant to post sufficient surety for the cost of site restoration highway and bridge repair necessitated by the operation; and any other condition of approval whose performance warrants a surety.

Section 321: Site Plan Requirements

No permit to build or locate any structure shall be issued by the Building Inspector until a plat or plan showing the location of the structure in relation to the property lines has been submitted to the Building Inspector. A permit application shall be acted upon by the Building Inspector within thirty (30) days from the date of submission.

Section 322: Ordinance Conformance

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered, except in conformity with the provisions of this Ordinance.

Section 323: Plan Recording Requirements

No owner or agent may sell land by subdivision before obtaining approval of the Planning Board and recording the approval plat or plan with the Register of Deeds. New Hampshire **RSA 36:27**.

Section 324: Open Space Development

- A. *Authority*: This section is enacted in accordance with **RSA 674:21** and is referred to as the Open Space Development Ordinance.
- B. *Open Space Plan*: Subdivisions proposed under the Open Space Development ordinance shall incorporate the objectives of the Town of Deerfield Open Space Plan, dated August 2010 or later, in the overall design of the proposed Open Space Development.

324.1 Purpose and Objectives-

- A. *Purpose*: The purpose of these open space development provisions is to encourage flexibility in the design and development of land in order to preserve open space and traditional rural character, and to promote the most efficient use of land in harmony with its natural features

and protecting the natural resource base. The intent is to enhance and protect the health, safety, convenience, and general welfare of the inhabitants of Deerfield.

B. Objectives: Open Space Development shall promote the following objectives:

1. Preserve the natural beauty of existing rural roads, topography, agricultural and wooded areas and to provide usable open space and recreation facilities in close proximity to dwelling units; encourage the use of buffers, wildlife habitats and corridors and greenways in order to achieve the above;
2. Encourage a less sprawling form of development which makes more efficient use of land, requires shorter networks of streets and utilities, and fosters less consumption of rural and/or agricultural land;
3. Provide an efficient procedure which can insure appropriate, high quality design and site planning and a high level of environmental amenities;
4. Avoid development of portions of sites which have poor soil conditions, high water tables, are subject to flooding, or have excessively steep slopes;

324.2 Definitions-

The following terms as used in this section shall have the following definitions:

- A. Open Space Development or Open Space Subdivision:** A subdivision or development of land where the lot area and other dimensional standards are reduced in exchange for the preservation of permanently protected open space, recreational land, forests or farmland.
- B. Conventional Subdivision:** A subdivision having lot areas setback, frontage, and street layout that conform to the requirements of Section 204 of the Town of Deerfield Zoning Ordinance.
- C. Home Owners Association:** A private non-profit corporation, association, or other legal entity established to manage and support the activities of the open space development, in which membership is mandatory for owners of lots in the subdivision.
- D. Open Space:** Land for which development rights have been restricted under this ordinance.
- E. Parent Lot:** Any lot existing as of March 1 1, 2008, the date of the adoption of this ordinance.
- F. Yield Plan:** A subdivision plan, with such information as the Planning Board may require, showing the subdivision of the land as a Conventional Subdivision for single-family houses.

324.3 Applicability-

- A. Lots subject to this Ordinance:** This Ordinance applies to any Parent Lot that is greater than twelve acres, and to any lot created by subdivision from any Parent Lot that was greater than twelve acres.
- B. Required Open Space Development:** Any subdivision of any Parent Lot greater than twelve acres must be and Open Space Subdivision, unless exempted by the following subsection.
- C. Exemptions:** The following lots created by subdivision are exempt from the requirement for Open Space Development (but not from any restrictions from further subdivision contained in this Ordinance).
1. **Three Lot Exemption:** Lots created by the subdivision that meet the following requirements:
 - a. *Use Limitations:* The lots are limited in use to single family dwellings;

- b. *Number of Lots*: Not more than three lots may be created under this subsection from any Parent Lot, including any later subdivision of any lots created from the Parent Lot; and
 - c. *3 Frontage limitation*: At least 200 feet of frontage of the Parent Lot shall not be used for the lots exempted by this subsection.
- 2. **Large Lot Exemption**: Any lot created by the subdivision that has at least ten (10) acres; and
 - 3. **Nonresidential Lot Exemption**: Lots created by the subdivision that are restricted to nonresidential uses.

324.4 Standards and Conditions-

- A. **Use of Lots in Open Space Developments**: The following uses are permitted on lots in an Open Space Development;
 - 1. Residential uses as permitted by the Zoning Ordinance.
 - 2. Outdoor recreation, such as golf courses, riding stables, skating rinks and other forms of outdoor recreation, provided:
 - a. The siting of all outdoor recreation facilities will be subject to approval by the Planning Board under its Site Plan Review Regulations.
 - b. Spectator events are incidental and not operated as a primary business;
 - c. Accessory service buildings are limited to those necessary for the pursuit of the recreational activity; and
 - d. No area developed for active recreation is located within 150 feet of any lot used for a residence.
 - 3. Commercial and non-commercial agriculture and forestry.
- B. **Maximum Density**: The number of dwelling units permitted in any Open Space Development shall not exceed the number of single family dwelling units permitted for a Conventional Subdivision that conforms to Section 204 of the Deerfield Zoning Ordinance and that would be approved by the Planning Board.
- C. **Uses Restricted**: No lots in an open space development may be used for manufactured housing, trailers, recreational vehicles, campers, or similar semi-permanent housing, whether provided with a foundation or not.
- D. **Design Standards**:
 - 1. **Setbacks**: Open Space Development are subject to the following setbacks, and building separation, in place of the area and yard dimensions in Section 204:
 - a. *Setbacks*: No Structure, road (except the road giving access to the subdivision), septic System, or parking area may be located:
 - 1) *Front Setback*: Within one hundred (100) feet from the edge of a public right-of-way in existence prior to the open space development subdivision.
 - 2) *Side and rear Setback or Buffer*: Within fifty (50) feet of an abutting property line to the subdivision.
 - b. *Internal Setbacks and Separation*:
 - 1) *Front setback*: Structures shall be located at least twenty-five (25) feet from the edge of any roads in the subdivision.

- 2) *Dwelling units Separation*: Dwelling units must be located at least forty (40) feet apart. The Planning Board may approve a smaller separation if an acceptable alternative for fire safety, as determined by the Fire Chief, is provided. The location of setbacks proposed to achieve this requirement shall be depicted on all plats in the proposed open space subdivision.
2. **Waiver**: The Planning Board may reduce any of the Design Standards if it finds that the purposes and objectives of this ordinance are not adversely affected by the reduction.
- E. Landscape Buffer**: An Open Space Development shall have a landscape buffer to provide transition between abutting land uses and the development and also between the development and existing Town roads, as determined by the Planning Board. Whenever possible, the natural vegetation shall be retained. The Board may require vegetative plantings to supplement or replace inadequate natural buffers. No construction, with the exception of primary access roads, shall be permitted in the buffer, including septic systems, parking areas, driveways and other roads.
- F. Minimum Open Space Area**: The Total area of Open Space shall equal at least fifty percent of the Open Space Development's gross tract area (Minimum Open Space Area). Not more than fifty percent of the Minimum Open Space Area may consist of lands within the Wetlands Conservation District or having slopes in excess of twenty percent. The area within the front, side and rear setbacks shall be included in and be a part of the Open Space.
- G. Use of Open Space Area**: Not greater than ten percent of the Open Space may be used for active recreational uses, such as parks, swimming pools, tennis courts, playgrounds, play fields, or golf courses. The remainder of the Open Space may be used for nature trails and passive recreation, commercial and non-commercial agricultural and forestry uses, or left as undeveloped land. The Planning Board may permit a greater portion of the land to be used for active recreational uses if it finds that expansion of active recreation satisfies the purposes of this ordinance.
- H. Protection of Open Space**: Open space shall be protected by deed restrictions or other permanent covenants running with the land or a conservation easement. Open Space not conveyed to the Town or to a conservation organization acceptable to the Planning Board shall be conveyed to a Homeowners Association, provided that the lots in the Open Space Development are subject to recorded covenants requiring membership by the lot owners in the subdivision and providing for:
 1. Continued use of the Open Space only for its allowed purposes;
 2. Continuity of proper maintenance and monitoring of the Open Space.
 3. Availability of funds required for such maintenance and monitoring;
 4. Recovery for damages sustained as a result of casualty, condemnation or other loss of the Open Space; and
 5. Enforcement rights held by the Town of Deerfield.
- I. Other Standards and Conditions**: Except as expressly modified by this section, all Open Space Developments shall be subject to all other applicable provisions of the Zoning Ordinance and the Subdivision and Site Plan Regulations.

324.5 Limitation on Further Subdivision-

No lot created by subdivision of a Parent Lot, or by any subsequent subdivision of any lot that was part of a Parent Lot, may be further subdivided unless or except:

- A. The lot subject to further subdivision is at least twelve acres and the subdivision is an Open Space Subdivision under this ordinance:
- B. Lots created by the further subdivision that are greater than ten acres and are exempt from this ordinance under section 324.3, C, 2; or
- C. Lots created by the further subdivision that are exempt from this ordinance under section 324.3, C, 1, but only if the number of lots created when combined with the number of all lots previously created when combined with the number of all lots previously created from the Parent Lot that were exempt under section 324.3, C, 1, do not exceed three lots.

324.6 Procedure-

- A. *Planning Board Review*: An open space development shall be treated as a subdivision for review and public hearing purposes. Multi-family open space developments with structures containing more than two dwelling unit, shall also be subject to Site Plan Review regulations. The Planning Board may impose additional conditions and limitations on any open space development, to satisfy the purposes and objectives of the ordinance.
- B. *Yield Plans*: For any Open Space Subdivision application, the applicant shall file with the Planning Board a Yield Plan showing the lots that may be created by a Conventional Subdivision and containing such additional information as the Planning Board may require.
- C. *Planning Board Development Regulation*: The Planning Board may adopt regulations for Open Space Developments, which may impose additional standards and restrictions.

324.7 Other-

- A. *Enforcement*: Protective covenants and restrictions on Open Space required by this ordinance shall be deemed to create conservation restrictions that are enforceable by the Town of Deerfield in accordance with New Hampshire **RSA 674:21-a**.
- B. *Statutory References*: Any reference to any section of the New Hampshire Revised Statutes Annotated (“RSA”) shall refer also to any section as amended and to any successor or replacement section.
- C. *Rules of Construction*: In the event of any conflict between the Open Space Development Ordinance and the rest of the Deerfield Zoning Ordinance, the more restrictive provision shall control. Any reference to lots created by a subdivision of a lot subject to this Ordinance refers to all of the lots resulting from the subdivision, including the remainder portion of the original subdivided lot. Any reference to additional lots created by a subdivision refers only to the additional number of lots created by the subdivision, but not to the remainder portion of the original lot. References to the “Ordinance” in this section refer to the Open Space Development Ordinance.

Section 325: Conversion of a Dwelling from Seasonal to Year-Round

Any existing seasonal dwelling may be converted to a year-round dwelling as long as it is served by a sewage disposal system approved by the State of New Hampshire. The system must meet all State design and construction requirements in effect at the time of the proposed conversion. A year-round dwelling is defined as a dwelling occupied or capable of being occupied for more than eight (8) months of the year.

Section 326: Sewage Disposal Systems *(Defeated March 14, 2006)*

Section 327: Phased Development *(Adopted March 14, 2006)*

327.1 Authority-

Pursuant to the authority grant in the New Hampshire RSA 674: 21 (b) the Town of Deerfield adopts the following zoning amendment to be administered by the Town of Deerfield Planning Board in conjunction with the Town's Subdivision Regulations.

327.2 Purpose-

Based on information on the 2007 Master Plan update, the Planning Board recognizes the concern for rapid and excessive growth and that the existing. Municipal and educational infrastructures in Deerfield is not sufficient to handle such growth, this amendment is adopted for the following purposes:

- A. To guide the implementation of a major subdivision in the Town of Deerfield so that residents of the Town can be adequately served by community services as those services are expanded.
- B. To ensure fairness in the allocation of building permits.
- C. To phase in residential development at a rate that will be compatible with the orderly and gradual expansion of community services, including but not limited to education, fire and police protection, road maintenance, waste disposal and recreation.

327.3 Applicability-

This article shall apply to all major subdivision applications filed with the Deerfield Planning Board. Major subdivisions are subdivisions that create four (4) or more new dwelling units. The following phasing schedule shall apply to all forms of residential subdivision of land as defined in **RSA 672: 14 (I)** with the following exceptions.

When unusual or unforeseen conditions arise with regard to a particular subdivision, the applicant may request the Planning Board consider a modification to the phasing schedule. The applicant shall provide the Planning Board with sufficient information in order for the Board to consider such a request.

For subdivisions in excess of 60 dwelling units the Planning Board may require the subdivision to adhere to a longer phasing plan if the Planning Board determines that such phasing is necessary to protect the health, safety, welfare and environment of the Town.

327.4 Phasing Schedule-

Number of Proposed Units	Years	Max. number of building permits that can be issued in one Year
	Not Applicable	Not Applicable
4 to 6	2	50%
7 to 9	3	33%
10 to 20	4	
21 to 40	5	
40 to 60	6	16%
Over 60	7 to 8	

327.5 Implementation-

Subdivisions approved under the phasing schedule shall include a note on the plan that states the phasing schedule for the approved subdivision, identifying the phasing of each lot, consistent with the schedule in Section 328.4. The Town's Building Inspector shall only approve building permits for lots in the subdivision approved after the effective date of this amendment consistent with the schedule in Section 328.4.

327.6 Periodic Review-

The Planning Board shall periodically review the effectiveness and impact of this article, but not less frequently than once every two years to ensure that the phasing requirements of this article are:

- A. Reasonable in its implementation;
- B. Achieving the intent of provision as stated in the Purpose above.

Section 328: Wireless Telecommunication Facilities Ordinance *(Adopted March 14, 2006)*

328.1 Authority-

This Ordinance is adopted by the Town of Deerfield on March 14, 2006 in accordance with the authority granted by the New Hampshire **RSA 674:16 and 21, II.**

328.2 Purpose-

These regulations have been enacted in order to establish general guidelines for the siting towers and antennas and to enhance and fulfill the following goals:

- A. Preserve the authority of the Town of Deerfield to regulate and provide for reasonable opportunity for the siting of telecommunications facilities.
- B. Enhance the ability of providers of telecommunication services to provide such services to the community effectively and efficiently.
- C. Reduce the adverse impacts such facilities may create on, including, but not limited to: migratory bird flight corridors, impacts on aesthetics, environmentally sensitive areas, historically significant locations, health and safety by injurious accidents to person and property, and diminution of property values.
- D. Preserve the Town's unique view-sheds, scenic values and natural resources in particular those identified in the Town's recently completed Open Space Plan.

328.3 Definitions-

- A. **Antenna:** Means any exterior Apparatus designed for telephonic, radio, television, personal communications service, pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any frequency and bandwidth.
- B. **Average Tree Canopy Height:** Means the average height found by inventorying the height above ground level of all trees over 20 feet in height for a radius of 150 feet of the proposed tower site.
- C. **Tower:** Means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas.
- D. **Telecommunications Facilities:** Means any antenna, tower or other structure intended for use in connection with the transmission or reception of radio or television signals or any other electromagnetic transmission/receptions.

328.4 Location of Telecommunications Facilities-

Telecommunications facilities may be permitted in all districts provided they are camouflaged, hidden or disguised. In no case, however, shall such a facility be sited in a location that would impact any view to Pawtuckaway Mountains and Nottingham Mountain.

328.5 Permitted Uses-

A. Principal or secondary use: Telecommunications facilities may be considered either principal or secondary uses. Having an existing permitted use on site shall not preclude the addition of a facility as a secondary use as long as all other provisions of the Town of Deerfield's Zoning Ordinance are met. A different existing use or an existing structure on the same lot shall not preclude the installation of a facility on such lot. For purposes of determining whether the installation complies with district development regulations, including but not limited to setbacks and lot coverage requirements, the dimensions of the entire lot shall control, even though the facility may be located on leased parcels within such lots. Facilities that are installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

- *Any alteration of the original permitted use and device configuration of the facility will require a new approval.*

B. Amateur Radio: Receive-Only Antennas. This Ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally- licensed amateur radio station operator or is used exclusively for receive-only antennas. This Ordinance adopts the provisions and limitations as referenced in **RSA 674: 16, IV.**

C. Essential Services & Public Utilities: Telecommunications facilities shall be considered infrastructure, essential services or public facilities as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunications is a use of land and is addressed by this Section.

328.6 Construction Performance Requirements-

A. Federal Requirements: All facilities 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 such facilities. If such standards and regulations are changed, the owners of the facilities governed by the Ordinance shall bring these into compliance within six (6) months of the effective date of the changes, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with any changes shall constitute grounds for the removal of the tower or antenna at the owner's expense, in accordance with 329.10 through the execution of the posted security.

B. Building Codes/Safety Standards: To ensure the structural integrity of towers and antennas, all facilities will be inspected every three years by an engineer approved by the Town, with the cost to be paid by the owner. The engineer will submit a report to the Town. If the report concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, the owner will receive notice that he/she has 30 days to bring such tower into compliance with the standards. If the owner fails to comply within 30 days, such action shall constitute abandonment and grounds for the removal, in accordance with

329.10, of the tower or antenna, at the owner's expense through execution of the posted security.

- C. Additional Requirements for Telecommunications Facilities:** These requirements shall supersede any and all applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.
- D. Height:** All efforts should be made to keep tower height at a minimum; in no case shall a tower exceed 175 feet.
- E. Setbacks and Separation:** In addition to compliance with the minimum zoning district setback requirements for all structures, towers shall be set back a distance equal to 125% of the height of the tower from all property lines.
- F. Security Fencing:** Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
- G. Landscaping:** A vegetative buffer shall be provided that effectively screens the sight of the compound from adjacent property. The standard vegetative buffer shall consist of a landscaped strip of at least 10 feet wide outside the perimeter of the compound. Natural vegetation is preferred. In locations where the visual impact of the compound would be minimal or non-existent, the landscaping requirements may be reduced or waived entirely. Existing mature tree growth and natural landforms on the site shall be preserved to maximum extent possible.
- H. Camouflaging:**
 - 1. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and built environment.
 - 2. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical mechanical equipment must be of a neutral color this is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive.
- I. Balloon Test:** The applicant shall provide notice of a date on which a balloon(s) will be floated at the proposed site and provide pictures from all locations around the Town and within 20 miles from which the balloon(s) is visible.

328.7 Conditional Use Permits-

- A. General:** Telecommunications Facilities are permitted only after obtaining a Conditional Use Permit from the Planning Board. All such uses must comply with other applicable ordinances and regulations of the Town of Deerfield.
- B. Issuance of Conditional Use Permits:** In granting the Conditional Use Permit, the Planning Board may impose conditions to extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties and preserve the intent of this Ordinance.
- C. Procedure on Application:** The Planning Board shall act upon application in accordance with the procedural requirements of the Site Plan Review Regulations and **RSA 676:4**.

All Towns within 20 miles of the proposed location will be notified of the public hearing by certified mail, to be paid by the applicant. A notice will also be posted in the newspaper

customarily used for legal notices by these municipalities. Such notice shall be published not less than 7 days nor more than 21 days prior to the public hearing date.

- D. Decisions:** All decisions shall be rendered in writing. A denial must be based upon substantial evidence contained in the written record.

Permits shall be renewable every three years. When possible, this time frame shall be consistent with the timing for performance bond renewal and inspection per 328.6.

- E. Plan Requirements:** Each applicant requesting a Conditional Use Permit under this Ordinance shall submit a scaled plan along with information identified in Sections 4,4, Existing Data and 4,4.2 Proposed Data in the Town of Deerfield's Site Plan Review Regulations. The Planning Board may request the applicant to provide addition site plan information that is customary for applications of the type.

- F. Other Information Required:** In order to assess compliance with this zoning amendment, the Planning Board shall require the applicant to submit the following prior to any approval by the Board:

- Propagation map showing proposed radio frequency coverage.
 - Photographic documentation of the balloon test(s).
1. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines. The applicant shall submit written proof that it has conducted an evaluation of any requirements of the National Environmental Policy Act (NEPA) pertaining to the proposed facility, as may be required under applicable FCC rules, and the results of any such evaluation. IF such documents are required, the applicant should provide the Planning Board with copies.
 2. The applicant will provide the Board with the following information:
 - a. The number of sites for telecommunication facilities each provider will require;
 - b. Sites outside of the Town for the particular coverage area that are being considered;
 - c. How the siting of a telecommunication facility will affect the ability to allow a competitor's antennas on the same property.
 - d. The applicant will provide the Board with studies of the alternative sites in the Town that have been considered for siting and selection criteria.
 3. The applicant shall submit an agreement with the Town that allows for the maximum allowance of collocation upon the new structure. Such statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other wireless telecommunication providers. An opportunity for co-location is not to be considered a justification for excessive height of towers. The applicant will provide the Board with any copies of the federal license from the FCC. Upon request the applicant will provide:
 - a. Detailed maps showing all of the carrier's current externally visible tower and monopole locations in the state within a 20-mile radius, both active and inactive; and
 - b. Site descriptions for each of the above locations showing the antenna height and diameter, and externally visible structures.
 4. The applicant will submit an agreement to the Town to the effect that the Town will be held harmless for any extraordinary fire or safety events.

328.8 Waivers-

Any portion of these regulations may be waived or modified when, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these regulations. The applicant shall submit a waiver request in writing to the Planning Board.

328.9 Performance Guarantee Agreement and Security-

The applicant shall provide a performance guarantee to the Town in the amount that would be sufficient to cover the costs of site improvements and costs of removal and disposal of the facility components. The Planning Board shall establish the form and amount of the security. The Planning Board shall also require the applicant to submit proof of appropriate liability insurance with respect to the proposed facilities prior to construction. The term of performance guarantee shall be negotiated with the Planning Board and administered by the Board of Selectmen.

328.10 Removal of Abandoned Antennas and Towers-

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from town. A declaration of abandonment shall only be issued following a public hearing, notice in accordance with the Town procedures, with written notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days, the Town may execute the performance guarantee in order to remove the tower. If there are two or more users of single tower, this provision shall not become effective until all users cease using the tower.

328.11 Administrations and Enforcement- The Board of Selectmen shall be responsible for the enforcement of the provisions of this ordinance.

328.12 Severability-

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

328.13 Appeals-

As provided by NH **RSA 677:15**, the applicant, an abutter or an aggrieved party may appeal a decision to the Superior Court as provided by **RSA 677:15**.

Section 329: Pleasant Lake Watershed Protection Ordinance *(revised and adopted 3/2015)*

329.1 Authority and Statement of Intent-

- A.** Pursuant to **RSA 674:21**, the Town of Deerfield adopts a Watershed Protection Overlay District and accompanying regulations to ensure the protection and preservation of Pleasant Lake and its watershed from the effects of point and non-point source pollution or sedimentation. The establishment of the Watershed Protection Overlay District and the adoption of these regulations are intended to:
- 1.** Protect public health;
 - 2.** Protect aquifers, which serve as existing or potential water supplies, and the aquifer recharge system;
 - 3.** Protect surface waters and wetlands contiguous to surface waters;

4. Protect the natural areas and wildlife habitats within the Watershed Protection Overlay Zone by maintaining ecological balances;
 5. Prevent the degradation of water quality through the regulation of land uses and development within the Watershed Protection Overlay District; and
 6. Assure proper use of natural resources and other public requirements.
- B.** In the event of a conflict between the requirements of this section and other requirements of the Deerfield Zoning Ordinance or state law, the more stringent requirements shall govern.

329.2 Applicability-

- A.** The special provisions established in this Watershed Protection Ordinance shall apply to all development proposals and to potential contaminating activities within the Watershed Protection Overlay District. The boundaries of the Watershed Protection Overlay District have been delineated by the NH DES in the Pleasant Lake Watershed Base Map, dated April 2, 2001.
- B.** The boundaries of the Watershed Protection Overlay District are identified through drainage, groundwater and soils analyses and are considered to be essential to the protection of the watershed from the effects of point and non-point source pollution or sedimentation.
- C.** All development proposals occurring wholly or partly in an area within the Watershed Protection Overlay District shall be subject to the requirements of this Ordinance.

329.3 Administration-

- A. General:** The Deerfield Planning Board shall have authority to create processes and procedures to administer the provisions of the Watershed Protection Ordinance.
- B. Enforcement:** The Building Inspector shall be responsible for enforcing the provisions and conditions of this Watershed Protection Ordinance, pursuant to the provisions of Section 701 of the Deerfield Zoning Ordinance.

329.4 Definitions-

- A. Automobile Service or Repair Station:** A retail establishment at which motor vehicles are refueled, serviced, and/or repaired.
- B. Best Management Practices:** As defined in the latest edition of the New Hampshire Storm water Manual, Volume I, Volume II, and Volume III, prepared by NH Department of Environmental Services (NHDES).
- C. Buffer Zone:** The undisturbed natural area sufficient in size to mitigate runoff effects harmful to water quality.
- D. Business Commercial Agricultural Activities:** The production of crops for sale, crops intended for widespread distribution to wholesalers or retail outlets. Business Commercial Agriculture includes livestock production and livestock grazing. Business Commercial Agriculture does not include crops grown for household consumption (e.g. backyard garden or from a vegetable garden or a few fruit trees).
- E. Commercial Forestry:** Commercial Forestry means the science of silviculture and the practice and art of managing and using for human benefit forestlands and the natural resources that occur in association with forestlands, including trees, other plants, animals, soil, water, and related air and climate in the environment of a business and profit-making activity.

- F. Contamination:** Sedimentation, point and non-point source pollution, septage, or the discharge of hazardous materials.
- G. Development:** Any activity resulting in a change in the physical character of any parcel of land, such as may be caused by, but not limited to: subdivisions; change in use; the construction or expansion of a building, deck, or shed; installation of a new well or subsurface sewerage disposal system associated with building construction; land disturbing activity such as Business Commercial Agriculture or commercial forestry; paving of a previously permeable area; grading, engineered; and new road construction. The term development is not intended to include the installation, expansion or improvement of lawns outside of the 100-foot buffer in Section 329.8, ground cover, natural vegetation or planting of shrubs or trees.
- H. Grading:** The excavating or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property. Grading that occurs in a major application shall include a grading plan prepared by a NH licensed professional engineer.
- I. Hazardous Materials:** As defined in Superfund Amendment and Reauthorization Act of 1986 and Identification and Listing of Hazardous Wastes, 40 C.F.R. §261 (1987).
- J. Hydrology:** The study of the earth's waters, their distribution and the cycle involving precipitation, infiltration into the soil and evaporation.
- K. Impervious Surface:** A surface that is impenetrable by liquids, including, but not limited to, areas paved with conventional asphalt or concrete, gravel driveway and parking areas, sidewalks, patios, decks, and roofs which do not recharge water.
- L. Infiltration Rate:** The volume of surface water that filters into the soil per unit of time.
- M. Low-Impact Development (LID):** An approach to site development and design that provides increased opportunities for storm water infiltration and increased hydrologic function within a watershed as defined in NH DES Fact Sheet WD-WMB-17, "Low-Impact Development and Storm water Management," 2010 or any updated versions thereof.
- N. Non-point Source Pollution:** Contaminants including, but not limited to pesticides, fertilizers, animal wastes, sediments, nutrients, and heavy metals that are deposited on the ground surface and flow into and pollute nearby surface waters.
- O. Point and Non-point Source Pollution:** Point pollution comes from a single source such as the discharge from a drainage pipe. Non-point pollution comes from multiple sources such as rain water run-off.
- P. Potential Contaminating Activity:** Any activity that has the potential to create a new discharge of contaminants or to increase the discharge of contaminants to surface or groundwaters.
- Q. Public Water Body:** All water bodies with a surface area of 10 acres or more.
- R. Runoff:** The volume of surface water that flows on or across the land surface during a storm event.
- S. Sedimentation:** The deposition of sand, silt, soil or other matter into a watercourse, surface water or wetland, including that resulting from post-development surface runoff.
- T. Sedimentation Controls:** The use of silt fences, hay bales, hay or straw mulch, and other suitable, proven methods utilized to trap water-borne sediment and provide protection against erosion until properly installed erosion controls can take effect.

- U. Storm Event:** A period of sustained rainfall with a minimum total accumulation of 0.25 inches of precipitation over a 24-hour period.
- V. Storm Water:** Surface water run-off from a non-point source caused by a storm event.
- W. Tributary Stream:** Any perennial or intermittent stream, flowing either directly or indirectly into a surface water body. This shall include any tributary stream section contained within a pipe system.
- X. Watershed:** The area lying within the drainage basin of the lake.

329.5 Use Regulations-

- A.** Allowed uses established by the underlying zoning district shall apply, except as modified below.
- B.** The following uses shall be specifically prohibited within the Watershed Protection Overlay District:
 - 1.** Storage or production of hazardous materials as defined in either or both of the following:
 - a.** Superfund Amendment and Reauthorization Act of 1986.
 - b.** Identification and Listing of Hazardous Wastes, 40 C.F.R. *261 (1987)
 - 2.** Disposal of hazardous materials or solid wastes;
 - 3.** Treatment of hazardous material, except rehabilitation programs authorized by a government agency to treat hazardous material present at a site prior to the adoption of this ordinance;
 - 4.** Any business that stores, uses or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous materials and have undergone an inspection by the Town of Deerfield Building Inspector and Fire Inspector to certify they are in compliance with hazardous material regulations;
 - 5.** Disposal of septage or septic sludge, as defined by New Hampshire Solid Waste Rules Env-Wm101-300 & 21 OO - 3700;
 - 6.** Automobile service and repair stations; and
 - 7.** Junkyards and Salvage Yards as defined by RSA 236: 112.

329.6 Review Requirements for Development in the Watershed Protection Overlay District-

Development within the Watershed Protection Overlay District requires the submittal and approval of one of the following applications: Site Plan/Subdivision Watershed Application, Major Watershed Application, or Minor Watershed Application.

- A.** Applications for Subdivisions and Site Plans shall be accompanied by a Site Plan/Subdivision Watershed Application inclusive of a hydrologic study as outlined in Section 329.7. The Hydrological study must document, in a manner acceptable to the Planning Board, that the proposed land development would provide the same or greater degree of water quality protection as existed on the site(s) at the time the application was made. Change of Use Applications that do not propose any new construction, paving, alterations to grading, or other alteration to the terrain are exempt from the requirements of the hydrological study.
- B.** Major Application. For any development that will render post-development impervious surface of more than 20% or more than 2,500 square feet of the entire lot, whichever is

greater, a storm water management and erosion control plan, consistent with New Hampshire Storm water Manual (latest edition) prepared by NH DES, shall be prepared and submitted for review and approval as part of a Major Watershed Application unless previous approval has been granted through the Site Plan/Subdivision Watershed Application process. Major Watershed Applications are reviewed and approved by the Planning Board.

- C. Minor Application.** For any development that will render post-development impervious surface of 20% or less, or 2,500 sq. ft. (whichever is greater) the application will require submittal of a Minor Watershed Application for review and approval. Minor Watershed Applications are reviewed and approved by the Building Inspector.
- D. Residential Building Permit Applications** for new home construction must include an erosion and sedimentation control plan developed with Best Management Practices. The erosion and sedimentation control plan shall be prepared by an engineer licensed in the State of New Hampshire or a qualified professional who is familiar with erosion control measures and procedures and acceptable to the Town Engineer. The qualified professional shall demonstrate to the Town Engineer that he/she has knowledge and training in erosion control measures and has previously prepared erosion control plans. The erosion and sedimentation control plan shall be submitted as part of the Major or Minor Watershed Applications involving the construction of a new home.
- E. Residential Building Permit Applications** for additions to existing structures, accessory buildings or reconstruction of existing homes must include erosion and sedimentation controls proposed by the applicant and acceptable to the Building Inspector. The Building Inspector, in determining the acceptability of the proposed controls, shall compare the proposed controls with the New Hampshire Storm water Manual, Volume 3: Erosion and Sediment Controls During Construction as prepared by the New Hampshire Department of Environmental Services (Manual). The proposed plans shall ensure effective control and conform with the practices contained in the Manual in order to be approved by the Building Inspector. These types of applications shall not require the preparation of an erosion and sedimentation control plan prepared by an engineer.
- F. Development** shall not begin until all required applications, submittals and permit approvals have been obtained unless an emergency determination has been made in accordance with Section 329.12. No building permit for development within the Watershed will be issued without an approved Watershed Application on file.
- G. All development** within the Watershed Protection Overlay District shall be evaluated to ensure that:

 - 1.** No new impervious driveways are allowed within 75 feet of any surface water or wetland area. Accessory structures are allowed within the 75-foot setback when permitted by the NH DES.
 - 2.** The impervious surface of any lot is limited to 30%. For lots that currently exceed 30% impervious surface, development must decrease the percent of impervious surface. Replacement in-kind of existing development does not require this reduction of impervious surface.
 - 3.** Non-point source pollution is prevented to the maximum extent possible, taking into account site conditions such as slope, soil type and erosivity and vegetative cover.

4. Best Management Practices (BMPs) are in place and are sufficient to remove or neutralize those pollutants that present a potential impact to the water body. The use or creation of detention ponds is not allowed for runoff control, except in those cases where an extended detention pond may be necessary to develop a site.
5. Grading and removal of vegetation at a development site is minimized and erosion and sedimentation control measures are in place and properly installed.
6. If two or more dwelling units share a common sewage treatment system a perpetual maintenance agreement from the building's owner is required.
7. Uses that may potentially cause contamination within the Watershed Protection Overlay District, must submit a spill prevention control and countermeasures plan for approval. This plan shall include the following elements:
 - a. Disclosure statements describing the types, quantities, and storage locations of all contaminants that will be part of the proposed project.
 - b. Contaminant handling and spill prevention techniques.
 - c. Spill reporting procedures, including a list of affected agencies to be contacted in the event of a spill.
 - d. Spill recovery plans, including a list of available equipment.
 - e. Spill cleanup and disposal plans.

329.7 Hydrologic study and Plan-

- A. A hydrologic study shall be prepared by a professional engineer licensed in the State of New Hampshire and shall include the following information:
 1. Description of the proposed project including location and extent of impervious surfaces; on-site processes or storage of materials; the anticipated use of the land and buildings; description of the site including topographic, hydrologic and vegetative features.
 2. Characteristics of natural runoff on the site and projected runoff with the proposed project.
 3. Measures proposed to be employed to minimize the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.
 4. Proposed runoff control and watershed protection measures for the site. These measures shall be designed with the goal of ensuring that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff will not be less than pre-development conditions. Special emphasis shall be placed on the impacts of proposed encroachments into the required buffer.
 5. Where the developer of property subject to the terms of this Watershed Protection Ordinance seeks to utilize existing or planned off-site storm-water quality management facilities, the developer shall provide a written certification that the owner of the off-site facilities will accept the runoff and be responsible for its adequate treatment and that the arrangement will run with the land in a manner that will be acceptable to the Planning Board.
- B. The study shall make use of the September 2002 Lake and Watershed Diagnostic Study Report of Pleasant Lake Deerfield/Northwood prepared by NHDES and any other appropriate data available from NHDES to the maximum extent possible. If new data is to be

relied upon, the Town reserves the right to have the data reviewed by an independent expert at the expense of the developer, before the study is deemed complete and ready for review.

- C. The study shall be submitted to the Planning Board for review and approval concurrently with the submission of applications for review as required by this Ordinance.

329.8 Buffer Requirements-

- A. A minimum 100-foot wide buffer zone shall be maintained along the edge of any tributary stream discharging into Pleasant Lake and along the edge of any wetlands associated with those tributary streams. The required buffer distance shall be measured from the centerline of such tributary stream and from the delineated edge of a wetland. Streams shall be delineated from their mean high-water mark. The buffer zone shall be maintained in its natural state to the maximum extent possible.
- B. Any reduction in the required buffer zone width down to an absolute minimum of 50 feet may be granted by the Planning Board upon presentation of a hydrologic or other study that provides documentation and justification, acceptable to the Planning Board, that even with the reduction, the same or a greater degree of water quality protection would be afforded as would be with the full-width buffer zone. In granting such a reduction, the Planning Board may require certain conditions of approval which may include, but are not limited to, restrictions on use, type of construction, and erosion, runoff or sedimentation control measures as deemed necessary to protect water quality.
- C. Any proposed development within the required buffer zone shall require approval of the Planning Board. In determining if the development should be approved, the Board shall take into consideration the following:
 - 1. The development proposed is the least intrusive possible;
 - 2. The hydrologic study shows the water quality protection by the development equals or exceeds that which would be provided by the full 100-foot wide buffer;
 - 3. The applicant proposes to plant additional vegetation to demonstrably supplement and improve the existing vegetation present within the buffer which will slow the rate of runoff;
 - 4. The applicant proposes to redirect the runoff from the development to extend the runoff route to the tributary; and
 - 5. The applicant proposes to place other permanent obstructions to demonstrably slow the rate of runoff over what would occur within the existing buffer.
- D. The following uses shall not be permitted within the buffer zone:
 - 1. Subsurface sewerage disposal systems and drain-fields
 - 2. Livestock impoundments
 - 3. Trash containers and dumpsters which are not under roof or which are located so that leachate from the receptacle could escape unfiltered and untreated
 - 4. No outside fuel storage
 - 5. Activities involving the manufacture, bulk storage or any type of distribution of materials hazardous to Pleasant Lake as defined in the Hazardous Materials Spills Emergency Handbook, American Water works Association, 1975, as revised, including specifically the following general classes of materials:

- a. Oil and oil products
- b. Radioactive materials
- c. Any material transported in large commercial quantities that is a very soluble acid or base, highly biodegradable, or can create a severe oxygen demand
- d. Biologically accumulative poisons
- e. The active ingredients of poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.)
- f. Substances lethal to mammalian or aquatic life
- g. Road salt
- h. Lawn fertilizers

329.9 Septic Systems-

- A. For any new construction, a sewage disposal system shall be installed in accordance to NH DES regulations requiring a 75-foot setback from Hydric-A soils and a 50-foot setback from Hydric-B soils from any surface water or wetland area.
- B. For any expansion of an existing structure, or the seasonal conversion of an existing structure, the owner shall conform to **RSA 485-A:38** and the associated Department of Environmental Services Code of Administrative Rules for Subdivision and Individual Sewage Disposal System Design Rules, as amended.
- C. For a new subdivision development for which sewerage disposal systems are proposed, if the lots are less than 5 acres, then all plans and permit application shall conform to all relevant NH DES rules and regulations. For lots that are greater than 5 acres, all plans and permit applications shall show an area of 4000 sq. ft., within which the EDS may be located, with test pit and percolation test data to verify the site's suitability for a septic system.
- D. If any septic assessment or an on-site inspection indicates that the existing system is in failure, a plan for a replacement system shall be submitted to NH DES within 30 days from the date of the onsite inspection.

329.10 Commercial Agriculture Activities-

- A. Livestock are not allowed direct access to Pleasant Lake or its tributaries. Drinking water for livestock shall be provided by the use of container(s) located a minimum of 100' from Pleasant Lake, tributaries that flow into the Lake or associated wetlands.
- B. Application of fertilizers or pesticides is not allowed within 200 feet from Pleasant Lake or its tributaries or wetlands.
- C. All livestock grazing and feeding areas shall be a minimum of 100 feet away from Pleasant Lake or its tributaries.
- D. All runoff from livestock feeding areas shall be managed to prevent direct discharge to Pleasant Lake or its tributaries or wetland area.
- E. The storage and use of all animal manure for fertilization purposes must be conducted in accordance with the Best Management Practices for the Handling of Compost, Fertilizer, and Manure in New Hampshire, NH Department of Agriculture, Markets and Food.
- F. Unless stricter setbacks or operational requirements are outlined above, all agricultural operations shall be conducted in accordance with the Manual of Best Management Practices for Agriculture in New Hampshire, NH Dept. of Agriculture, June 1993, as amended, and in

accordance with all appropriate sections of the Comprehensive Shoreland Protection Act, NH RSA 483-B.

329.11 Commercial Forestry Activities-

- A. A minimum 75-foot undisturbed natural vegetated buffer shall be maintained adjacent to all tributaries, surface waters or wetland areas.
- B. Unless stricter setbacks or operational requirements are outlined above, all forestry operations shall be conducted in accordance with the Best Management Practices for Erosion Controls on Timber Harvesting Operations in New Hampshire, NH Division of Forests and Lands, February 2004, as amended, and in accordance with all appropriate sections of the Comprehensive Shore land Protection Act, as detailed in **RSA 485-A:17**.

329.12 Emergency Exceptions-

- A. Emergency situations relating to public health, safety, and welfare will be temporarily relieved of the provisions of this ordinance in order to correct the emergency and restore the property to its previous condition as soon as possible.
- B. The determination as to whether or not a situation is classified as an emergency shall be made by the Building Inspector.
- C. Within ten (10) business days of the determination being made, an application must be submitted as required by the provisions of this ordinance.

329.13 Non-Conforming Lots, Uses and Structures-

- A. It is the intent of this Ordinance to promote the conforming use of land located within the Pleasant Lake Watershed Protection District, except that non-conforming lots, structures and uses that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements as set forth in this section. Except as otherwise provided in this Ordinance, a non-conforming lot, use or structure shall not be permitted to become more non-conforming.
- B. *Non-conforming lots:* Non-conforming undeveloped lots of record that are located within the Watershed Protection District shall comply with the following restrictions, in addition to any other requirements of this ordinance:
 - 1. Except when otherwise prohibited by law or the Town of Deerfield Zoning Ordinance, present and successive owners of an individual undeveloped lot may construct a building or structure on it, notwithstanding the provisions of this Ordinance.
 - 2. Conditions may be imposed which, in the opinion of the Zoning Board of Adjustment as appropriate, more nearly meet the intent of the Ordinance, while still accommodating the applicant's rights.
 - 3. Building on non-conforming lots of record also include but are not limited to docks, piers, boathouses, boat loading ramps, walkways and other water dependent structures, consistent with this Ordinance and applicable regulations of the NHDES.
- C. *Non-conforming uses:* Existing uses which are non-conforming under this Ordinance may continue until the use ceases to exist or the use is discontinued for a period of one year. An existing non-conforming use may not be changed to another non-conforming use; existing non-conforming uses shall be required to meet the requirements of this ordinance to the maximum extent possible.

- D. *Non-conforming structures:*** Except as otherwise prohibited, non-conforming structures, erected prior to the effective date of this Ordinance or amendments thereto, located within the Watershed Protection District may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside horizontal dimensions shall be permitted. An expansion that increases the sewage load to an on-site septic system, or changes or expands the use of a septic system or converts a structure to condominiums or any other project identified under **RSA 485-A:29-44** and rules adopted to implement it shall require NHDES approval.

330.14 Subdivisions and Waterfront Access-

- A.** Lots within the Watershed District shall not be used as a common area for Waterfront Access or for the purpose of granting deeded rights or access to residents of multiple units and/or non-waterfront properties, regardless of the location of such properties.
- B.** For the purpose of this section, the term “common area” shall mean an area used by a group of 3 or more unrelated persons or by an association, club or organization consisting of 3 or more members.
- C.** Rights to gain access to a water body by or through a shore land lot shall not be created or attached to any real estate.
- D.** Existing common areas with deeded rights for waterfront access are exempt from this provision. However, additional rights for access are not allowed to be added.
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ARTICLE IV - MANUFACTURED HOUSING

Section 401: Standards

Manufactured housing used as a place of permanent residence in the Town of Deerfield must meet the standards of the U. S. Department of Housing and Urban Development. These standards include fire and wind resistance. Manufactured housing must carry a seal certifying that these standards have been met.

Section 402: Purpose

A major purpose of this Article is to protect the value of property, to provide safe and healthful living conditions for all the inhabitants of the Town of Deerfield, and to facilitate the adequate and economical provisions of schools and other public requirements. Manufactured Housing is of proven value in fulfilling a given need under given conditions, and yet its very mobility makes it difficult to provide and plan facilities, and for the protection of the municipality against sharp and sudden fluctuations in the demands upon its public services.

Section 403: Temporary Use of Manufactured Housing

- A.** Manufactured housing may be used as temporary living quarters by a person employed in adjoining construction work or for whom a residence is being built. Such use must be shown to be a temporary expedient and shall not exceed a period of 24 months, unless extended following the granting of a variance from the Zoning Board of Adjustment.

- B. The use will conform with all applicable sections of this Ordinance and all applicable statutes of the State of New Hampshire. In cases where the manufactured housing is to be used as temporary quarters during the construction of a residence, the application for a temporary building permit for the manufactured housing must be accompanied by an application for construction of the residence.
- C. If an extension of the permit is required beyond the prescribed 24 months, application must be made to the Board of Adjustment.

Section 404: Temporary Use of Recreational Vehicles on Individual Lots

- A. A Recreational Vehicle may be parked on a property provided the vehicle does not present a health or safety hazard or create a nuisance. Such a vehicle so parked shall not be used as a permanent dwelling unit but may be occupied for a period not to exceed 60 days in a 12month period. A Thirty (30) day extension beyond this period would be allowed following obtaining a permit from the Building Inspector. The permit shall include dates of intended use and any of the information required to insure conformance with all Town and State laws. Recreational vehicles in use prior to the addition of this permitting requirement shall not be exempt from this permit.
 - B. Placement of a recreational vehicle shall comply with the current setback requirements of the district where it is located.
 - C. No more than one (1) recreational vehicle may be used for a temporary residence on any lot at any one time. Use of recreational vehicles shall be in conformance with the regulations of the Deerfield Board of Health in effect at the time of placement.
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ARTICLE VI – DEFINITIONS

- For the purpose of this Ordinance, certain words or terms used herein shall be interpreted as follows.

Section 601: Word Definitions

- A. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - 1. The words “shall” and “will” are mandatory; the word “may” is permissive.
 - 2. The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.
 - 3. The word “lot” includes the word “parcel”.

Section 602: Term Definitions

- A. **Accessory-** Means incidental to another use or structure on the same lot.
- B. **Accessory Apartment-** A dwelling unit, either attached to or independent of the primary dwelling and is incidental and subordinate to the said primary dwelling unit. The accessory apartment can have up to 35% of the primary dwelling unit living space but, in no case, shall it have more than 750 square feet.

- C. Agricultural-** Means, farming, dairying, livestock, and poultry, truck farming, forestry, and horticulture.
- D. Affordable Senior Housing-** Means any housing that have been so dedicated for said purpose so that the eligible occupant has an income which is at or below the median family income for Rockingham County, NH and the occupant does not pay more than 30% of income for housing including principal, interest, real estate taxes and utilities and in case of renters, no more than 30% of their income for rent and utilities. (Adopted March 14, 2006)
- E. Back Yard-** A space, unoccupied, extending for the full width of the lot between the extreme rear of a building and the rear lot line.
- F. Bed & Breakfast-** A single family, owner-occupied dwelling with meal service limited to breakfast, for 8 or fewer in-house transient guests in a maximum of 4 bedrooms with rental period of a maximum of two weeks, on a minimum 3-acre lot. For use of any structure as a Bed & Breakfast facility, the structure shall conform to the minimum fire protection standards of the most recent addition of the BOCA National Building Code, and of the NFPA 101 Life Safety Code.
- G. Building-** Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property and used for the purposes of a building.
- H. Compatible-** means being capable of existing or performing in a harmonious, agreeable, or congenial manner within a village area, neighborhood, rural area and be harmonious with abutting land uses. The abutting and nearby land uses do not need to be similar to the proposed development; however, the proposed development should be capable of existing in harmony with the abutting land uses.
- I. District-** A zoning district as specified in this Ordinance.
- J. Dwelling, Single-Family-** A detached or free-standing residence other than a mobile home, designed for and occupied by one family only.
- K. Dwelling, Two-Family-** A residential building in singly ownership designed for or occupied by two families living independently of each other in individual attached dwelling units.
- L. Dwelling Unit-** Any room, or rooms, connected together forming a habitable unit for one family with its own bathing and toilet facilities and its own living, eating, and sleeping areas wholly within such room, or rooms, connected together.
- M. Family-** An individual, or two or more individuals, related by blood, marriage, or adoption living together as a single housekeeping unit.
- N. Family Day Care Home-** A residence occupied by the provider in which child care is regularly provided for any part of a day (but less than 24 hours except in emergencies) for one to six children from one or more unrelated families. The maximum of six children includes children under six years of age who are living in the home and children related to the applicant who are received for child care.
- O. Frontage-** The width of a lot measured along its common boundary with the street line.
- P. Home Produce and Products-** Includes everything of an agricultural nature grown, produced, conditioned, or otherwise carried on the property of the resident and such articles as are manufactured or altered by members of the household and their employees.
- Q. Junk/Salvage-** As defined in **RSA 236**.

- R. Kennel-** A weatherproof structure properly ventilated and the use of a lot or structure for the Containment of six (6) or more dogs that are more than nine (9) months old.
- S. Light Manufacturing-** Is defined as manufacturing or fabrication of small parts or products from previously prepared materials; research and testing lab; electronic assembly operations; warehousing; furniture manufacturing; printing and publishing; scientific and controlling instruments; photographic and optical goods, watches and clocks; wholesale trade (with enclosed storage on premises)including merchant wholesalers, wholesale and industrial distributors, manufacturing sales branches and wholesale assemblers; and things of a similar nature. The following uses are expressively prohibited: Explosives and chemical manufacturing.
- T. Lot-** The whole area of a single parcel of land with ascertainable boundaries in single or joint ownership, undivided by a street, and established by deed(s) or record.
- U. Lot Area-** The land wholly within the boundary of a lot.
- V. Lot Coverage-** The area of a lot covered by the aggregate of the maximum horizontal cross section of all buildings.
- W. Lot of Record-** A lot which is part of a subdivision of record in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description for which has been so recorded.
- X. Manufactured Housing-** Any structure, transportable in one 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 site, is three hundred and twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein.
- Y. Motor Home-** is a portable, temporary dwelling to be used for travel, recreation, and vacation, and constructed as an integral part of a self-propelled vehicle.
- Z. Motor Vehicle-** As defined in **RSA 267:A 2III.**
- AA. Municipal Facilities-** Town buildings, fire station, and things of a similar nature.
- BB. Nonconforming Structure-** A structure the use of which, in whole or in part, does not conform to the use regulations of the district in which the structure is located.
- CC. Nonconforming Use-** A use lawfully existing at the effective date of this Ordinance of any subsequent amendment thereto which is not in conformity with the provisions of this Ordinance.
- DD. Personal Service Business-** Includes kindergartens, barber shop, hair dresser, and businesses of a similar nature.
- EE. Portable Saw Mill-** Mill set up to process on individual lots. Not permanent.
- FF. Principal Use-** The primary purpose for which a lot or structure is used.
- GG. Private Way-** A privately-owned street for which the Town has no obligation to repair or maintain and which serves more than one (1) lot.
- HH. Outdoor Recreational Facility-** A place designated and equipped for the conduct of sports, leisure time activities and other customary and usual outdoor recreational activities as long as such activities do not require the use of a track or course needed for motorized vehicles.

- II. Public Right-of-Way-** Means all Town, State and Federal highways and the land on either side as covered by statutes to determine the widths of the rights-of-way, does not include Class VI highways.
- JJ. Recreational Vehicle-** A travel trailer, motor home, truck camper, or similarly equipped vehicle capable of self-contained operation for short periods of time without connection to and longer periods of time when connected to site-based utilities such as water, electricity, and sewage disposal. Said vehicle shall be less than eight (8) feet in body width and less than forty (40) feet in body length in the traveling mode and less than 320 square feet when stationed on a site ready for use.
- KK. Restaurant-** A building or other structure used principally to provide refreshments or meals to the public for consumption, principally on the premises at tables, booths or a counter. It shall include cafes, lunchrooms, cafeterias, coffee shops, sandwich shops and the like. Takeout refreshments are only incidental to the main purpose of the establishment: Add the following: Definition of a restaurant does not include a building or other structure used principally to dispense prepared food and/or beverages to the public for consumption on or off the premises, the major attributes of which are assembly line preparation of food and speed of dispensing, self-service by the customer by standing in line, and/or service to the customer in automobiles, and which generates a large volume and rapid turnover of entering and exiting motor vehicle traffic.
- LL. Retail Service-** Includes television and appliance repair and businesses of a similar nature.
- MM. Senior Housing-** Housing principally used, designed or adapted for use by senior citizens, sixty-two (62) year of age and older, and complying with the design requirements of the “Architectural Barrier Free Design Code for the State of New Hampshire”, as amended, and licensed by the appropriate state agencies.
- NN. Sign-** Any structure constructed or erected with a fixed location on the ground or attached or applied to something having a fixed location on the ground, which serves as a permanent or temporary advertisement or identification, designed to be seen from outside the building.
- OO. Special Exception-** A use of a building or lot which may be permitted under this Ordinance only upon application to the Board of Adjustment and subject to the conditions and approval of the Board, and only in cases where the words “Special Exception” in this Ordinance pertain.
- PP. Street/Road-**
1. A public right-of -way as defined by this Ordinance; or
 2. A right-of-way shown on an approved and recorded subdivision plan that meets roadway construction requirements contained within the Deerfield Subdivision Regulations in effect as of the date of adoption of this Ordinance.
- QQ. Street Line-** The right-of way line of a street.
- RR. Structure-** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, excluding minor installation such as fences, mailbox, flag poles, portable screen house and the like.
- SS. Variance-** Such departure from the terms of this Ordinance as the Board of Adjustment, upon appeal in specific cases, is empowered to authorize only under the terms of Section 705 and applicable statutes of the State of New Hampshire.

- TT. Yard-** A space on the same lot with a main building unoccupied and unobstructed by any structure or portion of structure provided that fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture shall be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.
- UU. Yard, Front Setback-** A space between a street line and a line parallel thereto extending between side lot lines drawn through the nearest point of a structure.
- VV. Yard, Rear-** A yard extending between side lot lines across the rear of the lot.
- WW. Yard, Side-** A yard extending from the front yard, or front lot line where there is no front yard, to the rear yard.
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ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

Section 701: Building Inspector

The administrative and enforcement office for the Ordinance except as otherwise stated shall be known as the Building Inspector who shall be appointed by the Board of Selectmen. The Building Inspector shall administer the Zoning Ordinance and Building Code and shall not have the power to permit any use of land or buildings which is not in conformance with this Ordinance and the Building Code. Until a Building Inspector is appointed or if a vacancy exists in the office of Building Inspector, the Board of Selectmen shall perform these duties.

Section 702: Building Permits

Hereafter, no land use shall be commenced or changed and no structure shall be erected, altered or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a building permit from the Building Inspector.

- A.** Application for a building permit shall be upon an appropriate form to be prescribed by the Town and shall be accompanied by:
- 1.** Plans, drawn to scale, showing the actual shape, dimensions and location of the lot to be used; of existing buildings upon it; of alterations proposed for existing buildings; and of proposed new buildings.
 - 2.** Information as to the existing and intended use of each building, lot, or parcel thereof and as to the number of families or lodgers, or other occupants any building upon the premises is designed to accommodate.
 - 3.** Proof that the applicant has notified the abutters to the lot by certified mail of the intent to make application for a building permit for a new structure. The notice letter shall state that a building permit will be requested for the lot and shall provide a description of the proposed new structure.
- B.** If the Building Inspector determines that an application for permit is a permitted use and in compliance with the requirements of this Ordinance, the application shall be approved. The Appeals Process is outlined in Section 704.

The Building Inspector shall act upon any application within thirty (30) days after it has been filed. On approval by the Board of Adjustment of a variance or special exception, the Building Inspector shall issue a permit and note any stipulations on the permit.

- C. A building permit shall become void if construction is not begun there under within twelve (12) months from the date of issuance of the permit. Permits may be extended once for no more than an additional twelve (12) months by the Building Inspector upon receipt of a written request for extension at least fourteen (14) days prior to the expiration of the original permit.
- D. No permit issued hereunder shall be transferable to a subsequent owner.

Section 703: Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure created, erected, changed, converted, altered or enlarged in its use or structure, except for normal repair or redecorating, after the effective date of adoption of Ordinance until a certificate of occupancy is issued therefore by the Building Inspector. Prior to the issuance of any Certificate of Occupancy, the Building Inspector shall insure that all of the requirements of this Ordinance and the Building Regulations of the Town of Deerfield (Building Code) pertaining to that land or structure are met.

Section 704: Board of Adjustment

There shall be a Board of Adjustment, as provided by the Statutes (**RSA 31:66**) of the State of New Hampshire, whose members and alternates shall be appointed by the Board of Selectmen.

704.1 Powers of Board-

The Board of Adjustment shall have the following powers, as well as any other power conferred upon such Boards by the statutes of the State of New Hampshire.

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Officer in enforcement of this Ordinance.
- B. To hear and decide special exceptions to the terms of this Ordinance upon which the Board of Adjustment is required to pass as provided herein.
- C. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provision of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done. In so doing, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and community.
- D. Equitable Waiver of Dimensional Requirement; **RSA 674:33-a**.
- E. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the powers granted to it under RSA Chapter 31, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Administrative Official from whom the appeal is taken.
- F. The concurring vote of three members of the Board shall be necessary to reverse any action of the Administration Official or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance.

704.2 Rules Governing Proceedings-

- A.** All appeals and applications to the Board of Adjustment shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth the interpretation, the special exception, or the variance for which application is made. The cost of advertising and mailing shall be payable by the appellant prior to the required public hearing.

Proof that the applicant has notified the abutters to the lot by certified mail of the intent to make application for a building permit. The notice letter shall state that a building permit will be requested for the lot and shall provide a description of the proposed new dwelling.

- B.** Whenever a notice of appeal is filed for a variance or an application is made for a special exception, the Board of Adjustment shall hold a public hearing, and notice shall be given as follows: The appellant and all the abutters shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of the hearing, and such notice shall be given not less than five days before the date fixed for the hearing of the appeal. A public notice of the hearing shall be placed in a newspaper of general circulation not less than 5 days before the date fixed for the hearing of the appeal. Any person may appear in person or by agent or attorney at the hearing of an appeal. In addition to the notices sent as described above, the Board shall also send such a notice to the Planning Board and the Board of Selectmen, and either Board shall be a proper party to appear and to be heard upon any such appeal or application. Upon the entry of any decision, report, or order in such a proceeding, the Board of Adjustment shall cause a copy to be sent to the Planning Board. In those proceedings before the Board of Adjustment at which the Planning Board submits its recommendations, such recommendations shall be in the same format as that required of the Board of Adjustment in reporting its decision. The Board of Adjustment shall state in writing in sufficient detail its reason as to the granting or denial of a special exception or variance with particular reference to the standards or conditions applicable thereto.
- C.** The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board of Adjustment and shall be a public record.

Section 705: Variance

705.1 Granting of a Variance- The Board of Adjustment may, on an appeal, grant a variance from the provisions of this Ordinance, if all of the following facts are found by the Board of Adjustment and such findings are specified in its decision:

- A.** No diminution in value of surrounding properties would be suffered;
- B.** Granting the permit would be of benefit to the public interest; **C.** Denial of the permit would result in unnecessary hardship to the owner seeking it; **D.** By granting the permit substantial justice would be done; and **E.** The use must not be contrary to the spirit of the Ordinance.

705.2 Authorization of a Variance-

In authorizing a variance, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and the community, including, but not limited to a time limit when the variance will expire if not utilized.

Section 706: Enforcement and Penalty

706.1 Enforcement-

This Ordinance shall be enforced by the Building Inspector. If any buildings or use of land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Building Inspector shall institute, in the name of the Town, any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate such construction of use or to present in or about the premises any act, conduct, business, or use constituting a violation.

706.2 Penalty-

Any person who violates this Ordinance shall be fined not more than as specified in **RSA 676:17**. No action may be brought under this provision unless the alleged offender has had at least seven (7) days' notice by certified mail that a violation which is continued shall constitute a separate offense for each day. Additionally, the Town may pursue the injunctive relief as provided for in **RSA 676:15** together with reimbursement of costs and attorney's fees all as provided for under law. References to statutes above are assumed to include successor enactments by the legislature on the same subjects

Section 707: Fees

The Board of Selectmen shall establish a schedule of fees and a collection procedure for building permits, certificates of occupancy, and other matters pertaining to this Ordinance. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal.

Section 708: Impact Fees

708.1 Authority-

These provisions are established pursuant to New Hampshire **RSA674:21, V**.

708.2 Purpose-

These provisions are intended to:

- A.** Assist in the implementation of the Town of Deerfield Master Plan.
- B.** Provide for the public capital facilities necessitated by the growth of the Town of Deerfield; and
- C.** Assess an equitable share of the growth-related cost of new and expanded public capital facilities to all types of new development in proportion to the facility demands created by that development.

708.3 Findings- The Deerfield Planning Board has made the following findings based on expensive consultation with all municipal departments, and careful study of municipal public capital facility needs.

- A.** The Deerfield Planning Board adopted a Master Plan on August 18, 1987.
- B.** The Deerfield Planning Board has prepared, and regularly updated a Capital Improvements Program and Budget as authorized by the Deerfield Town Meeting of March 15, 1986.

- C. The Master Plan and the Capital Improvements Program demonstrate that significant new growth and development is anticipated in residential and non-residential sectors which will necessitate increased public expenditures to provide adequate public facilities.
- D. The Town of Deerfield is responsible for and committed to the provision of public facilities and services at standards determined to be necessary by the Town to support residential and nonresidential growth and development in a manner which protects and promotes the public health, safety and welfare.
- E. The costs of providing public capital facility capacity to serve new growth will be disproportionately borne by existing taxpayers in the absence of impact fee assessments.
- F. The calculation methodology for impact fees, as established by a report by the Planning Board entitled "Development of Impact Fee Assessment Schedules: Town of Deerfield," represents a fair and rational method for the allocation of growth related capital facility costs to new development.
 - Based on this methodology, impact fees will not exceed the costs of:
 1. Providing additional public capital facilities necessitated by the new developments paying impact fees; or
 2. Compensating the Town of Deerfield for expenditures made for existing public facilities which were constructed in anticipation of new growth and development.
- G. Impact fee payments from new development will enable the Town of Deerfield to provide adequate public facilities to serve new growth and provide new development with a reasonable benefit in proportion to its contribution to the demand for such facilities.

708.4 Definitions-

- A. Feepayer: A person applying for the issuance of a building permit, subdivision or site plan approval, special exception, variance of other local land use decision which would create new development.
- B. New Development: Any activity which results in:
 1. the creation of a new dwelling unit, except for the replacement of existing units of the same density;
 2. a net increase in the gross floor area of any non-residential building.
 3. the conversion of a legally existing use to another permitted use if such change or use would create a net increase in the demand for additional public capital facilities, as defined by this ordinance.
- C. Gross Floor Area: The entire square footage of a building calculated from the dimensional perimeter measurements of the first floor of the building with adjustments to the usable area of other floors made in a manner consistent with Deerfield property assessment procedures.
- D. Public Capital Facilities: Facilities and equipment owned, maintained or operated by the Town of Deerfield as defined in the Capital Improvements Program and which are listed in the adopted impact fee schedule.

708.5 Imposition of Public Capital Facilities Impact Fee-

- A. Any person, who after January 12, 1994 seeks approval of new development within the Town of Deerfield, New Hampshire, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in Section 708.6 of this Ordinance.

- B.** A person may request, from the Planning Board, a full or partial waiver of impact fee payments required by this Ordinance. The amount of such waiver shall not exceed the value of land, facilities construction, or other contributions to be made by that person toward public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance.
- C.** A person undertaking no development for residential use in which all or a portion of its occupancy will be restricted to persons age 62 and over, and where it can be shown to the satisfaction of the Planning Board that such restricted occupancy will be maintained for a period of at least 20 years, may apply for a waiver of the school impact fee for the said restricted occupancy units.
- D.** No building permit for new development requiring payment of an impact fee pursuant to Section 708.6 of this Ordinance shall be issued until the public capital facilities impact fee hereby required has been determined assessed by the Planning Board.
- E.** All impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development.
- F.** Between the date of assessment and collection, the Planning Board may require developers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed impact fees.
- G.** Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy; provided however, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the Town may advance the time of collection of the impact fee to the issuance of a building permit.
- H.** The Planning Board and the assessed party may establish an alternate, mutually acceptable schedule of payment of impact fees.

708.6 Computation of Impact Fee-

- A.** The amount of the public capital facilities impact fee shall be determined by an Impact Fee Schedule prepared in accordance with the methodology established in a report by the Planning Board entitled "Impact Fee Analysis: Town of Deerfield," and adopted by the Board of Selectmen.
- B.** In the case of new development created by a change of use, redevelopment, or expansion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to that which was or would have been assessed for the previous use.

708.7 Payment of Fees-

No certificate of occupancy shall be issued for new development until the assessed impact fee has been paid, or until the fee payer has established a mutually acceptable bond guaranteeing such payment, with the Board of Selectmen.

708.8 Appeals-

- A. Any aggrieved party may appeal to the Zoning Board of Adjustment the amount of the public facilities impact fee.
- B. If a fee payer elects to appeal the amount of the impact fee, the fee payer shall prepare and submit to the Zoning Board an independent fee calculation study for the new development activity which is proposed. All costs incurred by the Town for the review of such study shall be paid by the fee payer.

708.9 Administration of Funds Collected-

- A. All funds collected shall be properly identified and promptly transferred for deposit in individual Public Capital Facilities Impact Fee Accounts for each of the facilities for which fees are assessed and shall be used solely for the purposes specified in this Ordinance. Impact Fee accounts shall be special revenue fund accounts and under no circumstances shall such revenue accrue to the General Fund.
- B. The Town Treasurer shall have custody of all fee accounts and shall pay out the same only upon written orders of the Board of Selectmen.
- C. The Town Treasurer shall record all fees paid, by date of payment and the name of the person making payments and shall maintain an updated record of the current ownership, tax map and lot reference number of properties for which fees have been paid under this Ordinance for a period of at least years.
- D. At the end of each fiscal year, the Town Treasurer shall make a report to the Board of Selectmen, giving a particular account of all public capital facilities impact fee transaction during the year.
- E. Funds withdrawn from the Public Capital Facilities Impact Fee Accounts shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public capital facilities identified in this Ordinance.
- F. In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of new development or are issued for advance provision of capital facilities identified in this Ordinance, impact fees may be used to pay debt service on such bonds or similar debt instruments.

708.10 Refund of Fees Paid-

The owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest where:

- A. The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the final payment of the fee; or
- B. The town has failed, within the period of six (6) years from the date of the final payment of such fee, to appropriate the non-impact fee share of related capital improvement costs.

708.11 Credits-

- A. Land and/or public capital facility improvements may be offered by the fee payer as total or partial payment of the required impact fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Board of Selectmen. The

Board of Selectmen may authorize the fee payer an impact fee credit in the amount of the amount of the value of the contribution.

- B.** Any claim for credit must be made no later than the time application for the building permit is made.
- C.** Credits shall not be transferable from one project or development to another without the written approval of the Board of Selectmen.
- D.** Credits shall not be transferable from one component of the public capital facilities impact fee to any other component of this fee.

708.12 Additional Assessments-

Payment of public capital facilities impact fee does not restrict the Town or the Planning Board in requiring other payments from the fee payer, including such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or other infrastructure and facilities specifically benefiting the development as required by the subdivision or site plan review regulations.

708.13 Premature and Scattered Development –

Nothing in this Ordinance shall be construed so as to limit the existing authority of the Deerfield Planning Board to provide against development which is scattered or premature, requires an excessive expenditure of public funds, or otherwise violates the Town of Deerfield Site Plan Review Regulations, Subdivision Regulations, or Zoning Ordinance.

708.14 Review-

The Impact Fee Assessment Schedule shall be reviewed annually by the Planning Board, using the methodology established in the report “Development of Impact Fee Assessment Schedules: Town of Deerfield.” Such review may result in recommended adjustments in one or more of the fees based on the most recent data as may be available from the Bureau of the Census, local property assessment records, market data reflecting interest and discount rates, current construction cost information for public capital facilities, etc. Adjustments shall be approved by the Board of Selectmen no more frequently than annually, based on such data. Schedule adjustments which would change the methodology shall be made by the Planning Board.

ARTICLE VIII - MISCELLANEOUS PROVISIONS

Section 801: Severability Clause

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

Section 802: Effective Date

This Ordinance shall take effect immediately upon its adoption.

Section 803: Amendments

This Ordinance and its accompanying maps may be amended in accordance with the provisions of the applicable statutes of the State of New Hampshire.

Section 804: Validity

Whenever the provisions of this ordinance or rulings made under the authority hereof differ from those of other Ordinances or regulations of the Town, that provision or ruling which imposes greater restriction or higher standard shall govern.

NOTES:

