

ZONING ORDINANCE AND LAND USE REGULATIONS



2022

Zoning Ordinance and Land Use Regulations Table of Contents

ARTICLE I.....	1
PURPOSE AND TITLE.....	1
A. PURPOSE.....	1
B. TITLE.....	1
C. HISTORY.....	1
ARTICLE II.....	2
DEFINITIONS.....	2
ARTICLE III.....	7
ESTABLISHMENT OF DISTRICTS.....	7
A. DISTRICTS.....	7
B. LOCATION.....	7
ARTICLE IV.....	9
GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS.....	9
A. FIRE RUINS.....	9
B. SEPTIC.....	9
C. OBNOXIOUS OR INJURIOUS USES.....	9
D. MANUFACTURED HOUSING.....	9
E. DUBLIN LAKE SETBACK.....	9
F. WATER BODY SETBACK.....	9
G. OFF STREET PARKING.....	9
H. JUNK YARDS AND DUMPS.....	9
I. BUILDING PERMITS.....	10
J. SOIL SURVEY.....	10
K. MAXIMUM HEIGHT OF ANY BUILDING.....	10
L. HOME OCCUPATIONS.....	10
M. HOME BUSINESS.....	11
N. PRIMARY AND ACCESSORY LIVING UNITS.....	11
O. RECREATIONAL VEHICLES.....	12
P. FENCES.....	12
Q. USED CAR SALES.....	12
R. CONSERVATION SUBDIVISIONS.....	12
S. OUTDOOR LIGHTING.....	13
T. TEMPORARY OCCUPATION OF SHORELANDS.....	13
U. TIMBER CUTTING.....	13
V. LOTS IN TWO DISTRICTS.....	13

Dublin Zoning Ordinance and Land Use Regulations

ARTICLE V	14
VILLAGE DISTRICT	14
A. USES PERMITTED	14
B. LOT AREA AND SET BACK REQUIREMENTS	14
C. BACKLOT DEVELOPMENT	14
ARTICLE VI	16
NEIGHBORHOOD COMMERCIAL DISTRICT	16
A. USES PERMITTED	16
B. LOT AREA AND SETBACK REQUIREMENTS	16
C. CLUSTER DEVELOPMENT	16
ARTICLE VII	18
MOUNTAIN DISTRICT	18
A. OBJECTIVE	18
B. USES PERMITTED	18
C. LOT AREA AND SETBACK REQUIREMENTS	18
ARTICLE VIII	19
RURAL DISTRICT	19
A. USES PERMITTED	19
B. LOT AREA AND SETBACK REQUIREMENTS	19
ARTICLE IX	20
NON-CONFORMING USES	20
A. ‘GRANDFATHERED’ STRUCTURES OR LOTS	20
B. EXPANSIONS	20
C. CHANGE OF USE	20
D. ALTERATIONS/RELOCATIONS	20
E. CESSATION/ABANDONMENT	21
F. A SINGLE FAMILY RESIDENCE	21
ARTICLE X	22
TABLE OF USE REGULATIONS	22
A. REGULATION OF USE OF LAND AND STRUCTURES	22
B. STATEMENT OF PURPOSE	22
C. DEFINITIONS	22
D. OTHER REGULATIONS	22
E. THE TABLE BEGINS	23
ARTICLE XI	28
ADMINISTRATION AND ENFORCEMENT	28
A. DUTY	28
B. PERMIT ISSUANCE:	28
C. PERMIT REQUIRED	28
D. ENFORCEMENT	28

Dublin Zoning Ordinance and Land Use Regulations

E. FINES AND PENALTIES	28
ARTICLE XII	30
ZONING BOARD OF ADJUSTMENT.....	30
A. CREATION	30
B. ADOPTION OF RULES	30
C. INTERPRETATION	30
D. SPECIAL EXCEPTION.....	30
E. REQUIREMENTS FOR GRANTING SPECIFIC SPECIAL EXCEPTIONS.....	31
F. VARIANCE.....	33
G. APPEALS.....	33
ARTICLE XIII	35
WETLAND CONSERVATION DISTRICT	35
A. PURPOSE.....	35
B. AUTHORITY.....	35
C. DEFINITIONS	35
D. EXTENT OF DISTRICT.....	37
E. PERMITTED USES WITHIN THE WETLAND	37
F. WETLAND BUFFER ZONES.....	37
G. PERMITTED USES WITHIN THE WETLAND BUFFER	38
H. USES NOT PERMITTED IN THE WETLAND OR THE WETLAND BUFFER ZONES.....	39
I. FILTER STRIPS.....	39
J. CRITERIA AND PROCEDURE FOR DETERMINING WHERE THE 100 FOOT BUFFER MAY NOT BE APPROPRIATE	39
K. BOUNDARY APPEALS	40
L. SPECIAL PROVISIONS.....	40
M. ADDENDUM.....	40
ARTICLE XIV	41
REGULATION OF DEVELOPMENT ON STEEP SLOPES	41
A. PURPOSE AND INTENT:.....	41
B. DEFINITION AND DELINEATION	41
C. PROVISIONS:.....	42
D. DRIVEWAYS	42
E. SEPTIC SYSTEM LEACHING AREAS.....	42
F. BUILDING SITES	43
G. ENFORCEMENT AND PENALTIES:.....	43
H. TOWN LIABILITY.....	43
ARTICLE XV	44
SCENIC GATEWAY OVERLAY DISTRICT.....	44
A. PURPOSE AND INTENT.....	44

Dublin Zoning Ordinance and Land Use Regulations

B.	APPLICABILITY	44
C.	DELINEATION	44
D.	PROVISIONS.....	44
ARTICLE XVI	.....	46
SIGN ORDINANCE	.....	46
A.	AUTHORITY	46
B.	PURPOSE AND INTENT.....	46
C.	APPLICABILITY	46
D.	DEFINITIONS	46
E.	GENERAL PROVISIONS	48
F.	PROHIBITED SIGNS.....	49
G.	SIGNS NOT REQUIRING A PERMIT	49
H.	PERMIT REQUIRED	50
I.	SCENIC GATEWAY DISTRICT SIGNS	50
J.	STANDARDS	52
K.	DETERMINING THE SIZE OF A SIGN	52
L.	SPECIAL USE PERMIT APPLICATION PROCESS.....	53
M.	VIOLATIONS	53
N.	APPEALS.....	54
ARTICLE XVII	.....	55
TELECOMMUNICATIONS FACILITIES	.....	55
A.	AUTHORITY	55
B.	PURPOSE	55
C.	DEFINITIONS	55
D.	LOCATION OF TELECOMMUNICATIONS FACILITIES.....	55
E.	PERMITTED USES	56
F.	CONSTRUCTION PERFORMANCE REQUIREMENTS	56
G.	STANDARDS	57
H.	CONDITIONAL USE PERMITS	58
I.	WAIVERS.....	61
J.	BONDING AND SECURITY INSURANCE.....	62
K.	REMOVAL OF ABANDONED TOWERS.....	62
L.	ADMINISTRATION AND ENFORCEMENT	62
M.	SEVERABILITY	62
N.	APPEALS.....	62
ARTICLE XVIII	.....	64
REGULATIONS GOVERNING ADULT ORIENTED BUSINESSES	.....	64
A	PURPOSE AND INTENT	64
B.	DEFINITIONS	64
C.	APPLICABILITY	64

Dublin Zoning Ordinance and Land Use Regulations

ARTICLE XIX	67
RETIREMENT COMMUNITY OVERLAY DISTRICT	67
A. PURPOSE	67
B. APPLICABILITY	67
C. DEFINITIONS	67
D. PERMITTED USES	68
E. OCCUPANCY ELIGIBILITY	69
F. MINIMUM REQUIREMENTS SHALL BE AS FOLLOWS.....	69
G. EMERGENCY VEHICLE AND TRANSPORTATION SERVICES	73
H. STREET REQUIREMENTS.....	73
I. COMMUNITY WATER AND WASTE WATER SYSTEMS	73
J. OWNERSHIP OF OPEN SPACE AND COMMON LAND.....	73
K. PERMANENT PROTECTION OF OPEN SPACE.....	74
L. SUBMISSION AND REVIEW PROCEDURE	74
M. PERFORMANCE GUARANTEE	76
N. ENFORCEMENT.....	76
O. SEVERABILITY	76
P. EFFECTIVE DATE	77
ARTICLE XX	78
CONSERVATION SUBDIVISION DESIGN	78
A. AUTHORITY	78
B. PURPOSE AND OBJECTIVES	78
C. APPLICABILITY	78
D. SUBDIVISION APPROVAL REQUIRED	79
E. CRITERIA.....	79
F. FLEXIBILITY.....	80
G. CONSERVATION OPEN SPACE REQUIREMENTS.....	80
H. OWNERSHIP OF CONSERVATION OPEN SPACE AREAS.....	80
I. PROTECTION OF CONSERVATION OPEN SPACE AREAS	81
J. DEFINITIONS	81
ARTICLE XXI	85
WORKFORCE HOUSING.....	85
A. RATIONALE	85
B. PURPOSE	85
C. AUTHORITY	85
D. APPLICABILITY	85
E. AFFORDABLE HOUSING INCENTIVES.....	86
F. WORKFORCE HOUSING STANDARDS	86
G. PLANNING BOARD POWERS.....	86
H. RULES AND REGULATIONS	86

Dublin Zoning Ordinance and Land Use Regulations

I.	ADMINISTRATION AND COMPLIANCE	86
J.	SAVING CLAUSE	87
K.	EFFECTIVE DATE	87
L.	DEFINITIONS	87
ARTICLE XXII	.....	89
ALTERNATE ENERGY ORDINANCE	.....	89
A.	RESIDENTIAL RENEWAL ENERGY SYSTEM	89
B.	RENEWABLE ENERGY SYSTEMS	89
ARTICLE XXIII	.....	91
EXISTING ORDINANCES	.....	91
ARTICLE XXIV	.....	91
PENALTY	.....	91
ARTICLE XXV	.....	91
SAVING CLAUSE	.....	91
ARTICLE XXVI	.....	92
AMENDMENTS	.....	93
APPENDICES	.....	94
SIGN PERMIT APPLICATION	.....	95
TABLE OF SIGN DIMENSIONS	.....	96
PHOTOGRAPHIC EXAMPLES OF SIGN DIMENSION AND STYLE	.....	97
INDEX	.....	100

Dublin Zoning Ordinance and Land Use Regulations

Dublin Zoning Ordinance and Land Use Regulations

ZONING ORDINANCE AND LAND USE REGULATIONS

TOWN OF DUBLIN, NEW HAMPSHIRE

Adopted March 5, 1974

ARTICLE I

PURPOSE AND TITLE

A. PURPOSE:

To promote the health, safety, convenience and general welfare of the community; to protect and conserve the value of property; and also that the community may grow in an orderly manner, the following ordinance is hereby enacted by the voters of said Town of Dublin pursuant to the authority conferred by the Revised Statutes of the State of New Hampshire, Chapter 675, as amended.

B. TITLE:

This ordinance shall be known and may be cited as the "Zoning Ordinance and Land Use Regulations" for the Town of Dublin, New Hampshire, hereinafter referred to as "this Ordinance."

C. HISTORY:

This ordinance is a new ordinance and replaces the "Planning and Zoning Ordinance" adopted by the voters of Dublin at the annual Town Meeting of March 12, 1963. A full list of amendment dates follows this document.

ARTICLE II

DEFINITIONS

For the purpose of this ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural and the plural, the singular; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", "lot", or "premises" shall be construed as though followed by the words "or any portion thereof", and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory. Certain Articles within this ordinance include particular definitions specific to that Article.

1. **ABUTTER** For the purposes of notification: any person whose property adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receipt of notification, when an abutting property is under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association as defined in RSA 356-B:3,III, and those officers will be notified of any Board hearing regarding abutting land. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
2. **ACCESSORY LIVING UNIT** - An independent living unit with facilities for complete housekeeping, which is incidental and secondary to the principal residence, and is at least 300 square feet in area.
3. **ACCESSORY BUILDING** - A detached building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.
4. **ACCESSORY USE** - A land use which is incidental and subordinate to the principal structure or use of the land on the lot.
5. **AGRICULTURE** - The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of any such accessory use shall be secondary to that of normal agricultural activities. This does not include the keeping of customary household pets and animals.
6. **BED AND BREAKFAST ESTABLISHMENT** - A house, or portion thereof, that provides short-term lodging rooms and breakfast, and the operator lives on the premises.
7. **BOARDING HOUSE** - Provides lodging and meals on a long-term basis, and the operator lives on the premises.
8. **BUILDING** - Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

Dublin Zoning Ordinance and Land Use Regulations

9. **CHILDCARE CENTERS** - A facility separate from a residence that provides either full-day or half-day care for 13 or more children.
10. **COMMERCIAL USE** – A business use or activity at a scale greater than a home business involving retail or wholesale marketing of goods or services.
11. **COMMERCIAL KENNEL** - A facility primarily where the housing, grooming, breeding, boarding, training, or selling of animals is conducted as a business, whether it is located at a home site or on its own lot.
12. **CONSUMER SERVICES** - Such activities include but are not limited to: barber and beauty shops; laundry and dry cleaning; undertaking and funeral establishments, small appliance repair; farm and garden supplies, greenhouses and nurseries.
13. **DWELLING** - Any building that contains one or more living units, used, intended, or designed to be built, used, leased, rented, lent or hired-out to be occupied, or that are occupied, for living purposes but excluding housing for transient occupancy such as a motel, hotel, tourist home, rooming house accommodating transient guests for a rental period of no more than two weeks, excepting schools, churches and boarding camps.
 - a. **DWELLING UNIT** — one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single household.
 - b. **TWO UNIT (Duplex) DWELLING** –a single dwelling situated on a single lot having two primary living units which are either attached side-by-side, through the use of a common-party wall, or stacked with one dwelling unit over the other. (For the purposes of these regulations, two dwellings connected by a walkway, breezeway, common passage, garage or the like, are not a single dwelling.
 - c. **MULTI-UNIT DWELLING:** Structure containing three or more primary living units.
14. **FAMILY DAY CARE** - Child care provided in an occupied residence for less than 24 hours per day for 7 to 12 children, including children living in the home, except any who are 10 years of age or older.
15. **FENCE** - A partition, either man-made or natural, erected or placed for the purpose of enclosing or dividing a piece of land, to define a boundary, or to function as an aesthetic object. For the purposes of this ordinance, walls, hedges, and plantings may also be considered fences and therefore subject to the provisions of Article IV: P.
16. **FOOTPRINT** – The horizontal area measured from the outside walls of a structure, but not including fire escapes or steps.
17. **FORESTRY** - The use of land for the operation of timber tracts, tree farms, forest nurseries, or timber harvesting. This does not include the cutting of wood lots for personal use as per RSA 79:1.
18. **FRONTAGE** - The continuous length of the lot bordering on a publicly approved road, or bordering on a Class VI highway or private road, or a road which appears on a subdivision plat approved by the Planning Board.
19. **GASOLINE SERVICE STATION** - An establishment engaged in the retail dispensing of gasoline and other petroleum products and in general mechanical maintenance and

Dublin Zoning Ordinance and Land Use Regulations

service.

20. GENERAL RETAIL ESTABLISHMENT – Establishment engaged in the selling of merchandise for personal or household consumption, including but not limited to: clothing, personal and household articles, furniture, antiques, and florists.
21. HEALTH CARE FACILITY - A facility or institution, whether public or private, engaged in the provision of medical, surgical or other related services, such as hospitals, sanitariums, nursing homes, and treatment centers.
22. HOME BUSINESS - A secondary and incidental use of a dwelling and/or accessory building which involves not more than two on- premise employees in addition to residents and which exceeds the standards for home occupation. (See Article IV: N)
23. HOME OCCUPATION - A secondary and incidental use of a dwelling and/or accessory building which is conducted entirely by the residents thereof. (See Article IV: M).
24. HOTEL/INN - Provides transient lodging accommodations to the general public, as well as a restaurant, and may offer additional services such as meeting rooms and recreation facilities.
25. LIGHT INDUSTRY - The manufacture, assembly, treatment or packaging of finished products, predominantly from previously prepared materials; includes processing, fabrication, incidental storage, sales, and distribution of such products.
26. LIVING UNIT - The indoor space occupied by one or more persons as a single housekeeping unit, with cooking, living, sleeping and sanitary facilities.
27. LOT - An area of land established by plat, subdivision, or as otherwise permitted by law, capable of supporting one principal use, of reasonable configuration and sufficient size to meet the minimum requirements for use, building, coverage, and area. For the purposes of this Ordinance, a lot means a buildable lot..
28. LOT COVERAGE - That percentage of the lot or land area covered by the principal structure, accessory structures, and surfaced or paved area.
29. LOT OF RECORD - Land designated as a separate and distinct parcel in a legally recorded deed or plan filed in the records of Cheshire County, New Hampshire.
30. LOW-MODERATE INCOME - An income level that is no more than 80% of the median household income of the Standard Metropolitan Statistical Area (SMSA) or the county (if the municipality in which the individual or family resides is not located within an SMSA).
31. MANUFACTURED HOUSING - Any structure, transportable in one or more sections which, in the traveling mode is 8body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. (RSA 674:31)
32. MOBILE HOME - For purposes of this ordinance, a mobile home shall be deemed "Manufactured Housing."

Dublin Zoning Ordinance and Land Use Regulations

33. NON-CONFORMING - Applies to a use, structure or lot which lawfully existed at the time this ordinance became effective, but no longer conforms to the regulations of the district in which it is located.
34. OFFICE USES - Business, professional and personal service establishments, including but not limited to: banks, post office; medical offices; offices for real estate, insurance, architects, attorneys, publishing.
35. OTHER TRANSIENT HOUSING—A house, or portion thereof, that provides short-term lodging and the operator does not live on the premises.
36. PARCEL - A contiguous area or tract of land owned and recorded as the property of the same person, controlled by a single entity, or held in common ownership.
37. PARKING SPACE - An area of not less than two hundred (200) square feet, exclusive of driveways and maneuvering space, permanently reserved for the temporary storage of one automobile, and connected with a street.
38. PRIMARY LIVING UNIT – A single living unit providing complete independent living facilities for one or more persons including permanent provisions for living, eating, cooking, and sanitation; a dwelling unit.
39. PRIVATE CLUB OR LODGE - A building and related facilities owned or operated by a corporation, association, individual, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
40. PUBLIC UTILITIES - Facilities that provide for telephone, electric and cable television lines; water or gas; sewer pipes, treatment plants and pumping stations; and all other facilities, equipment and structures necessary for conducting a service by a government or privately-owned enterprise with a franchise for providing a public service.
41. RECREATION, MUNICIPAL - Includes publicly owned and operated playground, playfield, park, open space, and swimming pools, but excludes commercial recreation areas and facilities.
42. RECREATIONAL VEHICLE - A vehicle that is built on a single chassis 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
43. REPAIR GARAGE - An establishment primarily engaged in vehicular auto body repair and painting, but where no gasoline is sold.
44. RESTAURANT - An establishment where food and drink are prepared, served and consumed primarily within the principal building.
45. RESTAURANT, DRIVE-THROUGH - An establishment where food and/or beverages are

Dublin Zoning Ordinance and Land Use Regulations

sold from a drive-up window in a form ready for consumption.

46. **STREET** - Any vehicular way that: (1) is an existing town, state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer including plats filed prior to the appointment of a planning board; includes the land between the street lines, whether improved or unimproved. Roadways that have been thrown up or discontinued by a town are no longer streets.
47. **STRUCTURE** - A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water. Membrane enclosures of 1,000 square feet or greater shall be considered structures for the purpose of these ordinances. All membrane enclosures must meet setback requirements.
48. **TRACT** - An area, parcel, site, piece of land or property that is the subject of a development application.
49. **VETERINARY ESTABLISHMENT** - A facility engaged in the provision of medical and/or surgical services for animals.
50. **VILLAGE GROCERY STORE** - An establishment, limited to 3,000 square feet of building footprint area, engaged in the selling of goods and the provision of certain services commonly associated with such an establishment, including but not necessarily limited to: miscellaneous groceries, meats & produce, beer & wine, convenience (prepared) foods; newspapers & magazines; video rentals; and limited banking service. Such establishments may provide, by Special Exception approval of the Board of Adjustment, limited indoor food service with tables and chairs, and seasonal outdoor seating.
51. **WIRELESS COMMUNICATION FACILITY** - Any tower, pole, antenna, access way, or other structure intended for commercial use in connection with transmission or reception of radio or television signals, or any other electromagnetic spectrum-based transmission/reception.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

A. DISTRICTS:

For the purpose of this ordinance, the Town of Dublin is divided into the following districts:

1. Village District
2. Neighborhood Commercial District
3. Mountain District
4. Rural District
5. Wetland Conservation District
6. Scenic Gateway Overlay District
7. Retirement Community Overlay District

B. LOCATION:

The districts shown on the Zoning Map shall be defined as follows:

1. The Village District shall be bounded on the:
 - a. North - By a line drawn parallel to Main Street, at a distance of one thousand two hundred feet (1,200) feet from the north edge of its public right of way, from the centerline of New Harrisville Road east to the centerline of East Harrisville Road.
 - b. East - By the centerline of East Harrisville Road and the extension of said centerline to the south across Main Street following the abandoned road, by the centerline of Pierce Road to a point one thousand two hundred (1,200) feet south of Main Street.
 - c. South - By a line drawn parallel to Main Street, at a distance of one thousand two hundred (1,200) feet from the south edge of the public right of way, from the centerline of Pierce Road west to a point 500 feet east of Snow Hill Road, thereby connecting to the easterly boundary of the Mountain District.
 - d. West - By a line following the border of the Mountain District five hundred (500) feet east of Snow Hill Road north to the centerline of Main Street, then east to the centerline of New Harrisville Road.
2. The Neighborhood Commercial District, at the northeast segment of the Bond's Corner intersection (Routes 101 and 137), shall be bounded on the east by a line set back one hundred (100) feet from Mud Pond including the brook flowing out of Mud Pond and on the north by a line drawn parallel to the centerline of Route 101 (Peterborough

Dublin Zoning Ordinance and Land Use Regulations

- Road), fifteen hundred (1,500) feet north of the Route 101 centerline extending from the eastern boundary west to Route 137.
3. The Mountain District shall be bounded by the public roads that surround Mount Monadnock, as follows:
 - a. Starting at the Jaffrey line, by a line running five hundred (500) feet to the east of the centerline of the Upper Jaffrey Road to the junction of Snow Hill Road.
 - b. Five hundred feet (500) NE of the centerline of Snow Hill Road north to Lake Road.
 - c. West - By a line five hundred (500) feet to the north of the centerline of Lake Road and Old Marlborough Road to the junction of Old Troy Road.
 - d. South and West - By a line five hundred (500) feet to the west of the centerline of Old Troy Road to the Marlborough line.
 - e. At intersections, the Mountain District shall be defined by a radius extending five hundred (500) feet from the intersection of the road centerlines.
 4. The Rural District shall include all other areas of the Town not mentioned or described herein.

ARTICLE IV

GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

A. FIRE RUINS:

No owner or occupant of land in any District shall permit fire ruins or other ruins to be left, but shall remove same to ground level within one year.

B. SEPTIC:

Notwithstanding provisions of the Shoreland Protection Act (RSA 483- B), no privy, cesspool, septic tank, or sewage disposal area shall be constructed less than one hundred (100) feet from permanent streams, wetlands, water bodies, or lake frontage.

C. OBNOXIOUS OR INJURIOUS USES:

Any uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibrations, or similar conditions, or that are dangerous to the comfort, peace, enjoyment, health or safety of the community or lending to its disturbance or annoyance are prohibited in any District.

D. MANUFACTURED HOUSING:

Manufactured housing may be located in any district except the Neighborhood Commercial District.

E. DUBLIN LAKE SETBACK:

No property within fifteen hundred (1,500) feet of Dublin Lake shall be used for any purpose other than residential or non-commercial recreation. Home Occupations are permitted, but signs indicating such occupations are not permitted.

F. WATER BODY SETBACK: Deleted by a vote of the town on March 10, 2020. See Article XIII, Wetlands Ordinance for setbacks.

G. OFF STREET PARKING:

Off street parking shall be provided for all uses, suitable to accommodate the typical needs of such a use, at the rate of two hundred (200) square feet per automobile, plus maneuvering room, and as determined in the site plan review.

H. JUNK YARDS AND DUMPS:

No junk yard or dump for the storage of discarded machinery, vehicles, glass, paper, cordage, refuse or other waste or discarded material shall be maintained in town except those places for disposal provided by the Town.

I. BUILDING PERMITS: see ARTICLE XI.

J. SOIL SURVEY:

Dublin Zoning Ordinance and Land Use Regulations

All lot owners are hereby notified of the existence of the report entitled "Soils and Their Interpretations for Various Land Uses - Town of Dublin" as it is at times updated, and associated soils maps. All lot plans, construction drawings, surveys, sketches and all applications for permits shall indicate thereon which soils are shown for that specific area as described in said report and maps which have been prepared for the Town of Dublin by the Soil Conservation Service, United States Department of Agriculture. This information may be modified by a New Hampshire Certified Soils Scientist who has conducted an onsite survey of the lot in accordance with accepted professional practice, provided the modified information is presented to the Town boards in terms comparable with the report and map prepared by the Soils Conservation Service for the Town and this modified information is required to obtain state or federal wetlands permits and/or State subsurface disposal permits.

K. MAXIMUM HEIGHT OF ANY BUILDING:

The maximum height of any building shall be thirty-five (35) feet measured at the vertical distance from the average finished grade surrounding the building to a point midway between the highest and lowest points of the highest roof. Silos, barns, church towers, residential television and radio antenna, and wireless communications facilities are excepted. Telecommunications facilities must comply with Article XVII, "Telecommunications Facilities."

L. HOME OCCUPATIONS:

A home occupation will be permitted in all districts if it conforms to all of the requirements of this section.

1. It shall be carried out only by residents of the premises and involve only a service provided or product produced by those residents.
2. It shall be operated entirely within a principal living unit and/or accessory structure.
3. It shall be clearly secondary to the use of the premises for dwelling purposes and will not alter the general character of the neighborhood or reduce the value of any surrounding property.
4. It shall result in no external evidence of the enterprise except for a permitted sign and shall not have an adverse effect on the environment or the surrounding properties as a result of noise, odors, smoke, dust, lights, soil, water or air pollution, increases in traffic or in parking requirements, or as a result of other nuisances.
5. Any activity that exceeds these standards is subject to the Special Exception requirement applicable to Home Businesses.

M. HOME BUSINESS:

A home business will be permitted in the Village, Mountain and Rural Districts as a Special Exception if it conforms to the requirements of this section. An activity

Dublin Zoning Ordinance and Land Use Regulations

which exceeds the standards for Home Occupations requires a Special Exception in accordance with this section.

1. A Home Business shall be carried on by residents of the premises and not more than two on-premise employees who are not residents.
2. It shall be clearly secondary to the use of the premises for dwelling purposes and will not alter the general character of the neighborhood or reduce the value of any surrounding property. It shall result in no external evidence of the enterprise except for a permitted sign and shall not have an adverse effect on the environment or the surrounding properties as a result of noise, odors, smoke, dust, lights, soil, water or air pollution, excessive increases in traffic or in parking requirements, or as a result of other nuisances.
3. It shall have no outdoor display of goods, and no outdoor storage of materials or equipment unless screened from roads and surrounding properties by natural or structural means to such an extent and in such manner as may be specifically required and approved by the Board of Adjustment.
4. The residence or accessory buildings shall not provide window displays or other characteristics or features normally associated with commercial use.
5. There shall be no change in the exterior appearance of the residence or other structures on the property as a result of the use, unless specifically approved or required by the Board of Adjustment.

N. PRIMARY AND ACCESSORY LIVING UNITS:

1. On a lot equal to or greater than twice the minimum lot size specified for that district the following are permitted:
 - a. Two primary living units, which may be located either in a single building or in two separate buildings;
 - b. One accessory living unit;
 - c. However, any third living unit is permitted only by Special Exception.
2. On a lot having acreage less than twice the minimum lot size specified for that district, the following are permitted by Special Exception.
 - a. One Accessory Living Unit, or
 - b. The conversion of another existing structure so as to contain an Accessory Living Unit or
 - c. Conversion of an existing single Unit dwelling to two Primary Living Units, or,
 - d. New construction of two Primary Living Units in one building.

O. RECREATIONAL VEHICLES:

Recreational vehicles designed for camping may be utilized as temporary and intermittent accommodations. Continuous occupation of such vehicles for more than three (3) contiguous weeks by one or more parties in a year shall only occur by

Dublin Zoning Ordinance and Land Use Regulations

special permit issued by the Selectmen for such purposes as deemed reasonable and appropriate by the Selectmen.

P. FENCES:

In the interest of public safety and the protection and preservation of unique scenic views that are integral to the character of the Town of Dublin, all new fences constructed in Dublin after the effective date of this ordinance shall be subject to the following standards:

1. No fence may be located in such a way as to obstruct or interfere with all-season safe sight distances as defined in the NH Department of Transportation standards, obstruct traffic or pose any hazard to either motorists or pedestrians.
2. Fences shall be erected so that the finished side of the fence shall face the street or abutting properties.
3. Height:
No fence may exceed six (6) feet in height, as measured from the average elevation of the finished grade within 20 feet of the fence to the highest point of the fence. Hedges and plantings may exceed six feet, when required by other regulations or directed by the Planning Board for reasons of safety, screening, etc.
4. In order to allow the free flow of water and prevent any unnatural diversion of run-off, fences placed within fifty (50) feet of a water body shall be elevated three (3) inches above the ground, or provide acceptable alternatives for drainage.

Q. USED CAR SALES:

In all districts, only one vehicle registered to and owned by the property resident may be placed for sale on a lot at a given time.

R. CONSERVATION SUBDIVISIONS:

In cases where a subdivision is proposed for the purpose of granting conservation easements, forest management, or placing any such other protective controls on the land, the requirement for legal road frontage and/or lot size may be waived by the Planning Board if, in the opinion of the Board, this requirement would be in conflict with the purposes of conservation.

S. OUTDOOR LIGHTING:

All proposed lighting, whether for new or existing development, shall be subject to the standards outlined in the Dublin Site Plan Review Regulations (see Site Plan Review, Section 13 B).

T. TEMPORARY OCCUPATION OF SHORELANDS:

Dublin Zoning Ordinance and Land Use Regulations

Camping and other temporary occupancy of shoreland properties shall only be allowed subject to the following conditions:

1. Structures used for occupancy, including but not limited to tents, campers, or motor homes, shall only be permitted on the lot for no more than three (3) weeks in any calendar year. When this time period has elapsed, the structure shall be removed.
2. For the purposes of the Shoreland Protection Act, and applicable Dublin regulations, the structure shall be considered a primary structure.
3. The overall use of the lot, inclusive of location of structure, lighting, etc, shall be conducted in such a way as to minimize or eliminate visual impact from the road(s) or abutting properties.

U. TIMBER CUTTING:

1. All logging operations shall adhere to the standards set forth in the *Best Management Practices for Controlling soil Erosion on Timber Harvesting Operations in New Hampshire* (published by UNH Cooperative Extension and available at the Selectmen's Office), as it is at times updated.
2. A sedimentation and erosion control plan and wetlands mapping may be required by the Selectmen or the Planning Board, if warranted by the size or sensitivity of the proposed harvest area, as determined by either Board or by the Conservation Commission.

V. LOTS IN TWO DISTRICTS:

Where a district boundary line divides a lot of record, the regulations for either district may extend up to 50 feet into the other district, provided the lot has frontage on a town or state road in the district being extended.

W. General Provision Applicable to all Districts

Other Transient Housing shall be allowed in all districts upon issuance of a Conditional Use permit. Such permits shall be administered by the Planning Board pursuant to Section XXIII with the goal of minimizing any adverse impacts from this activity. In considering whether to issue said permit, and what conditions, if any, should be placed upon a permit, the Board shall consider the following criteria:

1. Compatibility. Whether the use, size and scale of the use, and site design are compatible with the neighborhood, whether there are safe and adequate public or private roads to access the site, the availability of parking and emergency access, whether adequate provisions for water supply and sewage disposal for the facility in accordance with RSA 485-A:38, whether the building(s) comply with applicable building, health, and life safety codes, and whether the property is otherwise

Dublin Zoning Ordinance and Land Use Regulations

reasonably well suited for the proposed use;

2. Aesthetic Character. The use will not adversely impact the aesthetic quality of the streetscape or neighborhood;
 3. Nuisances. Whether the use and site design will not result in any substantial adverse impacts including but not limited to noise and light trespass, or place any undue burden on any abutter. With regard to nuisances, the Board shall also consider whether the owner or representative of the owner lives on or close to the premises, or will be on the premises when guests are present.
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ARTICLE V
VILLAGE DISTRICT

A. USES PERMITTED:

In the Village District, buildings may be erected, placed, altered or used, and land may be used or occupied only for the purposes listed in Article X, "Table of Use Regulations," under the column "Village".

B. LOT AREA AND SET BACK REQUIREMENTS:

1. Acreage:: All lots shall be of sufficient size to provide adequate water supply and sewage facilities, but in no case shall the lot be less than one (1) acre.
2. Frontage: Each lot shall have a minimum frontage of at least one hundred-fifty (150) feet, with a minimum depth of at least two hundred (200) feet at the property line.
3. Setback: No structure except for fences shall be erected or placed closer than thirty-five (35) feet from the boundaries of the lot on which it is to be located. In all cases, front setbacks are to be measured from the edge of the right-of-way.

c. BACKLOT DEVELOPMENT:

Because the intent of the town, as stated in the Goals and Objectives of the Dublin Master Plan, is to encourage in-fill development in the Village area, and because Dublin's topography makes development difficult, these provisions allow the development of land which lacks sufficient frontage on town- or state-maintained roads. The creation of back lots is not intended to circumvent the zoning ordinance or the subdivision regulations; therefore, the Planning Board in its discretion may deny requests when the necessary frontage for standard subdivision is available, or when the land could be reasonably developed in another way.

1. One back lot may be created on a parcel of land which has sufficient acreage for at least two lots in this district providing the following conditions are met:
 - a. For lots with at least 190 feet of frontage, there shall be a 40-foot right-of-way providing access to the back lot. The right-of-way may be either deeded to or owned by the back lot.
 - b. For existing lots of record which do not meet the frontage requirement of the district, or with less than 190 feet of frontage, a 40-foot right-of-way access shall be owned by the front lot and a permanent easement granted to the backlot.
 - c. The back lot shall be of such a shape as to allow a 100- foot square to be placed within it. All setback requirements for the district must be met. There shall be a minimum lot size of one (1) acre; the area of the right-of- way shall not be included in determining the required lot size.

Dublin Zoning Ordinance and Land Use Regulations

- d. The use of a back lot created under this ordinance shall be limited to residential development.
 - e. No further subdivision of land shall be allowed unless a 50-foot right-of-way can be designated and compliance with all applicable zoning and subdivision regulations can be demonstrated.
2. All access ways as well as the performance standards for backlot access are subject to town driveway standards, as specified in Section 9 of the Dublin Subdivision Regulations.
 3. The plans identifying such lots shall clearly indicate the private character and the ownership status of the right-of-way and shall be so recorded on the plans and on the deeds to all lots.
 4. All respective lot owners shall be required to sign a maintenance agreement for common driveways.

ARTICLE VI

NEIGHBORHOOD COMMERCIAL DISTRICT

A. USES PERMITTED:

In the Neighborhood Commercial District, buildings may be erected, placed, altered or used, and a lot may be used or occupied only for the purposes listed in Article X, "Table of Use Regulations," under the column "Neighborhood Commercial".

B. LOT AREA AND SETBACK REQUIREMENTS:

1. Acreage:: All lots shall be of sufficient size to provide adequate water supply and sewage disposal facilities, but in no case shall the lot be less than two (2) acres.
2. Frontage:: Each lot shall have a minimum frontage of at least one hundred-fifty (150) feet, with a minimum depth of at least two hundred (200) feet from the front property line except as provided under Section C which follows.
3. Setback:: No structure shall be erected or placed closer than thirty-five (35) feet from the boundaries of the lot on which it is to be located. In all cases, front setbacks are to be measured from the edge of the right-of-way.

C. CLUSTER DEVELOPMENT:

1. The provisions of this section are designed to enable the development of land in the Neighborhood Commercial District in conformance with the overall density and open space objectives of other Districts, but which departs from the strict application of certain of the requirements in order to:
 - a. Accomplish a more desirable environment for commercial uses by providing for the groupings of buildings and uses.
 - b. Give special consideration to the restraints to development imposed by the soils contained within the Neighborhood Commercial District.
2. In addition to other uses and improvements as are otherwise permitted in the Neighborhood Commercial District under these regulations, when specifically authorized in the particular instance by a Special Exception subject to the following additional requirements:
 - a. The minimum lot area shall be two (2) acres for any single cluster development.
 - b. For the purpose of the Cluster Development Section of the Neighborhood Commercial District, use refers to a building or buildings under one ownership which may be occupied by separate activities or "uses" as provided in Article X, "Table of Use Regulations," as: P(Permitted)or SE (Allowed by Special Exception). If the buildings in which these activities or "uses" are under separate ownership, they must be on separate lots as described in Section

Dublin Zoning Ordinance and Land Use Regulations

3 below.

- c. In consideration of the benefits to be derived from the application of this section to the development parcel, the individual lots in a cluster may be reduced to a minimum of one (1) acre and a minimum frontage of one hundred-fifty (150) feet.
- d. A site development plan is to be submitted indicating how the appearance of the project is to be enhanced by screening parking and service areas from adjacent residential lots, blending between new development and existing uses, and shall include judicious use of landscape materials to accomplish this. In addition, the site development plan shall indicate the arrangement of buildings, proposed and existing grading, storm drainage, outdoor illumination, vehicular access and parking spaces.
- e. The proposed development shall conform to all other requirements of the Neighborhood Commercial District and such other conditions as may be prescribed which are in furtherance of, and in harmony with, the purposes set forth in these Zoning Regulations.

ARTICLE VII
MOUNTAIN DISTRICT

A. OBJECTIVE:

This district is formed in recognition that Mount Monadnock is widely seen as the Natural and Cultural focus of our region. It is part of what makes our area an attractive place to live, to do business or simply visit. The purpose of the district is to protect and preserve the rural, scenic beauty of Mount Monadnock through very low density and low impact residential and agricultural uses in order to minimize visual intrusions on the viewscales of the mountain. Furthermore, any proposed construction or usages must preserve wildlife habitats and corridors and natural resources.

B. USES PERMITTED:

In the Mountain District, buildings may be erected, placed, altered or used, and a lot may be used or occupied only for the purposes listed in Article X, "Table of Use Regulations," under the column "Mountain".

C. LOT AREA AND SETBACK REQUIREMENTS:

1. Acreage: All lots shall be of sufficient size to provide adequate water supply and sewage facilities. The minimum lot size in this District shall be eight (8) acres.
2. Frontage: Each lot shall have a minimum frontage of at least two hundred-fifty (250) feet, with a minimum depth of at least two hundred (200) feet from the front property line.
3. Setback: No structure shall be erected or placed closer than thirty-five (35) feet from the boundaries of the lot on which it is to be located. In all cases, front setbacks are to be measured from the edge of the right-of-way.

ARTICLE VIII

RURAL DISTRICT

A. **USES PERMITTED:**

In the Rural District, buildings may be erected, placed, altered or used, and a lot may be used or occupied only for the purposes listed in Article X, "Table of Use Regulations," under the column "Rural".

B. **LOT AREA AND SETBACK REQUIREMENTS:**

1. **Acreage:** All lots shall be of sufficient size to provide adequate water supply and sewage facilities. The minimum lot size in this District shall be four (4) acres.
2. **Frontage:** Each lot shall have a minimum frontage of at least two hundred-fifty (250) feet, with a minimum depth of at least two hundred (200) feet from the front property line.
3. **Setback:** No structure shall be erected or placed closer than thirty-five (35) feet from the boundaries of the lot on which it is to be located. In all cases, front setbacks are to be measured from the edge of the right-of-way.

ARTICLE IX
NON-CONFORMING USES

A. 'GRANDFATHERED' STRUCTURES OR LOTS:

Any structure or lot lawfully existing at the time of the adoption of this ordinance, or any lawful use of land or buildings, may continue, even if not in conformance with the provisions of this ordinance, subject to the following provisions.

B. EXPANSIONS:

1. Any non-conforming structure located on a lot which conforms to current lot-size requirements for the zoning district, may be enlarged provided the project would not make the structure any more non-conforming.
2. Except as provided in Paragraph 3 below, any structure, whether conforming or non-conforming, on a lot which does not conform to the current lot-size requirements of the zoning district, may be expanded up to 50% of the original footprint as of March 9, 1999, by Special Exception of the Board of Adjustment, provided the enlargement does not increase the non-conformity.
3. On lots that lie within 100 feet of the high water mark of Dublin Great Ponds, whether or not the lot is conforming, a primary, year-round residence may be expanded up to 50% of the original footprint as of March 9, 1999 by Special Exception of the Board of Adjustment, provided that such expansion is away from the water body and is no higher or wider than the original structure.
 - a. A non-conforming use may be allowed to expand by Special Exception of the Board of Adjustment, provided that: the expansion is naturally related to the existing use;
 - b. the expansion would not render the premises proportionally less adequate; and
 - c. there would not be a substantially different impact on abutting properties or the neighborhood.

C. CHANGE OF USE:

Any existing non-conforming use may be changed to another non-conforming use by Special Exception provided the Board of Adjustment finds that the proposed use is equally or more appropriate to the zoning district than the existing non-conforming use. Whenever a non-conforming use is changed to another non-conforming use or to a permitted use, such use shall not, thereafter, revert to any other non-conforming status, notwithstanding any other provisions of this ordinance.

D. ALTERATIONS/RELOCATIONS:

1. Any non-conforming structure may be altered on its original site, provided that such alteration conforms to the dimensional and setback requirements for the zoning district in which it is located.

Dublin Zoning Ordinance and Land Use Regulations

2. A nonconforming structure may be replaced or relocated on the property to a more conforming location by Special Exception of the Board of Adjustment.

E. CESSATION/ABANDONMENT:

1. Any non-conforming structure destroyed or damaged by fire or other casualty, in whole or part, may be replaced by a structure to be used for the same purpose as the one destroyed, provided that such reconstruction or replacement shall not exceed the square footage of the original structure, and that it occur within 12 months of the casualty.
2. If any non-conforming use ceases for any reason for a period of one year or more, any subsequent use must comply with the provisions of the ordinance.

F. A SINGLE FAMILY RESIDENCE:

Only may be erected on a lot measuring less than the minimum requirements set forth in this ordinance, provided that such lot was a "Lot of Record" at the time of the adoption of this ordinance and all setback requirements are complied with.

ARTICLE X
TABLE OF USE REGULATIONS

A. REGULATION OF USE OF LAND AND STRUCTURES:

1. In each district established by Article III the use of land and structures shall be regulated as provided in this Article, and as provided elsewhere in this ordinance. A use of a type not listed in the Table of Use shall not be permitted.
2. It is intended that only one principal use, together with its customary accessory structures or uses, will be permitted on one lot. More than one principal use on a single lot may be allowed by Special Exception by the Zoning Board of Adjustment

B. STATEMENT OF PURPOSE:

1. The Village District is intended to provide for a diversity of residential, commercial, and public uses of a scale and type which will maintain the integrity of this small New England village.
2. The Neighborhood Commercial District is intended to contain retail and consumer services primarily for local residents.
3. The Mountain District is intended to preserve views of and from Mount Monadnock and the scenic beauty of the surrounding roads by encouraging primarily residential and agricultural uses.
4. The Rural District is intended to be primarily single family residential, but provide opportunity for a diversity of other uses compatible with this primary use.

C. DEFINITIONS:

1. "P" = Permitted Use. A use so designated shall be permitted in the district, subject to requirements set forth elsewhere in this ordinance.
2. "SE" = Special Exception. A use so designated may be permitted in the district by a Special Exception granted by the Zoning Board of Adjustment. Provisions for granting Special Exceptions are contained in Article XII, "Zoning Board of Adjustment."
3. "NP" = Not Permitted. A use so designated shall not be permitted anywhere in the district. Non-conforming uses may be continued under the provisions of Article IX, "Non-Conforming Uses."
4. "CUP" = Conditional Use Permit. A use so designated may be permitted in the district, by a Conditional Use Permit granted by the Planning Board. Provision for granting a Conditional Use Permit are contained in Article XXIII.

D. OTHER REGULATIONS:

1. Permitted uses and uses granted by Special Exception are also subject to regulations, such as, lot size and area, setbacks, frontage, building height, parking, signage and other provisions specified in separate Articles of this Zoning

Dublin Zoning Ordinance and Land Use Regulations

Ordinance.

E. THE TABLE BEGINS ON THE FOLLOWING PAGE..

TABLE OF USE REGULATIONS

Zoning Districts				
A. RESIDENTIAL USES	VILLAGE DISTRICT	NEIGHBORHOOD COMMERCIAL DISTRICT	RURAL DISTRICT	MOUNTAIN DISTRICT
1. Single Unit Dwelling	P	NP	P	P
2. Duplex Dwelling/Accessory Living Unit	See Article IV: N.			
3. Multi-Unit Dwelling	SE	NP	SE	SE
B. PUBLIC & INSTITUTIONAL USES				
1. Municipal Facilities & Public Utilities	P	P	P	SE
2. Religious, governmental, educational or cultural facilities, where the use is located in one building	P	NP	SE	SE
3. Religious, governmental, educational or cultural facilities, where the use is located in more than one building. (formerly 2a)	SE	NP	SE	SE
4. Health Care Facilities, where the principal use is located in one building. (formerly 3)	P	NP	SE	NP
5. Health Care Facilities, where the principal use is located in more than one building. (formerly 3a)	SE	NP	SE	NP
C. COMMERCIAL USES				
1. General Retail Establishments with a building footprint no greater than 2,000 square feet.	P	P	SE	NP

Dublin Zoning Ordinance and Land Use Regulations

COMMERCIAL USES, CONTINUED	VILLAGE District	NEIGHBOR- HOOD COMMERCIAL DISTRICT	RURAL DISTRICT	MOUNTAIN DISTRICT
2. General Retail Establishments with a building footprint of more than 2000 square feet.	NP	P	NP / SE*	NP
3. Village Grocery, subject to Article XII: E.7.	P	NP	NP	NP
4. Office Uses	P	P	P	SE
5. Consumer Services	P	P	SE	NP
6. Inn, Hotel	P	NP	SE	SE
7. Child Care Centers	SE	SE	SE	NP
8. Veterinary establishments, Kennels	NP	NP	SE	NP
9. Gasoline Service Station, Repair Garage	SE	SE	SE	NP
10. Restaurants, not including drive-through.	P	P	SE	NP
11. Craft/Artisan Shops for Custom Work	P	P	P	SE
12. Commercial indoor or outdoor recreational facilities.	NP	P	SE	NP
13. Wireless Communication Facilities	NP	SE	SE	SE
14. Commercial Wind Farms	NP	NP	NP	NP
15. Other Transient Housing	CUP	CUP	CUP	CUP

*These uses are allowed by SE on lots fronted on and accessed from Route 137 or Route 101.

Dublin Zoning Ordinance and Land Use Regulations

D. BUSINESS ASSOCIATED WITH RESIDENCE	VILLAGE DISTRICT	NEIGHBOR- HOOD COMMERCIAL DISTRICT	RURAL DISTRICT	MOUNTAIN DISTRICT
1. Boarding House, Bed and Breakfast Establishment	SE	NP	SE	SE
2. Family Day Care	SE	NP	SE	SE
3. Home Business, subject to Article IV: M.	SE	NP	SE	SE
E. RECREATIONAL USES				
1. Municipal park, playground, playing field or other grounds for outdoor recreation.	P	NP	SE	SE
2. Private Club or Lodge	P	NP	SE	SE
F. AGRICULTURAL USES				
1. Agricultural activities.	NP	NP	P	P
2. Forestry activities.	NP	NP	P	P
G. WHOLESALE, STORAGE & CONSTRUCTION				
1. Wholesale business and storage in an enclosed structure.	NP	NP	NP / SE*	NP

*These uses are allowed by SE on lots fronted on and accessed from Route 137 or Route 101.

Dublin Zoning Ordinance and Land Use Regulations

WHOLESALE, STORAGE & CONSTRUCTION, continued	VILLAGE DISTRICT	NEIGHBOR- HOOD COMMERCIAL DISTRICT	RURAL DISTRICT	MOUNTAIN DISTRICT
2. Open-lot storage of coal, coke, sand or other solid fuel or similar material, provided that such storage is set back 100 feet from all property lines, is fenced or screened, and that all dust and dirt incident thereto is effectively confined to the premises.	NP	NP	NP / SE*	NP
3. Open-lot storage of lumber or used building material, provided that such material is fenced or screened and set back 100 feet from all property lines.	NP	NP	SE	NP
4. Building trades and services, such as, but not limited to, building trades, excavation, well drilling, landscaping and maintenance.	NP	NP	SE	SE
H. LIGHT INDUSTRIAL USES				
1. Excavation of earth materials, subject to “Town of Dublin, Earth Excavation Regulations.”	NP	NP	P	NP
2. Printing, Packaging and Bottling.	SE	P	SE	NP

*These uses are allowed by SE on lots fronted on and accessed from Route 137 or Route 101.

Dublin Zoning Ordinance and Land Use Regulations

LIGHT INDUSTRIAL USES, continued	VILLAGE DISTRICT	NEIGHBOR- HOOD COMMERCIAL DISTRICT	RURAL DISTRICT	MOUNTAIN DISTRICT
3. Sawmill operations, in an enclosed structure, provided all structures, facilities & associated storage are located no closer than 250 feet of any property line, or 1000 feet of any Village District boundaries.	NP	NP	NP / SE*	NP
4. Cabinetry & Woodworking, excluding sawmills.	NP	P	P	SE
5. Other light industrial uses or processes, subject to the provisions of Article XII: E.6.	NP	NP	NP /SE*	NP
I. ACCESSORY USES				
1. Any structure or use accessory to any of the principal uses listed herein.	P	P	P	P
2. Home Occupations, subject to the provisions of Article IV: L.	P	P	P	P
3. Home Business, subject to the provisions of Article IV: M.	SE	NP	SE	SE

*These uses are allowed by SE on lots fronted on and accessed from Route 137 or Route 101.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

A. DUTY:

It shall be the duty of the Board of Selectmen, and they are hereby given the power and authority, to administer and enforce the provisions of this ordinance. The Selectmen may appoint an agent to administer (accept and issue permits and inspect) and enforce this ordinance.

B. PERMIT ISSUANCE:

The Selectmen or their agent shall issue any and all permits requested when such permit is in accordance with the provisions of this ordinance.

C. PERMIT REQUIRED:

A building permit from the Selectmen or their agent is required for the following activities: new construction of a structure; additions to an existing structure; change in use of an existing structure; relocation, removal or demolition of a structure; construction or relocation of a fence as provided for in Article IV: P; and conversion from seasonal to year-round occupancy of a dwelling. Exempted from this requirement are: structures less than two hundred (200) square feet in size and used as an accessory building to the principal use; membrane enclosures less than 1,000 square feet in size and used as an accessory to the principal use; general repairs and maintenance; and the replacing in kind of structural components.

D. ENFORCEMENT:

Upon any well-founded information regarding a violation of this ordinance, the Selectmen or their agent shall make an investigation of facts and of the premises where such violation may exist. Upon evidence of a violation, the Selectmen shall give written notice to the landowner of the alleged violation and remedy for compliance. If, after such notice the violation has not been corrected in the specified time, the Selectmen shall institute appropriate action in the name of the town to correct the violation(s).

E. FINES AND PENALTIES:

Any person who violates any part of this ordinance shall be subject to the provisions of RSA 676:15-17, as applicable.

ARTICLE XII
ZONING BOARD OF ADJUSTMENT

A. CREATION:

The present Board of Adjustment as previously created shall continue in existence and its members shall continue to be appointed by the Selectmen in accordance with, and shall have the terms and powers hereby conferred upon the Board of Adjustment by, the provisions of Chapter 31, N.H. Revised Statutes Annotated, 1955, and as may be amended.

B. ADOPTION OF RULES:

The Board of Adjustment shall adopt rules to govern its proceedings in accordance with the provisions of this ordinance, and the provisions of Chapter 31, N.H. Revised Statutes Annotated, 1955, and as may be amended; and shall provide for a public hearing to be held on all requests for special exceptions, variances and appeals.

1. Notice thereof shall be given as follows:

- a. 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 (5) days before the date fixed for the hearing of the appeal.
- b. A public notice of the hearing shall be placed in a newspaper of the general circulation in the area, not less than five (5) days before the date fixed for the hearing of the appeal.

2. The public hearing shall be held within thirty (30) days of the receipt of the notice of appeal.

3. Any party may appear in person or by his agent or attorney at the hearing of an appeal.

4. The cost of advertising and cost of mailing the notices of hearing shall be payable by the person making the appeal prior to the hearing.

C. INTERPRETATION:

The Board of Adjustment may hear and decide a case where it is alleged there is error in any order, requirement, decision, or determination made by the Selectmen or their agent in the enforcement of this ordinance.

D. SPECIAL EXCEPTION:

The Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards as determined by the Board, grant a permit for a special exception. The Board, in acting on an application for a special exception, shall take into consideration the following conditions:

- 1. The proposed use shall be designated in the Table of Use as a special exception use and any applicable requirements for such use contained in Section

Dublin Zoning Ordinance and Land Use Regulations

E of this Article shall be met.

2. The proposed site is an appropriate location for the use. Among the factors the Board of Adjustment will consider are: topography, soils, water resources, road access and locations of driveways, condition of existing structures and other relevant characteristics such as whether the proposed use is compatible with the surrounding land uses.
3. The proposed use will not adversely affect the value of adjacent property. An adverse effect on adjacent property is one which would limit the use of neighborhood property by causing such problems as excessive noise, traffic, dust, fumes, glare or other conditions that are associated with the intended use but are not typical of permitted uses within the area.
4. The lot must be of a size, configuration, slope and soil type such that the proposed use is able to comply with all requirements of the Dublin Zoning Ordinance.
5. No hazardous waste shall be disposed of on the property, and provision for the disposition of all waste shall be made without jeopardy, financial or otherwise, to the Town of Dublin.
6. Traffic generated by the proposed use must not present a hazard to the neighborhood for either vehicles or pedestrians.
7. In all cases where a proposed project requiring Site Plan Review is located next to an existing residential use, buffering shall be provided within the setback areas, of a type and amount deemed appropriate by the Planning Board during Site Plan Review.
8. The Board of Adjustment will request a recommendation from the Planning Board, the Conservation Commission and the Health Officer concerning the proposed use.

E. REQUIREMENTS FOR GRANTING SPECIFIC SPECIAL EXCEPTIONS:

The following uses may be allowed by special exception provided they meet the provisions of Section D above, in addition to the relevant conditions set forth in this Section.

1. Multi-Unit Dwellings

a. New Construction:

- (1) Density of dwellings shall not exceed 2 units per minimum lot size for each separate zoning district.
- (2) All dwellings shall be set back at least one hundred (100) feet from side and rear property lines. Two off-street parking spaces at least 35 feet from any boundary shall be provided for each living unit.

b. Conversions:

An existing dwelling may be converted to a Duplex or Multi-Unit dwelling of no more than four (4) units, provided New Hampshire

Dublin Zoning Ordinance and Land Use Regulations

Department of Environmental Services septic requirements can be met. A dwelling may be increased in size by up to 20% of its building footprint for this purpose. One off-street parking place shall be provided for each living unit.

2. Inn, Hotel

- a. Inn and Hotels must be located on a town- or state- maintained street. All structures and parking areas must be set back at least fifty (50) feet from the front property line and seventy-five (75) feet from side and rear property lines; parking setbacks may be reduced if the Board of Adjustment specifically finds that parking can be buffered from neighboring uses.
- b. No offensive noise, bright lights, or odors shall be transmitted outside the property boundaries.
- c. All food must be served and consumed within the building, except that a seasonal outdoor dining area may be designated during Site Plan review.
- d. New development must be on a lot at least 10 acres in size.

3. Commercial Kennel

- a. The lot must be at least 10 acres, and front on a state- or town-maintained road.
- b. Outdoor accommodations for animals shall be set back at least one hundred (100) feet from the front property line and one hundred fifty (150) feet from the side and rear property lines.

4. Gasoline Service Station, Repair Garage

- a. The lot must be at least two (2) acres and front on a state- or town-maintained paved road.
- b. All structures, including gasoline pumps, shall be set back at least seventy-five (75) feet from side and rear property lines.
- c. The site shall be appropriately landscaped, and there shall be no outside storage or display of merchandise, parts, unregistered automobiles or equipment.
- d. Any fuel oil tanks required by the use shall be placed underground in accordance with the applicable rules of the NH Department of Environmental Services.
- e. There shall be no more than three (3) gasoline fuel pumps with one dispensing hose on each side, and room for no more than six (6) vehicles to refuel at a time.
- f. The dispensing of kerosene and diesel fuel shall be kept separate from the gasoline pumps, except by special exception.

5. Restaurant

- a. New construction shall be on a lot of three (3) acres or more. Conversion of an older structure on a smaller lot may be permitted if setbacks, water supply and septic disposal are adequate.
- b. Must be located on a town- or state-maintained street. All structures and parking areas must be setback at least fifty (50) feet from the front property line and seventy-five

Dublin Zoning Ordinance and Land Use Regulations

(75) feet from side and rear property lines; parking setbacks may be reduced if the Board of Adjustment specifically finds that parking can be buffered from neighboring uses.

- c. No offensive noise, bright lights, or odors shall be transmitted outside the property boundaries.
- d. All food must be served and consumed within the building, except that a seasonal outdoor dining area may be designated during Site Plan Review.

6. Light Industry

- a. The lot must be at least ten (10) acres and front on a state or town-maintained paved road.
- b. All structures, storage and parking areas must be set back at least seventy-five (75) feet from all property lines.
- c. No offensive noise, airborne particles, vibrations or bright lights shall be transmitted outside the property lines.
- d. Outside storage of equipment and/or materials shall be permitted only by written consent of the Planning Board.

7. Village Grocery Store - Limited indoor food service with tables and chairs, and seasonal outdoor seating, may be permitted, subject to the following conditions:

- a. The scale of indoor food service will be determined based on impact of expected traffic to the site, but in no case shall the indoor seating area constitute more than 25% of the gross floor area of the store.
- b. Any outdoor seating arrangement shall be suitably screened and/or buffered from neighboring properties so as not to constitute a nuisance to abutters.
- c. Any outdoor lighting shall be positioned so as not to leave the property and shall otherwise not constitute a nuisance either to neighbors or passing motorists.
- d. Parking spaces may be fewer than required for restaurant use, but in any case shall be adequate for the proposed use and shall not constitute a nuisance or safety hazard.

F. VARIANCE:

The Board of Adjustment may grant a variance from the terms of this ordinance when the variance criteria set out in NH RSA Section 674:33(I)(b) are met.

G. APPEALS:

- 1. An appeal cannot be taken to or granted by the Board of Adjustment for both a special exception and variance at the same time or concurrently for the same case, use, structure, or lot.
- 2. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administration officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof.

ARTICLE XIII
WETLAND CONSERVATION DISTRICT

A. PURPOSE:

1. To protect the public health, safety, and general welfare by guiding and controlling the use of land designated as “wetlands” as defined in this Article.
2. To protect wetlands from development or alterations that would be detrimental to their normal functioning as wildlife habitat, floodwater storage, water quality renovation, and groundwater recharge.
3. To maintain conservation corridors for wildlife and water quality along streams and lake shores.
4. To protect or create and to maintain woodland buffers adjacent to wetlands that will intercept surface runoff, wastewater, subsurface flow and deeper groundwater flows from upland sources, and that will remove or minimize the effects of nutrients, sediment, organic matter, pesticides and other pollutants that can threaten the quality of the wetland and even the bedrock aquifers, which provide potable water for most of Dublin.
5. To protect and enhance the aesthetic values of the landscape.
6. To prevent unnecessary public expenditures that may result from misuse or abuse of wetlands.

B. AUTHORITY:

RSA 483-B, the Shoreland Protection Act gives to municipalities authority to adopt control ordinances relative to all public waters. RSA 674:16 and RSA 674:17 empower towns to protect health and welfare and assure proper use of all natural resources within each town. RSA 674:21 authorizes municipalities to adopt innovative land use controls including environmental characteristics zoning.

C. DEFINITIONS:

1. Basal Area: The cross sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.
2. Buffer, or Buffer Zone: The area of land adjacent to a wetland or water body.
3. Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
4. Driveway: A private roadway providing access to a street or highway.
5. Fall Line: The slope. An imaginary line, drawn perpendicular to contour lines on a map, that represents the downward slope of the land.
6. Filter Strip: A strip, usually of grass, 10 feet wide, that functions to slow runoff, especially from impermeable surfaces before it reaches the wetland buffer. This strip is typically located between land disturbed by industrial,

Dublin Zoning Ordinance and Land Use Regulations

- commercial, residential, agricultural or forestry practices and adjacent wetlands with their natural woodland buffers.
7. Great Pond: Any natural body having an area greater than 10 acres. Dublin Lake, Mud Pond, and Howe Reservoir are great ponds.
 8. Junk: Scrap brass, iron, lead, tin, zinc; all other scrap metals and alloys; bones; rags; used cloth, rope, rubber, plastic, tinfoil, bottles, old or used machinery of any type; used tools, used appliances; used lumber or crates; building materials; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles; used tires and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.
 9. Junkyards: Outside areas where junk is stored.
 10. Minimum Access roads: Roads for vehicular use designed for a limited number of purposes, such as accessing a woodlot or a conservation study area; not for frequent access by the general public; not an access primarily to a house or house lot.
 11. Natural Woodland Buffer: Defined in RSA 483-B:4: “a forested area consisting of various species of trees, saplings, shrubs and ground covers in any combination and at any stage of growth.”
 12. Sapling: Any woody plant that normally grows to a mature height greater than 20 feet and has a diameter less than 6 inches at a point 4-1/2 feet above the ground.
 13. Shrub: Any multi-stemmed woody plant that normally grows to a mature height of less than 20 feet,
 14. Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. (By this definition, all buildings are structures, but not all structures are buildings.)
 15. Tree: Any woody plant that normally grows to a mature height greater than 20 feet and that has a diameter of 6 inches or more at a point 4-1/2 feet above the ground.
 16. Vegetated (also known as vegetative) Buffer: describes a buffer of herbaceous vegetation, either constructed or naturally occurring, that is maintained as a natural area.
 17. Surface Water: seasonal and perennial streams, lakes, ponds, marshes, water courses, and other bodies of water, natural or artificial.
 18. Vernal Pool: Depressions in the ground that fill with snow melt and spring rain for about two months out of the year. Identifying characteristics of a vernal pool: 1) It dries out during most years. 2) It occurs in a confined basin and lacks a permanent outflow stream. 3) It contains water for at least two months during the spring. 4) It does not support a fish population. 5) It does support a life-cycle crucial for various species. These include both amphibian and invertebrate species.
 19. Wetlands: Defined in RSA 482-A:2,X: “an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and

Dublin Zoning Ordinance and Land Use Regulations

that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.”

20. Wetland Delineation: The method of delineating boundaries of a wetland area according to RSA 482A. The methodology is set down in DES regulation WT301.01, soon to be catalogued as CNN- WT301.01.

D. EXTENT OF DISTRICT:

1. The Wetlands Protection District is an overlay zone, superimposed on all other zoning districts in the Town of Dublin.
2. All Dublin wetlands shall fall within this district, especially those identified in the Dublin Master Plan on the Conservation and Preservation Map and forms a base layer on three other maps (Transportation Map 1, Functional Classification; Base Map with Zoning and Aquifers; Community Facilities and Recreation).
3. Additional wetlands found in the town and identified following the procedures in RSA 482A shall be included as regulated by this ordinance.
4. Dublin Lake, as a well-established recreational area, is exempt from this ordinance, but is governed, as are all Great Ponds, by RSA 483-B the NH Comprehensive Shoreland Protection Act.

E. PERMITTED USES WITHIN THE WETLAND:

1. All uses must be in accord with the current provisions of EMB-WS-421 Administrative Rule Best Management Practices for regulated substances, as it may be from time to time amended.
2. Any disturbance of or greater than 10,000 square feet of wetland falls under the jurisdiction of New Hampshire Code of Administrative Rules, WT-800, which requires mitigation.
3. Recreation uses consistent with the purpose and intent of this Ordinance such as wildlife refuge, parks, nature trails, and conservation areas.
4. Open Spaces as permitted or required by Subdivision Regulations, Site Plan Review, or Land Use or Zoning Regulations.
5. State approved wetland impoundments.
6. Road crossings and driveways only with approval from the Planning Board after consultation with the Conservation Commission, and after securing requisite permission from the Department of Environmental Services.

F. WETLAND BUFFER ZONES:

1. The buffer zone shall extend at least 100 feet, measured horizontally from the edge of all wetlands.
2. In accord with RSA 483-B:9,V(a) where a natural woodland buffer exists, natural vegetation shall be maintained. (Except as noted in G.)
3. In areas where the buffer zone is threatened by erosion, native trees or bank

Dublin Zoning Ordinance and Land Use Regulations

stabilization species recommended by the Natural Resource Conservation Service should be planted. (See Addendum)

4. The Planning Board shall have the authority to grant waivers to the wetland buffer rules if the Board is persuaded that the proposed activity (a) is not less than 50 feet and (b) does not pose a risk of harm to functioning wetlands. The Board may consider such factors as the nature of the proposed activity, the proximity to the wetland, and the slope, soils, and vegetative cover of the land. The Board may enlist, at the applicant's expense, the assistance of engineers, wetland scientists or other experts in reaching an informed decision, and may attach such conditions to the waiver as may be necessary to carry out the purpose of the wetland ordinance. When any such waiver is requested, the Dublin Conservation Commission will be notified so they can attend and give input at the meeting where the waiver is considered.

G. PERMITTED USES WITHIN THE WETLAND BUFFER:

1. Pathways: Pathways should be constructed as recommended in the forestry Best Management Practices for Erosion Control During Trail Maintenance and Construction (DRED, 1994, updated 2004).
2. Timber Harvesting and forest management in accord with RSA 483-B. In particular:
 - a. A permit from the Town of Dublin is required to harvest timber in a wetland buffer.
 - b. A permit from NH DES may be required. Any temporary or permanent impacts to wetlands from timber harvesting must seek appropriate permits from NH Department of Environmental Services. Therefore, any person proposing to transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be directly responsible to submit to the Department of Environmental Services detailed plans concerning such proposal, and any additional relevant information requested by the Department, at least 30 days prior to undertaking any such activity.
 - c. Prior to any cutting "permanent" wetlands markers must be set so that the boundaries of the wetlands will be clearly visible and clearly understood by all personnel who may be working on the site. The words "Wetlands Boundary" must be plainly visible on these markers. The markers must be visible before and after the cutting is done, and must be inspected by the Code Enforcement Officer prior to any cutting. Failure to do so will invalidate the permission to cut and may involve legal action and fines.
 - d. Not more than a maximum of 50 percent of the basal areas of trees and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs, ground cover and their living undamaged root

Dublin Zoning Ordinance and Land Use Regulations

systems shall be left in place. The Code Enforcement Officer will keep records of all cutting within wetlands buffers.

- e. Dead, diseased, unsafe, or fallen trees, saplings, shrubs, or ground cover may be removed. Their removal shall not be used in computing the percentage limitations under c above.
 - f. Stumps and their root systems shall be left intact unless their removal is specifically required by RSA 482-A.
 - g. Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.
- 3. Planting of native flora that are beneficial to wildlife is encouraged.
 - 4. Water impoundments, water wells, dry hydrants, fire ponds approved by the NH Department of Environmental Services.
 - 5. Minimum Access roads, such as a road approved to access timber harvesting area or to a conservation study area.
 - 6. Road crossings and driveways only with approval from the Planning Board after consultation with the Conservation Commission and Selectmen, and after securing requisite permission from the Department of Environmental Services.

H. USES NOT PERMITTED IN THE WETLAND OR THE WETLAND BUFFER ZONES:

- 1. Use of chemical fertilizers
- 2. Storage of manure, road salt or other deicing chemicals
- 3. Roadways, except as noted in G.
- 4. Constructed pathways running down the land's natural slope (i.e. along the fall line).
- 5. The removal of vegetation except as permitted in G above, or the cutting and filling of slopes to create logging roads and landings, or any excavation of the soil.
- 6. Construction of any structure, junkyard or any membrane enclosure.
- 7. The siting or operation of a snow dump.
- 8. The siting or operation of a wastewater or septage lagoon or any septic system or leach field.
- 9. The disposal of septage or other contaminants.

I. FILTER STRIPS:

A filter strip 10 feet wide of un-grazed grass shall be included at the outer edge of the buffer zone wherever possible, at the discretion of the Planning Board.

J. Paragraph J was deleted by a vote of the town on March 10, 2020

K. BOUNDARY APPEALS:

In the case of a wetlands boundary dispute that cannot be resolved satisfactorily,

Dublin Zoning Ordinance and Land Use Regulations

the applicant shall appeal to the Planning Board, which will adjudicate, employing a Certified and Licensed New Hampshire Wetlands or Soil Scientist, if appropriate, at the applicant's expense.

L. SPECIAL PROVISIONS:

Wetlands created as a result of recent beaver activity may be altered after approval from the Dublin Conservation Commission; state approval from NH Department of Environmental Services may be required.

No septic tank or leach field may be located closer than 100 feet to a wetland, except for those situations approved in J (above).

M. ADDENDUM:

1. Useful publications and information as of 2006:

Planting Shoreland Areas, Ralph Winslow, and The University of New Hampshire Cooperative Extension, included as Appendix F to *Buffers for Wetlands and Surface Waters*, Chase, Deming, and Latawiec, UNH Cooperative Extension, November 1995, revised 1997.

Buffers and Beyond, Lynn Boyd, Wetland Conservation Professional Program, Department of Natural Resources Conservation, University of Massachusetts, July, 2001. This sets out scientific studies demonstrating the need for buffers of varying depths.

Buffers for Wetlands and Surface Waters, Chase, Deming, and Latawiec, November 1995, revised 1997, Audubon Society of New Hampshire. This surveys various scientific studies.

Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of the Army, January, 1987.

Rules and Field Indicators For Identifying Hydric Soils in New England, Version 3, April 2004; NH Wetlands Bureau.

Here Today, Gone Tomorrow; Connecticut's Vernal Pools; A Policy Guide To Ephemeral Wetlands Protection, Lawrence, Preisser, and Yelin; Center for Coastal Watershed Protection, Spring, 1998.

ARTICLE XIV

REGULATION OF DEVELOPMENT ON STEEP SLOPES

A. PURPOSE AND INTENT:

1. In the interest of public health, safety and welfare of individual land owners, owners of abutting property, and the Town of Dublin, these regulations are intended to guide the use of steeply sloping land.
2. Where steep slopes exist in the Town of Dublin, the nature of these soils is such as to render the land exceptionally vulnerable to erosion and attendant problems of water pollution— potentially affecting not only an individual landowner's property, but that of abutters and ultimately the community. These regulations are intended to protect the Town from undue hardship or expense caused by excessive erosion of hillsides due to improper excavation, drainage, construction of driveways, or other activities which disturb the fragile soil conditions of steep slope areas and may result in sedimentation, erosion or the creation of a watercourse where one did not previously exist on neighboring property, Town property, or by interference with Town or state road drainage systems. They are further intended to protect the Town from the public health hazard caused by improper construction and the possible resulting failure of septic systems constructed in steep slope areas.

- b. Therefore, the Town of Dublin deems it necessary and proper to regulate certain practices upon and uses of such lands to preserve our common heritage and protect the health and well-being of all the inhabitants.

B. DEFINITION AND DELINEATION:

1. Slope is defined as a percent determined by dividing vertical distance (rise) by horizontal distance (run) and "steep" slopes are generally considered areas where this ratio exceeds fifteen percent. The regulations contained herein apply to any lot, parcel or tract of land in the Town of Dublin regardless of the zoning district in which said lot is located. These regulations come into effect for:
 - a. The construction of driveways on ground with an existing slope of fifteen (15) percent or greater;
 - b. The construction of septic systems where the leaching field location is on a slope of twelve (12) percent or greater; and
 - c. The construction of buildings where the slope of the building site is fifteen (15) percent or greater.
2. These steep slope regulations provide supplementary controls over land use in addition to requirements of the several zoning districts. The proposed location of any of the above mentioned construction activities will be checked and a determination of slope made by the Dublin site inspector after an on-site inspection. Where it is alleged that this determination is in error,

Dublin Zoning Ordinance and Land Use Regulations

assistance will be requested from the Cheshire County Conservation District. In such cases, detailed engineering data may also be requested from the land owner to provide a more accurate determination of the slopes involved.

C. PROVISIONS:

If the site inspector determines after an on-site investigation that the land upon which a building, driveway, septic system or other structure is to be constructed is of excessively sloping nature according to the standards contained herein, a driveway or building permit for uses normally permitted in that zoning district may be issued only after evidence that the following conditions will be met is submitted to the site inspector.

D. DRIVEWAYS:

1. Driveways and other land clearing shall not cause excessive erosion.
2. Driveway access onto Town or state roads shall not create an undue traffic hazard.
3. If the slope of the driveway is to be 10 percent or greater, an adequate stormwater drainage plan and an erosion control plan that meets the design standards and specifications set forth in the "Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire" (USDA Soil Conservation Service) shall be submitted.
4. In the event the land on which a driveway is to be constructed has a slope of 15 percent or greater, engineering data prepared by an engineer licensed in the State of New Hampshire shall be submitted to show that the following conditions have been met:
 - a. Sediment in the runoff water both during and after construction shall be trapped by the uses of sediment basins or other acceptable methods, until the disturbed area is stabilized.
 - b. The storm drainage system and culvert capacity shall be based on a design flow with a minimum return interval of a ten (10) year/twenty-four (24) hour storm.
 - c. No new drainage-ways shall be created nor additional run-off directed to adjacent properties unless necessary easements are obtained.
5. The Planning Board may, as deemed necessary, require that any proposed driveway plan be accompanied by documentation showing that the driveway provides safe access for emergency vehicles and creates no hazard to the public right-of-way.

E. SEPTIC SYSTEM LEACHING AREAS:

Any land area with a natural slope of twelve (12) percent or greater shall not be altered or used for the disposal of septic tank effluent, unless the system is designed by a sanitary engineer (registered with the State of New Hampshire) and overcomes the adverse land conditions to the satisfaction of the Board.

Dublin Zoning Ordinance and Land Use Regulations

F. BUILDING SITES:

Where the natural slope of the land on which a building (any structure for which a building permit is normally required) is to be constructed is of fifteen (15) percent slope or greater, engineering data shall be submitted to show that the proposed structure is of sound engineering design and footings shall be designed to extend to stable soil or rock.

G. ENFORCEMENT AND PENALTIES:

The Town of Dublin or its agents have the right to inspect the premises at any time during construction to assure that construction is being carried out according to the approved engineering plans as submitted to the site inspector for the purposes of obtaining the building permit. If construction does not proceed according to these plans (with minor allowances made for adjustments to previously unknown natural conditions where the overall effect remains the same or is improved) the owner will be liable for a fine of up to \$500 for each violation or deviation from the plan.

H. TOWN LIABILITY:

In any case where changes in topography alter the course of water flow, normal or excessive, so as to cause damage to neighboring properties or those downstream, the petitioner for use of steep slopes shall assume all liability for such damage. Even though his plan has been approved by the Dublin Board of Selectmen, the Town of Dublin shall be held harmless from any claims for damage resulting from his actions.

ARTICLE XV
SCENIC GATEWAY OVERLAY DISTRICT

A. **PURPOSE AND INTENT:**

In the interest of retaining the special visual quality experienced upon entering the Town of Dublin on Route 101; preventing or minimizing the impacts of linear or sprawl development along the highway outside of the Village area; and enhancing and promoting the safe and efficient movement of traffic, the Scenic Gateway Overlay District is hereby established.

B. **APPLICABILITY:**

These provisions shall apply only to non-residential or multi-unit developments. All lots, structures and uses existing at the time of the adoption of this provision shall be considered conforming, in terms of use, frontage, lot area and setback requirements. Any change or expansion in use shall cause the property to be subject to the buffering provisions.

C. **DELINEATION:**

The Scenic Gateway Overlay District is comprised of all property with frontage on Route 101:

1. From the Peterborough Town Line west to the East Harrisville Road, and
2. From the Marlborough Town Line east to the Dublin Road (formerly New Harrisville Road).

D. **PROVISIONS:**

The following provisions shall be applied during Site Plan Review by the Planning Board.

1. A vegetative buffer area shall be provided along the roadway of a type and amount as deemed appropriate by the Planning Board during Site Plan Review, taking into account the proposed use and road geometry. A landscaping plan shall be shown, allowing for at least one street tree every thirty (30) feet and other screening as required by the Planning Board.
2. The width of this buffer area, measured inward from the highway right-of-way, shall be a minimum of 30 feet, unless the landowner can demonstrate to the Planning Board's satisfaction that adequate screening can be accomplished in less distance (due to topography, shape of lot, etc.) or that due to the size or shape of the lot, meeting the requirement would constitute a hardship.
3. One sign per property shall be allowed at the entrance of the driveway, not to exceed 20 square feet. Such sign shall otherwise conform to the provisions of Article XVI, "Sign Ordinance."

Dublin Zoning Ordinance and Land Use Regulations

4. All driveway entrances must receive approval from the NH Department of Transportation. In certain circumstances, the DOT may require a common entrance for two or more landowners; in all cases, landowners will be encouraged by the Planning Board to share driveway entrances, where practical.

ARTICLE XVI
SIGN ORDINANCE

A. AUTHORITY:

This Ordinance is adopted by the Town of Dublin on March 13, 2001 in accordance with the authority granted by the New Hampshire Revised Statutes Annotated 674:16 and 21.

B. PURPOSE AND INTENT:

The purposes of this section are to protect and improve community appearance and aesthetics and to protect the health, safety and welfare of the citizens. This section recognizes that any business needs identification and the public needs direction. This section aims to encourage the use of street graphics which are compatible with community character, are readable and clear, are not distracting to vehicular and pedestrian traffic, and are maintained in good repair.

C. APPLICABILITY:

1. A sign may be erected, placed, established, painted, created or maintained in the Town of Dublin only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. The effect of this ordinance as more specifically set forth herein is:
 - a. To establish a permit system to allow a variety of types of signs in the Neighborhood Commercial and Village Districts, and a limited variety of signs in other districts, subject to the standards and the permit procedures of this ordinance.
 - b. To prohibit all signs not expressly permitted by this ordinance, and to provide for the enforcement of the provisions of this ordinance.
2. Every sign established to be lawfully in existence at the time of the adoption of this ordinance may continue in existence and be maintained but may not be changed in any of its dimensions, configuration or prominence or be relocated except to comply with these provisions. Any nonconforming sign, the use of which has been discontinued for a period of one (1) year or more, shall not be reestablished, restored or repaired except in conformance with these provisions.

D. DEFINITIONS:

1. Animated Sign – Any sign that uses movement or change of lighting to depict action or to create a special effect or scene.
2. Building Sign – A sign that is attached to a building and protrudes from the building more than 4 inches. These signs may be attached to any part of the building.
3. Construction Sign – A sign advertising an architect, lending institution, developer, engineer or contractor for a building project, when such sign is placed

Dublin Zoning Ordinance and Land Use Regulations

- on premises under construction.
4. Directory Sign – A wall sign located over or adjacent to doorways, identifying the occupant(s).
 5. Establishments – For the purposes of this Ordinance, an establishment is any business or operation in separate operational premises, whether public or private, that relies on signage for identification.
 - a. Individual Establishment – One primary use per lot.
 - b. Multiple Establishments – More than one primary use per lot.
 6. Freestanding Sign – A sign supported by poles, pylons, uprights, braces, and/or cables and placed upon the ground.
 7. Illumination – The directing of light onto a sign whether the light fixture is located on the ground or attached to the sign structure, or the lighting of a sign from a light source internal to the sign itself.
 8. Maintain – To permit a sign, sign structure or any part of each to continue or to repair or refurbish a sign, sign structure or any part of each.
 9. Municipal Sign – A sign installed by the Town of Dublin or state government for the purpose of naming streets, providing traffic or traffic safety information and for similar governmental purposes.
 10. Non-Conforming Sign – Any sign that existed prior to the adoption of this ordinance that does not conform to the provisions of this ordinance.
 11. Obscene Sign – Any sign that predominantly appeals to prurient, shameful or morbid interest; is patently offensive to prevailing standards in town; and is utterly without redeeming social importance.
 12. Off-Premises Sign – A sign that pertains to business, industry or activity that is not located on the premises on which the sign is located.
 13. On-Site Directional Sign – A sign on private property whose only purpose is to direct pedestrian or vehicular traffic, such as those indicating entrances, exits, parking and walkways.
 14. Portable Sign – A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by wheels.
 15. Projecting Sign – A sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall.
 16. Roof Sign – A sign erected or constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
 17. Sign – Any device, illuminated or non-illuminated, or presentation by words, letters, figures, designs or pictures, publicly displayed to give notice relative to a person, a business, goods, products, a service, an action or a

Dublin Zoning Ordinance and Land Use Regulations

solicitation. “Sign” includes identification, advertising and informational signs and also includes an emblem, logo, or trademark that is designed or intended to announce, direct, attract or promote. For the purpose of removal, “sign” shall also include the sign structure. A “sign” shall also include a balloon, banner, pennant, insignia, awning or other figure of similar character located outdoors, whether or not constituting a structure or any part thereof, or whether or not attached to, painted on or in any other manner represented on a building or structure, which is used to announce, direct, attract, advertise or promote.

18. Sign Structure – Any structure that supports or is capable of supporting any sign, including decorative cover. A “sign structure” may or may not be an integral part of a building or structure.
19. Temporary Sign – A sign that is used only temporarily and is not permanently mounted.
20. Trailer Sign – A sign mounted, located or painted on a vehicle or trailer for the primary purpose of advertising a business or activity not within the trailer.
21. Wall Sign – A sign painted on the exterior of a building, or flat signs which are placed flush against the exterior of a building.
22. Window Sign – A sign located on the inside of a window, visible from the exterior.

E. GENERAL PROVISIONS:

1. All signs shall be of durable material, neatly lettered, and maintained in good condition at all times. Total liability for sign maintenance and operation rests with the owner.
2. No sign shall be constructed or, or use material that reflects light, such as reflective tape.
3. No sign shall be erected or placed in such a manner as to obstruct free and clear vision of vehicular or pedestrian traffic, or by reasons of position, shape, color or wording interferes, obstructs the view of, or may be confused with any authorized traffic sign, signal or device. Lights shall not be used in a manner, which will create a traffic hazard or neighborhood nuisance.

F. PROHIBITED SIGNS:

1. Off-premises signs, except temporary signs (#19). When permitted as a temporary sign, no more than two (2) off-premise sign is allowed per property, and its size may not exceed four (4) square feet. No off-premises signs are allowed without the property owner’s permission. Off-premises signs must be placed without damaging property.
2. Signs placed in the public right-of-way.
3. Obscene signs.

Dublin Zoning Ordinance and Land Use Regulations

4. A sign that emits odors, vapors, sound or noise.
5. Trailer signs.
6. Signs permanently mounted on utility poles.
7. Roof signs.
8. Any flashing, moving or animated signs. For the purpose of this section, time/temperature devices shall not be considered an animated sign.
9. Banners, spinners and streamers or balloons except for grand openings.
10. Portable signs that are not temporary.
11. Internally lit signs.

G. SIGNS NOT REQUIRING A PERMIT:

1. Premise Identification Signs, not to exceed four (4) square feet.
2. Municipal Signs.
3. On-site directional signs, not to exceed two (2) square feet.
4. Any sign required or permitted by federal, state, county or local regulation.
5. Legal notices such as “no trespassing” or “no hunting.”
6. Directory signs, not to exceed two (2) square feet.
7. National, state, provincial or religious flags, provided no Message is used.
8. “Open”, “Closed”, “Vacancy”, “Sale”, or “Welcome” signs, not to exceed six (6) square feet.
9. Temporary signs, not to exceed thirty two (32) square feet, one per lot, for a maximum of four (4) weeks at a time.
10. Temporary signs advertising special events:
 - a. Signs may be erected not more than four (4) weeks prior to the event and must be removed not later than two (2) days after the event is concluded.
11. Window signs, provided that the aggregate display surface does not totally cover the window or door on which they are placed.

H. PERMIT REQUIRED:

Except for signs that are prohibited, or do not require a permit, all other signs shall require a permit and be subject to the following requirements.

1. Allowable number of signs per lot

Dublin Zoning Ordinance and Land Use Regulations

- a. Individual Establishments – Only one (1) sign per lot advertising the use is permitted.
 - b. Multiple Establishments – One (1) freestanding identification sign for all uses and one (1) directory sign per establishment.
2. Setbacks - No sign shall be located closer than two (2) feet to the front property line in the Village District, and five (5) feet elsewhere in town. Side and rear setbacks shall be 15 feet in all Districts.
 3. Dimensional Requirements – Except for the applicability of Paragraph G, signs shall conform to the following height and size requirements:
 - a. Freestanding signs shall not exceed 12 feet in height.
 - b. Building or wall signs shall not be higher than 14 feet from the ground to the top of the sign.
- I. SCENIC GATEWAY DISTRICT SIGNS:
See Article XV, “Scenic Gateway Overlay District,” especially item XV: D.3.

See *Size of Signs* chart on the next page.

Dublin Zoning Ordinance and Land Use Regulations

TABLE 1

SIZE OF SIGNS (in Square Feet)

<i>ZONING DISTRICT</i>	<i>INDIVIDUAL SIGNS</i>	<i>MULTIPLE ESTABLISHMENT¹ Freestanding/ Directory</i>	<i>PUBLIC, CIVIC, INSTITUTIONAL SIGNS</i>	<i>HOME OCCUPATION HOME BUSINESS</i>
Village District	20	40/4	20	4
Neighborhood Commercial District	20	40/4	20	4
Rural District:				
On Rts. 101 & 137	20	40/4	20	4
On Town Roads	12	40/4	12	4
Mountain District	12	40/4	12	4
Scenic Gateway Overlay District	20	40/4	20	4

¹ Freestanding signs shall be limited to a maximum of 10 sq. ft. per establishment, with a maximum size of 40 square feet.

² The size of these signs may be increased when good cause can be shown that, due to unique circumstances, a 12 square-foot sign would not be adequate.

Dublin Zoning Ordinance and Land Use Regulations

J. STANDARDS:

1. Lighting

- a. No sign shall be illuminated such that the light from the sign would adversely affect neighboring properties or the safe vision of operators of vehicles moving on public roads and highways. At no time shall light be allowed to shine on or into residential structures or project outside the site property lines. Lighting elements shall not be directly visible. To meet these ends, lights illuminating signs shall be so shaded, shielded, or directed, or shall be maintained at a sufficiently low level of intensity and brightness (no more than 100 watts).
- b. Outside of the Village and Neighborhood Commercial Districts, signs may only be lighted between the hours of 7:00 A.M. and 11:00 P.M., or during hours of operation. Signs serving as safety or security lighting may be exempted from this provision.

2. Wall Signs shall not extend above the top of the wall on which they are mounted, project more than 10 inches from the wall, or extend beyond the left and right extremities of the wall.

3. Projecting signs shall not extend more than five (5) feet beyond the structure to which they are attached in the direction of the street, be closer than two (2) feet to the face of the street curb, be less than eight (8) feet above grade level, or have a vertical dimension greater than six (6) feet.

K. DETERMINING THE SIZE OF A SIGN:

1. In determining the size of a sign, the area of the letter, background and frame shall be included, but the foundation and supports of the sign shall be excluded unless they are of such size or prominence that they become part of the sign itself.

2. When signs are constructed of individual pieces attached to a building, sign area is determined by the distance around the pieces.

3. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one (1) sign face.

4. A sign that has no perimeter or border shall have its area computed by enclosing the entire copy area including logos, symbols, and characters within the outline of a parallelogram, triangle, circle, or other easily recognizable geometric shape, and then computing the area.

5. A three-dimensional, round, or irregular shaped sign shall have its area computed by projecting a plane on the largest cross section.

6. Only the area of one side of a double-faced sign is counted.

Dublin Zoning Ordinance and Land Use Regulations

L. SPECIAL USE PERMIT APPLICATION PROCESS:

1. Except as stated in Paragraph G, it shall be unlawful for any person to erect, redesign, alter or relocate within the Town of Dublin any sign, as defined by this section, without first obtaining a Special Use Permit from the Planning Board.
2. Applications for sign permits are available in the Selectmen's Office. Application shall be made to the Planning Board, and shall have attached the following information and such other information pertaining to the proposed signs as the Selectmen may reasonably require:
 - a. Name, signature, address and telephone number of the applicant.
 - b. Location of the building (including street number), structure or lot to which or upon which the sign will be located.
 - c. The zoning district in which the property is located.
 - d. The lot frontage and dimensions of building footprint.
 - e. A representative drawing of the proposed sign and building, including dimensions, height, color, construction material, number and total of all other existing signs on the lot and/or building.
3. Approval. The Planning Board shall notify the applicant, in writing, within 14 working days after the receipt of all required information of the approval or disapproval of the application. The sign authorized under a sign permit must be erected within six (6) months from the date of approval or the permit shall be null and void, unless the permit is renewed. When the sign is erected, the applicant shall notify the Selectmen, who will inspect the sign to verify approval. conformity to the application and approval.
4. Permit Fees. A \$25 filing accompany all applications. and processing fee is required to accompany all applications.

M. VIOLATIONS:

1. Any of the following shall be considered a violation of this section and shall be subject to the enforcement remedies and penalties provided by the zoning ordinance:
 - a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.
 - b. To install, create, erect, or maintain any sign requiring a permit without such a permit.
 - c. To fail to remove any sign that is installed, created, erected, or maintained in violation of this section, or for which the sign permit has lapsed.
 - d. To continue any such violation. Each such day of continued violation shall be

Dublin Zoning Ordinance and Land Use Regulations

considered a separate violation when applying the penalty provisions of the zoning ordinance.

- e. Each sign installed, created, erected, or maintained in violation of this section shall be considered a separate violation when applying the penalty provisions of the zoning ordinance.

N. APPEALS:

Pursuant to RSA 676:5, any decision made under this Sign Ordinance cannot be appealed to the Board of Adjustment, but to the Superior Court as provided by RSA 677:15.

ARTICLE XVII

TELECOMMUNICATIONS FACILITIES

A. AUTHORITY:

This Ordinance is adopted by the Town of Dublin on March 13, 2001 in accordance with the authority granted by the New Hampshire Revised Statutes Annotated 674:16 and 21.

B. PURPOSE:

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

1. Preserve the authority of the Town of Dublin to regulate and provide for reasonable opportunity for the siting of telecommunications facilities.
2. Enhance the ability of providers of telecommunications services to provide such services to the community effectively and efficiently.
3. Reduce the adverse impacts such facilities may create, including, but not limited to: impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and diminution of property values.
4. Preserve Dublin's unique viewsheds and scenic values, in particular those associated with Mount Monadnock, Dublin Lake, and all significant hills and vistas.

C. DEFINITIONS:

1. Antenna: For the purpose of this ordinance, *antenna* means any exterior apparatus that is supported on or by a tower and designed for telephonic, radio, television, personal communications service, pager network, or any other communications through the sending of electromagnetic waves of any bandwidth.
2. 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 200 feet from the proposed Antenna or Tower excluding all trees that will be cut in the compound area and access road.
3. Tower: Means any structure higher than the permitted building height in that district that is designed or constructed primarily for the purpose of supporting one or more antennas.
4. Telecommunications Facilities: Means any tower intended for use in connection with the transmission or reception of radio or television signals or any other electromagnetic transmission.

D. LOCATION OF TELECOMMUNICATIONS FACILITIES:

Dublin Zoning Ordinance and Land Use Regulations

1. Telecommunications facilities may be permitted in all districts except the Mountain Zone or the Historic District. In no case, however, shall such a facility be sited in a location that would impact any view to Mount Monadnock.
2. Due to the high quality of scenery in the Town of Dublin, tower profiles that interrupt distant or near views are deemed to be detrimental to both property values and the general scenic quality of Dublin.

E. PERMITTED USES:

1. 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 such facility as a Secondary Use as long as all other provisions of the 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. Sites with multiple existing uses may be precluded from having towers added if, in the opinion of the Planning Board, the additional use substantially reduces the residential or scenic character of the area.
2. For purposes of determining whether the installation complies with district development regulations, including but not limited to setback 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.
3. Any alteration of the original permitted use and device configuration of the facility will require a new approval.
4. Amateur Radio. This ordinance does not apply to any antenna used exclusively in the amateur radio service that is eligible under the Amateur Radio Preemption, 101 FCC 2nd 952 (1985).
5. Essential Services & Public Utilities. Telecommunication facilities shall not be considered infrastructure, essential services, or public facilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunications facilities is a use of land, and is addressed by this Section.

F. CONSTRUCTION PERFORMANCE REQUIREMENTS:

1. 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 facilities governed by this 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, in accordance with Section X, of the tower or

Dublin Zoning Ordinance and Land Use Regulations

antenna, as abandoned, at the owner's expense through the execution of the posted security.

2. **Building Codes/Safety Standards.** To ensure the structural integrity of towers and antennas, all facilities will be inspected every three (3) years by an engineer approved by the Town, with the cost to be paid by the owner, and the report submitted 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, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute abandonment and grounds for the removal, in accordance with Section X, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

G. STANDARDS:

1. Height

- a. The height of any structure will be the minimum necessary in order to transmit and receive signals. The intent to serve a large area with one tall installation will not be accepted as justification of height. Multiple, minimum-height towers are preferred, and may be required.

- b. The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of the need for the proposed height and camouflage techniques. In no case, however, may any tower extend more than 25 feet above the average tree canopy.

2. **Setbacks and Separation.** In addition to compliance with the minimum zoning district setback requirements for other structures, towers shall be set back a distance equal to 125% of the height of the tower from any property lines.

3. **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.

4. **Co-Location.** While the Town supports the sharing of telecommunication facilities, where appropriate and feasible, an opportunity for co-location is not to be considered a justification for excessive height of towers. Co-location opportunities shall also not exclude the investigation of alternative sites or multiple towers on one site.

5. Landscaping.

- a. A buffer shall be provided that effectively screens the view of the compound from adjacent property. The standard minimum buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound, and shall be expanded as required by the Planning Board based on

Dublin Zoning Ordinance and Land Use Regulations

site-specific considerations. Natural vegetation is preferred.

- b. In locations where the visual impact of the compound would be minimal or non-existent, the landscaping requirement may be reduced or waived entirely.
- c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

6. Camouflaging

- a. Camouflaging of towers is required by a method deemed appropriate by the Planning Board.
- b. At a tower site, the design of the tower, 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.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive.
- d. Where possible, dish antennae will be arranged contiguous to or below the abutting tree line.

H. CONDITIONAL USE PERMITS:

- 1. Telecommunications Facilities are permitted only after obtaining a Conditional Use Permit. All such uses must comply with other applicable ordinances and regulations of the Town of Dublin (including Site Plan Review Regulations)
- 2. Issuance of Conditional Use Permits. In granting the Conditional Use Permit, the Planning Board may impose conditions to the 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.
 - a. Procedure on Application.
 - (1) The Planning Board shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations and RSA 676:4.
 - (2) 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.

Dublin Zoning Ordinance and Land Use Regulations

- b. Decisions. All decisions shall be rendered in writing, in accordance with RSA 676:3 and the National Wireless Telecommunications Siting Policy – Section 332(c)(47 U.S.C.332(c)), which mandates that a denial be based upon substantial evidence contained in the written record.
 - c. Permits shall be renewable every five (5) years. When possible, this time frame shall be consistent with the timing for performance bond renewal.
3. Plan Requirements. Each applicant requesting a Conditional Use Permit under this Ordinance shall submit a scaled plan showing or accompanied by the following information:
- a. Title block that shows the name of the development or project.
 - b. North arrow, date of plat, scale; name, address and seal of all persons preparing the plat.
 - c. Signature block for Planning Board endorsement.
 - d. Vicinity sketch and zoning district(s).
 - e. Total area of the parcel in acres and square feet.
 - f. Lot frontage.
 - g. Boundary lines and approximate dimensions and bearings.
 - h. Tax map and lot numbers.
 - i. Locations and descriptions of any existing or proposed easements, deed restrictions, or covenants.
 - j. Physical features on the site and within 200 feet of the site.
 - k. Soil information based on the Cheshire County Soil Survey.
 - l. All natural features, such as streams, ponds, wetlands, etc.
 - m. Existing and proposed grades and contours, and base flood elevations.
 - n. Shape, size, height, location and use of existing and proposed structures on the site.
 - o. Existing buildings and structures within 500 feet of the site.
 - p. Access to the site, with location and width of existing and proposed driveways.

Dublin Zoning Ordinance and Land Use Regulations

- q. A driveway permit been granted from either the NH DOT or the Town of Dublin.
 - r. Locations, names, right-of-way and travel widths of any existing and proposed roads on the property and within 200 feet of the site.
 - s. Final road profiles and cross sections for any new roads.
 - t. Locations and sizes of all electric and telephone lines on the site.
 - u. Existing and proposed fire hydrants and/or fire ponds.
 - v. Existing and proposed methods of handling stormwater runoff, and the direction of the flow indicated by arrows.
 - w. Sizes and locations of all stormwater drainage lines, catch basins, drywells, drainage ditches, retention basins, and culverts.
 - x. Location, types, and sizes of all existing and proposed landscaping and screening.
 - y. Location of any proposed lighting.
4. Other Information Required. In order to assess compliance with this Ordinance, the Planning Board shall require the applicant to submit the following prior to any approval by the Board:
- a. Photographic documentation of the balloon test(s) from all roads from which the site is visible.
 - b. Propagation maps showing proposed radio frequency coverage.
 - c. Detailed maps showing all of the carrier's current or planned externally-visible tower and monopole locations in the state within a 20-mile radius, both active and inactive.
 - d. Site descriptions for each of the above locations showing the antenna height and diameter, and all externally-visible structures.
 - e. A description of why less visibly-intrusive alternatives for this facility were not proposed.
 - f. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
 - g. 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

Dublin Zoning Ordinance and Land Use Regulations

applicable FCC rules, and the results of any such evaluation. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and/or NEPA, the applicant shall submit the EA or EIS to the Board prior to the beginning of the federal 30-day comment period; the Town proceedings with respect to the proposed facility shall become part of the FCC application requirements.

- h. If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. The evidence may consist of:
 - 1. Substantial evidence that no existing towers or structures are located within the geographic area needed to meet the applicant's requirements.
 - 2. Substantial evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.
 - 3. Substantial evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers, or that existing towers or structures would cause electromagnetic interference with the applicant's proposed antenna.
 - 4. Information on the number of sites for wireless telecommunication facilities each provider will require.
 - 5. Information on sites outside of the Town for the particular coverage area that are being considered.
 - 6. Information on how the siting of a wireless telecommunication facility will affect the ability to allow a competitor's antennas on the same property.
- i. It is mandatory that the applicant provide the Board with studies of alternative sites in Town that have been considered for siting.
- j. The applicant will provide the Board with any copies of the federal license from the FCC proving that they, or their contracted client, are eligible to deploy their systems under the Federal Telecommunications Act of 1996, as it may, from time to time, be updated.
- k. 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.

I. WAIVERS:

- 1. 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.

Dublin Zoning Ordinance and Land Use Regulations

2. Conditions. In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.
3. Procedures. A petition for any such waiver shall be submitted in writing by the applicant for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant.

J. BONDING AND SECURITY INSURANCE:

1. The applicant shall provide a bond to the Town in an amount that would be sufficient to cover the costs of removal and disposal of the facility components. The Planning Board shall set 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.
2. If the Board requires an engineering assessment in order to set the amount of the bond, the cost of that assessment shall be borne by the applicant.

K. REMOVAL OF ABANDONED TOWERS:

Any antenna 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 the Town. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with 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 security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

L. ADMINISTRATION AND ENFORCEMENT:

1. It shall be the duty of the Board of Selectmen, and they are hereby given the power and authority, to enforce the provisions of this ordinance. The Selectmen may appoint an agent to enforce this ordinance.
2. Upon any well-founded information that this ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other legal action.

M. SEVERABILITY:

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

N. APPEALS:

Pursuant to RSA 676:5, any decision made under this ordinance cannot be appealed to

Dublin Zoning Ordinance and Land Use Regulations

the Board of Adjustment, but to the superior court as provided by RSA 677:15.

ARTICLE XVIII

REGULATIONS GOVERNING ADULT-ORIENTED BUSINESSES

A. PURPOSE AND INTENT:

1. It is the purpose of this regulation to establish reasonable and uniform provisions in accordance with RSA 674:16 & 17 to regulate the secondary effects of sexually-oriented businesses within the Town of Dublin in the interests of public health, safety and welfare, including but not limited to: protection of property values; separation of incompatible land use; location of such uses relative to public facilities; and the prevention of blight and crime.
2. It is the intent of this regulation to prevent problems that are commonly associated with sexually-oriented businesses. Further, the provisions of this regulation have neither the purpose nor the effect of imposing limitations or restrictions on the content of any communicative materials, including sexually-oriented materials; and it is not the intent nor effect of this regulation to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually-oriented materials to their intended market. It is neither the intent nor effect of this regulation to condone or legitimize the distribution of obscene material.

B. DEFINITIONS:

1. Adult Bookstore/Video Store (hereinafter known as Adult Business): A business that involves the display, sale and/or rental of adult publications, defined as:
2. Adult Publications: Books, magazines, periodicals or printed matter, or photographs, films, motion pictures, other video cassettes, slides, tapes, records, computer disks, CD-ROM's or other forms of audio-video representations that meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

C. APPLICABILITY

Within the Town of Dublin, the only adult businesses that are permitted are those that comply with the definition contained in Paragraph B above. Nothing herein shall be construed to permit the display, sale or rental of materials in any district that would otherwise violate state or federal law.

1. WHERE ALLOWED:

- a. Adult businesses shall be permitted only on property that has access to Route 101. A Special Exception from the Board of Adjustment shall be required, subject to Article XII: D, and the following conditions:
 - (1) No such use shall be permitted within 2,000 feet of the property line of a church, cemetery, school, day care center, any public buildings, or the Village District zoning boundaries.

Dublin Zoning Ordinance and Land Use Regulations

- (2) No such use shall be permitted within 500 feet of a property line of a lot that contains a residence.
 - (3) No adult business shall be permitted within 1,000 feet of another such use, or within a building in which such a use already exists.
 - b. The distance requirements above shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall or temporary or permanent physical divider of each business.
2. ADDITIONAL REASONABLE REQUIREMENTS:
- a. The Planning Board is empowered hereunder to review and approve permit applications for adult businesses, and impose reasonable restrictions for the following:
 - (1) setbacks, buffering, outdoor lighting, noise, parking;
 - (2) Adequate ingress and egress from the site off of and onto public roads;
 - (3) appropriate landscaping and building aesthetics;
 - (4) site development layout that may result in negative environmental impacts.
3. Notwithstanding additional requirements imposed by Site Plan Review, the following provisions shall apply
- a. Setbacks shall be consistent with those of the zoning district, and buildings shall be suitably screened by either vegetation or some other type, as determined by the Planning Board during Site Plan Review.
 - b. No sexually explicit or suggestive materials or advertising shall be visible from outside the building.
 - c. No private viewing rooms or booths shall be allowed.
 - d. No more than 40% of the materials in stock shall deal with adult publications as defined in Article XVIII: B.1, "Regulations Governing Adult-Oriented Businesses." Of the remaining 60%, children's materials shall not be included.
 - e. No other use other than those defined herein shall be permitted in the building(s) or on the property.

ARTICLE XIX

RETIREMENT COMMUNITY OVERLAY DISTRICT

A. **PURPOSE:**

A Retirement Community Overlay district is hereby established in the town of Dublin pursuant to RSA 354-a:13. The Retirement Community Overlay District shall serve the following purposes:

1. To provide for appropriate sites within the town for the development of housing and related facilities to serve the needs of people age sixty-two (62) years and older.
2. To regulate the intensity and mix of the different types of housing units required to meet the needs of these senior citizens so as to provide ample outdoor and livable space and to retain a sense of personal identity, intimacy and human scale within the development.
3. To allow for the appropriate and adequate health care facilities for these senior citizens.
4. To provide ample-sized meeting rooms and recreational facilities for the comfort and convenience of the residents.
5. Through site plan review by the Planning Board, to provide for review of the bulk, height and spacing of buildings, architectural design of the buildings, and the circulation and parking pattern within the development to ensure that adequate light, air, privacy and open space for passive recreation and landscaped amenities are provided.
6. To provide such accommodation in a manner harmonious with the surrounding land uses while protecting the natural resources and open space.
7. To preserve the town's rural character.

B. **APPLICABILITY:**

The Retirement Community Overlay District shall apply to all zoning districts in the Town of Dublin with the exception of the Mountain District.

C. **DEFINITIONS:**

1. Assisted Living Facility – Units for persons sixty-two (62) years of age and older where rooms, meals, personal care and supervision of self-administered medication are provided. Other services may be provided as an accessory use only such as recreational activities, financial services and transportation.
2. Common Area - Any land area, other than open space, set aside for common ownership as a result of a Retirement Community Development, including areas for common facilities.
3. Common Facilities - Built facilities which are commonly owned by the property

Dublin Zoning Ordinance and Land Use Regulations

owners within a Retirement Community Development. Common facilities may be proposed but are not required. They may include streets, rights of way, common buildings, wells, water and waste treatment systems, and recreation facilities.

4. Condominium – A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.
5. Congregate Care Facility – Units for persons sixty-two (62) years of age and older where communal dining facilities and services such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents are provided.
6. Homeowners Association - A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common area and facilities and open space of a Retirement Community Development, and to enforce certain covenants and restrictions.
7. Open Space - Undeveloped land set aside for common or individual ownership as a result of a Retirement Community Development, with conservation easements and other deeded restrictions to ensure that the land will remain permanently open and undeveloped. A condition of Retirement Community Development approval is that open space may not be further subdivided.
8. Retirement Community Development - A form of residential development where the density of dwelling units is no greater than would be permitted in the district in which the Retirement Community Development is located, but where the lot size and other dimensional standards may be reduced in exchange for the preservation of permanently protected open space, recreational land, forests, and/or farmland. Tracts of land developed as a Retirement Community Development may be under single or consolidated ownership.

D. PERMITTED USES:

In this district land may be used and buildings may be erected, altered or used for:

1. Single-family dwellings and uses accessory thereto.
2. Multifamily dwellings with a maximum of twenty (20) units per building. Existing buildings to be redeveloped as a Retirement Community Development shall be exempt from this maximum.
3. Condominiums with a maximum of twenty (20) units per building. Existing buildings to be redeveloped as a Retirement Community Development shall be exempt from this maximum.
4. Congregate-care facilities.
5. Nursing homes.
6. Assisted Living Facilities

Dublin Zoning Ordinance and Land Use Regulations

7. Recreation buildings and grounds for activities, games and sports not carried on for financial gain.
8. Accessory buildings for the storage, repair and maintenance of equipment and vehicles used in the operation of a retirement community.
9. Dining rooms, cafeterias and meeting facilities necessary to provide services to residents of a development if appropriate.
10. Commercial establishments, as specified below or as judged appropriate by the Planning Board, intended to service the needs of the residents of the development:
 - a. Such establishments shall be generally limited to barber and beauty shops, laundromats, newsstands, snack bars, florists, automatic bank tellers, pharmacies and medical offices.
 - b. Floor space for these combined uses shall not exceed ten thousand (10,000) square feet of the total building area.
 - c. The total area devoted to these types of uses shall not exceed two percent (2%) of the area of the entire tract.
 - d. Such commercial establishments may be located within buildings primarily used for other purposes in the development.
 - e. Such commercial establishments shall not devalue nearby properties and shall not materially increase traffic beyond demonstrably acceptable limits based on professional safety and capacity studies.
 - f. Any such commercial development shall require approval under the Site Plan Review Regulations before any pre- construction work may begin on it.
11. Up to one visitor's unit with overnight accommodations for each ten (10) living units in the Retirement Community may be provided.

E. OCCUPANCY ELIGIBILITY:

Eighty (80) percent of persons age sixty-two exceptions: the development occupancy is restricted to (62) years or older, with the following

1. A spouse under sixty-two (62) years old married to a resident the age of sixty-two (62) years or older.
2. Adults between the age of eighteen (18) and sixty-two (62) if their presence is required to minister to a resident the age of sixty-two (62) years or older who has a medically demonstrable need.

F. MINIMUM REQUIREMENTS SHALL BE AS FOLLOWS:

1. Tract Size: A proposed site shall consist of at least five (5) acres of contiguous land in single or consolidated ownership and may include parcels separated by existing public roads, provided that such parcels abut. The development shall be non-subdividable. Multiple lots shall be consolidated prior to approval under this

Dublin Zoning Ordinance and Land Use Regulations

ordinance.

2. **Density:** The overall density of the site shall be calculated based on the following:
 - a. The number of single-family and multi-family dwelling units allowed may not exceed one (1) dwelling unit per the minimum lot size of the underlying zoning district.
 - b. Nursing homes, assisted living, and congregate-care facilities shall not exceed eight (8) beds/units per acre. No more than five (5) acres of a tract shall be used for determining the number of nursing home beds or congregate housing units, i.e., a maximum of forty (40) beds/units are allowed. Existing structures to be redeveloped as a Retirement Community Development may keep their current unit count.
 - c. Applicants shall show that the site characteristics can accommodate the proposed density. Adequate and appropriate on-site space must be provided in each development for parking, buildings, water, sewage, utilities, and all other infrastructure and facilities, regardless of the maximum allowable densities. No lagoons or spray irrigation septic systems shall be allowed.
 - d. The maximum number of dwelling units for a Retirement Community Development shall be determined by use of a yield plan, which is a conceptual plan showing how the parcel could be subdivided in a conventional manner. For purposes of determining the number of Retirement Community Development dwelling units, each conventional lot must meet the requirements of a buildable lot for a single family dwelling unit as defined in the zoning district in which the Retirement Community Development is located and meet all other applicable requirements.
 - e. There shall be no further subdivision of an approved Retirement Community development.
3. **Building Height:** No building erected in this district shall exceed thirty-five (35) feet in height.
4. **Frontage On Nearest Row:** One hundred and fifty (150) feet.
5. **Internal Frontage:** One hundred (100) feet. Individual lot frontage must abut the internal access road only.
6. **Site Perimeter Buffer / Setback:** Each development must be situated within a permanently protected undeveloped site perimeter buffer, identified on the site plan, not less than fifty (50) feet wide which, unless already wooded and satisfactory to the Planning Board, is planted and landscaped to provide a visual barrier between the development and all adjacent property. The Planning Board may require additional buffer width where unique circumstances of an abutting use or

Dublin Zoning Ordinance and Land Use Regulations

property warrant. The intent is to insure adequate screening where mixed uses abut. No structures can be placed within the Site Perimeter Buffer / Setback.

7. Tract Coverage: No more than twenty-five percent (25%) of the tract may be covered by dwellings and accessory buildings.
8. Open Space: The overall site must have a minimum of fifty percent (50%) common open space. A combination of wetlands and steep slopes (slopes greater than twenty-five percent) may not comprise more than 25% of the common open space. This requirement does not apply to those slopes over twenty-five percent (25%) which have been created by prior human activity, which shall be re-graded to less than twenty-five percent (25%). Open space must be contiguous in a layout acceptable to the planning board. Plan design must reflect preservation of a combination of cultural and ecological value areas such as but not limited to wetlands, steep slopes, unique microclimates, agricultural lands, historic structures and landscapes.
9. Recreation Facilities: Adequate recreational facilities shall be provided for the overall community as well as for the various types of housing facilities. A recreation plan shall outline specific facilities, both indoor and outdoor, for the use of all residents of the development and proposed facilities for each multi-unit/bed residential building.
10. Utilities: A proposed site shall be connected to either individual or community water and sewer systems. The water system within the site shall be designed to provide the maximum flow practical for fire-fighting purposes as required by the State of NH Building Code (RSA 155-A). Each development shall conform to the regulations promulgated by the NH Water Supply and Pollution Control Commission with respect to water, sewerage, garbage, and other health measures.
11. Lighting: Roads and main access ways to buildings shall include adequate lighting. The use of "full cut-off" type lighting shall be required for all public areas. A formal site-wide lighting plan shall be submitted, requiring Planning Board approval. Lighting of common and public areas shall be independently controlled from residential units and shall be minimized or turned off at an agreed upon "no later than" time at night. Every effort shall be made to prevent light trespass, nuisance glare and over-illumination due to excess wattage or inappropriate lighting type, while providing adequate lighting for pedestrian safety.
12. Pedestrian Traffic: The use of interconnecting walkways, trails and natural walking paths shall be an integral part of the design of any development to facilitate access between common areas, groups of dwelling units and open space areas. Easements shall be requested where trails or potential trails on abutting lands may allow for a local connection. Appropriate timing and restrictions may apply. Primary walkways and sidewalks shall meet Americans with Disabilities Act (ADA) requirements. Trails and natural walking paths are exempt from this requirement, but the Board encourages maximizing accessibility to residents.

Dublin Zoning Ordinance and Land Use Regulations

13. **Building Design:** Architectural renderings of a typical unit and all accessory buildings shall be provided which the Planning Board will evaluate in accordance with the Site Plan review regulations to confirm that proposed development is an appropriate scale and arrangement in light of the underlying zoning district, the prominence of the site, viewsheds, adjacent uses and the surrounding neighborhood.
14. **Landscape Plan:** A landscaping plan acceptable to the Planning Board shall be provided consistent with the Landscaping and Off Street Parking and Loading requirements in the Site Plan Review Regulations.
15. **Off-Street Parking:** Parking for this district shall be provided in the following manner, and shall be in compliance with the appropriate subsections of Off-street parking:
 - a. Single- and two-family dwelling units: two (2) spaces per dwelling unit.
 - b. Multifamily dwelling units: two (2) spaces per dwelling unit.
 - c. Congregate-care facility dwelling units: one-half(1/2) space per dwelling unit.
 - d. Congregate-care facility employees: one (1) space per employee.
 - e. Nursing home beds: one (1) space per each two (2) beds at design capacity.
 - f. Nursing home employees: one (1) space per each one and five-tenths (1.5) employees on the largest shift.
 - g. Visitor parking for congregate care and nursing home facilities: twenty percent (20%) of the total parking spaces required for these facilities.
 - h. Visitor's unit with overnight accommodation - one (1) space per visitor's unit.
 - i. Adequate overflow parking accommodations will be provided as required by the Planning Board.
16. **The minimum area of dwelling units shall be as follows:**
 - a. Single-family, two-family and multifamily dwelling units shall have at least six hundred (600) square feet per dwelling unit, except for one-bedroom and efficiency units which shall have a minimum of four hundred (400) square feet per unit.
 - b. Congregate housing units shall have at least five hundred (500) square feet per unit, except for one-bedroom units which shall have a minimum of four hundred (400) square feet per unit.
 - c. Nursing home bedrooms shall have at least one hundred fifty (150) square feet

Dublin Zoning Ordinance and Land Use Regulations

per bed space.

- d. The Planning Board may waive the minimum area requirements of dwelling units for existing structures to be redeveloped as a Retirement Community Development.

G. EMERGENCY VEHICLE AND TRANSPORTATION SERVICES:

All applicants for development within this district must demonstrate that adequate ambulance service will be available for the residents of the development. In addition, the applicant must demonstrate how the residents of the development will be provided transportation to recreational, commercial and medical facilities. Both services must be provided in a manner that will not unduly burden existing municipal services. All site plans shall be reviewed by the town's emergency service providers.

H. STREET REQUIREMENTS:

1. All streets and roads internal to the tract shall have a fifty- foot right-of-way unless waived by the Planning Board.
2. All streets and roads internal to the development shall be privately maintained unless the Board of Selectmen, upon recommendation of the Planning Board, presents a street to be a dedicated public roadway to the Town Meeting and the town accepts the roadway.
3. Where retained as private ways, streets shall be posted as such by standard street signs.
4. All streets shall be designed and constructed consistent with local requirements, unless the Planning Board determines that a modification of the width and/or construction standards of said streets will not be detrimental to the circulation or the safety of the development.
5. The number of new access points to existing and proposed public streets and major through roads shall be limited to two (2) unless otherwise determined by the Planning Board.

I. COMMUNITY WATER AND WASTE WATER SYSTEMS:

A Retirement Community Development may include a community or common water and/or waste water system for individual households. Such systems shall be installed by the subdivider and shall be installed under the conditions set forth in the Dublin Subdivision Regulations. Community waste water systems shall be located in the Common Area unless the Planning Board determines they may be located in the Open Space.

J. OWNERSHIP OF OPEN SPACE AND COMMON LAND:

1. The developer shall hold, manage and maintain open space, common land and common facilities within a Retirement Community Development until completion of all improvements, whereupon the developer shall transfer the ownership and management and maintenance responsibilities as set forth in Subsections K.2 & K.3.

Dublin Zoning Ordinance and Land Use Regulations

2. Common areas and common facilities within a Retirement Community Development shall be owned by and bound by a homeowner's or condominium association or similar form of common ownership set by the developer. Membership in said association shall be mandatory for property owners and made a required covenant in any deed issued or passed. Articles of Association or incorporation must be acceptable to the Planning Board and to the Town Counsel.
3. Common Open Space shall be owned by one or a combination of the following:
 - a. A homeowner's or condominium association or similar form of common ownership set by the developer;
 - b. A conservation trust or private nonprofit organization such as the Society for the Protection of NH Forests, The Audubon Society, or the Monadnock Conservancy, which has as its purpose the preservation of open space through ownership and control;
 - c. The Town of Dublin, subject to acceptance by the town, which shall maintain the land as open space for the benefit of the general public of Dublin;
 - d. The State of New Hampshire for permanent open space uses.

K. PERMANENT PROTECTION OF OPEN SPACE:

All Open Space in a Retirement Community Development, whether held privately or in common, shall be restricted in perpetuity as open space through the use of conservation easements that legally restrict the development rights to that property.

1. The easement may be so worded as to permit or restrict public access, to allow or disallow recreational development, and similar provisions.
2. The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity; the benefits of this Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government, or the Town of New Ipswich, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code of 1986, as amended or to any qualified organization within the meaning of Section 170(h)(3) of said Code, which organization has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the Purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

L. SUBMISSION AND REVIEW PROCEDURE:

1. Retirement Community Developments 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 Dublin.
2. Issuance Of Conditional Use Permits: In granting a Conditional Use Permit,

Dublin Zoning Ordinance and Land Use Regulations

the Planning Board may impose such conditions that are necessary to minimize any adverse effect of the proposed Retirement Community Development on adjoining properties and preserve the intent of this ordinance. The Board, in acting on an application for a Conditional Use Permit, shall take into consideration the following conditions:

- a. The proposed site is an appropriate location for the use.
Among the factors the Planning Board shall consider are: topography, soils, water resources, road access and locations of driveways, condition of existing structures and other relevant characteristics such as whether the proposed use is compatible with the surrounding land uses.
 - b. The lot must be of a size, configuration, slope and soil type such that the proposed use is able to comply with all requirements of the Dublin Zoning Ordinance.
 - c. No hazardous waste shall be disposed of on the property, and provision for the disposition of all waste shall be made without jeopardy, financial or otherwise, to the Town of Dublin.
 - d. Traffic generated by the proposed use must not present a hazard to the neighborhood for either vehicles or pedestrians.
 - e. In all cases where a proposed project is located next to an existing residential use, adequate screening shall be provided of a type and amount deemed appropriate by the Planning Board during Site Plan Review.
 - f. The Planning Board shall request a recommendation from the Conservation Commission and the Health Officer concerning the proposed use.
3. An application for development in this overlay district shall begin with a Conceptual Plan Review by the Planning Board. The Conceptual Plan shall contain a plan for phasing the proposed development. This phasing plan must indicate at which periods the various types of dwelling units will be constructed and contain an estimate of possible impacts on the Town of Dublin, and must also include a recreation plan indicating proposed indoor and outdoor facilities for use by all residents of the development. The Planning Board has the option of requiring a phased approach to any Retirement Community Development based on the interests of the Town. The timing of such phasing shall be approved by the Planning Board.
 4. The Planning board shall review and approve or disapprove site plans for all proposed retirement community developments. Subdivision approval shall also be required when a parcel of land is modified through division or consolidation. Any entity desiring to operate and maintain any site as housing for older persons, shall apply to the Planning Board for the establishment of a development and/or expansion of an existing development within the Town of Dublin under the procedure contained herein and further specified in the Site Plan Review Regulations, and if required, Subdivision Regulations, as may be amended from time to time.

Dublin Zoning Ordinance and Land Use Regulations

The review of any site proposed for elderly housing shall take into account its proximity to those support services necessary to meet the needs of the elderly. Where support services are absent or remote, provisions for such services shall be provided by the developer.

M. PERFORMANCE GUARANTEE:

1. As a condition of approval, the Planning Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of public or private streets, public utilities, drainage structures, storm drains, under-drains and other improvements of a public utility nature. The amount of the security shall be based on an estimate of costs provided by the Planning Board or its designee, and, at the discretion of the Board, reviewed by a licensed engineer. The cost of such review shall be paid by the applicant.
 - a. The security shall be approved as to form and sureties by the Board and the municipal counsel.
 - b. The amount of the security shall include fees to cover the cost of periodic inspections.
 - c. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
 - d. Each approved Plat shall contain a time limit for the completion of streets and public improvements.
 - e. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board.
 - f. All deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property are to be submitted in a form satisfactory to the Board's counsel.

N. ENFORCEMENT:

The enforcement of this Article is vested with the Board of Selectmen. Upon any well-founded information that this Article is being violated, the Selectmen shall, within 14 days, undertake such steps as are legally available to them pursuant to RSA 676: 15, 17, 17-a, 17-b.

O. SEVERABILITY:

The invalidity of any provision of this Article shall not affect the validity of any other provision, nor any prior decisions made on the basis of the valid provisions of this Article.

Dublin Zoning Ordinance and Land Use Regulations

P. EFFECTIVE DATE:

This Article shall take effect upon its passage, and as amended.

ARTICLE XX

CONSERVATION SUBDIVISION DESIGN

A. AUTHORITY:

This Article is adopted pursuant to the provisions of RSA 674:21, innovative land use controls. The Planning Board is charged with its implementation, consonant with this Article and with the Dublin Master Plan. The Planning Board's review and approval process for conservation open space developments, including those involving lot line adjustments, shall be through the subdivision of land procedures.

B. PURPOSE AND OBJECTIVES:

The purpose of this regulation is to permit the implementation of innovative land use controls that preserve Dublin's rural character and environmentally sensitive elements and that allow conservation open space subdivision design. This Article has the following objectives:

1. Sustain the scenic quality and visual character of the town;
2. Promote the conservation, protection and sound management of the natural resource base;
3. Provide flexibility, creativity and efficiency in the location and design of residential developments, roads, facilities and infrastructure;
4. Encourage the permanent preservation of open space; agricultural and forestry land; other natural resources including water bodies and wetlands; and historical and archeological resources;
5. Reduce sprawl by requiring a more efficient form of development that consumes less open land and conforms better than a conventional or grid subdivision to existing topography and natural features;
6. Provide for low-impact active recreational opportunities where appropriate;
7. Enhance the quality of life by increasing open space and the public's access to land for walking and aesthetic enjoyment;
8. Promote a natural system of storm water management to minimize erosion and to encourage aquifer recharge;
9. Enable, with the approval of the Planning Board, a "village plan alternative" as defined in RSA 674:21-VI, which leaves 80% of a parcel undeveloped.

C. APPLICABILITY:

1. This Article applies to all zoning districts in the Town of Dublin.
2. All major subdivisions shall be required to comply with the provisions of this Article, unless the applicant demonstrates and the Planning Board finds that a conventional subdivision plan is more appropriate to the site and better meets the objectives, and Purpose and Objectives, and Criteria of this ordinance.

Dublin Zoning Ordinance and Land Use Regulations

3. Any minor subdivision may be developed in accord with a conventional subdivision plan, allowed as of right, unless the applicant chooses a Conservation Subdivision Design.

D. SUBDIVISION APPROVAL REQUIRED:

A Conservation Subdivision shall require Planning Board approval. The application for approval shall comply with the Planning Board's subdivision regulations and procedures and the following requirements:

1. The Planning Board shall require a preliminary Conceptual Consultation. At or prior to this meeting, the applicant shall submit a Sketch Plan.
This shall be done before any engineering needed for preliminary or final plans is begun.
2. The Planning Board shall require a Design Review. At or prior to this meeting, the applicant shall submit a site analysis showing the surrounding area and the physical features and character of the site as specified by the Planning Board.
3. Density: The applicant shall submit either a Yield Plan or Density Calculation, which shall be evaluated by and acceptable to the Planning Board.
4. The Planning Board may approve an Open Space Development (Conservation Subdivision Design) with the number of house lots allowed pursuant to the determination of Maximum Density, provided that the number of resulting house lots can be established on the Parent Lot.

E. CRITERIA:

1. In evaluating the acceptability of proposed Conservation Open Space area(s), the Planning Board shall consider the extent to which the location and design of the area achieves these objectives:
 - a. The proposed development will be consistent with, and comply with, the general purpose, goals, objectives, standards and provisions of the Dublin Master Plan.
 - b. The suitability of all Conservation Open Space shall be determined by the size, shape, topography and location for the proposed purpose, and shall be accessible to all intended users.
 - c. Subdivisions shall be designed around both the Primary and Secondary Conservation Areas conserving large enough contiguous blocks of land to retain ecosystem function and habitat integrity.
 - d. The individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural, cultural and/or historic site features, and will take those features into account in the placement of all structures.
 - e. Undivided Conservation Open Space shall be directly accessible to the largest practicable number of lots within the conservation subdivision.

Dublin Zoning Ordinance and Land Use Regulations

- f. Narrow open-space strips shall not be permitted unless the incorporation of the open-space strips provides a logical and practical link to, or expansion of, either existing or planned adjacent preserved open space, water bodies, watercourses, or trails, or serves to provide protection for natural resources.
- g. Efforts shall be made to ensure that woodland habitats are not fragmented.
- h. Preserved Open Spaces shall be interconnected wherever possible to provide a continuous network of open-space lands within and adjoining the development. This includes connecting with preserved open space adjacent to the property.
- i. Common Open Space shall be free of all structures except those permitted by the Planning Board as appropriate to the objectives of this ordinance and the welfare of the inhabitants of the subdivision.

F. FLEXIBILITY:

- 1. As an exception to Zoning Articles V, VI, VII, VIII, and XXIX*, to encourage flexibility and creativity consistent with the Conservation Subdivision Design concept, the Planning Board may waive the requirements of the Zoning Ordinance for acreage, frontage, depth, lot size, and density standards, upon a finding that the granting of the waiver will promote the objectives of the Open Space Development and will not adversely affect other properties or the public.

*[These Articles describe minimum lot area for the Village, Neighborhood Commercial, Mountain, and Rural Districts, and in the Retirement Community Overlay District].

- 2. No lot shall be permitted that will not provide adequate water supply or support a septic system, including a recharge area, except in the case where a community water and/or septic system has been approved.

G. CONSERVATION OPEN SPACE REQUIREMENTS:

- 1. A minimum of 50% of the Buildable Area of the property shall be included as Conservation Open Space.
- 2. Conservation Open Space land shall not be further subdivided.
- 3. Except for easements for utilities, Conservation Open Space land shall not be used other than for Low Impact Recreation, conservation or agricultural purposes.
- 4. In Conservation Open Space any other uses or structures not enumerated in this Article must be approved by the Planning Board and must be found to be in accord with this Article, its Purpose and Objectives.

H. OWNERSHIP OF CONSERVATION OPEN SPACE AREAS:

Permanent provisions for the use, ownership, and maintenance of the Conservation

Dublin Zoning Ordinance and Land Use Regulations

Open Space including shall be established by the Planning Board as part of the approval of the subdivision in accordance with the Subdivision Regulations.

I. PROTECTION OF CONSERVATION OPEN SPACE AREAS:

1. All Conservation Open Space and included facilities shall be permanently protected by covenants, easements, and/or restrictions running with the land, which must be approved by the Planning Board and Town Counsel before conveyance to the land owner(s).
2. In compliance with RSA 79-A:7,V,b: all land, though not physically changed, used in the satisfaction of density or setback as part of a contiguous development site shall be considered changed in use and shall not be eligible for current use status.

J. DEFINITIONS:

1. Adjusted Tract Acreage: The area of a parcel of land that remains after the Primary Conservation Areas have been subtracted. Note that it may contain Unbuildable Land.
2. Buildable Area or Buildable Land: The land area remaining from the Adjusted Tract Acreage when all Unbuildable Land is subtracted. It is the acreage on which density shall be based for both conventional and open space subdivisions.
3. Common Open Space: Land within or related to an Open Space Subdivision development that is not individually owned, but may be fractionally owned by individual members of the development, and that is designed and intended for the common use or enjoyment of the residents of the development or the public. Common Open Space is distinct from and does not include Conservation Open Space.
4. Conceptual Consultation: Non-binding discussions between a project developer and the Planning Board as provided in RSA 676:4 II. Conceptual consultation allows the board members to voice their concerns and suggestions on a proposed project without the necessity of providing formal public notice, and is not subject to the normal time limitations on Planning Board review and approval.
5. Conservation Open Space: Land in an Open Space Subdivision development site that is permanently set aside for public or private uses and shall never be developed. All lands within Conservation Open Space are required to be protected by a permanent conservation easement prohibiting further development and setting other standards safeguarding the site's special resources from negative changes. Primary Conservation Areas are not included in the term "Conservation Open Space." Conservation Open Space must equal at least 50% of the Buildable Area of the parcel being developed under this Article.
6. Conventional Subdivision Plan: Residential development where all the land is divided into house lots and streets, with the only open space typically

Dublin Zoning Ordinance and Land Use Regulations

- being undevelopable wetlands, steep slopes, floodplains, and stormwater management areas.
7. **Density or Maximum Density:** The maximum number of house lots that could realistically be created on a parcel. For purposes of calculating Maximum Density under a Conventional Subdivision Plan, applicant shall prepare, and the Planning Board shall agree with the results of, either (a) a Yield Plan or (b) a Maximum Density Calculation.
 8. **Design Review:** As provided for in RSA 676:4 II, non-binding discussions beyond conceptual and general discussions that involve more specific design and engineering details than Conceptual Consultation. This may take the form of a visit to the site. The applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, the public, every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the planning board shall be notified by certified mail, mailed at least 10 days prior to Design Review.
 9. **Homeowners Association:** A private nonprofit association which is established by the developer to manage and support the activities of the open space development. Membership in the association shall be mandatory for property owners. Individual owners share common interests in open space and/or facilities and are in charge of preserving, managing and maintaining the common property, Common Open Space, and of enforcing certain covenants and restrictions. Articles of Association or Incorporation or any amendments thereto must be acceptable to the Planning Board and approved by Town Counsel.
 10. **Low-Impact Recreation:** For the purposes of this regulation, this shall include but is not limited to activities such as hiking or birding. It shall not include the creation of formal recreation fields, or structures intended for year-round use. For example, ice-skating on a natural pond is permitted, an year-round ice- skating rink is not.
 11. **Major Subdivision:** A parcel that is subdivided into four or more lots.
 12. **Maximum Density Calculation:** A mathematical method of determining the maximum number of house lots that could realistically be created on a lot: Deduct from the Adjusted Tract Acreage all Unbuildable Land. Reduce the acreage by another 10% to allow for land required for new streets. Round to the nearest whole number (.5 rounds to 1) . Divide this figure by the minimum lot size allowed by Conventional Subdivision Development to calculate Maximum Density for the purposes of Open Space Development.
 13. **Open Space Subdivision:** A residential development in which the buildings are located in conformation with the existing topographical and natural features and the lot size and frontage are reduced in order to leave no less than 50% of the buildable land in open space.
 14. **Parent Lot:** Any lot of record that existed on March 12, 2006, the date this ordinance went into effect.

Dublin Zoning Ordinance and Land Use Regulations

15. Preserved Open Space: Open space protected by conservation easement.
16. Primary Conservation Areas: Land that may not be built on or developed pursuant to Federal, State or local law, which generally includes sensitive areas whose locations are predetermined by the boundaries of wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.); land within the 100-year floodplain; excessively steep; and soils subject to slumping.
17. Protected Natural Resource Areas: Shall be consistent with the policies contained in the Open Space, Recreation, and Environmental Resources elements of Dublin's Master Plan, and shall include areas identified by Dublin's Natural Resource Inventory and Viewshed Inventory, such as, but not limited to: prominent ridgelines, important streams, mature woodlands, aquifer recharge areas, areas with highly permeable ('excessively drained') soil, significant wildlife habitat areas, important upland forest, meadows, pastures, farm fields, archaeological or cultural assets, water quality protection areas, and sections of an ecologically connected matrix of natural areas significant for wildlife habitat.
18. Sketch Plan: A lightly drawn conceptual sketch provided by the applicant at the earliest possible time, well before expensive engineered plans are drawn up.
19. Secondary Conservation Areas: A broad category of open space determined by the Planning Board that may include mature woodlands, prime farmlands, sites of historic, archaeological or cultural interest, and connections to greenways or trails. In delineating Secondary Conservation Areas, priorities should involve determining what is more special, unique, irreplaceable, environmentally valuable, historic, scenic, etc. on the site, compared with other areas of town.
20. Stream Corridors: Areas of land alongside streams designated for public or private access.
21. Tract: An area, parcel, site, piece of land, or property which is the subject of development proposal and application.
22. Unbuildable Land: Area in addition to a Primary Conservation Area that is unsuitable for building such as, but not limited to, excessively steep slopes, rock outcroppings, pre-existing septic fields, pre-existing rights-of-way and utility easements, land under pre-existing permanent easement prohibiting future development, and footprints of common recreational facilities.
23. Viewshed Areas: Scenic vistas in Dublin. Many of these have been described and prioritized in a Viewshed Plan that is incorporated in the Dublin Master Plan.
24. Yield Plan: A plan submitted by the applicant showing a feasible Conventional Subdivision Plan under the requirements of the specific zoning district in which the property is located. Such plans shall be conceptual in nature and are not intended to involve significant engineering

Dublin Zoning Ordinance and Land Use Regulations

costs. They shall consist of conventional lot and street layouts, must conform to the town's regulations governing lot dimensions, buildable land, street design and, if appropriate, parking. The purpose of the Yield Plan is to determine the maximum number of house lots that could realistically be created on a tract.

ARTICLE XXI

WORKFORCE HOUSING

A. **RATIONALE:**

The purpose of this inclusionary zoning ordinance is to encourage and provide for the development of affordable workforce housing within Dublin. The Town recognizes the importance and benefit to the community and its citizens of the establishment and encouragement of suitable opportunities for affordable housing. The Town also recognizes that frequently property that may be suitable as a location for affordable housing fails to meet some of the objective criteria that govern land use, and that strict adherence to all Zoning and Subdivision requirements may render the project economically unfeasible. The Town also recognizes that there are some situations in which normal Zoning or Subdivision requirements can be waived without necessarily sacrificing public health, safety and welfare so long as proper safeguards are maintained. Accordingly, it is deemed advisable to adopt an innovative land use control in accordance with RSA 674:21 which would permit the Planning Board to identify a project that is a suitable candidate for the waiver of requirements, and when so identified, that project would be required to meet less stringent standards, provided certain criteria were met.

B. **PURPOSE:**

The purpose of this Workforce Housing Ordinance is to provide for the development of affordable housing within Dublin. It is intended to insure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households.

C. **AUTHORITY:**

The Workforce Housing Ordinance is adopted under the authority of RSA 674:57-61 and 674:21, and is intended as an inclusionary zoning provision, as defined in 674:21 (I)(k) and 674:21 (IV)(a). The regulations herein shall supplement the regulations in this chapter, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law.

D. **APPLICABILITY:**

1. Development in accordance with the provisions of the Workforce Housing Ordinance is permitted as a conditional use within the Rural and Village zoning districts.
2. Permitted Uses - In the interest of encouraging affordability, single family, duplex, multi-family, and manufactured housing is permitted within an application under this Article when the Planning Board has found that the proposed project meets the following criteria:
 - a. The housing proposed shall be affordable within the meaning of the Ordinance.

Dublin Zoning Ordinance and Land Use Regulations

- b. The project shall comply with all site plan and/or subdivision regulations that apply, other than those waived hereunder.
3. Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one of more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided in RSA 677:15.

E. AFFORDABLE HOUSING INCENTIVES:

A Site Plan or Subdivision Plan that will guarantee that a designated percentage of units will be reserved as affordable housing may be approved with an increase in the density of the site up to that same percentage, if the Planning Board finds that an increase in density is necessary to enable the applicant to provide affordable housing. For instance, a plan that would reserve 50% of the units as affordable housing could be granted an increase in density up to 50%; a project in which all of the units would be affordable could be granted an increase up to double the density otherwise allowed.

F. WORKFORCE HOUSING STANDARDS:

Affordable workforce housing is allowed by a conditional use permit issued by the Planning Board. This innovative land use control for workforce housing is regulated by site plan review and subdivision regulations and procedures.

G. PLANNING BOARD POWERS:

Once the Planning Board has determined that a proposed project is affordable and compliant with the above standards, the traditional lot size, density, setback, open space requirements and other requirements that would ordinarily be applicable may be waived and the Planning Board shall have the power to establish such requirements for each project as they determine to be necessary in the best interest of the Town, and to facilitate the project, provided however, any increase in density shall not exceed that allowed per Paragraph IV and shall not have an unreasonably adverse effect of the property values of abutting properties.

H. RULES AND REGULATIONS:

The Planning Board may adopt appropriate rules and regulations to implement the review process contemplated hereunder. Such rules shall at a minimum provide for the developer to restrict the sale or lease of the units through appropriate recorded covenants to those who qualify, pursuant to the definition of affordable housing contained in this Ordinance for a period of thirty years from the date of approval.

I. ADMINISTRATION AND COMPLIANCE:

This article shall be administered by the planning board. Applications for the provisions provided under this Article shall be made to the planning board and shall be part of the submission of an application for site plan or subdivision plan approval. No certificate of occupancy shall be issued for an affordable housing unit without written confirmation of the income eligibility of the tenant or buyer of the

Dublin Zoning Ordinance and Land Use Regulations

affordable housing unit and confirmation of the rent or sales price of the affordable housing unit as documented by an executed lease or purchase and sales agreement.

J. SAVING CLAUSE:

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

K. EFFECTIVE DATE:

This ordinance shall be effective upon adoption by the municipal governing body, March 13, 2010.

L. DEFINITIONS:

1. Affordable Housing - where the combined rental and utility costs or combined mortgage loan debt services, property- taxes, and required insurance does not exceed thirty (30) percent of the maximum allowed income of the purchaser (See AMI below). Calculation of housing costs shall be based on current taxes, a 30-year fixed rate mortgage, a five percent down payment, and prevailing mortgage rates within the region.
2. Area Median Income (AMI) - area median income is the amount defined by the U.S. Department of Housing and Urban Development for the Cheshire County Non-Metro County Fair Market Rent (FMR) Area, as updated yearly. Area median income figures shall be determined annually by the US Department of Housing and Urban Development.
3. Income - Wage income and assets, as defined Net Family Assets and Annual Income by the Code of Federal Regulations (CFR) Part 5, Subpart F, and as amended from time to time.
4. Inclusionary zoning - Under RSA 674:211.(k), these are land use regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income.
5. Multi-family housing - For the purpose of workforce housing developments, multi-family housing means a building or structure containing five (5) or more units, each designed for occupancy by an individual household.
6. Workforce housing - Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the area median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the US Department of Housing and Urban Development (HUD). Workforce housing also means rental housing which is affordable to a household with an income of no more than sixty (60) percent of the median income for a 3- person household.

Article XXII

ALTERNATIVE ENERGY ORDINANCE

A. RESIDENTIAL RENEWABLE ENERGY SYSTEM:

A residential renewable energy system is defined as a solar, wind power, geothermal or other renewable intended to provide power for the principal use of the property on which the energy system is located. It shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company. Such systems would be allowed as of right in all districts, requiring only compliance with setbacks. A building permit and an electrical inspection would be required to insure compliance with electrical and building code provisions. This would apply both to systems designed to produce electricity and systems designed to produce residential hot water or heat, except said systems would not require electrical inspection if no additional wiring was required.

B. RENEWABLE ENERGY SYSTEMS

1. Systems (except for commercial wind farms) intended to provide power to a business or other non-residential use, or intended primarily to produce power for sale shall be allowed in all zoning districts but are subject to a modified site plan review by the Planning Board who shall have the authority to impose such conditions as the Board reasonably feels are necessary to address issues such as safety, access, sound, erosion control, as well as screening and siting with the objective of minimizing adverse impacts on abutting properties. For such systems, the Board may require a bond or other surety to cover the costs of decommissioning, removal, and site remediation in the event that the Town needs to remove the system. Commercial Wind Farms require a variance.

c. REQUIREMENTS FOR SITE PLAN REVIEW

The requirements for the Planning Board's Site Plan Review of business or non-residential renewable energy systems shall include:

1. Site Plan showing:
 - a. Property lines and physical features, including roads and setbacks to property lines;
 - b. Proposed changes to landscape, including clearing, grading, plantings, screening, and structures;
 - c. Name, address, and contact information for the proposed system installer;
 - d. Name, address, and contact information for applicant and all property owners and/or their agents;

Dublin Zoning Ordinance and Land Use Regulations

2. Documentation of current and proposed access to the site
3. Interconnection agreement with utility
4. Operation, maintenance, and decommissioning plan.
5. Appropriate plan for safety of system.
6. In additional applications for site plan review of PV solar systems shall include:
 - a. Blueprints or drawings of photovoltaic installation (signed by a licensed engineer);
 - b. Electric diagram detailing the installation, associated components, and disconnects;
 - c. Documentation of major system components to be used, including the PV panels, mounting system, and inverter.

Article XXIII

Conditional Use Permits

A. General Application Procedures

1. Application.

- a. Conditional Use Permits authorized under the zoning ordinance may be granted only after receipt of a complete application, proper notice, and a public hearing by the Planning Board and subject to the provisions of RSA 674:16, as amended.
- b. Applications for a Conditional Use Permit shall be made on forms provided by the Board.
 - i. The Planning Board may establish special procedures and fees for conditional use applications consistent with RSA 674:16, as it sees fit.
 - ii. Application for a conditional use permit shall be made by the owner of the affected property, or his designated agent.
 - iv. The application shall include any requests for modification or waiver of any applicable provision of the Zoning Ordinance or Regulations and shall include a citation for the provision to be waived or modified, the reasons for the requested waiver, and a brief explanation for how the request will properly carry out the spirit and intent of the Zoning Ordinance and the Planning Board Regulations.
 - v. Prior to submitting an application, the applicant shall make best efforts to meet with abutting landowners to discuss the proposal, identify concerns, and seek consensus regarding use designs (frequency, scale, scope, size, etc. of the proposed use) and site designs to address the identified concerns.

2. Pertinent Information. The applicant shall provide all information reasonably necessary for the Planning Board to reach an informed decision. In reviewing an application for a conditional use approval, the Planning Board shall consider the following information, as it may be applicable to the case:

- a. Compliance with all requirements associated with the proposed conditional use as contained in the applicable sections of the Zoning Ordinance and this article.
- b. The results of any special investigative or scientific studies prepared in association with the proposed development.
- c. Special reports or analysis of the project or its impacts, prepared by the town or consultants.
- d. Applicable findings, goals and objectives of the Master Plan.
- e. The relationship of the development to the timing, location and cost of public improvements scheduled in the Capital Improvements Program and improvements necessitated by the development;
- f. Testimony and specific evidence introduced at the public hearing on the application; and

Dublin Zoning Ordinance and Land Use Regulations

- g. Any other appropriate information or documentation.

3. Procedure for Consideration.

- a. After receipt by the secretary, the application shall be reviewed and evaluated by the secretary and/or the Planning Board Chair for completeness and compliance with the zoning ordinance.
- b. Upon determining that the application is substantially complete and complies with the zoning ordinance, the Board shall schedule a duly noticed public hearing within 30 days. The public hearing shall be noticed in accordance with the notification process for Site Plan Review applications.

4. Approval of Application and Granting of Conditional Use Permit. Upon rendering a decision to grant a conditional use permit with or without conditions of approval that must be adhered to by the applicant, the Planning Board shall issue the conditional use permit with any conditions of approval itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations and decisions shall then be placed on permanent file with the Board.

The conditions may, if applicable, include, but not be limited to, the following:

- a. Front, side, and rear setbacks in excess of the minimum requirements of the Zoning Ordinance.
- b. Screening of the premises from the street or adjacent property in excess of any minimum requirements of the Zoning Ordinance or Site Plan Standards.
- c. Landscaping in excess of any minimum requirements of the Zoning Ordinance or Site Plan Standards.
- d. Modification of the exterior features of buildings or other structures.
- e. Limitations on the size of buildings and other structures.
- f. Limitations on the number of occupants or participants, the size or scale of activities or events, the frequency, duration or number of occurrences of activities or events, and times of operation.
- g. Design and location of access drives, sidewalks, crosswalks, and other traffic features.
- h. Other performance standards as appropriate.

5. Revocation. In the event of a violation of any of the provisions of these regulations or amendments thereto or in the event of a failure to comply with any prescribed condition of approval or stipulations placed upon such approval, the Planning Board and/or the Code Enforcement Officer shall have the authority to suspend any conditional use permit immediately, whereupon the Planning Board shall set a date for a hearing to determine if such suspensions shall be lifted or if the

Dublin Zoning Ordinance and Land Use Regulations

conditional use permit shall be revoked. The Planning Board shall be the hearing body. In the case of a revocation of a conditional use permit, the determination of the Planning Board shall be final, unless recourse is sought in a court of competent jurisdiction.

6. Termination and Transferability. Once granted, a conditional use permit, with its terms and conditions, shall:

- a. Run with the lot, building, structure or use and shall not be affected by changes in ownership.
- b. Terminate twelve (12) months from the date of authorization if the authorized use has not begun:
 - i. Unless otherwise spelled out in the conditions of approval; or
 - ii. Unless, prior to the termination date, the applicant requests in writing to appear at a public hearing before the Planning Board and can demonstrate good reasons why the permit should be extended.
- c. Expire and become null and void upon the expiration, lapse, nullification, withdrawal, or repeal of any site or subdivision plan to which the conditional use is attached.

7. Appeals. Any persons aggrieved by a Planning Board decision on a Conditional Use Permit may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment. (RSA 676:5 III)

ARTICLE XXIV

EXISTING ORDINANCES

Nothing contained in this ordinance shall be construed as repealing or modifying any other ordinance or regulation of this Town, except such as may be specifically repealed or modified by this ordinance, but shall be in addition thereto. Nor shall anything in this ordinance be construed as repealing or modifying any private restrictions placed upon property by covenant, deed, or other private agreement, or any restrictive covenants running with the land to which the Town is a party, but shall be in addition thereto.

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

ARTICLE XXV

PENALTY

Every person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined not more than fifty (50) dollars for each day such violation may exist.

ARTICLE XXVI

SAVING CLAUSE

If any Article, section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of these regulations.

ARTICLE XXVII

AMENDMENTS

This ordinance may be amended by vote as provided in Chapter 31, of the N.H. Revised Statutes Annotated, 1955, as amended.

Dublin Zoning Ordinance and Land Use Regulations

DUBLIN ZONING ORDINANCE AND LAND USE REGULATIONS

ADOPTED	March 5, 1974		Amended March 12, 2013
Amended	March 11, 1980		Amended March 11, 2014
Amended	March 8, 1983		Amended March 8, 2016
Amended	March 12, 1985		Amended March 13, 2017
Amended	March 10, 1987		Amended March 10, 2020
Amended	March 8, 1988		Amended March 8, 2022
Amended	March 17, 1990		
Amended	March 16, 1991		
Amended	March 14, 1992		
Amended	March 13, 1993		
Amended	March 8, 1994		
Amended	March 18, 1995		
Amended	March 15, 1997		
Amended	March 14, 1998		
Amended	March 9, 1999		
Amended	March 14, 2000		
Amended	March 13, 2001		
Amended	March 12, 2002		
Amended	March 9, 2004		
Amended	March 12, 2005		
Amended	March 18, 2006		
Amended	March 17, 2007		
Amended	March 11, 2008		

<i>Growth Management Ordinance</i>	<i>Interim Growth Management Ordinance</i>
Adopted: September 8, 1987	Adopted: March 12, 2005
Amended: March 8, 1988	Expired: March 18, 2006
Amended: March 18, 1989	
Expired: March 13, 1993	
	Workforce Housing Ordinance
	Adopted: March 13, 2010

APPENDICES

SIGN PERMIT APPLICATION

TABLE OF SIGN DIMENSIONS

PHOTOGRAPHIC EXAMPLES OF SIGN DIMENSION AND STYLE

Dublin Zoning Ordinance and Land Use Regulations

Appendix 1, Sign Permit Application

PLANNING BOARD DUBLIN, NEW HAMPSHIRE

SIGN PERMIT APPLICATION

Application # _____ Map # _____ Lot # _____ Zoning District _____

Prior to erecting, placing, establishing, painting, creating or maintaining any sign in Dublin this application shall be filed and approved by the Planning Board. Standards and provisions for signs are spelled out in Article XXI of the Zoning Ordinance.

Name of Applicant/Lot Owner _____

Address _____ Telephone _____

Name of Applicant, if different from owner _____

Contractor _____ Telephone _____

Are any state or federal approvals/permits required? If so, please attach.

Description of Project: _____

"I have read Article XXI of the Dublin Zoning Ordinance and understand that failure to comply with these standards, or failure to complete the proposed work within one year of the date of approval of this application shall render the permit null and void."

Signature of Applicant/Agent _____ Date _____

ATTACH A SKETCH SHOWING:

- Design of proposed sign, including surface treatment, color, construction material, etc.
- Size of sign - height, width, square footage
- Location of proposed sign
- Location of any other signs on the property
- Distances to all property lines
- Lot frontage and dimensions of building footprint

FOR PLANNING BOARD USE ONLY

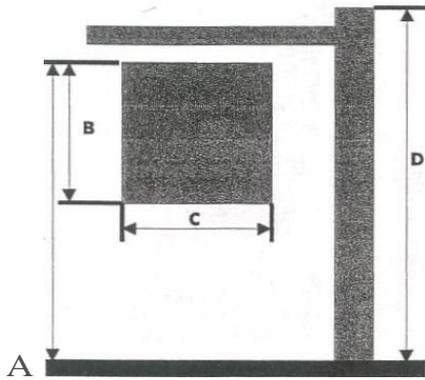
Application Filed/\$25 fee paid _____
(date)

Application Approved/Disapproved _____
(date)

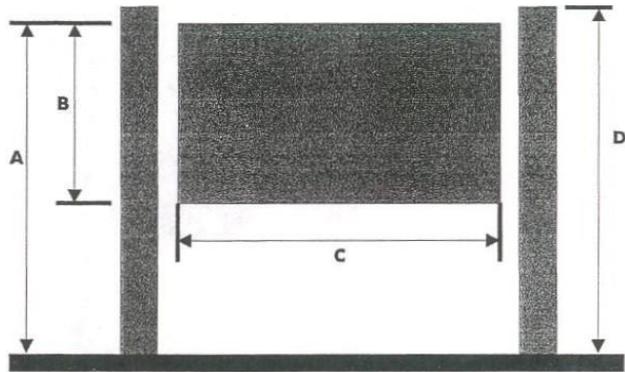
Signature of Planning Board Chairman

Dublin Zoning Ordinance and Land Use Regulations

Appendix 2, Sign Table Dimensions



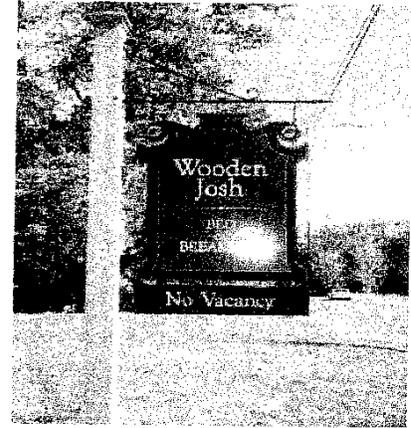
Sign Type 1



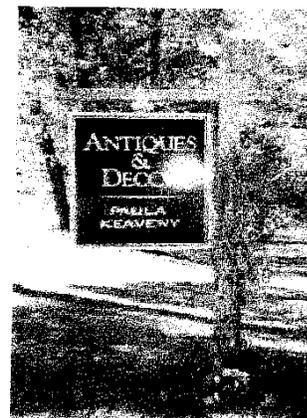
Sign Type 2

BUSINESS (Type One Signs)	A	B	c	D	SQ/FT
MORNINIG STAR	16'	5'	4'		20 S/F
MAPLE ANTIQUES	7'	3' 8"	3' 2"	9' 3"	11.5 S/F
DUBLIN HEALING ARTS	8' 10"	5' 8"	3' 6"	10' 6"	20 S/F
HEDGE HOUSE GIFTS	8' 5"	5'	3' 6"	9' 6"	20 S/F
WOODEN JOSH	7' 9"	4'	2'	7' 9"	11.5 S/F
FRIENDLY FARM	11' 2"	5' 5"	3' 8"	14' 8"	20 S/F
BUSINESS (Type Two Signs)					
Peter Pap	6' 8.	4'	5' 4.		22.5
New England Wood	10' 6"	5' 7"	9'		44 S/F
HouseCare	8'	5' 8"	5' 8"		23 S/F
Dublin General Store	8' 4"	5' 8"	8' 9"		49 S/F
Marathon House	7' 6D	4'	2' 8"		14.5 S/F

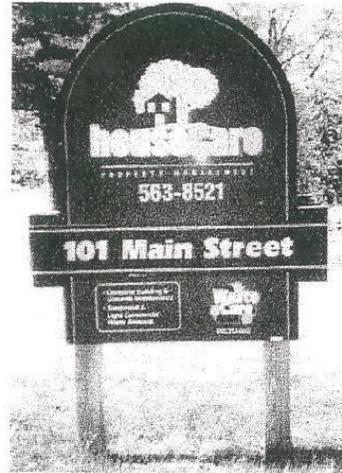
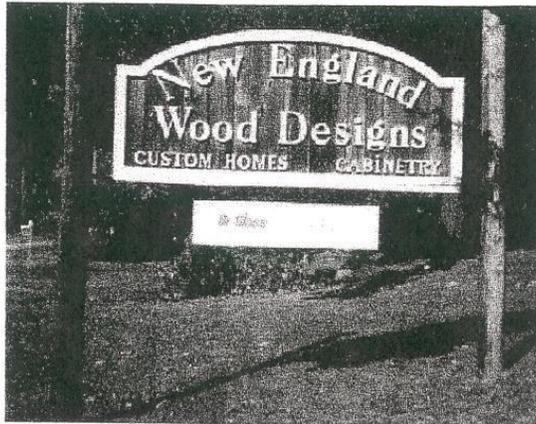
General Store wall sign 12' 2' 14' 6"
29 S/F



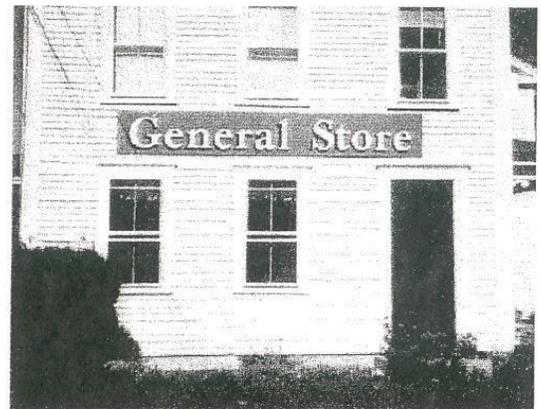
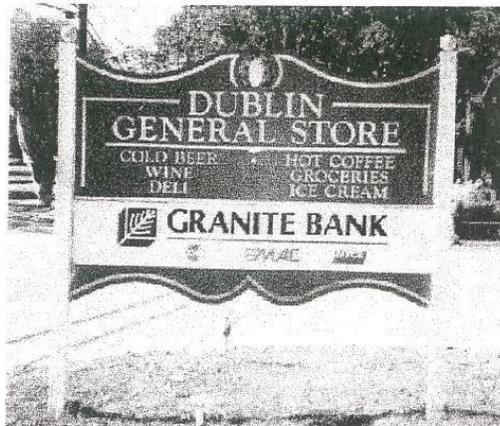
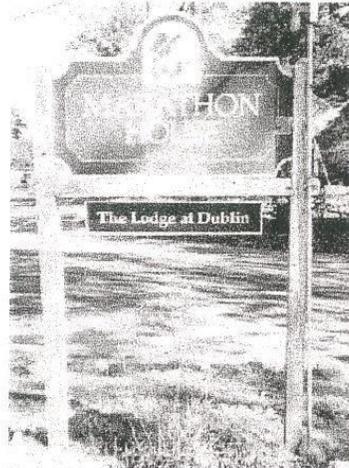
Dublin Sign Type 1



Dublin Zoning Ordinance and Land Use Regulations



Dublin Sign Type 2



Dublin Zoning Ordinance and Land Use Regulations

Dublin Zoning Ordinance and Land Use Regulations

INDEX

ABANDONED	5, 66	Commercial	7, 8, 9, 17, 18, 23, 26, 34, 50, 55, 56, 74, 85, 94
ABANDONMENT	2, 22	COMMERCIAL	2, 3, 17, 25, 26, 27, 28, 29
ABUTTER	2	COMMUNICATION	6
ACCESSORY BUILDING	2	COMMUNITY WATER	5, 79
Accessory Living Unit	12, 25	Conditional Use Permit	62, 63, 80, 91
ACCESSORY LIVING UNIT	2	Condominium	73
ACCESSORY LIVING UNITS	1, 11	conservation	13, 38, 39, 40, 42, 73, 79, 80, 83, 85, 86, 87, 88
ACCESSORY USE	2	<u>CONSERVATION SUBDIVISION</u>	6, 83
adult business	70	CONSERVATION SUBDIVISIONS	1, 12
Adult businesses	69	DAY CARE	3
ADULT PUBLICATIONS	69	density	17, 19, 73, 75, 85, 86, 91
AGRICULTURE	2	Design Review	84, 87
<u>Alternative Energy</u>	94	discarded	9
Amateur Radio	60	DISTRICTS	1, 2, 7, 9, 13
<u>AMENDMENTS</u>	7, 100	driveway	16, 46, 49, 64
Antenna	59	Driveway	38, 46
appeal	32, 36, 43, 91	Driveways	46
Appeals	36	Dublin Lake	9, 39, 40, 59
APPEALS	3, 4, 5, 36, 58, 67	DUBLIN LAKE	1, 9
Area Median Income	92	dump	9, 43
Assisted Living	72, 74	DUMPS	1, 9
Assisted Living Facility	72	DWELLING	3
back lot	15, 16	dwelling	3, 33, 73, 76
BACKLOT	2, 15	EMERGENCY VEHICLE	5, 78
Banners	53	<u>ENFORCEMENT</u>	3, 4, 5, 6, 30, 47, 67, 82
Basal Area	38	EXPANSIONS	2, 21
basal areas	42	fence	12, 30
BED AND BREAKFAST	2	FENCE	3
Board of Adjustment	6, 11, 21, 22, 23, 32, 33, 34, 35, 36, 58, 67, 69	FENCES	1, 12
BOARDING HOUSE	2	FINES	3, 30
BONDING	5, 66	FIRE RUINS	1, 9
BOUNDARY	4, 43	FOOTPRINT	3
buffer	39, 41, 43, 48, 62, 76	FORESTRY	3
Buffer	38, 39, 76	FRONTAGE	4, 15, 17, 19, 20
Building	28, 38, 54, 61, 76, 77	GARAGE	6
BUILDING	1, 4, 2, 10, 47, 50	Gasoline	26, 34
Camouflaging	62	GASOLINE	4
Canopy Height	59	GRANDFATHERED	2, 21
CHANGE OF USE	2, 21	Great Pond	39
chemical fertilizers	42	HEALTH CARE	4
CHILDCARE	3	HISTORY	1
CLUB	5	HOME BUSINESS	1, 4, 11, 55
Cluster Development	18	home occupation	4, 10
CLUSTER DEVELOPMENT	2, 17	HOME OCCUPATION	4
Co-Location	61		

Dublin Zoning Ordinance and Land Use Regulations

HOME OCCUPATIONS	1, 10	PURPOSE	1, 3, 4, 5, 6, 1, 23, 38, 45, 48, 50, 59, 69, 72, 83, 90
Hotel	26, 34	RECREATIONAL VEHICLE	6
HOTEL	4	RECREATIONAL VEHICLES	1, 12
Income	92	Renewable energy	94
INCOME	4	RESIDENCE	2, 22, 27
Industry	35	Restaurant	35
INDUSTRY	4	RESTAURANT	6
INJURIOUS	1, 9	RETAIL	4
Inn	26, 34	Retirement Community	7, 72, 73, 74, 75, 78, 79, 80, 81, 85
INN	4	<u>RETIREMENT COMMUNITY</u>	5, 72
junk yard	9	Retirement Community Overlay District	7, 72, 85
JUNK YARDS	1, 9	Rural District	7, 8, 20, 23, 55
Kennel	34	<u>RURAL DISTRICT</u>	2, 20, 25, 26, 27, 28, 29
Landscaping	62, 77	salt	42
LEACHING	4, 47	Sapling	39
leaf	43	<u>SAVING CLAUSE</u>	6, 7, 92, 99
LIABILITY	4, 47	Scenic Gateway	7, 48, 54, 55
Lighting	56, 77	<u>SCENIC GATEWAY</u>	4, 48, 54
LIVING UNIT	4, 5	Scenic Gateway Overlay District	7, 48, 54, 55
LODGE	5	security	56, 61, 66, 67, 81, 82
logging	13, 43	sedimentation	13, 45
LOT	2, 4, 15, 17, 19, 20	SEPTIC	1, 4, 9, 47
MANUFACTURED HOUSING	1, 5, 9	SERVICES	5, 3, 78
manure	42	SETBACK	1, 2, 9, 15, 17, 19, 20
Maximum Density Calculation	87, 88	SEVERABILITY	5, 6, 67, 82
MAXIMUM HEIGHT	1, 10	Shoreland Protection Act	9, 13, 38, 40
MOBILE HOME	5	SHORELANDS	2, 13
Mount Monadnock	8, 19, 23, 59, 60	Shrub	39
Mountain District	7, 8, 19, 23, 55, 72	sign	10, 11, 16, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 104
<u>MOUNTAIN DISTRICT</u>	2, 19, 25, 26, 27, 28, 29	<u>SIGN</u>	4, 7, 50, 51, 52, 56, 102
Multi-family housing	92	Sign Table	104
Neighborhood Commercial District	7, 8, 9, 17, 18, 23, 55	signs	4, 9, 50, 51, 52, 53, 54, 55, 56, 57, 78
noise,	9, 10, 11, 33, 34, 35, 70	SIGNS	4, 53, 54, 55
non-conforming	21, 22	siting	43, 59, 66, 94
NON-CONFORMING	2, 5, 21, 51	Sketch Plan	84, 88
OBNOXIOUS	1, 9	slope	33, 39, 42, 45, 46, 47, 80
OFFICE	5	Slope	45
Off-Street Parking	77	SOIL SURVEY	1, 10
Open Space	73, 76, 79, 80, 84, 85, 86, 87, 88	SPECIAL EXCEPTION	3, 32
OPEN SPACE	5, 6, 79, 80, 85, 86	SPECIAL EXCEPTIONS	3, 33
outdoor lighting	35, 70	steep slopes	45, 47, 76, 87, 89
OUTDOOR LIGHTING	2, 13	<u>STEEP SLOPES</u>	4, 45
outdoor seating	6, 35	storage	4, 5, 9, 11, 27, 28, 29, 34, 35, 38, 74
PARKING SPACE	5	Store	35, 104
PERFORMANCE GUARANTEE	6, 81	STORE	6, 69
PERMIT	3, 4, 7, 30, 53, 54, 57, 102	STREET	1, 5, 6, 9, 78
Portable signs	53	Structure	3, 39, 52
public hearing	32, 63, 67		

Dublin Zoning Ordinance and Land Use Regulations

STRUCTURE	6	Viewshed	88, 89
structures	4, 5, 6, 11, 23, 29, 30, 33, 34, 35, 39, 48, 56, 61, 62, 64, 65, 70, 75, 76, 78, 80, 81, 85, 86, 87, 94	Village District	7, 15, 23, 29, 54, 55, 70
Structures	13	<u>VILLAGE DISTRICT</u>	2, 15, 25, 27, 28, 29
<u>TABLE OF USE</u>	2, 23, 25	WAIVERS	5, 66
Telecommunications	10, 60, 62, 63, 66	Wall Signs	56
<u>TELECOMMUNICATIONS</u>	5, 59, 60	WETLAND	3, 38, 40, 41, 42
TIMBER CUTTING	2, 13	Wetland Conservation District	7
TITLE	1	<u>WETLAND CONSERVATION DISTRICT</u>	3, 38
tower	6, 59, 60, 61, 62, 63, 65, 66	Wetland Delineation	40
TRACT	6	wetlands	9, 10, 13, 38, 39, 40, 41, 42, 43, 64, 76, 83, 87, 88
Trailer signs	53	Wetlands	40, 42, 43, 44
Tree	39, 59	WIRELESS	6
Unbuildable Land	86, 88, 89	Workforce housing	92
USED CAR	1, 12	Workforce Housing	90, 101
UTILITIES	5	<u>WORKFORCE HOUSING</u>	6, 90, 91
VARIANCE	3, 35	Yield Plan	84, 87, 89
vegetation	39, 40, 41, 43, 62, 70	<u>ZONING BOARD OF ADJUSTMENT</u>	32
Vernal Pool	40	<u>ZONING BOARD OF ADJUSTMENT</u>	3
VETERINARY	6		