

# Zoning Regulations and Ordinances



Prepared by the  
Greenville NH Planning Board

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# **Section 1**

## **Introduction**

- 1.1 General
- 1.2 Authority
- 1.3 Purpose
- 1.4 Definition of Terms

# **SECTION 1 INTRODUCTION**

Zoning Ordinance Adopted: Special Town Meeting June 11, 1987  
Zoning Ordinance Amended: Special Town Meeting September 13, 1988  
Zoning Ordinance Amended: Town Meeting, March 2000  
Zoning Ordinance Amended: Town Meeting, March 2002  
Zoning Ordinance Amended: Town Meeting, March 2003  
Zoning Ordinance Amended: Town Meeting, March 2006  
Zoning Ordinance Amended: Town Meeting, March 2007

## **NOTE**

Revisions to Paragraph 1.4 of this section were approved at the March 2002 Town Meeting (reference the Minutes of the Town Meeting for details).  
Revisions to Paragraph 1.4 of this section were approved at the March 2003 Town Meeting (reference the Minutes of the Town Meeting for details).  
Revisions to Paragraph 1.4 of this section were approved at the March 2006 Town Meeting (reference the Minutes of the Town Meeting for details).  
Revisions to Paragraph 1.4 of this section were approved at the March 2007 Town Meeting (reference the Minutes of the Town Meeting for details).

### **1.1     GENERAL**

The Zoning Ordinance for the Town of Greenville as herein described is intended to regulate the development of the Town in an orderly, planned manner. The Zoning Ordinance shall be used in conjunction with all other applicable Town codes, regulations and ordinances. These are incorporated by reference and include but are not limited to Building Codes, Subdivision Regulations, Manufactured Housing Ordinances, and other appropriate documents as may be adopted by the Town from time to time.

### **1.2     AUTHORITY**

The Zoning Ordinance for the Town of Greenville was prepared in accordance with Chapter 675 and related sections of the New Hampshire Revised Statutes Annotated (RSA), and in accordance with the Town of Greenville's Master Plan as adopted by the Greenville Planning Board.

### **1.3     PURPOSE**

The Zoning Ordinance is designed to promote the health, safety, convenience and general welfare of the Town by encouraging the appropriate and wise use of land in Greenville, New Hampshire.

In general, the Ordinance is designed to:

- protect property values

- prevent overcrowding of land
- avoid undue concentrations of population
- provide adequate provisions for transportation, solid waste facilities, water, sewage, schools, and parks
- lessen congestion in the streets
- secure safety from fires, panic and other dangers
- provide adequate light and air
- assure proper use of natural resources and other public requirements.

## **1.4 DEFINITION OF TERMS**

Except where specifically defined herein, all words in this Zoning Ordinance shall carry their customary meanings. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is intended to be mandatory. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

The following is a listing and definition of terms used in this Zoning Ordinance.

**ACCESSORY BUILDING.** Any subordinate building or portions of the main building, the use of which is customarily incidental to that of the main building on same lot or premises and which is used primarily by the occupants of the main building.

**ACCESSORY DWELLING UNIT (ADU).** A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies

**ACCESSORY USE.** Any use customarily incidental, related and clearly subordinate to a principal or main use established on the same lot or premises.

**BUILDING.** Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials. Any other structure more than eight feet in height shall be considered to be a building including, for example, a stone, brick, or masonry wall, satellite antenna, dish antenna, etc. but excluding, for example, a public utility pole, flagpole, etc.

**BUILDING COVERAGE.** The percentage which the aggregate area of all buildings on a lot bears to the area of the lot.

**BUILDING HEIGHT.** The vertical distance from the finished grade within 10 feet of the walls of the building to the ridge of the roof.

**CLUB.** An organization of persons pursuant to the provisions of the membership

corporation law or the benevolent orders law which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political benevolent or athletic purpose, but not for pecuniary gain, and includes the establishment so operated. A club shall cater only to their members or guests accompanying the members.

**CONVERSION.** To repurpose existing commercial, industrial, institutional structures, or a single-family structure into multiple dwelling of apartments or condominiums.

**CUSTOMARY HOME OCCUPATION.** An accessory use incidental and subordinate to the dwelling use, occupying no more than 45% of the gross enclosed floor area, which does not change its residential character, and does not alter the exterior of the dwelling. A home occupation may employ not more than four people, including the proprietor who must live in the home, may display a non-illuminated sign not to exceed 6 square feet in size, and may use indoor storage of equipment or supplies in the dwelling or accessory building thereto. There shall be no emission of dust, fumes, harmful radiation, smoke, noise or vibration across the lot line.

**DWELLING.** A building or part of a building which contains living and sleeping accommodations for permanent occupancy.

**DWELLING, ONE FAMILY.** A detached building designated for or occupied solely as a dwelling by one family.

**DWELLING, TWO FAMILY.** A detached building designated for or occupied solely as a dwelling by two families living independently of each other. The building shall be on a lot double the lot size for a single-family residence, and each family unit within the dwelling shall contain a minimum of 600 square feet living space.

**DRIVEWAY.** Means an area located on a lot, tract, or parcel of land, built for access to a garage or off-street parking space.

**FAMILY.** Any number of individuals related by blood, marriage or adoption that are living together as a single housekeeping unit, providing that a grouped of not more than six persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

**FENCE.** A barrier erected upon, or immediately adjacent to a property line for the purpose of separating properties, or for screening, enclosing, and/or protecting the property within its perimeter. Reference Appendix L for the Town of Greenville Fence Ordinance which also regulates enclosures and privacy screens.

**FRONTAGE.** Shall mean the contiguous length of the lot bordering on, and granting access from a Class V or better highway, as defined in New Hampshire Revised Statutes Annotated (RSA) 229:5, or a street shown on an official zoning map, or a private road as approved by the Planning Board.

**GARAGE, PRIVATE.** A detached or accessory building or a portion of a main building, primarily used for the parking and storage of motor vehicles belonging to the occupants of the premises.

**GARAGE, PUBLIC.** A building or use other than a private garage used for the maintenance, repair, painting, performing of body work, storage of motor vehicles and retail sale of petroleum products for motor vehicles.

**INN/TOURIST HOME.** A building or portion thereof where lodging is offered to transient guests for compensation, there are more than five sleeping rooms, and that has no cooking facilities in an individual room.

**LIGHT INDUSTRY.** Includes all manufacturing and assembly, packaging, finishing or treating of products carried on completely within a structure, and involving no permanent outside storage of equipment or materials. Light Industry shall not be interpreted to include any industry, the operations of which would cause danger of fire or explosion, or which shall result in significant objectionable vibration, noise, smoke, fumes, odor, dust, gas fumes, chemicals, radiation or other waste materials which would constitute a nuisance nor which would adversely affect other private or public properties.

**LOT.** A plot or parcel of land occupied, or capable of being occupied in conformity with this zoning ordinance, by one principal building and the accessory buildings or uses customarily incident thereto, including such open spaces as required by this ordinance. For multiple dwellings, industrial uses, industrial or business buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

**LOT, CORNER.** A lot at the junction of and fronting on two or more intersecting streets having an interior angle of less than 120 degrees at the intersection of two street lines.

**LOT COVERAGE.** The percentage which the aggregate building area of all building on lot bears to the area of the lot.

**\*\*\*\*\*LOT FRONTAGE.** The portion of a lot bordering on a highway, street or right-of-way, and measured between the lot side lines.

**LOT, REAR.** A lot meeting the minimum lot area requirements and all other requirements of these regulations, but which is situated to the rear of existing property so as to be unable to meet the frontage requirements of the zoning district which it is located.

**MANUFACTURED HOUSING.** Any structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width and 40 body feet or more in length or when erected on site is 600 square feet or more, and which is built on a permanent basis and connected to required utilities, which include plumbing, heating and electrical systems contained therein.

**MANUFACTURED HOUSING PARK.** A site, developed and maintained in accordance

with the Manufactured Housing Ordinance of the Town of Greenville, on which are located two or more manufactured houses.

**MULTI-FAMILY HOUSING/CONDOMINIUMS.** A dwelling or group of dwellings on one lot containing separate occupancy units having separate or joint entrances, services or facilities.

**NONCONFORMING.** Use of land, buildings or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, buildings or premises is situated.

**OPEN SPACE.** Land that is set aside for protection from development in perpetuity, usually left in its natural state, for the purposes of natural resource conservation, wildlife habitat, water supply protection, passive recreation, and other amenities in conformance with the provisions of this ordinance.

**PERMANENT RESIDENT.** An individual or family residing in a building continuously for six months or longer.

**SETBACK.** The open space required between any building or structure and the street or property lines. The setback from a given line shall be interpreted to be the average distance, measured at right angles to that line, to the extreme corner of the nearest side of the building or structure.

**SIGN.** Any device for visual display which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any governmental agency, civic or religious organization.

**SPECIAL EXCEPTION.** A Special Exception permits the inclusion into the zoning pattern of uses considered to be essentially desirable, but where the nature of the use is such that its location must be considered in light of special restrictions or conditions tailored to fit the unique problems which the use presents. The Special Exception relates to a specific use in a specific location, and the regulations controlling these special exceptions are contained in this ordinance.

**"START-UP".** Home occupations are intended to allow new service and repair types of businesses in the Rural/Agricultural and Residential zoning districts to develop.

**STREET.** Street means, relates to and includes street, avenue, boulevard, road, lane, alley, viaduct, highway, free way and all other ways that are maintained by the State or Town as Class I, II, III, IV, and V highways. Class VI highways are those abandoned and not maintained by either the Town or State.

**STRUCTURE.** Anything constructed or erected which requires location on the ground, including signs and swimming pools, but excluding fences. Stone, brick or masonry walls used as fences, the maximum height of which is less than four feet above the ground, are

not included. Regulations for fences are contained in Appendix L of this zoning ordinance.

**VEHICLES, MOTOR.** Vehicles are constructed to mean automobiles, trucks, utility vehicles, vans, buses and other vehicles customarily used to transport one or more persons or good to and from various locations.

**YARD.** A space not occupied by a building or buildings, open to the sky on the same lot as the principal building.

## **Section 2**

### **Zoning Districts and Allowable Uses**

- 2.1 Introduction
- 2.2 Rural/Agriculture (R/A) District
  - 2.2.1 Additional Uses Rural/Agricultural (R/A) District
- 2.3 Residential (R) District
  - 2.3.1 Additional Residential (R) Uses
- 2.4 Commercial (C) District
  - 2.4.1 Additional Uses Commercial (C) District
- 2.5 Commercial-Industrial (C-I) District
  - 2.5.1 Permitted Uses Commercial-Industrial (C-I) District
  - 2.5.2 Additional Uses Commercial/Industrial (C-I) District
- 2.6 Industrial (I) District
  - 2.6.1 Additional Uses Industrial (I) District
- 2.7 Downtown (D) District
  - 2.7.1 Boundaries of the Downtown (D) District
  - 2.7.2 Permitted Uses in the Downtown District
  - 2.7.3 Additional Uses Downtown (D) District
  - 2.7.4 Lot Requirements Downtown (D) District
- 2.8 District Boundary Rule

#### **Tables**

- 2-1 Building Schedule
- 2-2 Building Schedule Setbacks on District Boundary Lines

#### **Figures**

Zoning Districts, Town of Greenville

## **Section 2**

### **Zoning Districts and Allowable Uses**

#### **NOTE**

Revisions to Paragraphs 2.4 and 2.5 of this section were approved at the March 2000 Town Meeting (reference the Minutes of the Town Meeting for details).

Revisions to Paragraphs 2.2 and 2.3 of this section were approved at the March 2002 Town Meeting (reference the Minutes of the Town Meeting for details).

Revisions to Paragraphs 2.3, 2.4.1, and 2.7 of this section were approved at the March 2003 Town Meeting (reference the Minutes of the Town Meeting for details).

Revisions to Paragraphs 2.1 and 2.5 of this section were approved at the March 2006 Town Meeting (reference the Minutes of the Town Meeting for details).

Revisions to Paragraphs 2.2, 2.3, 2.4.1, 2.5.2 and 2.7.1 were approved at the March 2007 Town Meeting (reference the Minutes of the Town Meeting for details).

### **2.1 INTRODUCTION**

The Town of Greenville is hereby divided into six Zoning Districts: Rural/Agriculture (RA), Residential (R), Commercial (C), Industrial (I), Commercial-Industrial (C-I), and Downtown (D).

The boundaries of the six Zoning Districts are shown in Figure 1, the Zoning Map for the Town of Greenville, at the end of this section. Figure 1 generally indicates all District boundaries; details of the boundaries are shown on the original map filed in the office of the Greenville Town Clerk. If uncertainty exists with the boundaries shown on Figure 1 and the original map, the District Boundaries Rules shall govern as outlined herein and at the end of this section, and in paragraph 3.6 of Section 3.

The Zoning Districts and their allowable uses are described in the following paragraphs. Also identified are additional uses that may be granted by Special Exception. Tables 1 and 2, at the end of this section, identify the area, height, coverage and setback requirements for each Zoning District.

### **2.2 RURAL/AGRICULTURE (RA) DISTRICT**

The Rural/Agriculture (RA) District allows development in what is commonly recognized as rural environment. This District accommodates open space and low density uses, including agriculture and farming activities. This District is considered to be a future growth area for the town, and its uses shall be carefully monitored.

Permitted uses in the Rural/Agriculture (RA) District shall be as follows:

- a. Single family residence as sited in accordance with Appendix A, Minimum Lot Size Ordinance, or Appendix B, Open Space Residential Development Ordinance.
- b. Convalescent or nursing home.
- c. Educational use, place of worship or public and semi-public uses which are not carried on for profit.
- d. Veterinarian, commercial stable or kennel.
- e. General farming, including horticulture, dairying, livestock and poultry raising, and other agricultural enterprises and uses.
- f. Roadside stands for the sale of agricultural products. At least half the value of the products sold over the course of a marketing season must have been grown or produced on site. The stand must be located on the lot so as not to create roadside hazards or undue traffic congestion.
- g. Commercial agricultural uses such as nurseries and greenhouses.
- h. Cemeteries.
- i. Public utility installations needed for the public convenience and necessity.
- j. Excavation of natural materials in accordance with RSA 155E.
- k. Accessory uses which are incidental to the uses permitted herein.
- l. Customary Home Occupations and “start-up” home businesses (as defined in Section 1.4 Definition of Terms).

### **2.2.1 ADDITIONAL USES RURAL/AGRICULTURAL (R/A) DISTRICT**

The following additional uses may be permitted in the Rural/Agriculture (R/A) District by Special Exception and, if permitted, shall be considered in accordance with Section 5 of these regulations:

- a. Inn or tourist home.

### **2.3.1 RESIDENTIAL (R) DISTRICT**

The Residential (R) District encompasses the more highly developed sections of the town. This District provides the transitional area between the outlying Rural/Agriculture District and the more densely developed Business District.

These areas are characterized by smaller lots, less open space, and more concentrated and diversified land use than in the Rural/Agriculture (R/A) District.

Permitted uses in the Residential (R) District are as follows:

- a. Single family residence, sited in accordance with Appendix A, Minimum Lot Size Ordinance, or Appendix B, Open Space Residential Development Ordinance.
- b. Two-family residence, provided each family unit within the residence contain a minimum of 600 square feet living space, and is sited in accordance with Appendix A.
- c. Educational use, place of worship, or public and semi-public uses provided they are not carried on for profit.

- d. Public utility installations needed for the public convenience and necessity.
- e. Accessory uses which are incidental to the uses permitted herein.
- f. Customary Home Occupations and “start-up” home businesses (as defined in Section 1.4 Definition of Terms).

### **2.3 COMMERCIAL (C) DISTRICT**

The Commercial (C) District provides a compact area within which the business uses function to service the needs of the Town. In addition, provision is made within the District for controlled development of business uses oriented to the road and highway network.

Permitted uses in the Commercial (C) District are as follows:

- a. Retail business establishments.
- b. Professional offices.
- c. Banks and financial institutions.
- d. Real Estate offices.
- e. Restaurant, cafeteria, bakery and confectionery shops.
- f. Grocery or general store.
- g. Place of worship.
- h. Inn or tourist home.
- i. Indoor theatre.
- j. Private club.
- k. Self-Service Storage centers.
- l. Health care facilities.
- m. Recreational facilities.
- n. Building supply facilities.
- o. Convalescent or nursing home
- p. Educational use or place of worship
- q. Accessory uses which are incidental to uses permitted herein.

#### **Additional Uses Commercial (C) District**

The following additional uses may be permitted in the Commercial (C) District by Special Exception and, if permitted, shall be considered in accordance with Section 5, Special Exceptions, Appendix A, Minimum Lot Size Ordinance, and Appendix B, Open Space Residential Development Ordinance.

- a. Gasoline service station or auto repair shop.
- b. Single family residence.
- c. Two-Family residence.
- d. Multi-family housing, including condominiums.
- e. Light Industry, as defined in Section 1, Definitions of Terms.

## 2.4 C-I DISTRICT

The Commercial/Industrial (C-I) District is defined to mean those lots on Route 31 that are south of Mason Road (N.H. Route 123).

On Route 31 and Old Route 31 south of Blanch Farm (a.k.a. Maldarelli Rd), as shown on the zoning map, both commercial and industrial uses as defined in 2.5.1 are allowed. Residential development within the 400-foot setback from the centerline of Route 31 and Maldarelli Road is prohibited; this area is exclusively reserved for commercial and/or industrial development and use.

The Commercial/Industrial District provides an area where both Commercial and Industrial uses are permitted. Further, the district is established to encourage the development of environmentally responsible small businesses and their development into larger establishments as their businesses flourish. Use in this district is managed through proportional restrictions on building area and green space – larger buildings require larger lots with larger green space (see Table 2-1).

All lots in the C-I District shall set aside a minimum of 25% of the total lot size as green space. A 10-foot-wide green space belt shall be established around the perimeter of the lot. Green space is defined to mean an area that shall not be parked on, driven on, nor used for the storage of raw materials, waste products, work in progress, inventory of finished goods, or machinery or equipment, or for any other purpose than passive recreational activities. The green space shall be maintained in its natural or landscaped state. The green space belt is defined to mean a strip of land that shall not be built on or used for any purpose other than as a natural or landscaped buffer, except that a town/public utility easement or right of way, and approved driveways shall be permitted to cross the green belt.

Appropriate driveway permits and/or access to and from Route 31 and Maldarelli Road are required per RSA 236:13.

If property not shown on the map as being in C-I District can provide proper frontage along either Route 31 or Old Route 31 south of Blanch Farm a.k.a. Maldarelli Road as being satisfactory to the Planning Board, then this property may be allowed as C-I District, but access must be maintained from Route 31 and Old Route 31 south of Blanch Farm a.k.a. Maldarelli Road.

### **Permitted Uses Commercial-Industrial (C-I) District**

The following are the permitted uses in the C-I District:

- a. Retail business establishments.
- b. Professional Offices.
- c. Banks and financial institutions.
- d. Real Estate Offices.
- e. Restaurants, cafeteria, bakery and confectionery shops.

- f. Grocery or general store.
- g. Place of worship.
- h. Inn or tourist home.
- i. Indoor theatre.
- j. Private Club.
- k. Car wash.
- l. Self-service storage centers.
- m. Health care facilities.
- n. Recreational facilities.
- o. Building supply facilities and contracting business.
- p. Educational use or place of worship.
- q. Convalescent or nursing home.
- r. Industrial uses as permitted in Section 2.6.

### **2.5.2 ADDITIONAL USES COMMERCIAL/INDUSTRIAL (C-I) DISTRICT**

These following additional uses may be permitted in the Commercial/Industrial (C-I) District by special exception and if permitted, shall be considered in accordance with Section 5, Appendix A, Minimum Lot Size Ordinance, and Appendix B, Open Space Residential Development Ordinance.

- a. Gasoline service station or auto repair shop.
- b. Single family residence behind the 400 ft setback.
- c. Two family residence behind the 400 ft setback.
- d. Multi-family residence behind the 400 ft setback.

### **2.6 INDUSTRIAL (I) DISTRICT**

The Industrial (I) District provides an area where industrial use can be located to encourage a complete balance of development for the town. Where new industry is seeking to locate in the industrial zone, a site plan review shall be held by the Greenville Planning Board to ensure the location of said industry is in conformance with subdivision regulations as provided in RSA 674:36, and consistent with the best interest of the Town of Greenville.

Permitted uses in the Industrial (I) District are as follows:

- a. Any industry whose use or process is not obnoxious or offensive by reason of gas, radiation, odor, smoke, vibration, liquid discharge, illumination, noise or appearance, and which does not constitute a public hazard whether by fire, explosion or otherwise.
- b. Plants for the processing and distribution of milk and dairy products for human consumption, and for bottling or packaging beverages, pharmaceuticals, and toilet preparations, perfumes, and similar products.
- c. Printing, publishing, and bookbinding.

- d. Building supply facilities and general contractors.
- e. Restaurant, cafeteria.
- f. Accessory uses which are incidental to the uses permitted herein.

Such uses shall be permitted provided that each shall have adequate and proper facilities for the treatment, removal or discharge of sewage refuse or effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use.

### **2.6.1 ADDITIONAL USES INDUSTRIAL (I) DISTRICT**

The following additional use may be permitted in the Industrial (I) District by Special Exception and, if permitted, shall be considered in accordance with Section 5 of this Zoning Ordinance:

- a. Permitted uses in C & C-I Districts.

### **DOWNTOWN (D) DISTRICT**

The Downtown District provides for a mix of both business and residential uses that will sustain an active center for the Town.

#### **2.7.1 The boundaries of the Downtown District shall be as follows.**

- Along the centerline of Temple Street from Dunster Avenue south to the intersection with High Street.
- Northwest along the centerline of High Street, to the intersection with Church Street.
- From the intersection of Church Street and High Street, due south to the Souhegan River, then southeast across the Souhegan River to the Center of River Street.
- West along River Street to the intersection of Adams Street.
- South along Adams Street to the southwest corner of Lot 24, Tax Map 5 (the southern boundary of Tax Map 5).
- East along the boundary between Tax Map 5 and Tax Map 2 along the southern boundaries of Lots 24, 18A, and 17, Tax Map 5, north along the eastern boundary of Lot 17, Tax Map 5, to the intersection with the southern boundary of Lot 12, Tax Map 5, and east along the southern boundaries of Lot 12, Columbian Road, and Lot 11 Tax Map 11 to the northwest corner of Lot 9, Tax Map 4 (intersection with Tax Map 4).
- South and east along the boundary between Tax Map 2 and Tax Map 4 along the southern and western boundaries of Lots 9, 6, 5 and 4, Tax Map 4 to the center of Pleasant Street.
- North along Pleasant Street to the intersection with Granite Avenue.
- East along the centerline of Granite Avenue to the northern boundary of Lot 18, Tax Map 4.
- East along the northern boundary of Lot 18, Tax Map 4 to the intersection with Lot 21 Tax Map 4.

- North along the boundary of Lot 21, Tax Map 4 to the intersection with Lot 19, Tax Map 4.
- East along the southern boundaries of Lots 19 and 20, Tax Map 4.
- North along the boundaries of Lots 5, 4, and 3, Tax Map 6 to the centerline of Old Mason Road.
- East along the centerline of Old Mason Road to the western boundary of Lot 89, Tax Map 6.
- North along the western boundary of Lot 89, Tax Map 6.
- East along the northern boundary of Lots 89, Tax Map 6.
- South along the eastern boundary of Lot 89, Tax Map 6 to the northern boundary of Lot 90, Tax Map 6.
- East along the northern boundary of Lot 90, Tax Map 6 to the center of Route 31.
- North on Route 31 to the northern boundary of Lot 78, Tax Map 6.
- West along the northern boundary of Lot 78, Tax Map 6.
- West across Lot 77, Tax Map 6 in a line from the northwestern corner of Lot 78, Tax Map 6 to the eastern boundary of Lot 76, Tax Map 6.
- North, west, and south around the boundary of Lot 76, Tax Map 6, to the northern boundary of Lot 74, Tax Map 6.
- West across Lot 77, Tax Map 6 in a line from the northwestern corner of Lot 78, Tax Map 6 to the eastern boundary of Lot 76, Tax Map 6.
- North, west, and south around the boundary of Lot 76, Tax Map 6 to the northern boundary of Lot 74, Tax Map 6.
- West across Lot 73, Tax Map 6 from the northwestern corner of Lot 74, Tax Map 6 to the northeastern corner of Lot 72-1, Tax Map 6.
- Along the northern boundary of Lots 72-1, 72 and 71, Tax Map 6 to the intersection with Lot 69, Tax Map 6.
- Long the eastern boundaries of Lots 69, 68, 66, 63, Tax Map 6 to the Souhegan River.
- Upriver along the Souhegan to the centerline of Baker Avenue.
- South along the centerline of Baker Avenue to the northern boundary of Lot 61, Tax Map 6.
- South and west along the southern boundaries of Lot 57-1, Tax Map 6 to the Souhegan River.
- Upriver along the Souhegan to Mill Street.
- Northwest along the centerline of Mill Street to the eastern boundary of Lot 103, Tax Map 5.
- Northerly along the boundaries of Lots 103, 102, 101, 100, 99, and 98, Tax Map 5.
- Westerly along the boundaries of Lots 98, 97, and 96, Tax Map 5.
- North across Lot 1, Tax Map 3, from the northwestern corner of Lot 96 to the southeastern corner of Lot 38, Tax Map 8.
- North and west along the boundaries of Lot 38, Tax Map 8 to Main Street/Old Wilton Road.
- Across Main Street/Old Wilton Road to the boundary of Lot 37, Tax Map 8 and Lot 2A, Tax Map 3.
- Along the boundaries of Lot 37, Tax Map 8, to the intersection with the northern boundary of Lot 36, Tax Map 8.
- Around the eastern, northern, and western boundaries of Lot 37, Tax Map 8.
- South along the western boundary of Lot 35, Tax Map 8.

- West and south along the boundaries of Lot 31, Tax Map 8 to the intersection of Dunster Avenue with Temple Street.

**2.7.2 PERMITTED USES IN THE DOWNTOWN DISTRICT**

- a. Single family dwelling
- b. Two-family and multi-family dwellings, including condominiums, provided that:
  - 1. in buildings having more than one floor, dwellings shall be above the ground floor
  - 2. each family unit within the dwelling contains a minimum of 600 square feet of living space
  - 3. Mobile home parks and Mobile home subdivisions shall not be permitted
- c. Retail business establishment
- d. Business and professional office
- e. Banks and financial institution
- f. Restaurant, bakery and confectionery shops
- g. Grocery or general store
- h. Place of worship
- i. Inn or tourist home
- j. Indoor theatre
- k. Private club
- l. Health care facilities
- m. Recreational facilities
- n. Funeral home
- o. Convalescent or nursing home
- p. Educational facilities
- q. Childcare center
- r. Government offices
- s. Parking garages and parking lots
- t. Accessory uses which are incidental to uses permitted herein.

**2.7.3 ADDITIONAL USES DOWNTOWN (D) DISTRICT**

These following additional uses may be permitted in the Downtown District by Special Exception in accordance with Section 5 of this Zoning Ordinance.

- a. Light Industry subject to the requirements of Section 5.7 of this Zoning Ordinance, Special Exceptions for Light Industry. As the Downtown District contains a mix of residential and other business uses, any proposed industrial use in the Downtown District shall be carefully considered with regard to the provisions of Section 3.3 of this Zoning Ordinance, Prohibited Uses.

**2.7.4 LOT REQUIREMENTS DOWNTOWN (D) DISTRICT**

All residential and business uses in the Downtown District shall be subject to the lot requirements as defined below and as documented in Table 2-1, Building Schedule.

a. Minimum Area

1. Any lot within the boundaries of the Downtown District at the time the district was created shall be granted status as a Lot of Record for its existing area as shown on a plan or deed registered with the Hillsborough County Registry of Deeds or on a plan or subdivision approved by the Greenville Planning Board and recorded in the land records of the Hillsborough County Registry of Deeds.
2. Subdivision of lots in the Downtown District shall be permitted in accordance with Greenville's Land Subdivision Control Regulations included as Appendix D of this zoning ordinance, but in no case shall subdivision result in any lot which is less than 1 acre in area.

b. Water and Sewer Connection to Town Water and Sewer shall be required for all uses, residential and non-residential, in the Downtown District.

c. Parking and Driveways

1. All existing residential and non-residential uses are exempt from the provisions of Section 4.3 of this Zoning Ordinance, Off-Street Parking.
2. All newly constructed or newly converted (from business or multi-family) single family dwellings shall provide at least two off-street parking spaces, each space shall be a minimum of 10 feet by 20 feet, and if parking on the lot is required, shall provide space on the lot for a driveway meeting all requirements set by the Town's Road Agent and State Highway Department.
3. For all newly constructed two-family or multi-family dwellings, off-street parking shall be provided for two vehicles per apartment or family living unit and an additional two visitor parking spaces per building, and each space shall be a minimum of 10 feet by 20 feet. All parking spaces shall be paved or graveled in accordance with current Town and State regulations. Each lot shall provide a driveway constructed in accordance with the Town Road Agent and State Highway Department regulations.
4. For all non-residential uses, off-street parking is required for all on-site staff and employees.

d. Conversions

1. Conversion of existing single-family dwellings into two-family or multi-family dwellings shall not be permitted.
2. Conversion of lawfully existing multi-family dwellings into multi-family dwellings containing fewer than the existing number of dwelling units shall be permitted when done in accordance with the zoning ordinance and building

codes.

3. Conversion of lawfully existing two-family or multi-family dwellings into single-family dwellings shall be permitted.

e. All newly constructed or renovated buildings shall meet all applicable Town and State ordinances, codes and regulations.

## 2.1 **DISTRICT BOUNDARY RULE**

The following District Boundary Rules shall apply if there is uncertainty as to the boundaries of any of the Districts shown on this Zoning Map.

- a. **PROPERTY LINES.** If the District Boundary is a property line, the boundary shall follow such property lines as described in the Town Assessor’s records at the effective date of this Zoning Ordinance.
- b. **MEASURED LINES.** Unless otherwise indicated, if a District Boundary is stated by a measured distance from a street, such distance shall be measured perpendicularly from the boundary of such street that is on the same side as the District Boundary.
- c. **STREET, RIVERS, BROOKS.** If opposite sides of a street, river, or brook are in different Districts, the centerline of the street, river or brook shall be the District Boundary.
- d. **RAILROAD LINE.** Where the District Boundary line follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad.

Where interpretation is necessary, or in the case of uncertainty, the Greenville Planning Board shall determine the location of the District Boundary.

<b>Parameter</b>	<b>Downtown</b>	<b>Rural/ Agriculture</b>	<b>Residential</b>	<b>Commercial</b>	<b>Commercial/ Industrial</b>	<b>Industrial</b>
Max. Stories	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2
Max. Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Min Frontage <b>on</b> Town Sewer Line	35 feet	See App A&B	See App A&B	75 feet	200 feet	200 feet
Min Frontage <b>Off</b> Town Sewer Line	N/A	See App A&B	See App A&B	200 feet	200 feet	200 feet

Min. Area <b>On</b> Town Sewer Line	As existing (on the date of creation of the District)  1 acre (by subdivision)	See App A&B	See App A&B	1/2 acre	2 acres	5 acres
Min. Area <b>Off</b> Town Sewer Line	N/A	See App A&B	See App A&B	1/2 acre	2 acres	5 acres
Min. Street Setback	None*	50 feet	30 feet	30 feet	50 feet	100 feet
Min. Lot Line Setback	10 feet	30 feet	15 feet	15 feet	15 feet	30 feet
Max. Building Coverage (%)	None	20%	40%	50%	25%	50%
Green Space Belt Width	None	----	----	----	10 feet	----
Minimum Green Space	None	----	----	----	25%	----

\* Street Setback for Downtown District is from sidewalk where existing.

**Table 2-2 Building Schedule Setbacks on District Boundary Lines**

<b>Zone</b>	<b>Downtown</b>	<b>Rural/ Agriculture</b>	<b>Residential</b>	<b>Commercial</b>	<b>Commercial / Industrial</b>	<b>Industrial</b>
Rural/Agriculture	N/A	N/A	30 feet	75 feet	75 feet	75 feet
Residential	30 feet	30 feet	N/A	75 feet	75 feet	75 feet
Commercial	N/A	75 feet	75 feet	N/A	75 feet	75 feet
Commercial/Industrial	N/A	75 feet	75 feet	75 feet	N/A	50 feet
Industrial	75 feet	75 feet	75 feet	75 feet	50 feet	N/A
Downtown	N/A	N/A	10 feet	N/A	N/A	10 feet

## **SECTION 3**

### **GENERAL REGULATIONS**

- 3.1 Introduction
- 3.2 Application Of Regulations
- 3.3 Prohibited Uses
- 3.4 Nonconforming Regulations
- 3.5 Accessory Building and Uses
- 3.6 Lots Lying in More Than One District
- 3.7 Site Plan Review
- 3.8 Swimming Pools

## **SECTION 3 GENERAL REGULATIONS**

### **NOTE**

Revisions to Paragraphs 3.4 and 3.8 of this section were approved at the March 2002 Town Meeting (reference the Minutes of the Town Meeting for details).

Revisions to combine Paragraphs 3.4 and 3.5 into a single section 3.4 were approved at the March 2003 Town Meeting (reference the Minutes of the Town Meeting for details).

Paragraph 3.8 of this section was approved at the March 2007 Town Meeting (reference the Minutes of the Town Meeting for details).

### **3.1 INTRODUCTION**

This section defines the general application of regulations within this Zoning Ordinance. Also defined are the general regulations for governing prohibited uses of buildings and lots, nonconforming use of land and buildings, use of nonconforming lots, use of accessory buildings, and use of lots lying in more than one District.

### **3.2 APPLICATION OF REGULATIONS**

The interpretation and application of the regulations in this Zoning Ordinance shall be held to the requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare of the Town of Greenville. Therefore, except as herein provided:

- a. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered except in conformity with the regulations specified for the Zoning District in which it is located.
- b. No part of a yard or other open space about any building required for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space similarly required for another building.
- c. All plans shall be subjected to an Engineering and Legal review with cost of same to be borne by Owner/Developer.

### **3.3 PROHIBITED USES**

No building or improvement shall be erected or maintained, and no lot shall be used or

maintained for any use, trade, business or process which is obnoxious or offensive by reason of gas, odor, harmful radiation, dust, smoke, vibration, liquid discharge, illumination, noise or appearance, or which constitutes a public hazard whether by fire, explosion or otherwise.

### **3.4 NONCONFORMING REGULATIONS**

#### **A. Nonconforming Uses and Buildings**

Nonconforming use of land or buildings lawfully existing and in active use at the effective date of the Zoning Ordinance or of any pertinent amendment thereto may be continued within the provisions of this section. In addition, any building so existing which was designed, intended for, arranged, or is devoted to a nonconforming use may be structurally altered and the nonconforming use therein continued. A nonconforming use of land or buildings is considered lawfully existing when it satisfies one of the following criteria:

1. A variance for the use was granted by the Zoning Board of Adjustment.
2. A Special Exception for the use was granted by the Zoning Board of Adjustment
3. The owner of the property can demonstrate to the satisfaction of the Planning Board that the use had been established and not abandoned before the enactment of this Zoning Ordinance on July 11, 1987, or any pertinent amendments thereto.

However, continuance of such nonconforming use is subject to and governed by the following requirements:

1. A lawfully existing nonconforming use of land or building may be changed to a conforming use but may not be changed back to a nonconforming use.
2. A lawfully existing nonconforming use of land or building which has been discontinued for a period of one year or more shall not thereafter be resumed.
3. A lawfully existing nonconforming use may be changed to a different nonconforming use upon the granting of a Special Exception by the Board of Adjustment if the Board is satisfied that the proposed use is determined by the Board to be more in conformity with the permitted uses in the District than the existing use, and the proposed use meets the requirements defined in Section 5.9.A of this Zoning Ordinance, Special Exceptions for Nonconforming Uses and Buildings.
4. A building in which there is a lawfully existing nonconforming use may be altered and expanded as business and conditions warrant providing that such expansion does not violate the setbacks or height limits as defined in this Ordinance.
5. When a building in which there is a lawfully existing nonconforming use is destroyed by fire, explosion, accident, or act of God, it may be restored and operated if done within one year. If the restoration also proposes a change to a different nonconforming use or an

alteration or expansion of the previously existing building, a Special Exception from the Board of Adjustment is required. The Board of Adjustment shall grant such Special Exceptions if the Board is satisfied that the proposed use is more in conformity with the permitted uses in the District than the existing use, and the change meets the requirements in Section 5.9.A of this Zoning Ordinance, Special Exceptions for Nonconforming Uses and Buildings.

6. An unlawful nonconforming use shall not be granted status as a lawful nonconforming use under any provisions of this or any other Section of this Zoning Ordinance as a result of a change in District boundary lines or the creation of new Zoning Districts.
7. Nothing in these regulations shall prevent the strengthening or restoration to a safe or lawful condition of any part of a building or structure declared unsafe by any duly authorized official or representative of the Town.

**B. Nonconforming Lots**

1. A lot in existence at the time of the effective date of this Ordinance or of any pertinent amendment thereto for which a use has not been established shall be considered a pre-existing lot of record provided that:
  - a. The lot is owned separately from any adjoining lot and recorded in the land records of the Hillsborough County Registry of Deeds.

Or

  - b. The lot is shown on a plan or subdivision approved by the Greenville Planning Board and recorded in the land records of the Hillsborough County Registry of Deeds.
2. A lot of record as defined in Section 3.4 Paragraph B.1 which has less area and/or frontage than required in the District in which it is located, may be developed for any use permitted in the District subject to the following:
  - a. Residential use, where permitted, shall be restricted to a single family dwelling or accessory structure(s) on a lot having less than the minimum requirements for frontage and area. However, setbacks and other requirements for the district, including all State and Town regulations for sewage disposal systems and a safe water supply must be complied with.
  - b. A lot having less than the minimum requirements for frontage and area may be used for any non-residential use permitted in the District in which it is located in compliance with setbacks and other requirements for the district, and all State and Town regulations for sewage disposal systems and a safe water supply.

- c. An owner of contiguous undeveloped lots, any one of which has less than the required frontage and/or area, must combine such lots to conform to the frontage and area requirements of this Zoning Ordinance before any building permit may be issued, unless said lots have been previously approved by the Planning Board.
- d. If an undeveloped lot has less than the minimum requirements for frontage and area under this Zoning Ordinance and is contiguous to another undeveloped lot and both lots are under the same ownership, the nonconforming lot may not be sold or transferred by the owner as a separate building lot.

### **3.5 ACCESSORY BUILDING AND USES**

Any accessory use or any accessory building which is customarily incidental to the principal use or building located on the same lot with the principal use or building shall be permitted in all Districts.

### **3.6 LOTS LYING IN MORE THAN ONE DISTRICT**

Where a District Boundary Line divides a lot of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion provided the lot has the required frontage on a street in the less restricted District.

### **3.7 SITE PLAN REVIEW**

A site plan review shall be required for all developments of non-residential tracts, or multi-family dwelling units, in accordance with N.H. RSA 674:43-44 and any other requirements deemed necessary by the Greenville Planning Board.

Refer to Section 4 of the Site Plan Review Regulations of the Town of Greenville for a detailed description of the circumstances requiring Site Plan Review.

Refer to Section 5 of the Site Plan Review Regulations of the Town of Greenville for a detailed description of the procedure for Site Plan Review.

### **3.8 SWIMMING POOLS**

Any structure intended for swimming or recreational bathing that contains water over 24 inches deep is considered a swimming pool. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

For the purpose of determining setbacks from property lines, swimming pools shall be considered structures.

Building permits shall not be required for swimming pools unless they are equipped with electrical accessories such as pumps, filters, heaters, or submerged lights. All electrical accessories and controls shall be equipped with ground fault circuit interrupters (GFCI). The permit for a swimming pool equipped with electrical accessories shall be obtained from the Building Inspector. The fee for the permit shall be as set by the Building Inspector. All circuitry and accessories must be inspected and approved before the first use of the swimming pool or upon replacement of the pool. The retrofitting with electrical accessories of a swimming pool not originally so equipped shall require a building permit and an inspection to determine the presence of GFCIs on all accessories.

All swimming pools shall be equipped with means to prevent unauthorized and unsupervised access by children. For in-ground and on-ground swimming pools this shall require an enclosure consisting of fencing or a barrier. The top of the fence or barrier shall be 48 inches above grade, measured on the side which faces away from the swimming pool. There shall be a child-proof gate in the enclosure. The fence or barrier shall be devoid of footholds and handholds which would permit unauthorized and unsupervised children from gaining access to the swimming pool by scaling the fence or barrier. For above-ground swimming pools with an access ladder which is removable, or which can be secured in an unusable position, a separate fence or barrier will not be required.

Swimming pools shall be listed as new additional on annual inventory forms.

The emptying of any swimming pool into the Greenville sewer system shall require prior notice to and consent from the Wastewater Treatment Facility operator.

Nothing in this section shall exempt swimming pools from having to comply with any existing New Hampshire or Federal regulations covering swimming pools.

## **Section 4**

### **Special Regulations**

- 4.1 Introduction
- 4.2 Excavation of Natural Materials
- 4.3 Off-Street Parking
- 4.4 Development of Back Lots
- 4.5 Outdoor Advertising
- 4.6 Manufactured Housing
- 4.7 Accessory Dwelling Unit

## **SECTION 4 SPECIAL REGULATIONS**

### **NOTE**

Paragraph 4.3, Off-Street Parking, was revised to incorporate Appendix F, Offstreet Parking Ordinance. Revisions were approved at the March 2000 Town Meeting (reference the Minutes of the Town Meeting for details).

Revisions to Paragraph 4.5 of this section were approved at the March 2006 Town Meeting (reference the Minutes of the Town Meeting for details).

### **4.1 INTRODUCTION**

This section defines special regulations for excavation of natural materials, off-street parking, development of back lots, outdoor advertising, manufactured housing, and other special regulations that may be adopted by the Town from time to time.

### **4.2 EXCAVATION OF NATURAL MATERIALS**

The excavation of natural materials shall be permitted in the Rural/Agricultural (RA) District provided the excavation meets the requirements of New Hampshire RSA 155E.

### **4.3 OFF-STREET PARKING**

Off-street parking shall be provided as follows in connection with all new or renovated buildings hereafter erected or converted in the Town. A parking space shall be 10' by 20'.

- a. Residential dwelling: 2 spaces per dwelling unit
- b. Place of Worship or Auditorium: 1 space per 2 seats
- c. Inn or tourist home: 1 space per guest sleeping room, plus 1 space for each employee
- d. Restaurant or Eating Place: 1 space per 2 seats
- e. Financial Institution or Professional Office: 1 space per 200 square feet of floor space
- f. Convalescent Home, Nursing Home: 1 space for each staff member on the largest shift plus one space for every bed.
- g. Industrial Uses: 1-1/2 spaces for each employee on the largest shift

- h. Retail Stores and Shops: 1 space per 300 square feet of floor space.
- i. Other commercial uses: 1 space per 300 square feet of floor space.

#### **4.4 DEVELOPMENT OF BACK LOTS**

An individual back lot (excluding the creation of a new subdivision) may be created, providing that it meets all of the following requirements:

- a. The lot shall meet the lot area requirements of the District in which it is to be located.
- b. The lot shall have an average width equal to the required frontage for the applicable Zoning District.
- c. The lot shall have a minimum right-of-way of at least 50 feet in width for access from a public street.
- d. The lot shall meet all Town and State requirements including but not limited to the gradient and curvature requirements for the entire length of the right-of-way as specified in the Greenville Subdivision Regulations.
- e. Access to the lot shall meet the requirements set forth by the Fire Department and all other Emergency Services. These requirements shall include (but not be limited to) proper widths, curves, grades, bridges, turn-arounds and other criteria that may be necessary for access by fire trucks, ambulances or other emergency vehicles.
- f. No new subdivisions may create any back lots without a 50 foot right of way meeting all Town and State requirements.

#### **4.5 OUTDOOR ADVERTISING**

Outdoor advertising for business or industry use shall be permitted only if in conformance with the following regulations:

- a. Outdoor advertising in the downtown, agricultural, industrial, industrial/commercial, and commercial districts shall be permitted only if in conformance with the following regulations. Signs within the residential district are not permitted except in accordance with paragraph 'P' of this ordinance.
- b. A free-standing outdoor sign may be no larger than fifty (50) square feet per side in the agricultural and downtown districts may be no larger than twenty-five (25) square feet. A free-standing sign shall be defined as a sign supported permanently upon the ground by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs include those signs otherwise known as "pedestal signs," "pole signs," "pylon signs," and

“monument signs.”

- c. No outdoor advertising signs in the form of feather flags, inflatable puppets, balloons, or the like which are visible from a public way are not permitted within any district; so as to not create confusion to motorists.
- d. The area of sign affixed to any building within the industrial, industrial/commercial, and commercial districts may not exceed one hundred (100) square feet.
- e. The total number of permitted signs for a single business or industrial and/or commercial lot within the downtown, agricultural, industrial, industrial/commercial, and commercial districts shall not exceed two (2), of which only one (1) may be free-standing.
- f. A lot with approved entrances on two (2) separate public roads shall be permitted a second free-standing sign, not on the same public road as the principal sign, provided that such sign does not exceed thirty-five (35) square feet.
- g. In addition to the above, one (1) wall sign shall be permitted for each separated business unit not to exceed twenty-five (25) square feet per unit.
- h. Outdoor signs shall not be placed within twenty-five (25) feet of a right-of-way, nor within one-hundred-fifty (150) feet of any intersection of a right-of-way unless affixed to a building and not extending beyond or above the same by more than three (3) feet.
- i. New business, or a business in a new location, awaiting installation of a permanent sign, may utilize a temporary sign for a period of not more than thirty (30) days until installation of a permanent sign. Such sign must meet all appropriate construction standards of the Town. A separate temporary sign permit for such a new business sign shall be required.
- j. No outdoor sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color, placement, or display characteristics. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location.
- k. Artificial illumination of outdoor signs shall be permitted, subject to review and approval of the proposed illuminated sign by the Planning Board. In the Downtown, Agricultural, and Residential districts, internally illuminated signs are not permitted. Any sign using artificial illumination in the Downtown, Agricultural or Residential districts must have downward facing lighting to reduce light pollution. Backlit signs are permitted in the industrial,
- l. No outdoor sign shall be illuminated by neon, contain flashing, intermittent, scrolling, rotating or moving lights, except to show time, temperature or fuel gas pricing at gas service stations. Any sign including graphics are prohibited from changing more than once per hour and no displays will be on during non-business hours.

- m. A building permit for erection of outdoor signs shall be obtained from the Board of Selectmen or their designee, at a fee in accordance with the normal procedures in the town.
- n. Each outdoor sign shall be constructed of durable material and shall be maintained in a high state of repairs at all times. The construction standards shall meet the requirements set forth by the Board of Selectmen or their designee.
- o. No outdoor sign shall project over any street or sidewalk.
- p. Exceptions to the above include signs less than nine (9) square feet in size which are typically used or associated with customary home occupation (as defined in section 1.4), the sale of real estate, rental of property, yard or garage sales, and isolated sales of motor vehicles or equipment by persons not in the business of such sales

#### **4.6 MANUFACTURED HOUSING**

Individual manufactured housing units shall meet the requirements of all single family homes in all Districts and shall also meet the regulations specified in the Greenville Ordinance for Manufactured Housing and as amended thereto.

The Ordinance for Manufactured Housing, as adopted by the Town at Special Town Meeting held November 19, 1985 and any amendments thereafter, are hereby incorporated into this Zoning Ordinance by reference.

#### **4.7 ACCESSORY DWELLING UNITS**

Accessory dwelling units (ADU) shall be permitted in any district in which a residential building is permitted.

The ADU shall meet the following criteria:

1. An ADU shall be within or attached to a principal single-family dwelling unit or accessory building. The ADU shall be connected to the containing or attached structure by a door in an interior common wall. Any exterior entrances or exits shall be located to the side or rear of the building.
2. One of the two dwelling units shall be the primary residence and legal domicile of the property owner.
3. Only one ADU shall be allowed per principal dwelling unit and/or lot.
4. The gross living area of an ADU shall not be less than 600 square feet and not greater than 1,000 square feet and shall contain no more than two bedrooms.

5. The ADU gross living area shall be less than the gross living area of the principal dwelling.
6. A building permit for an ADU unit shall be approved and issued prior to the start of any construction. The Fire Chief shall determine the house number for the ADU at the time of building permit application.
7. The ADU shall have a fire alarm system that is interconnected with the principal dwelling unit and any applicable accessory building in such a manner that the activation of one alarm will activate all alarms in the principal dwelling unit and any applicable accessory building.
8. The driveway shall be designed to appear as a driveway of a single-family residence, and no new curb cut from the street shall be constructed. The property shall contain a parking space for each bedroom in the principal dwelling and the ADU.
9. The existing, replacement or proposed septic system shall be certified by a licensed septic designer or engineer as adequate to support the ADU in accordance with New Hampshire RSA 485-A:38 and the Town of Greenville septic regulations.
10. Change of Ownership. If a property containing an approved ADU is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall comply with this section.
11. 5.10 Special Exception For Accessory Dwelling Unit On A Non-Conforming Lot. The Zoning Board of Adjustment shall grant a special exception permitting an Accessory Dwelling Unit (ADU) on a non-conforming lot in a district which permits single family homes as a matter of right provided that the creation of the ADU will increase the non-conformity of the lot and will be adequately served by water and sewerage disposal on the lot or to be built in conjunction with the ADU and which does not otherwise detrimentally affect the neighborhood.

By way of illustration and not limitation, the residential district has a front setback from the street of 30 feet. The current home on the lot sits 35 feet back from the street and has a garage that sits 25 feet back from the street which makes it non-conforming. The property owner proposes an addition on the side of his home which will meet the front, side and rear setbacks, the special exception shall be granted.

## **Section 5**

### **Special Exceptions**

- 5.1 Introduction
- 5.2 Special Exceptions for Multi-Family Housing or Condominiums
- 5.3 Special Exceptions for Inns or Tourist Homes
- 5.4 Special Exceptions for Gasoline Service Stations or Auto Repair Shops
- 5.5 Special Exception for Commercial (C) and Commercial Industrial (C-I)
- 5.6 Special Exception for Two-Family Residences
- 5.7 Special Exception for Light Industry
- 5.8 Special Exception for Single Family Residence
- 5.9 Special Exception for Nonconforming Uses and Buildings

## **Section 5 Special Exceptions**

### **NOTE**

Revisions to Paragraphs 5.4, 5.7 and 5.9 of this section were approved at the March 2003 Town Meeting (reference the Minutes of the Town Meeting for details).

Revisions to Paragraph 5.8 of this section were approved at the March 2006 Town Meeting (reference the Minutes of the Town Meeting for details).

Revisions to Paragraph 5.6 of this section were approved at the March 2007 Town Meeting (reference the Minutes of the Town Meeting for details).

### **5.1 INTRODUCTION**

The following Special Exceptions, as identified under Section 2 of this Zoning Ordinance, may be permitted by the Board of Adjustment (see Section 6.3) providing they meet the requirements specified under the appropriate exception and all other requirements of Section 31 and 673 of the NH RSA, and shall meet all Greenville Subdivision Regulations.

### **5.2 SPECIAL EXCEPTIONS FOR MULTI-FAMILY HOUSING OR CONDOMINIUMS**

Special exceptions may be granted for multi-family housing or condominiums in the Residential (R) District or the C-I & C District provided each meets the following requirements:

- a. The applicant shall submit a site plan showing location and size of all buildings, site boundaries, site location, number of occupancy units, office space, proposed parking spaces, driveways, entrance and exit drives, service areas, proposed advertising signs and accessory buildings and any other factors affecting the construction and operation of the facility such as existing and proposed contours, drainage, water supply, and sewage disposal facilities, and proposed site lighting.
- b. Minimum lot area shall be as specified in Appendix A and Appendix B.
- c. Individual multiple dwelling units shall contain no more than the maximum number of units specified in Appendix A and Appendix B.
- d. Setbacks shall be in accordance with Table II Building Schedule.
- e. Each multiple dwelling project shall provide surfaced parking facilities equal to 2 time the

total number of dwelling units in the project, and each parking space shall measure at least 10 feet by 20 feet.

- f. Waste or other material shall be so discharged that it shall not create conditions in any water course or waters of the Town which may be objectionable because of color, smell, taste, or conditions toxic to human, animal or plant life.
- g. Radio and television facilities shall be served by a master antenna only for each group of dwelling units. No individual external radio or television antennas shall be permitted.
- h. The site plan and arrangement of buildings, including landscaping, grading, storm drains, sanitary sewers, outdoor illumination, vehicle access, and parking spaces shall harmonize with the neighborhood, accomplish a transition between areas of unlike character, protect property values in the neighborhood, preserve the appearance and beauty of the Town, and avoid undue traffic congestion.
- i. All wires, cables, and other conduits and equipment used to transmit utilities to or among the buildings within the multiple dwelling project shall be installed underground in accordance with generally accepted engineering practices.
- j. The proposed use shall conform to such other conditions as the Planning Board may prescribe which are in furtherance of and in harmony with the purpose set forth by these regulations.
- k. A portion of not less than 35% of the lot area of a multiple dwelling project shall be required to be reserved as one or more permanent open spaces for recreation, conservation and general enjoyment.
- l. Obtained all necessary permits and approvals required by this Zoning Ordinance, and by all other Town regulations, Building Codes and Ordinances.
- m. All dwelling units shall comply with the following:
  - 1. Contain at least the following amount of floor area:
    - Minimum dwelling unit size 600 square feet for one (1) bedroom unit
    - For two (2) bedroom unit, 750 square feet
    - For three (3) bedroom unit, 1100 square feet
  - 2. No more than 20% of the total number of dwelling units shall have three (3) bedrooms.
  - 3. All measurements shall be inside dimensions for computing floor area, and only the space within the dwelling unit used exclusively for living purposes shall be considered.

Laundries, halls, closets, and vestibules common to two (2) or three (3) bedroom dwelling units are expressly excluded from these computations.

- n. All requests for each multi-family or condominiums complex shall require the following fees to defray the costs of processing:
  - 1. Each application shall require a non-refundable \$125.00 application fee, and such fee shall be paid on submission of the application.
  - 2. Each dwelling unit shall require an additional \$300 fee payable on final approval of the application.
  - 3. Other costs that the Planning Board shall deem necessary due to unforeseen circumstances. Such costs shall be fully explained to the applicant.

### **5.3 SPECIAL EXCEPTIONS FOR INNS OR TOURIST HOMES**

Special Exceptions may be granted for Inns or Tourist Homes (which may be the conversion of a large private residence to offer sleeping facilities) in the Rural/Agriculture (R/A) District or the Residential (R) District providing each meets the following requirements:

- a. The applicant shall submit a site plan showing location and size of the building(s), site boundaries, number of occupancy units, emergency exits, proposed parking spaces, driveways, entrance and exit drives, service areas, proposed advertising signs and accessory facilities and any other factors affecting the construction and operation of the facility such as existing and proposed contours, drainage, water supply and sewage disposal facilities, and proposed site lighting.
- b. A lot averaging 2500 square feet per occupancy unit shall be provided with adequate parking space for at least one vehicle per occupancy unit. Required setbacks from property lines shall be 15 feet and from the street 30 feet.
- c. Units, except for the office and manager's space, shall be designed solely for the use of automobile transients and no cooking facilities shall be permitted. No unit shall contain less than 180 square feet of floor area, and no unit shall have sleeping accommodations for more than four persons.
- d. Obtained all necessary permits and approvals required by this Zoning Ordinance, and by all other State and Town regulations, Building Codes, and ordinances.

### **5.4 SPECIAL EXCEPTIONS FOR GASOLINE SERVICE STATIONS OR AUTO REPAIR SHOPS**

Special Exceptions may be granted for the erection, enlargement or conversion to a gasoline station or auto repair shop (for up to five vehicles) in the Commercial (C) and Commercial Industrial (C-I) Districts provided that each meets the following requirements, and if after review of the site plan required by paragraph b. the Board in its judgment finds that the use will not create excessive traffic, congestion, noise or odors, not tend to reduce the value of surrounding properties, has adequate sewage and water facilities and sufficient off-street parking, and will preserve the attractiveness of the Town.

- a. The lot is situated at least 200 feet, as measured along the public street or road, from any of the following:
  1. A public school or duly organized school other than a public school.
  2. A hospital, convalescent or nursing home.
  3. A place of worship.
  4. A theatre
  5. A public library.
- b. The applicant shall submit a site plan showing the location and size of the building(s), site boundaries, location of office spaces, number of vehicles bays, proposed parking spaces, driveways, entrance and exit drives, service areas, proposed advertising signs and accessory buildings, and any other factors affecting the construction and operation of the facility such as existing and proposed contours, drainage, water supply and sewage disposal facilities, proposed site lighting, and plans for storage and disposal of hazardous substances.
- c. Obtained all necessary permits and approvals required by this Zoning Ordinance, State regulations, and by all other State and Town regulations, Building Codes, and ordinances.

#### **5.5 SPECIAL EXCEPTION FOR COMMERCIAL (C) AND COMMERCIAL/ INDUSTRIAL (C-I)**

Special exception may be granted for the location of a business in the Industrial (I) District provided each meets the following requirements:

- a. The proposed business shall be one of the permitted uses outlined in paragraph 2.4, Commercial (C) District.
- b. The proposed business shall meet all the applicable requirements of this Zoning Ordinance, and all other Town and State Ordinances, Codes, and regulations.

#### **5.6 SPECIAL EXCEPTION FOR TWO-FAMILY RESIDENCES**

Special exception may be granted for the location of two-family residences in the Commercial (C) and C-I District provided each meets the following requirements:

- a. The proposed two-family residence shall be located on a lot as specified in Appendix A, Minimum Lot Size Ordinance.
- b. The proposed two-family residence shall contain, for each family unit, a minimum of 600 feet of living space.
- c. The proposed two-family residence shall meet all applicable requirements of this Zoning Ordinance, and all other Town and State Ordinances, Codes, and regulations.

### **5.7 SPECIAL EXCEPTION FOR LIGHT INDUSTRY**

Special Exception may be granted for Light Industry as defined in Section 1.4, Definition of Terms, within the Commercial (C) and Downtown (D) Districts only. All industrial development within the town is subject to Planning Board Site Plan Review and shall conform to the general requirements as outlined in Section 2.6, "Industrial District."

### **5.8 SPECIAL EXCEPTION FOR SINGLE FAMILY RESIDENCE**

Special Exception may be granted for the location of single-family residence in the Commercial (C) District and in the Commercial/Industrial (C-I) District behind the 400-foot setback from Route 31 as defined in Section 2.5 provided each meets the following requirements:

- a. The proposed single-family residence shall be located on a lot as specified in Appendix A and B.
- b. Obtained all necessary permits and approvals required by this Zoning Ordinance, State Regulations, and by all other State and Town Regulations, Building Codes, and Ordinances.

### **5.9 SPECIAL EXCEPTION FOR NONCONFORMING USES AND BUILDINGS**

The Board of Adjustment shall approve Special Exceptions as referenced by Section 3.4. Paragraphs A.3 and A.5 subject to the following criteria: If after presentation, including a review of the plan showing the location, layout, a scale drawing, and location of any signs and utilities, the Board in its judgment, finds that the use is more in conformity with the permitted uses for the District, and finds that the use will not create excessive traffic, congestion, noise or odors, will not tend to reduce the value of surrounding properties, has adequate sewage and water facilities, and will preserve the attractiveness of the Town, said use shall be granted.

## **Section 6**

### **Administration and Enforcement**

- 6.1 Introduction
- 6.2 Required Permits
- 6.3 Board of Adjustment
  - 6.3.1 Powers of The Board of Adjustment
- 6.4 Validity of Regulations
- 6.5 Amendments
- 6.6 Penalties
- 6.7 Effective Date

## **Section 6**

### **Administration and Enforcement**

#### **6.1 INTRODUCTION**

This Zoning Ordinance shall be administered and enforced by the Greenville Board of Selectmen or their designee. The Board of Selectmen or their designee are empowered to cause any building, structure, place or premise to be inspected and examined. The Board of Selectmen or their designee are also empowered to order, in writing, the remedying of any condition found to be in violation of any provision in this Zoning Ordinance.

#### **6.2 REQUIRED PERMITS**

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a Building Permit and a Certificate of Occupancy shall have been issued by the Board of Selectmen or their designee.

The Building Permit shall be issued by the Board of Selectmen or their designee upon their satisfaction that the applicants plan meets the provisions of this Zoning Ordinance and all State and Town regulations, building codes, and ordinances.

The Certificate of Occupancy shall be issued by the Board of Selectmen or their designee upon receiving satisfactory proof that the proposed building or use thereof complies with the provisions of this Zoning Ordinance, and all State and Town regulations, building codes and ordinances.

No nonconforming use shall be changed or extended without the appropriate permits (Building Permits, Certificate of Occupancy or others) having first been issued by the Board of Selectmen or their designee.

The Board of Selectmen or their designee shall maintain a record of all Building Permits and Certificates of Occupancy. Copies shall be furnished upon request to any person having a proprietary or tenant interest in the building effected.

Permit fees shall be charged in an amount to be determined by the Board of Selectmen from time to time to cover the charges incurred in the enforcement of this Zoning Ordinance.

Issuance of any permit shall not waive the requirements for a Building Permit or Occupancy Permit, as appropriate, nor waive the requirements of any existing Building Codes and other appropriate regulations for the Town of Greenville.

### **6.3 BOARD OF ADJUSTMENT**

The Board of Selectmen shall appoint a Board of Adjustment consisting of five members and two alternates. The Board of Adjustment shall conform in duties and authority to the provisions of Chapters 31 and 673 of the N.H. RSA.

#### **6.3.1 Powers of the Board of Adjustment**

The Board of Adjustment shall have the following powers:

- a. To hear and decide Special Exceptions to the terms of the Zoning Ordinance upon which the Board of Adjustment is required to pass.
- b. To authorize, upon appeal in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to peculiar shape, size or topography of the land, practical difficulty or unnecessary hardship would result to the owners of the property from strict enforcement of the ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done.
- c. To hear and decide appeals for zoning variances where it is alleged there is an error in any order, requirement, decision or determination made by the administrative official in the enforcement thereof or any ordinance adopted pursuant thereto.

The decision of the Board of Adjustment on all special questions in all appeals and in application for variance or special exceptions, shall be made after public notice and hearing subject to appropriate condition and safeguards in accordance with public interest, the most appropriate development of the area in question, and in harmony with the purpose and intent of this Zoning Ordinance.

In all cases, the Board of Adjustment shall adhere to the rules and regulations cited in Chapters 31 and 673 of N.H. RSA.

### **6.4 VALIDITY OF REGULATIONS**

If any section, paragraph, subdivision, clause or provision of this Zoning Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or such provision so adjudged, and the remainder of the ordinance shall be deemed to be valid and effective.

### **6.5 AMENDMENTS**

This Zoning Ordinance, and the boundaries of the Zoning District established hereunder, may from time to time be amended or changed as provided by Chapter 675 of NH RSA.

**6.6 PENALTIES**

The Board of Selectmen or their designee shall, for any person, persons, firm or corporation violating any of the provisions of this Ordinance levy a fine of not more than \$100 per offense per day. Each of day thereafter that said violation continues shall be deemed to be a separate offense.

**6.7 EFFECTIVE DATE**

The effective date of this Zoning Ordinance and the Zoning Map shall be the date of passage of this ordinance.

**APPENDIX A**  
**MINIMUM LOT SIZE ORDINANCE**

- A.1 Introduction
- A.2 Minimum Lot Size for New Single-Family Buildings
- A.3 Minimum Lot Size for Multi-Family Buildings
- A.4 Minimum Lot Size for Conversion Of Single-Family Buildings To Multi-Family Buildings

## **APPENDIX A MINIMUM LOT SIZE ORDINANCE**

### **NOTE**

This ordinance replaces in its entirety the Minimum Lot Size Ordinance adopted by the Town of Greenville March 9, 1971 and amended March 11, 1980. Revisions were made to paragraph A.4, subparagraphs b and d at the Town meeting of March 2000 (referto the March 2000 Town meeting minutes for details).

Revisions to Section A.3 of this Appendix were approved at the March 2007 TownMeeting (reference the Minutes of the Town Meeting for details).

### **A.1 INTRODUCTION**

The minimum Lot Size Ordinance as herein described is intended to ensure that adequate sized lots (whether empty lots or lots intended for use or lots in use) are provided for buildings built, erected, constructed, placed in, fabricated, altered, expanded, repaired, converted or rebuilt in the Town of Greenville.

The Minimum Lot Size Ordinance shall be a means for assuring the health, safety, convenience, prosperity, and welfare of the Town inhabitants through limitations on overdevelopment and resultant high population density and oversubscription of Town services.

### **A.2 MINIMUM LOT SIZE FOR NEW SINGLE-FAMILY BUILDINGS**

Single-family buildings (conventional "stick-built", modular and manufactured housing) shall be permitted to be located and built in the Town of Greenville providing each meets the following requirements:

- a. For areas served by the Municipal Waste Treatment system, the lot size shall be a minimum of one acre per single-family building. The lot shall also have a minimum of one acre of 150 feet frontage on a Town approved Class V or better road or street, and shall meet all setbacks required by the Town of Greenville.
- b. For areas not served by the Municipal Waste Treatment System, the lot size shall be a minimum of 2 acres per single-family building. The lot shall also have a minimum of 200 feet frontage on a town approved Class V or better road or street and shall meet all setbacks required by the Town of Greenville.
- c. All new single-family buildings shall provide space on the lot for at least two off-

street parking spaces. Each new single-family building shall provide space on the lot for a driveway meeting all requirements set by the Town's Road Agent and State Highway Department. All new single-family buildings shall meet all applicable Town and State ordinances, codes and regulations.

### **A.3 MINIMUM LOT SIZE FOR MULTI-FAMILY BUILDINGS**

Multi-family buildings (apartment house, duplex, condominiums or other units with two or more families) shall be permitted to be located and built in the Town of Greenville provided such building(s) meet the following requirements:

- a. For areas served by the Municipal Waste Treatment System the lot size shall be a minimum of two acres for each building plus an additional two acres for each apartment or family living unit beyond the first unit, up to six apartments or family living units' maximum in a building. The lot shall have a minimum of 200-foot frontage on a Town approved Class V or better road or street.
- b. For areas not served by the Municipal Waste Treatment System, the lot size shall be a minimum of four acres for each building, plus an additional two acres for each apartment or family living unit beyond the first unit, up to six apartments or family living units' maximum in a building. The lot shall have a minimum of 400-foot frontage on a Town approved Class V or better road or street.
- c. Off-street parking on the lot shall be provided for two vehicles per apartment or family living unit and an additional two visitor parking spaces per building, and each space shall be a minimum of 10 feet by 20 feet. All parking spaces shall be paved or graveled in accordance with current Town and State regulations. Each lot shall provide a driveway constructed in accordance with the Town Road Agent and State Highway Department regulations.
- d. All such lots shall set aside a minimum of 35 percent of the total lot size as green space. A 10-foot-wide green belt shall be established around the perimeter of the lot. Green space is defined to mean an area that shall not be built on, parked on, drive on or used for any purpose other than passive recreational activities. The green space shall be maintained in its natural or landscaped state. The green belt is defined to mean a strip of land that shall not be built on or used for any purpose other than as a natural or landscaped screen, except that a Town/State Public utility easement or right of way, and approved driveways shall be permitted to cross the green belt.

All multi-family building shall meet all requirements of applicable Town and State ordinances, codes and regulations. The Planning Board will request input from abutters in reviewing applications for multi-family buildings.

**A.4 MINIMUM LOT SIZE FOR CONVERSION OF SINGLE-FAMILY BUILDINGS TO MULTI-FAMILY BUILDINGS**

Conversion(s) of single-family buildings to multi-family buildings (apartments, duplexes, condominiums, or other units with two or more families) or expansion/conversion of existing multi-family dwelling units, (apartments, duplex, condominiums or other units with two or more families) beyond their current number of approved units shall be permitted in the Town of Greenville provided each building meets the following requirements:

- a. For areas served by the Municipal Wastewater System, the existing approved lot shall be increased by 2 acres per additional apartment or family living unit, up to a maximum of four additional apartments or family living units.
- b. For lots not served by the Municipal Wastewater System, the existing approved lot shall be increased by 2 acres per additional apartment or family living unit, up to a maximum of four additional apartments or family living units.
- c. Off-street parking on the lot shall be provided for two vehicles per apartment or family unit, and each space shall be a minimum of 10 feet by 20 feet. All parking spaces shall be paved or graveled in accordance with current Town and State regulations. Each lot shall provide a driveway constructed in accordance with the Town Road Agent and State Highway Departments requirements.
- d. All such lots shall set aside a minimum of 35 percent of the total lot size as green space. A 10-foot-wide green belt shall be established around the perimeter of the lot. Green space is defined to mean an area that shall not be built on, parked on, driven on or used for any purpose other than passive recreational activities. The green space shall be maintained in its natural or landscaped state. The green belt is defined to mean a strip of land that shall not be built on or used for any purpose other than as a natural or landscaped screen, except that a Town/State approved driveway shall be permitted to cross the green belt.

All conversions shall meet all requirements of applicable Town and State ordinances, codes and regulations. The Planning Board will request input from abutters in reviewing applications for conversion of single-family to multi-family buildings.

**APPENDIX B**  
**OPEN SPACE RESIDENTIAL DEVELOPMENT ORDINANCE**

- B1. Introduction
- B2. Authority
- B3. Purpose
- B4. Definitions
- B5. Applicability And Procedures
- B6. Permitted Uses and Dimensional Requirements
- B7. Open Space Requirements
- B7. Other Requirements
- B8. Regulations
- B9. Severability

## **APPENDIX B**

### **OPEN SPACE RESIDENTIAL DEVELOPMENT ORDINANCE**

#### **B1. INTRODUCTION**

The Greenville Planning Board may approve Open Space Residential Developments (OSRD) in any zoning district where residential development is permitted, provided such developments are designed and built in accordance with the provisions of this section and the zoning ordinance and subdivision regulations of the Town of Greenville.

#### **B2. AUTHORITY**

This ordinance has been adopted by a Town Meeting vote of the Town of Greenville, New Hampshire, pursuant to RSA 674:21, Innovative Land Use Controls.

#### **B3. PURPOSE**

The purpose of this ordinance is to provide a policy for quality open space development which will protect the rural character, health, safety and welfare of the Town of Greenville through preservation of open space to serve recreational, scenic, conservation and other related purposes, and reduce the impact of development on the environment. To accomplish these objectives this ordinance encourages and permits alternative subdivision layouts and ingenuity and originality in total subdivision and individual site design. Protection of water supply, surface water quality, and wetlands shall be a fundamental goal of these designs.

An open space development, in contrast to a conventional lot-based subdivision, may use features such as smaller lot sizes, reduced frontage and setbacks, shared driveways, shared water and septic systems, or other alternative design elements to preserve the maximum amount of undeveloped land or open space on a parcel. Open space developments can provide the following benefits:

1. Protection of wildlife habitat and corridors.
2. Provision of land for active recreation.
3. Protection of open space for passive recreation and aesthetic purposes.
4. Preservation of unique natural or man-made features, including but not limited to unoccupied historic sites.
5. Protection of prime agricultural lands, agricultural lands of State-wide importance, or unique agricultural lands.
6. Provision of buffers of undisturbed natural vegetation to protect wetlands, streams, ponds, and other adjacent open lands.
7. Reduction in non-point source pollution through more compact development requiring less pavement and road construction.
8. Reduction in infrastructure and maintenance costs to the Town for services such as road maintenance, water and sewer lines and other infrastructure.

9. Enhanced property values because numerous studies have shown that homebuyers prefer lots close to, or facing, protected open space.

#### **B4. DEFINITIONS**

COMMON OPEN SPACE: Land that is set aside for protection from development in perpetuity, usually left in its natural state, for the purposes of natural resource conservation, wildlife habitat, water supply protection, passive recreation and other amenities in conformance with the provisions of this ordinance.

#### **B5. APPLICABILITY AND PROCEDURES**

##### 1. Applicability and Exemptions

To facilitate achievement of the goals of the Greenville Master Plan, any subdivision may be presented to the Planning Board as an Open Space Residential Development (OSRD) if the Parent Lot is twenty (20) acres or larger.

When a subdivision results in any land that may be subdivided or developed in the future, a Conceptual Long Range Development Plan meeting the requirements for such plans as detailed in the Greenville Land Subdivision Control Regulations will be prepared and submitted to the Planning Board.

##### 2. Application Procedures

Applications for Open Space Residential Developments shall follow the standard subdivision application and review procedures specified in the Greenville Land Subdivision Control Regulations, with the additional special procedures described below.

- a. Subdivision Regulations: All pertinent provisions of the Greenville Land Subdivision Control Regulations shall be complied with, including but not limited to: street design and construction specifications; the posting of bonds to cover required improvements; and the plat preparation and submission requirements.
- b. Site Plan Review: The Greenville Site Plan Regulations shall apply to the use, design, siting and development of all proposals and all common land.
- c. Special Procedures for OSRD: For any application for an OSRD, the applicant shall first prepare two sets of concept plans for the parcel of land being subdivided or otherwise developed. One plan shall describe a conventional subdivision or development while the second shall describe an open space residential development. These concept plans are similar to the "Design Review" phase of subdivision review per the Greenville Land Subdivision Control Regulations. The requirements for such concept plans are found below in B5.2(e). The applicant must then complete a definitive subdivision and/or site plan consistent with the concept plan that meets the requirements of the Greenville Land

Subdivision Control Regulations.

d. Determining the Permissible Number of Lots / Units:

The number of lots and dwelling units shown in an OSRD plan shall not exceed the number of lots and units which could reasonably be expected to be developed under a conventional subdivision plan in full conformance with all applicable zoning ordinances and the subdivision and site plan regulations of the Town of Greenville.

e. Concept Plan Requirements:

The principal component of the concept plan is a schematic representation of the proposed development, with sufficient detail about existing and proposed conditions to enable the Planning Board and the public to understand what is being proposed and to be able to respond to the applicant's proposals in an informed manner. This information will also be used by the Planning Board in determining the number of permissible lots.

The concept plans shall include scaled drawings by a registered land surveyor, civil engineer or landscape architect. The concept plans shall be used by the Planning Board in determining the number of lots that would be possible if the parcel were to be subdivided in a conventional manner, as well as the general features of the OSRD.

In addition to the submission documents, Design Review Phase, of section D.7 of the Greenville Land Subdivision Control Regulations, the following information must be submitted for Planning Board review of OSRD concept plans, unless waived by the Planning Board according to the procedure described in B5.2.f. below:

1. Photographs of the site at a variety of locations, focusing on possible building sites, unique natural and scenic areas and areas to be set aside as open space. The location of these photographs should be identified on the plan.
2. A description of the environmental and natural features of the site, focusing on those features intended for preservation through permanently protected open space.
3. The location and layout of the proposed open space.
4. The acreage and percentage of the entire parcel and proposed uses of the open space.
5. The total number and approximate locations of the proposed buildings, dwelling units and/or lots.
6. Topography / contour lines at an interval of two feet.
7. A statement on the disposition or manner of ownership of the proposed open space.
8. A delineation of jurisdictional wetland resource areas and their buffer zones. All resource area flag locations shall be numbered and placed on the plan.
9. A general mapping of soil types from existing data sources, such as the Natural Resource Conservation Services (formerly the Soils Conservation Service).
10. Lot boundaries with their approximate areas and frontage dimensions, or unit placement and all proposed common and open space areas.
11. Location and extent of all parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate all the units in the development proposal.
12. If available, the location and results of any test pit investigations for soil profiles percolation rates and determination of seasonal high water tables.
13. A general description of how drainage will be handled, including a soils

statement (soil conservation survey is acceptable) and the general area of the site to be used for stormwater management facilities.

14. Surface water, wetland and flood hazard area data using the FIRM or Raytheon information, as applicable, demonstrating that each such conventional lot has viable frontage access on a public way.
15. Draft of the proposal for the ownership and maintenance of the open space for Planning Board approval, which includes a provision for maintenance which permits assessments upon individual lot owners in the event of a default by the organization.
16. Drafts of any covenants running with the land, easements or grants which shall be enforceable by the town and/or subsequent owners of the land or buildings and which will oblige in a like manner subsequent holders of all or part of the applicants' interest.
17. After an OSRD concept plan has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, no dredging and no construction of buildings or structures shall be done on any part of the site until a definitive subdivision (or site plan if applicable) for such development has been approved by the Greenville Planning Board.

f. Waivers from the above Submittal Requirements.

The Greenville Planning Board may waive any of the above submittal requirements only when requested by the applicant after affirmative vote of the Planning Board, stating the reasons why such information is not pertinent or describing an alternative source of information for the item in question.

## **B6. PERMITTED USES AND DIMENSIONAL REQUIREMENTS**

- A. Permitted Uses: Single family homes, accessory uses and buildings incidental to the uses permitted herein, customary home occupations, community gardens (in the open space area), open space and recreational amenities as approved by the Planning Board are the only uses allowed in an OSRD.
- B. Tract Size and Density Requirements:  
The parent tract of land on which an OSRD is located shall have a total area of at least twenty (20) acres and 250 feet of frontage on a Class V or better road or street. The permitted density of residential units in OSRDs shall be the same as for a conventional subdivision meeting all Town of Greenville requirements.
- C. Minimum Lot Sizes: In an OSRD, individual lot sizes may be reduced from the lot sizes required in the underlying district as follows:
  1. Single Family Detached Dwellings: For lots served by the Municipal Waste Treatment system, the minimum lot size for a single-family unit shall be 30,000 square feet of contiguous developable land per unit. For lots served by septic systems, the minimum lot size for a single-family unit shall be 40,000 square feet of contiguous developable land per unit.
- D. Lot Dimensions: Internal building lots in addition to acreage requirements shall comply with the following:
  - Frontage: Shall be one hundred (100) feet for a single-family residential lot.
  - Setbacks and other dimensional requirements are the same as required for

conventional single family lots in the underlying zoning district(s).

## **B7. OPEN SPACE REQUIREMENTS**

1. At least fifty percent (50%) of the gross parcel area of an OSRD shall be set aside as common open space for the use and enjoyment of the residents of the OSRD and/or the general public.
2. Though the open space will be primarily protected for its natural resource and wildlife habitat values, a small area, totaling no more than 10% of the minimum required open space, may be set aside as a playground or other area for “active” recreation by the residents and/or the Town, depending on the ownership of the open space as discussed below. In addition, a small area, totaling no more than 5% of the minimum required open space, may be set aside as community gardens for the use of the residents of the OSRD.
3. The following lands shall not constitute more than fifty percent (50%) of the minimum required open space: a. wetlands as defined in the Town of Greenville zoning ordinance B. lands with slopes greater than twenty-five percent (25%), c. lands within the 100-year floodplain as shown on FIRM maps.
4. Open space areas shall include irreplaceable natural features located in the tract such as, but not limited to: stream beds, significant stands of trees, individual trees of significant size, rock outcroppings, and marshes. These should be distributed throughout the development as part of a design which will serve to unify the development visually and functionally and to buffer the development from surrounding land uses.
5. No common open space shall be denuded, defaced, or otherwise disturbed without prior written approval of the Planning Board. Open space intended for recreational or public use shall be easily accessible to pedestrians. Such open space areas shall be linked to residential areas by walkways which shall meet the needs of the elderly and the handicapped.
6. Further subdivision of common open space or its use for other than recreation, conservation or agriculture, except for easements for underground utilities, shall be prohibited. Structures or buildings accessory to recreation, conservation or agricultural uses may be erected, provided that there shall be a minimum setback of one hundred (100) feet between any common open space structures and all property lines on the site, and provided that the total of impervious surfaces shall not exceed ten percent coverage of the total area of the common open land. Existing rights of way and utility easements may not be counted towards the required percentage of minimum open space.
7. Stormwater management and shared septic and well systems may be located within the common open-space when necessary, provided such systems meet all applicable state and local codes, and are approved by the Greenville Planning Board and Board of Health. The Planning Board may require that such utilities be covered by a utility or access easement. The area devoted to shared septic and large surface stormwater systems, such as retention and detention ponds, shall not, however, qualify towards the minimum required amount of open space.
8. A buffer zone having a minimum depth of one hundred (100) feet shall be provided between any structure and the perimeter of the parent tract. The intent of the buffer zone shall be to provide visual vegetative screening from adjacent lots. Said buffer zone shall be comprised of vegetation, either natural or planted. No dwellings, structures or service

roads shall be permitted within the designated buffer zone.

Ownership of Common Open Space Areas: Common open space areas, and improvements thereon, shall be held, managed and maintained by the developer until they are:

1. Owned under a system of fractional ownership by unit owners or other form of ownership controlled by a Home Owner's Association as described in the Town of Greenville subdivision and site plan regulations, or
2. Deeded to the Town of Greenville, or
3. Placed under a conservation easement given to the Town, or to a government entity or a conservation organization acceptable to the Planning Board and the Town.

The applicant shall prepare a statement describing the purpose of the proposed open space, and this shall be consistent with the purposes and benefits stated in B3. The Planning Board and the applicant must reach agreement on the statement of purpose and shall then use this statement to evaluate the suitability of land and access proposed for open space, ensuring sound design and function of both the open space as well as the developed areas.

## **B7. OTHER REQUIREMENTS**

1. Fees: The applicant shall be responsible for all costs incurred by the Town of Greenville, its Planning Board, and its officials and representatives in the review of any plans. The Planning Board may require that the applicant post with the Town, at the time of application for Open Space Residential Development plan review, sufficient funds from which anticipated review costs can be paid.
2. Special Studies: The Planning Board may require special studies and/or additional information that it deems necessary to carry out the purposes of the Open Space Residential Development provisions. Such studies shall be contracted by the Town; cost shall be borne by the developer of the land under consideration.

The Planning Board shall approve, approve with modifications, or disapprove the plans as provided by New Hampshire RSA 676:4.

## **B8. REGULATIONS**

The Greenville Planning Board may adopt regulations to assist in the administration of this ordinance. These regulations may address, but not be limited to, the following considerations: plan submittal requirements, plan review and approval processes, site landscaping and buffer / screening standards, open space use restrictions and guidelines, building design guidelines, low impact development stormwater management, standards for homeowners associations and other planning aspects of open space residential development. Failure of the Planning Board to adopt such regulations shall not serve to invalidate any provisions of this ordinance.

**B9. SEVERABILITY**

If any provision of this ordinance is held invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby. The invalidity of any section or sections of this ordinance shall not affect the validity of the remainder of the Greenville Zoning Ordinance.

## **Appendix C**

### **Ordinance for Manufactured Housing**

- C.1 Introduction
- C.2 Individual Manufactured Homes
- C.3 New Parks for Manufactured Housing
- C.4 Existing Parks for Manufactured Housing
- C.5 Storage of Manufactured Homes, RVs, Camping Trailers, or Travel Trailers
- C.6 Ordinance Enforcement and Penalty for Non-Compliance

## **Appendix C**

### **Ordinance for Manufactured Housing**

Adopted at Special Town Meeting: November 19, 1985

#### **NOTE**

This Ordinance for Manufactured Housing replaces the Ordinance for Mobile Homes dated March 14, 1978 and the Ordinance for Mobile Home Parks dated March 9, 1971 on Pages 11 and 26, respectively, of the Town of Greenville Ordinances document dated February 17, 1984. This Ordinance for Manufactured Housing is effective as of November 19, 1985.

#### **C.1 INTRODUCTION**

The Ordinance for Manufactured Housing as herein described is intended to integrate manufactured housing into the structure of the Town of Greenville in an orderly, planned manner.

For purposes of this ordinance, the terms "manufactured housing" and "manufactured home(s)" are used interchangeably throughout this document and are defined to mean: "any structure, transportable in one or more sections, which, in the travelling mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein." This definition in no way prohibits the use of more stringent requirements as may be required by this ordinance.

In general, this ordinance allows the placement of individual manufactured homes on individual lots; prohibits the development of new parks for placement of manufactured housing, controls the development of existing parks containing manufactured housing; specifies the requirements for storing of manufactured housing, RVs, travel trailers, and campers; and identifies the method of enforcement for this ordinance.

Specifically, the Manufactured Housing Ordinance for the Town of Greenville is as follows.

#### **C.2 INDIVIDUAL MANUFACTURED HOMES**

Individual manufactured homes shall be permitted to locate in the Town of Greenville provided each meets the following requirements:

- a. Each manufactured home shall be a single family, detached housing unit of not less than 600 square feet of living space.

- b. Each manufactured home shall be built in accordance with the construction and safety standards of the United States Department of Housing and Urban Development (HUD).
- c. Each manufactured home shall be placed on a lot meeting or exceeding the specifications of the Town of Greenville Ordinance for Minimum Lot Size, Ordinance for Setbacks, and Ordinance for Off Street Parking.
- d. Each manufactured home shall be connected to the municipal sewage systems, as specified by the Town of Greenville Sewer Ordinance, or to a properly installed and maintained septic system, as specified by the Town's Ordinance for Sanitary Protection, the Town's Board of Health, and the State of New Hampshire Water Pollution and Control Board. Further, for septic systems, written approval from the State of New Hampshire Water Pollution and Control Board or their designee, attesting to the proper installation of the septic system, must be presented to the Board of Selectmen or their designee before the home can be occupied.
- e. Each manufactured home shall meet the requirements of the Town's Building Code, including the requirements for Building Permits and foundations, and all applicable requirements in the Town's Flood Plain Regulations and Building Code.
- f. Each manufactured home shall comply with all other existing Town of Greenville Ordinances, and any new or revised ordinances as may be approved by the Town from time to time.

**C.3 NEW PARKS FOR MANUFACTURED HOUSING**

No new parks for manufactured housing shall be allowed in the Town of Greenville. For purposes of this ordinance, a manufactured housing park is defined as a place established for the placement of two or more manufactured homes on a plot of land where the homes are intended for habitation by others than the lot owners, regardless of charges, if any.

**C.4 EXISTING PARKS FOR MANUFACTURED HOUSING**

All existing parks for manufactured housing in the Town of Greenville shall meet the following requirements.

- a. The owner or owners of each manufactured housing park shall submit to the Board of Selectmen or their designee on April 1 of each year a letter and supporting documentation detailing the following:
  - 1. The physical location of the manufactured housing park and its legal description; name(s), addresses and telephone numbers of the current owner(s); and the name(s), addresses and telephone numbers of the current park managers or caretakers.

2. The total number of manufactured homes allowed in the existing park, and the actual number of manufactured homes currently in the park.
  3. A current and accurate plot plan or plans showing the overall bounds, and dimensions of the existing manufactured housing parks; abutters names and addresses; locations, dimensions and lot numbers for each lot; identification of empty and filled lots; names and locations of each street or access road within the park; locations of septic systems and water supplies (wells or other); locations of all access roads into and out of the park; locations of fire suppression ponds, fire hydrants or other fire apparatus, if any; and any other information that may be requested by the Board of Selectmen or their designee.
- b. The owner or owners of each manufactured housing park shall maintain a register of all occupants and manufactured homes within the park. The register shall contain the following information as a minimum:
1. Name and address of each occupant of a manufactured home, and the owner of the manufactured home (park owners, individual or others).
  2. Model number, serial number, model name, year manufactured, and manufacturers name of the home.
  3. Overall length, width, height, and weight of the manufactured home.
  4. Number of assigned manufactured home lot(s).
  5. The date of arrival and date of departure of manufactured home occupants.
  6. Any other information that the Board of Selectmen or their designee may request from time to time.
- c. All new or replacement manufactured homes installed on existing lots within the park shall have been built in accordance with the manufactured housing standards for construction and safety as established by the United States Department of Housing and Urban Development (HUD).
- d. Each manufactured home, whether a home to be placed on an empty lot or as a replacement for an existing home, shall require a septic system permit from the State of New Hampshire Water Pollution Control Board and a Building Permit from the Board of Selectmen or their designee before it can be installed. The Building Permit must list the number of bedrooms in the manufactured home, as well as all other required information. Written approval from the State of New Hampshire Water Pollution Control Board or their designee, attesting to the proper installation of a septic system, must also be presented to the Board of Selectmen or their designee before the manufactured home can be occupied.
- e. No manufactured housing park shall be permitted to expand or extend beyond the physical

size and the total number of manufactured homes permitted when the park plan was originally submitted to and legally approved by the Town of Greenville.

- f. The Board of Selectmen, the Board of Health, the Chief of Police, the Fire Chief and all other properly designated Town officials shall be authorized to make inspections of all manufacture housing parks. These inspections shall be for the purpose of safeguarding the health and safety of occupants of manufactured housing parks. Except in cases of fire, police, or health emergency, the officials shall notify the manufactured housing park owners in advance of their intentions to inspect.
- g. Building Permits shall be required for any alterations to the interior or exterior of manufactured homes. Building permits shall also be required for adding or altering porches, decks, swimming pools, utility buildings, garages, sheds, and all other outbuildings and appendages. All such Building Permits must be applied for by the owner of the manufactured homes and must be approved by the owner(s) of the manufactured housing park before submittal to the Town of Greenville.

**C.5 STORAGE OF MANUFACTURED HOMES, RVs, CAMPING TRAILERS OR TRAVEL TRAILERS**

No manufactured homes shall be stored in the Town of Greenville for more than 30 days in any 12-month period. The storage of up to two RVs (recreational vehicles), travel trailers or camping trailers on a lot shall be permitted; living in any is prohibited.

A contractors mobile office trailer shall be allowed on a temporary basis at a construction site. Manufactured housing parks may display for sale up to five manufactured homes within confines of the park; living in such manufactured home displays is prohibited.

**C.6 ORDINANCE ENFORCEMENT AND PENALTY FOR NON-COMPLIANCE**

The Board of Selectmen or their designees are the enforcing agency for ensuring that all provisions of this ordinance are met and complied with.

Any person(s), firm(s) or corporation(s) violating any of the provisions in this ordinance shall, after written notice by the Board of Selectmen, be fined not more than \$100 per day per offense. Each day that said violation continues shall be considered to be a separate offense and fined accordingly, as provided for in New Hampshire RSA 676:17.

## **Appendix D**

### **Land Subdivision Control Regulations**

- D.1 Introduction
- D.2 Authority
- D.3 Definitions
- D.4 Application Procedure
- D.5 Approval
- D.6 General Requirements for the Subdivision of Land
- D.7 Submission Documents: Design Review Phase
- D.8 Submission Documents: Final Review Phase
- D.9 Special Flood Hazard Area

Table D-1 Subdivision Fee Schedule

## **Appendix D**

### **Land Subdivision Control Regulations**

Adopted: March 9, 1971

Amended: March 11, 1980

Amended: March 10, 1981

Amended: April 11, 1991

Amended: March 11, 1997

Amended: June 27, 2002

#### **D.1 INTRODUCTION**

As a means of retaining the scenic beauty of our Town and for purposes of protecting the Health, Safety, Convenience, Prosperity, and Welfare of our inhabitants, the following land subdivision regulations are hereby enacted. The authority granted to the Planning Board shall be exercised with due regard for adequate access to all lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the applicable ordinances or bylaws and State laws, for securing adequate and safe provisions for water, sewerage, drainage and other requirements where necessary in a subdivision, and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions, in a manner that will require a minimum expenditure of Town funds.

#### **D.2 AUTHORITY**

Pursuant to the authority vested in the Greenville Planning Board by the voters of the Town of Greenville on March 9, 1971 and in accordance with the provisions of Chapter 674:35 of the New Hampshire Revised Statutes Annotated (RSA), as amended, the Greenville Planning Board adopts the following regulations governing the subdivision of land in the Town of Greenville, New Hampshire.

#### **D.3 DEFINITIONS**

ABUTTER shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his

land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective or association, as defined in RSA 356-B:3, XXIII.

BOARD means the Planning Board of Greenville.

SUBDIVISION as set forth in RSA 672:14 shall mean the division of the lot, tract or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision, and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed subdivision under this regulation.

PLAT means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Register of Deeds of Hillsborough County for recording.

STREET means and includes street, avenue, boulevard, road, alley, highway, and other way.

ENGINEER means the duly designated engineer of the Town of Greenville or if there is no such official, the planning consultant or official assigned by the Board.

BUILDING means a structure designed and built or occupied as a shelter or roofed enclosure for persons, and includes trailers and mobile homes on wheels or other supports, and used for residential, commercial, industrial, institutional, religious, educational, recreational or professional purposes. Such building includes open porches, open breezeways, and any other roofed areas.

BUILDING DEVELOPMENT means the construction, erection or location on any lot of the structure defined in Paragraph G.

#### **D.4 APPLICATION PROCEDURE**

All applications made to the Planning Board, whether for formal or informal consideration, shall be submitted to the Planning Board at least thirty (30) days prior to the date of a Planning Board meeting at which the applicant wishes to appear.

Application for proposed subdivision may be presented as follows: 1) a Preliminary Conceptual phase, 2) a Design Review phase at which abutters must be notified, 3) a Final Review phase of the application at which abutters must be notified.

The preliminary Conceptual phase is intended to address the suitability of the land for subdivision and for review of the basic concept of the proposal in general terms such as desirability of types of development for an area, and under the Master Plan. This review shall not bind either the applicant or the Planning Board.

The Design Review phase continues this informational exchange between the Board and the applicant, and these discussions are encouraged for subdivisions of more than four (4) lots and subdivisions proposing new roads. Material presented for this discussion should include plats and information as described in D.7. Discussions are vital to sound planning and to let both the applicant and the Board study the widest range of possible configurations. In addition, the suitability of the proposal can be determined with a minimum burden of expense on the applicant.

A completed application within the meaning of RSA 676:4 I (b) shall constitute a completed application form, a complete list of abutters as indicated in town records not more than five (5) days before the day of filing, three sets of addressed mailing labels including the applicant, the payment of a fee as per approved schedule of fees, four (4) prints of all the drawings to be recorded, two (2) prints of topography and road profiles as well as all of the items specified in Section D.8, paragraph 1, 2, 3, and shall include any specific factual material required by the Planning Board, unless waived by the Planning Board during the subdivision process, including such materials as traffic, water supply, environmental impact studies, or similar materials necessary to make informed decisions as to the impact of a proposed subdivision or development.

For Planning Board agenda purposes only, inclusion of submission documents required by Section 4-5b shall be considered complete. The Planning Board shall receive and vote to accept an application only at a public meeting after notification of abutters as per RSA 676:4 I (d).

Applications and plans for Final Review phase will be reviewed by the Planning Board for conformance with these subdivision requirements and applicants will be notified by regular mail of any deficiencies which must be corrected in order to be placed on a Planning Board agenda for Planning Board Final Review of the application.

After such notice, the applicant may revise the plan. The revised plan, which must provide the information required by subdivision regulations shall be resubmitted at least fifteen (15) days prior to the Planning Board meeting at which the applicant/s wishes to appear. Approval of State agencies is mandatory for applications to be approved in the Final Review phase.

## **D.5 APPROVAL**

Acceptance and approval by the Board of the submission shall constitute an agreement between the Town and the applicant that subdivision and development of the land in question shall be done as detailed on the final plat/s. Deviation from the approved final plat requires the consent of the Board.

After due notice as required by RSA 676:41(d), the Planning Board shall hold a public hearing for formal acceptance within thirty (30) days of receiving an application for Final Review. The applicant and abutters shall be notified of said hearing in fashion consistent with RSA 676:4 (g).

The Board must act to approve, modify and approve, or disapprove a plat within sixty-five (65) days of the acceptance of the complete submission unless the time for action has been extended an additional sixty-five (65) days by the Selectmen or unless the applicant has waived the requirement for action within the time periods specified herein and consent to such extension is agreeable to both parties. If the Board fails to act and has obtained no extension from the Selectmen or waiver from the applicant, then said applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen, shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.

The approved final design plat shall be recorded with the Registrar of Deeds, Hillsborough County prior to any sale or transfer of land within the subdivision. The recording of such approved plats, shall, without further action, modify the official map or the Town of Greenville. Such recording shall not constitute acceptance by the Town of any street, easement, or open space shown thereon.

No street or open space will be accepted by the Town until such time as all improvements have been carried out as shown on the final plat, in accord with the requirements of these regulations, subject to any conditions established by the Planning Board at the time of final design plat approval and compliance with all State and local regulations applicable thereto. Acceptance shall then take place only upon the acceptance by the Selectmen of the Town of a Warranty Deed to the premises so dedicated.

## **D.6 GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND**

### **A. GENERAL REQUIREMENTS**

1. All proposed subdivisions shall conform to the Town of Greenville's Zoning Ordinance and all appropriate state and local land use regulations. In order to seek an approved subdivision, the applicant must comply with all requirements in the Subdivision Regulations for the Town of Greenville, New Hampshire, or seek a waiver so stating the reason therefore.
2. **PUBLIC SAFETY:** Land of such a character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, or other menace shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, until appropriate measures have been taken by the owner or his agent to substantially eliminate such hazards.
3. **SCATTERED OR PREMATURE SUBDIVISION:** Scattered or Premature Subdivision of land for building purposes, which would, if permitted, create one of the following conditions shall be prohibited:

- a. constitute a scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department or other public services;
  - b. necessitate an excessive expenditure of public funds for the supply of such services;
4. **ACCESSIBILITY:** Spaces of adequate proportions shall be maintained to afford light, air and access for fire fighting apparatus and equipment to buildings. A determination of adequate accessibility will be made by the Chief of the Fire Department.
5. **WETLANDS, SWAMPS AND WATER COURSES:** No residential, commercial, or industrial use shall be platted that requires filling of or destroying of natural wetlands, nor shall natural swamps, potable water supplies and water courses be destroyed or diverted to provide access to or enlarge adjacent dry land areas without approval of the appropriate State agencies.
6. **CONSTRUCTION:** No construction shall be permitted in any subdivision in accordance with RSA 149-E:s (Sewage Disposal Systems) until final approval has been granted by the Planning Board.
7. If during review of an application, professional or engineering review is employed by the Planning Board, the costs of such review shall be borne by the applicant for approval.

#### B. DESIGN REQUIREMENTS

1. Lot areas and frontage shall conform to the requirements of the district in which the subdivision is located. Where new lots and lot lines are created, resulting lot shapes shall be reasonable and compact.
2. Easements and rights-of-way shall not be counted in the determination of buildable area of a lot or tract, whether it is proposed for subdivision or not.
3. Culverts and drainage systems, if required, shall be designed by a licensed professional engineer and shown on all plats. Drainage plans shall be prepared in details and storm waters shall be carried to existing water course, or connect to existing water courses, or connect to existing storm drains. If the stormwater drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement therefor from the adjacent owner and shall hold the Town of Greenville harmless from any claims for damage resulting therefrom.
4. Slope and drainage easements are to be provided as required prior to final approval.

5. Permanent monuments shall be set at all principal corners and as required by the Road Agent or Planning Board at locations shown on the approved plats. The subdivider or his agent shall be responsible for placing all monuments to be set. No new streets will be accepted by the Town prior to the setting of all required bounds.
6. Where strict conformity to the Land Subdivision Control Regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with regulations may be approved by the Board provided that the spirit of the regulations and public convenience and welfare will not be adversely affected.
7. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivision or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.
8. No street or highway right-of-way shall be less than 50 feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. The apportioning of the street widths among roadway, sidewalks, and possible grass strips shall be subject to the approval of the Board.
9. Dead-end or cul-de-sac streets shall not in general exceed 400 feet in length, and shall be equipped with a turn-around roadway at the closed end with a minimum radius of 60 feet from the center to the outside edge of the right-of-way.
10. Reserve strips of land which, in the opinion of the Planning Board show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.
11. The widths of blocks shall not be less than 200 feet, nor shall the length exceed 1200 feet.
12. Intersecting property lines at street intersections shall be joined by a curve of at least 20 foot radius.
13. There shall be adequate width and area on every lot after the erection of a residence, to permit the parking within the lot of at least two cars for each dwelling unit.
14. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for major streets and 8% for minor streets. No street shall have a grade of less than 1/2 of 1%.
15. The Board in its discretion may require that the subdivider provide parks and playgrounds to be dedicated or to be reserved for the common use of all property owners and that said parks and playgrounds shall be of reasonable size and character for neighborhood

playgrounds or other recreational uses.

16. Streets which join or are in alignment with streets or abutting or neighboring properties shall bear the same name. Names of new streets shall no duplicate, nor bear phonetic resemblances to the names of existing streets within the Town of Greenville.
17. In areas not currently served by public sewer systems it shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field). Such information shall consist of the report of the Soils Engineer or health officer regarding seepage and other tests that may be required. The subdivider or his agent shall be required to provide the necessary equipment and labor for the making of these tests.

**C. STREET REQUIREMENTS**

1. Pavement and drainage facilities, curbs and sidewalks, when required shall be installed and constructed in accordance with the standard specifications of the Town of Greenville and in all cases must be constructed under the supervision of the Engineer.
  - a. The paved roadway shall have a width of at least twenty-four feet with four foot graveled shoulders.
  - b. The roadway shall be constructed in accordance with the following specifications:
    - i. The entire area of each new street shall be cleared of all stumps, brush, roots, boulders, and like material and all trees not intended for preservation.
    - ii. All topsoil or loam must be removed from the limits of the road bed (32 feet in width) to a depth of at least 18 inches and backfilled with bank run gravel free from loam, spread and compacted in no greater than 12 inch layers. No stone with any dimension greater than four inches, and all stones having a dimension greater than 3 inches shall be removed from the upper 4 inches of the top six-inch layer; all to be rolled and compacted with a 10-ton roller.
    - iii. All material and workmanship shall be in accordance with the standard specifications for Road and Bridge construction and adopted in 1969 and any revisions thereto.
    - iv. This work cannot be started until on or after April 15 and must be completed before November 1 of the same year.
    - v. The surface shall consist of 2 inches of Hot Bituminous Pavement applied in a single course by an approved type of finishing machine. The maximum size of coarse aggregate shall not exceed 1/2 inch. Equivalent types of material and construction may be considered by approval of the Town Engineer.
    - vi. Adequate disposal of surface water shall be provided for. Catch basins shall be built where required and culverts of proper capacity installed at all water

courses with necessary headers of an approved construction. All necessary water and sewer lines shall be installed at the extreme side of the proposed streets and to required specifications of the Water and Highway Departments and shall include service lines running from the water mains to the curb to service each lot.

- c. The roadway shall be graded and paved to the final grade in accordance with profile submitted.

#### **D. PERFORMANCE BONDING**

Where any plat provides for construction of improvements, installations, or facilities, including but not limited to streets, water, sewer, or utility mains, pipes or connections, and associated erosion control measures which shall be subject to provisions of these regulations governing the manner in which they shall be laid out, installed, or constructed, the Planning Board may make final approval of a plat otherwise found to be in conformance with these regulations, but the Planning Board shall require of the subdivider, prior to granting of such final approval, security for the performance of such work, as follows:

1. The subdivider shall provide a bond in such amount considered by the Planning Board to be sufficient to fund the completion of all such improvements, installations, or facilities in conformance with the final plat and applicable regulations. Such bond shall be payable to the Town of Greenville and shall be in such form and shall have security as the Planning Board shall deem necessary.

#### **D.7 SUBMISSION DOCUMENTS. DESIGN REVIEW PHASE**

Tentative plats for discussions should be sufficiently clear to show all site conditions. Plans should not be at a scale greater than one hundred (100) feet to the inch. Six (6) paper prints are filed with the application detailing the general concept of the proposal, indicating the form of subdivision sought, and the following information:

- a. Proposed subdivision name; name and address of owner of record; subdivider and designer; date; north point and scale.
- b. Names of owners of record of abutting properties, abutting subdivision names, street, easements, building lines, alley, parks, and public open spaces and similar facts regarding abutting property.
- c. Location of property lines and their approximate dimensions; existing easements, buildings, water courses, ponds, or standing water, rock ledges and other essential features.
- d. Existing water mains, sewers, culverts, drains, and proposed connections or alternative

means of providing water supply and disposal of sewerage and surface drainage.

- e. Location, name and widths of existing and proposed streets and highways with their grades and profiles and the elevation of sufficient points on the property to indicate the general topography of the property.
- f. Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property.

Such easements shall not be less than 10 feet in width and shall have satisfactory access to existing or proposed public ways.

- g. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- h. Preliminary designs of any bridges or culverts which may be required.
- i. Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.
- j. While it is the duty of the Town Planning Board to inspect the site of all proposed subdivisions, and to require grading and installation as outlined in this ordinance for common use, as will eventually be acceptable to the Town for maintenance by the Town, and to approve the same when satisfied that such proposed plans are in harmony with, and not detrimental to existing values; but in no case shall this approval by the Board be deemed an acceptance by the Town of the street or streets within the subdivision.

Suitability of the soils present on a tract may be paramount to the type of development on such tract and soils testing should be directed toward establishing soils type and suitability, indicating on plans: boundaries, topography, wetlands, ledge, streams, existing roads, new roads, structures, soils, types, adjacent development.

#### **D.8 SUBMISSION DOCUMENTS. FINAL REVIEW PHASE**

1. Final plat/s, four (4) copies of paper prints showing the following: Also a Registrar's original including at least the items with asterisks and Mylar copy of subdivision at scale of Greenville Tax maps shall be provided including at least the items with asterisks.

- a. boundary of subdivision area, including bearings and distance on every lot line.
- b. topography with sufficient detail to indicate storm water runoff.
- c. streams, seasonal runoffs, brooks, ponds, wetlands (poorly or very poorly: drained soils);
- d. the subdivision's relation to existing roads.
- e. existing structure.
- f. adjacent structures within 100 feet of parcel boundaries.
- g. soil type/s certified by Natural Resource Conservation Service (NRCS) or by a Soils Scientist qualified by Natural Resource Conservation Service.
- h. site location map, showing proposed subdivision in relation to major roads.
- i. The subdivider or his agent(s) shall arrange to have soils investigations, including test pits and required Hi-Intensity Soils Mapping (HISS), witnessed by the Town Health Officer and/or other individual as assigned by the Planning Board. Wetland areas, if present on the site, shall be further delineated by a HISS performed by a Certified Soil Scientist. The results of soils investigations to be placed on plans and include, but not limited to, soils data showing results and location of test pits and perc tests, a statement that tests meet the criteria established by State and Local authorities for, the design of a septic system.
- j. location of 4000 square feet per single family unit reserved for septic systems. Additional soils tests, after Final Review approval, maybe required.
- k. North point.
- l. bar scale
- m. date of layout and dates of revision.
- n. as part of a subdivision or lot line change submittal, all applicants are required to have the plans of the subdivision or lot line change reduced to no larger than 11 "x 17" with no less than four (4) copies.

2. Final plat/s showing:

- a. name of municipality;
- b. name of subdivision;
- c. name and address of subdivider;
- d. name and address of abutters;
- e. existing roads or driveways within 200 feet of the subdivision;
- f. existing and proposed lot lines ;
- g. proposed names of new streets, or private roads and driveways servicing three or more dwelling units, shall have appropriate road names as approved by the Board of Selectmen;
- h. area reserved for stumps;
- i. location of existing and proposed easements, IF NONE, SO STATE ON PLANS;
- j. deed restrictions, IF NONE, SO STATE ON PLANS;
- k. building setback lines;
- l. parks;
- m. recreation facilities;
- n. conservation trails;
- o. significant natural or manmade features;
- p. water mains;
- q. sanitary sewers;

- r. stormwater sewer or drainlines;
- s. drainage calculations for proposed culverts or drainage structures, including driveway culvert size;
- t. existing utilities, telephone, electric, gas;
- u. proposed placement of telephone, electric, gas;
- v. boundaries of Zoning Districts within the subdivision;
- w. boundaries of other municipalities;
- x. land use designation per Zoning Maps;
- y. location of driveways accessing public road and indication of sight distances;
- z. all site plans must have the following Certification by a Licensed Land surveyor. "I certify that the street line( s ), topography and physical features shown are accurate and true."

Date\_\_\_\_\_ Name\_\_\_\_\_ LLS.

3. Final plat/s showing:

- a. a statement of suitability of land for development;
- b. a statement of work to be completed on existing streets to meet minimum standards;
- c. Final plans shall contain the following paragraph:  
 "The ways shown on this plat are intended by the subdivider and the Town of Greenville Planning Board to remain private ways until such time as they are accepted by the Town. The recording plan shall not be construed as an offer of dedication of those ways public highways under the New Hampshire common law of dedication and acceptance, nor shall the approval of this plat constitute an approval of those ways as public streets pursuant to RSA 674:40."
- d. method of sanitary sewerage disposal;
- e. method of supplying water;
- f. watershed areas;
- g. road profiles and cross sections, including driveways;
- h. approval/s from any other Municipal, State or Federal Agency which may have jurisdiction;
- i. name and seal of engineer or land surveyor licensed by the State of New Hampshire;
- j. statement that final plat is based on a boundary survey with a maximum error of closure of 1 in 10,000 certified by an Engineer or Surveyor registered with the State of New Hampshire, distances shall be to the nearest 100th of a foot and bearings to the nearest one second;
- k. stations, radii, curve data and paving widths of streets;
- l. lot dimensions showing area in square feet and acres;
- m. a written acknowledgment of the subdivider's responsibility for maintenance, and the assumption by the subdivider of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town;
- n. accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;
- o. indication on plan for each lot the maximum number of bedrooms;
- p. floor plans and architectural drawings of proposed units;
- q. indication on plan of what area is dedicated to open space;
- r. a statement of approval from appropriate municipal agency if subdivision is to be served

- by public water supply or sewer;
- s. volume and page reference sufficient to indicate the subdivider's derivation of title in the event only one parent tract is involved, and if the subdivision constitutes an assemblage of several tracts, the plat shall contain a title reference of each and indicate where each of the lots is situated with reference to the assembled tracts. All lots shall be numbered so as to coincide with the Town of Greenville tax map numbers by parent tract numbers.
  1. No subdivision shall be finally approved until the Planning Board is provided with a certificate in writing from the Tax Collector that all tax liens (other than those that apply to April 1, of the tax year in which the subdivision is being approved) have been paid and cleared.
  2. That D.8 (3) of the subdivision regulations shall require that any plan presented for final approval contain a depiction on the plan by dotted lines of the lot lines of the parent tract(s) as identified in the notes.
  3. That the identity of any lien holder or mortgages (including volume and page references where said liens are recorded) that exist at the time such approval is given are listed and certified by an attorney.
- t. approval of Town Counsel of legal data in final, executable, recordable form on:
  1. the agreement to convey to the Town, land to be used for streets and other public purpose;
  2. any covenants dealing with methods of ownership of common land or open space. The intent herein is to guarantee that ownership and taxation of common land be equitably apportioned to individual owners for his/her lot/unit and common land. With respect to covenants and other recordable documents, no building permit shall be issued until the applicant has provided photo copies of the recorded instrument to the Town identifying the recorded item to be in place;
  3. any covenants restricting use or future use of land within a subdivision to those permitted in the Zoning Ordinance as well as, restrictions on bedrooms;
  4. any proposed easements;
  5. any proposal to increase drainage onto or across other property, whether public or private;
  6. a recordable Warranty Deed for any land/road to be accepted by the Town.
- u. estimate from appropriate contractors of cost of installation of all roads/improvements shown on plan;
- v. space reserved on plat for endorsement by all appropriate agencies;

- w. the following statement, "The Subdivision Regulations of the Town of Greenville are part of this plan, and approval of this plat is contingent on completion of all requirements of said Subdivision Regulations, excepting, only any variances or modifications made in writing by the Board and attached hereto".
- x. study or review of, unless waived by the Planning Board;
  - 1. fiscal impact to Town Services
  - 2. environmental impact
  - 3. traffic
  - 4. drainage plans
  - 5. water supply
  - 6. hydrogeological
  - 7. schools impact
  - 8. other

## **D.9 SPECIAL FLOOD HAZARD AREA**

### **NOTE**

This ordinance was amended per the requirements mandated by the Federal Emergency Management Agency (FEMA). A public hearing on the proposed amendment was held December 12, 1996. The amended ordinance was approved by Town vote March 11, 1997.

All subdivision proposals or other development governed by these regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Greenville, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps for the Town of Greenville dated May 19, 1981 shall meet the requirements cited in Appendix J, Floodplain Development Ordinance.

In addition, all subdivisions having land designated as "Special Flood Hazard Area" by the National Flood Insurance Program (NFIP) shall meet the following requirements.

The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

The Planning Board or their designee shall require that all subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

- (a) all such proposals are consistent with the need to minimize flood damage,

- (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage, and
- (c) adequate drainage is provided so as to reduce exposure to flood hazards.

## **Table D-1 Subdivision Fee Schedule**

### **Notification Fees**

1. Abutters Fee: \$8:00 per abutter per notification.  
(Number of abutters \_\_\_\_\_ x \$8:00 = \$\_\_\_\_\_)
2. Newspaper Fee: \$100.00 per hearing per notification
3. All fees shall be paid in full to the Planning Board prior to the acceptance of the Application for Subdivision.

### **Administrative Fees**

1. Two-lot subdivision: \$200.00 for two-lot subdivision (original lot plus one new lot).
2. Three or more lot subdivision: \$300.00 for the first two lots, plus \$50.00 for each additional lot.
3. All fees shall be paid in full to the Planning Board prior to the acceptance of the Application for subdivision.

### **Review and/or Consultation Fees, Impact, and/or Study Fees**

1. All subdivisions reviews, consultations, impact studies, and/or studies shall require a bond or deposit, as determined by the Planning Board.
2. All such fees shall be paid in full to the Planning Board prior to the final approval of the subdivision by the Board.

### **Road Bond**

1. If required by the Planning Board, the Applicant shall provide a road bond.
2. The amount of the road bond shall be as set by the Planning Board.

### **Recording Fees**

All recording fees shall be paid in full by the applicant.

## **Appendix E**

### **Building Code Ordinance**

- E.1 Introduction
- E.2 Administration
- E.3 Enforcement
- E.4 Penalties
- E.5 Fee Structure
- E.6 Appeals
- E.7 Simplified Amendment Procedure

## **Appendix E**

### **Building Code Ordinance**

Adoption: March 12, 1991

#### **NOTE**

The following Building Code Ordinance replaces in its entirety the Building Code adopted by the Town of Greenville March 11, 1980.

#### **E.1 INTRODUCTION**

The Building Code Ordinance for the Town of Greenville hereby adopts by reference the following codes and ordinances for its building code ordinance:

- The BOCA National Building Code/1990, Eleventh Edition, Published by Building Officials and Code Administrators International, Inc.
- The BOCA National Plumbing Code/1990, Eighth Edition, Published by Building Officials and Code Administrators International, Inc.
- The BOCA National Energy Conservation Code/1990, Sixth Edition, Published by Building Officials and Code Administrators International, Inc.
- The BOCA National Mechanical Code/1990, Seventh Edition, Published by Building Officials and Code Administrators International, Inc.
- National Electrical Code, 1990 Edition, Published by National Fire Protection Association
- Flood Plain Development Ordinance, Appendix J, Greenville Zoning Regulations

#### **E.2 ADMINISTRATION**

The Building Code Ordinance shall be administrated by the Board of Selectmen or their designee, as provided for in NH RSA 637:1, subparagraph V, and the Greenville Zoning Regulations, Section 6, Administration and Enforcement.

#### **E.3 ENFORCEMENT**

The Building Code Ordinance shall be enforced by the Board of Selectmen or their designee, as provided for in the Greenville Zoning Regulations, Section 6, Administration and Enforcement.

#### **E.4 PENALTIES**

Penalties for non-conformance to the Building Code Ordinance shall be levied by the Board of Selectmen or their designee, as provided for in the Greenville Zoning Regulations, Section 6, Administration and Enforcement.

#### **E.5 FEE STRUCTURE**

Fees associated with the enforcement and administration of the Building Code Ordinance shall be as determined by the Board of Selectmen or their designee.

#### **E.6 APPEALS**

Appeals arising from any administrative or enforcement decision shall be made to the Building Code Board of Appeals, as provided by NH RSA Chapter 673:1, subparagraph V. If there is no Building Code Board of Appeals, the Zoning Board of Appeals shall serve as the Building Code Board of Appeals.

#### **E.7 SIMPLIFIED AMENDMENT PROCEDURE**

Amendments to the Building Code Ordinance shall be accomplished in accordance with NH RSA Chapter 674:52, subparagraph VI. In general, the RSA states that town officials may prepare an amendment, hold a public hearing, and receive approval by the Board of Selectmen.

## **Appendix F Off-street Parking Ordinance**

Adopted: March 1976

Deleted in its Entirety: March 2000 Town Meeting

### **NOTE**

Appendix F, Off-street Parking Ordinance, was deleted in its entirety and integrated into Section 4, Special Regulations, paragraph 4.3, Off-Street Parking. Deletion of Appendix F was approved by the Town of Greenville at the March 2000 Town Meeting.

**APPENDIX G  
FIRE RUINS ORDINANCE**

Adopted: March 9, 1971

**G.1 FIRE RUINS**

No owner or occupant shall permit fire or other ruins to be left for a period of more than one year and shall within said year remove and/or refill the same to ground level or repair, rebuild or replace the structures.

## **APPENDIX H SANITARY PROTECTION ORDINANCE**

Adopted: March 9, 1971

### **H.1 SANITARY PROTECTION**

- A. No privy, cesspool, septic tank, or sewage disposal area shall be constructed or maintained less than 75 feet from the edge of a public waste body, from a well or from a dwelling other than that to which it is appurtenant.
- B. No waste or sewage shall be permitted to run free into a public water body or be discharged in such a way that may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through the use of an excepted sanitary system or in such a way that it will not be offensive or detrimental to health.
- C. All dwellings and sanitary systems shall be constructed and maintained in accordance with standards set and enforced by the New Hampshire State Department of Health and the New Hampshire Water Pollution Commission.
- D. The above paragraphs A, B, and C shall not pertain to installations in effect at the time of enactment of this plan.

### **NOTE**

Portions of this Ordinance are superseded by the Town of Greenville Zoning Ordinance authorized at the June 11, 1987 Special Town Meeting.

## **Appendix I**

### **Clay, Sand, Gravel or Fill Removal Ordinance**

Adopted: March 9, 1971

#### **I.1 REMOVAL OF CLAY, SAND, GRAVEL OR FILL**

The removal of clay, sand, gravel or fill is permitted for private use or for sale. However, no pit or area shall be left in a hazardous condition while being used, and in an unsightly or hazardous condition more than one year after use of pit is ended.

## **Appendix J**

### **Floodplain Development Ordinance**

- J.1 Introduction
- J.2 Definition of Terms
- J.3 Proposed Development
- J.4 Proposed Building Sites
- J.5 New or Replacement Water and Sewage Systems
- J.6 New or Substantially Improved Structures
- J.7 Building Permits
- J.8 Riverine or Watercourse Alteration or Relocation
- J.9 Special Flood Areas
- J.10 Variances and Appeals

## **Appendix J Floodplain Development Ordinance**

### **NOTE**

This ordinance was amended per the requirements mandated by the Federal Emergency Management Agency (FEMA). Public hearings on the proposed amendment were held in on December 21, 2006 and January 18, 2007. This amended ordinance was approved by Town vote March 13, 2007.

Adopted: March 10, 1981  
Replaced in its Entirety:  
March 13, 1990 ~~Amended~~  
March 11, 1997  
Amended: March 13, 2007  
Amended: March 12, 2024

### **J.1 INTRODUCTION**

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

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Hillsborough N.H." dated September 25, 2009, or as amended, together with the associated Flood Insurance Rate Maps dated September 25, 2009 or as amended which are declared to be a part of this ordinance and are hereby incorporated by reference.

### **J.2 DEFINITION OF TERMS**

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

"Area of Special Flood Hazard" is the land in the flood plain within the Town of Greenville subject to a 1 percent or greater chance of flooding in any given year. The area is designated as *Zones A or AE* on the Flood Insurance Rate Map.

"Base Flood" means the flood having a one percent possibility of being equaled or exceeded

in any given year.

“Base Flood Elevation” (BFE) means the elevation of surface water resulting from the “base flood.”

"Basement" means any area of a building having its floor subgrade on all sides. "Building" - see "structure".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"FEMA" means the Federal Emergency Management Agency.

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

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

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

"Flood Insurance Rate Map" (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Greenville.

“Flood Opening” means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA “Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures.”

"Floodplain" or Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

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

"Floodway" - see "Regulatory Floodway".

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

"Historic Structure" means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained

by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1) By an approved state program as determined by the Secretary of the Interior, or
  - 2) Directly by the Secretary of the Interior in states without approved programs.

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

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

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

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

"Recreational Vehicle" means a vehicle which is (i) built on a single chassis; (ii) 400 square

feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light-duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

"Special flood hazard area" - see "Area of Special Flood Hazard"

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

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance

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

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains.

### **J.3 ITEM II - PROPOSED DEVELOPMENT**

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

### **J.4 ITEM III - PROPOSED BUILDING SITES**

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

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

### **J.5 ITEM IV - NEW OR REPLACEMENT WATER AND SEWAGE SYSTEMS**

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

### **J.6 ITEM V - NEW OR SUBSTANTIALLY IMPROVED STRUCTURES**

For all new or substantially improved structures located in Zones A or AE the applicant shall furnish the following information to the Building Inspector.

- a. the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) and include whether or not such structures contain a basement.

- b. if the structure has been flood proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood proofed.
- c. any certification of flood proofing.

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

#### **J.7 ITEM VI - BUILDING PERMITS**

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

#### **J.8 ITEM VII - RIVERINE OR WATERCOURSE ALTERATION OR RELOCATION**

- 1) In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.
- 2) The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
- 3) The Building Inspector shall obtain, review, and reasonably use any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

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

- 4) *Until a Regulatory Floodway is designated along watercourses*, no new construction, substantial improvements, or other development (including fill) shall be permitted within *Zone AE* on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- 5) Along watercourses with a designated Regulatory Floodway no encroachments, including fill new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in

accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

## **J.9     ITEM VIII - SPECIAL FLOOD AREAS**

1. In special flood hazard areas, the Building Inspector shall determine the base flood elevation in the following order of precedence according to the data available:
  - a. In zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
  - b. In Zone A the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e., subdivisions, site approvals). Where a base flood elevation is not available or not know for Zone A, the base flood elevation should be determined to be at least 2 feet above the highest adjacent grade.
2. The Building Inspector's base flood elevation determination will be used as criteria for requiring in zones A and AE that:
  - a. all new construction or substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation;
  - b. that all new construction or substantial improvement of non-residential structures have the lowest floor (including basement) elevated to or above the base flood level; or together with attendant utility and sanitary facilities, shall:
    - i. be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - iii. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
3. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
4. For all new Construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the

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

5. Recreational vehicles placed on sites with Zones A and AE shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, or (iii) meet all standards of this ordinance and the elevation and anchoring requirements for Manufactured Homes" in this ordinance.

#### **J.10 ITEM IX - VARIANCES AND APPEALS**

1. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(~~b~~), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
  - a. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
  - b. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
  - c. that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
4. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

## **Appendix K**

### **Phased Development Ordinance**

- K-1 Authority
- K-2 Purpose
- K-3 Applicability
- K-4 Procedure
- K-5 Limitations
- K-6 Periodic Review
- K-7 Amendments
- K-8 Savings Clause

## **Appendix K Phased Development Ordinance**

Adopted March 15, 2003

### **K.1 AUTHORITY**

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

### **K.2 PURPOSE**

The Planning Board recognized the potential for a significant increase in the number of residential housing units and their impact on municipal services and those adopts this amendment for the following purposes:

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

### **K.3 APPLICABILITY**

This article shall apply to all major subdivision applications filed with the Greenville Planning Board. Major subdivisions are subdivisions that create four (4) or more new lots of record.

This ordinance shall apply to all forms of residential subdivision of land as defined in RSA 672:14, (1), with the following exceptions. Phased development shall not apply to residential subdivisions restricted by covenants to occupants over 62 years of age.

### **K.4 PROCEDURE**

- A. The Planning Board, may, in its discretion, establish a phasing schedule or any subdivision subject to the provision of this article specifying the number of dwelling units per year that can be constructed and the total number of years involved.
- B. In establishing the phasing schedule pursuant to this article, the Planning Board shall take the following factors into consideration:
  1. The area of the tracts usable and suitable for residential construction.
  2. The general character of the neighborhood in which the tract lies, the effect of the plan on the area, and the effect of the plan on the character of the town.

3. The relation of the plan to the long-range plan for the Town as contained in the Town of Greenville Master Plan.
4. The natural terrain of the tract.
5. The impact of the proposed subdivision upon the ability of the Town to provide or expand municipal or community services if it is not phased.
6. The impact of the proposed subdivision upon the ability of the Town to provide or expand municipal or community services if it is phased.

#### **K.5 LIMITATIONS**

In establishing the phasing schedule, the Planning Board shall not restrict the number of dwelling units permitted on the site to less than ten percent (10%) of the number of lots or dwelling units which could be established on the total land area of the tract usable for residential construction under the applicable zoning laws without reference to this article.

#### **K.6. PERIODIC REVIEW**

The Planning Board shall periodically review the effectiveness and impact of this article, but not less frequently than once every two years to ensure that the phasing requirements of this article are reasonable in their implementation and are achieving the intent of the article as stated in Section 2. Purpose.

#### **K.7. AMENDMENTS**

A properly noticed and legally constituted Town Meeting may amend all or part of this article in accordance with NH RSA 675:3 and as amended.

#### **K.8. SAVINGS CLAUSE**

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

**APPENDIX L**  
**AN ORDINANCE TO REGULATE AND CONTROL THE**  
**CONSTRUCTION, INSTALLATION, LOCATION**  
**AND REPAIR OF PARTITION FENCES**

- L.1 Short Title
- L.2 Definitions
- L.3 Maximum Height and Permitted Locations of Fences and Privacy Screens
- L.4 Construction
- L.5 General Conditions
- L.6 Barbed Wire and Electrically Charged Fences
- L.7 Maintenance and Repair
- L.8 Application, Compliance, Appeal, Waivers

**APPENDIX L**  
**AN ORDINANCE TO REGULATE AND CONTROL THE**  
**CONSTRUCTION, INSTALLATION, LOCATION**  
**AND REPAIR OF PARTITION FENCES**

**L.1     SHORT TITLE**

This ordinance shall be known and may be cited as the "Town of Greenville, Fence Ordinance."

**L.2     DEFINITIONS**

For the purposes of this ordinance, certain words used herein are defined as follows:

FENCE shall mean a barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing, and/or protecting the property within its perimeter. A fence shall not include construction site barriers, landscape treatments, or privacy screens as defined herein.

ENCLOSURE shall mean a barrier erected within the boundaries of the property lines for the purpose of separating one portion of a property from another portion of the same property.

PRIVACY SCREEN shall mean a barrier erected within the interior of a parcel of property and not upon, or immediately adjacent to, a property line for the purpose of obscuring patios, decks, courtyards, swimming pools, and other similar outdoor features, from observation by persons outside the perimeter of the property. Privacy screens shall not include landscape treatments.

SIGHT-OBSCURING shall mean opaque or having such qualities as to constitute an effective visual barrier in the determination of the Building Inspector. A chain-link fence, in the absence of slats, shall not be considered sight-obscuring.

**L.3     MAXIMUM HEIGHT AND PERMITTED LOCATIONS OF FENCES AND**  
**PRIVACY SCREENS**

The respective owners or lessees of property in the Town of Greenville may construct fences, privacy screens and enclosures in such a manner as hereinafter stated:

- a. No fence shall be erected, constructed, or reconstructed, to a height of more than six (6) feet above the adjoining ground level of the owner's or lessee's property unless located in the Commercial or Commercial Industrial districts or otherwise provided by the State Building Code. On property zoned for residential use, no fence shall be erected, constructed, or reconstructed to a height of more than three (3) feet above the adjoining ground level of the owner' or lessee'' property when placed in a front yard.

- b. On any corner lot, no sight-obscuring fence shall rise over three (3) feet in height above the established lowest level of the adjacent roadways, within the triangle formed by the two property lines which meet at the street intersection and a line drawn between points located on said property lines and twenty (20) feet away from the point of intersection. No sight- obscuring fence, privacy screen or enclosure that is located within ten (10) feet of the intersection of any driveway with a public sidewalk shall rise over three (3) feet in height above said sidewalk, in order that the visibility of a driver of a vehicle using said driveway shall not be obstructed.
- c. No privacy screen or enclosure shall be erected, constructed, or reconstructed to a height of more than six (6) feet above the adjoining level of the owner’s or lessee’s property, when located between a property line and the required minimum side-yard setback for the dwelling pursuant to Section 2, Table 2-1, of the Zoning Ordinance. Privacy screens and enclosures may be erected, constructed, or reconstructed to a maximum height of eight (8) feet when setback from a side or rear property line a distance equal to the minimum side-yard setback required for the dwelling pursuant to Section 2, Table 2-1of the Zoning Ordinance. Privacy screens are permitted only within a rear yard.
- d. No fence shall be constructed so as to encroach into the public right-of-way. Provided that such encroachment may be permitted by the Planning Board upon request and a showing that a necessity exists for such encroachment. The decision of the Planning Board shall be final and binding.

**L.4 CONSTRUCTION**

All fences, privacy screens and enclosures shall be of a conventional type, constructed of either wire, chain link, wrought iron, wood or composite material. All supporting posts, sight-obscuring fences, and privacy screens shall be inside the property of the person who erects, constructs, or causes to have constructed the sight-obscuring fence, privacy screen or enclosure.

**L.5 GENERAL CONDITIONS**

- a. Old or used materials shall not be permitted to constitute any portion of a fence or privacy screen unless such materials shall be reasonably sound in the judgment of the Building Inspector.
- b. All component materials of a fence or privacy screen, with the exception of bolts, screws, nails, or other such hardware, shall be of identical or similar type, or of such other materials as are, in the judgment of the Building Inspector, reasonably compatible.

**L.6 BARBED WIRE AND ELECTRICALLY CHARGED FENCES**

It shall be unlawful to construct and maintain any barbed wire or other sharp, pointed material in connection with the construction of any fence, privacy screen or enclosure in any residentially

zoned area. In Commercial and Commercial Industrial districts, barbed wire or other pointed materials may be used, provided said material is exclusively located at least seven (7) feet above

the ground, and projects over the fence owner's property and does not overhang abutting properties. Electrically charged or ground level barbed wire fences and enclosures shall be permitted only in the Rural Agricultural district for the containment of livestock.

#### **L.7 MAINTENANCE AND REPAIR**

Any person, firm, or corporation that owns or leases property upon which a fence or privacy screen is located shall be responsible for the repair, upkeep, maintenance, and reconstruction of any such fence, privacy screen or enclosure and any area adjacent thereto. If ownership of a fence located upon a property line is joint or cannot be determined, then each party owning or leasing property adjacent to the fence shall be responsible for its care, upkeep, and maintenance.

#### **L.8 APPLICATION, COMPLIANCE, APPEAL, WAIVERS**

- a. Prior to erecting any fence, privacy screen or enclosure, a permit must be obtained from the Building Inspector describing the size, shape and material of the proposed fence, privacy screen or enclosure.
- b. The Building Inspector or his/her designate may inspect any fence, privacy screen or enclosure to determine whether it conforms with the provisions of this ordinance. Any person who erects, constructs, builds or causes to be erected, built, or constructed a fence, privacy screen or enclosure, or who owns or leases property upon which a fence, privacy screen or enclosure is located, shall permit the Building Inspector or his/her designate access to inspect said fence, privacy screen or enclosure to determine whether it complies with the provisions of this ordinance.
- c. Failure to comply with any written notice from the Building Inspector or his/her designate shall be deemed a violation of this ordinance.

## Revision History

March 9, 1971	Land Subdivision Control Regulations adopted at Town Meeting
	Minimum Lot Size Ordinance replaced in its entirety at Town Meeting
	Fire Ruins Ordinance adopted at Town Meeting
	Sanitary Protection Ordinance adopted at Town Meeting
	Clay, Sand, Gravel, or Fill Removal Ordinance adopted at Town Meeting
March 1, 1976	Off-street Parking Ordinance adopted at Town Meeting
March 14, 1978	Ordinance for Mobile Homes adopted at Town Meeting
March 11, 1980	Land Subdivision Control Regulations amended at Town Meeting
	Building Code adopted at Town Meeting
	Minimum Lot Size Ordinance amended at Town Meeting
March 10, 1981	Land Subdivision Control Regulations amended at Town Meeting
	Flood Plain Development Ordinance adopted at Town Meeting
November 19, 1985	Ordinance for Mobile Homes replaced by Ordinance for Manufactured Housing at Special Town Meeting
June 11, 1987	Zoning Ordinance adopted at Special Town Meeting
Sept. 13, 1988	Zoning Ordinance amended at Special Town Meeting
March 13, 1990	Flood Plain Development Ordinance replaced in its entirety at Town Meeting
March 12, 1991	Building Code Ordinance replaced in its entirety at Town Meeting
April 11, 1991	Land Subdivision Control Regulations amended at Town Meeting
March 11, 1997	Flood Plain Development Ordinance amended at Town Meeting
March 14, 2000	Zoning Ordinance Section 2 (Zoning Districts and Allowable Uses), Section 4 (Special Regulations), and Appendix A (Minimum Lot Size) amended at Town Meeting. Appendix F (Offstreet Parking Ordinance) deleted in its entirety and integrated into Section 4 of the Zoning Ordinance and approved at Town Meeting.
March 16, 2002	Zoning Ordinance Section 1 (Introduction), Section 2 (Zoning Districts and Allowable Uses), Section 3 (General Regulations) Amended at Town Meeting.
June 27, 2002	Appendix D, Public Hearing for Amendments to Land Subdivision Control Regulations All amendments adopted by Planning Board.
March 15, 2003	Zoning Ordinance Section 1 (Introduction), Section 2 (Zoning Districts and Allowable Uses), Section 3 (General Regulations), Section 5 (Special Exceptions) amended at Town Meeting. Appendix K (Phased Development Ordinance) adopted at Town Meeting.

March 18, 2006	Zoning Ordinance Section 1 (Introduction), Section 2 (Zoning Districts and Allowable Uses), Section 4 (Special Regulations), and Section 5 (Special Exceptions) amended at Town Meeting.
March 24, 2007	Zoning Ordinance Section 1 (Introduction), Section 2 (Zoning Districts and Allowable Uses), Section 3 (General Regulations), Section 5 (Special Exceptions), Appendix A (Minimum Lot Size Ordinance) and Appendix J (Flood Plain Development Ordinance) amended at Town Meeting. Appendix B (former Cluster Development Ordinance) replaced in entirety with Open Space Residential Development Ordinance at Town Meeting. Appendix L (Fence Ordinance) adopted at Town Meeting.
March 9, 2021	Zoning Ordinance 4.5, Outdoor Advertising, adopted at Town Meeting.
March 8, 2022	Creation of Section 4.7, Special Regulations, Accessory Dwelling Units.
March 28, 2023	Adopted at town meeting. Amended Section 1, 1.4, Definitions, and Section 2, 2.7.4 (c) Parking and Driveways. Lot Requirements Downtown (D) District – a. Minimum Area, paragraph 1, was deleted in its entirety.
March 12, 2024	Adopted by town vote, adoption of amendments to the Town’s Floodplain Development Ordinance (Appendix J).

NOTE 1: Print date: April 11, 2007.

NOTE 2: Details of the above zoning changes are contained in the Town Reports. The Town Reports are available at the Town Office and at the Chamberlin Free Public Library.

NOTE 3: The Zoning Regulations and Ordinances for Greenville, New Hampshire were converted from Word Perfect to Microsoft Word 97 in April 2000. The reader may note differences in type face and font size but the content remains the same from page to page, except for any zoning changes approved by the voters at the March 14, 2000 Town Meeting and any Town Meetings thereafter. Any such changes are noted in the appropriate areas in this document.