TOWN OF LYME, NEW HAMPSHIRE

ZONING ORDINANCE

March 08, 2016 Revision

TABLE OF CONTENTS

ARTICLE I : ENACTMENT 1

1.10 TITLE 1
1.20 PURPOSE 1
1.30 VALIDITY 2
1.31 Adoption 2
1.32 Saving Cause. 2
1.33 Legal Nonconformity. 2
1.34 Interpretation of Ordinance. 2
1.35 Status of Other Land Use Ordinances, Regulations, and By-Laws. 2
1.40 AMENDMENT 2
1.41 Procedure of Amendment 2
1.42 Filing of Zoning Ordinance Amendments. 2
1.43 Effect of Amendments on Previously Issued Permits. 3

ARTICLE II: DEFINITIONS 4

ARTICLE III: ZONING DISTRICTS 14

3.10 ZONING MAP AND ESTABLISHMENT OF DISTRICTS 14
3.20 DESCRIPTION AND OBJECTIVES OF DISTRICTS 14
3.21 Lyme Center and Lyme Common Districts. 14
3.22 Commercial District. 14
3.23 Rural District. 14
3.24 East Lyme District. 14
3.25 Skiway District. 15
3.26 Mountain and Forest Conservation District. 15
3.27 Conservation Districts. 15
3.27.1 Wetlands Conservation District 15
3.27.3 Shoreland Conservation District. 16
3.27.4 Agricultural Soils Conservation District. 16
3.27.5 Flood Prone Area Conservation District. 17
3.27.6 Ridgeline and Hillside Conservation District. 17
3.30 INTERPRETATION OF DISTRICT BOUNDARIES 18
3.31 Location of District Boundaries. 18
3.32 Lots Crossed by District Lines. 18
3.33 Location of Conservation District Boundaries. 18

ARTICLE IV: USE REGULATIONS 19

4.10 GENERAL 19
4.20 USES PERMITTED BY RIGHT AND USES PERMITTED BY SITE PLAN REVIEW 19
4.30 PROHIBITED USES. 19
4.31 Unlisted Uses. 19
4.32 Offensive Uses. 19
4.33 Radioactive Material. 19
4.40 GENERAL PROVISIONS 21
4.41 Principal Building and Activity on Lots. 21
4.42 Accessory Uses. 21
4.43 Temporary Uses and Structures. 21
4.44 Abandoned Structures. 21
4.45 Excavation. 21
4.46 Conversions. 21

4.47 Cottage Industry. *22*
4.48 Business Use. *22*
4.49 Planned Development *22*
4.50 Forestry and Timber Harvesting. *23*
4.51 Agricultural Use: The Right to Farm *24*
4.52 Wildlife Habitat. *24*
4.53 Driveways. *24*
4.54 Skiing Facilities *25*
4.55 Lodging Accommodations *26*
4.56 Governmental Use. *27*
4.60 SPECIFIC ADDITIONAL PROVISIONS FOR CONSERVATION DISTRICTS. 27
4.61 Wetlands Conservation District. *27*
4.62 Steep Slopes Conservation District. *28*
4.63 Shoreland Conservation District. *29*
4.64 Agricultural Soils Conservation District. *31*
4.65 Flood Prone Area Conservation District. *32*
4.66 Ridgeline and Hillside Conservation District. *34*

ARTICLE V: DIMENSIONAL CONTROLS **35**

5.10 SUMMARY TABLE 35
5.11 Lot Size *36*
5.12 Road Frontage *38*
5.13 Setbacks *38*
5.14 Building Footprint *39*
5.15 Maximum Lot Coverage *39*
5.16 Gross Floor Area *40*
5.20 ADDITIONAL REQUIREMENTS 40
5.21 Height Regulations. *40*
5.22 Water Frontage *40*
5.24 Use of Dimensional Characteristics for Development of Land Protected by a Conservation Easement. *41*

ARTICLE VI: SIGN REGULATIONS **42**

6.10 APPLICABILITY 42
6.11 Non-conforming Signs. *42*
6.12 Removal of Unused Signs. *42*
6.13 Site Plan Review. *42*
6.20 GENERAL REQUIREMENTS 42
6.21 Permitted Signs. *42*
6.22 Size of Sign *43*
6.23 Illumination. *43*
6.25 Construction & Location. *43*
6.26 Pole Signs. *43*
6.27 Restrictions as to Location. *43*

ARTICLE VII : OFF STREET PARKING AND LOADING **44**

7.10 APPLICABILITY 44
7.20 DESIGN REQUIREMENTS 44
7.21 Number of Parking Spaces. *44*
7.22 Area Design and Location. *44*
7.23 Loading Requirements. *44*
7.24 Egress Controls *44*
7.25 Additional Requirements *44*

ARTICLE VIII : NON-CONFORMING USES, STRUCTURES, LOTS **45**

8.10 NON-CONFORMING USES 45

8.11 Continuation and Expansion. 45
8.12 Conversion of Existing Non-conforming Business Use To Another Business Use. 45
8.13 Resumption After Discontinuance. 45
8.14 Superseded by Conforming Use. 45
8.20 NON-CONFORMING STRUCTURES AND BUILDINGS AND STRUCTURES AND BUILDINGS WHICH WOULD BE RENDERED NON-CONFORMING BY EXPANSION OR RELOCATION 45
8.21 Continuance. 45
8.22 Setbacks for Existing Non-conforming Structures. 45
8.23 Expansion of Existing Conforming Structures and Construction of Accessory Buildings Or Accessory Structures Within or Into the Road, Side, or Rear Setbacks Established in Table 5.1 46
8.24 Expansion of Existing Structures and Construction of Accessory Buildings or Accessory Structures Within or Into the Conservation Districts. 46
8.25 The Expansion of Existing Structures and Construction of Accessory Buildings or Accessory Structures Where the Maximum Building Footprint and/or Lot Coverage Exceeds or Would Exceed the Percentage Limitations Established in Table 5.1. 47
8.26 Replacement, Restoration, and Reconstruction. 47
8.27 Replacement of a Non-conforming Structure 47
8.29 Relocation of an existing structure in a conservation district. 47
8.30 NON-CONFORMING LOTS 48
8.31 Vacant Lot 48
8.32 Annexation to a Non-Conforming Vacant Lot 48
8.33 Removal of Structures on Non-Conforming Lots. 48

ARTICLE IX: ADMINISTRATION 49

9.10 ENFORCEMENT 49
9.11 Authority and Responsibility. 49
9.12 Violations and Penalties. 49
9.20 PERMITS 49
9.21 Permit Required. 49
9.22 Permit Not Required. 50
9.23 Application Form. 50
9.24 Issuance of Permit. 50
9.25 Permit Fees. 51
9.26 Revocation, Expiration, or Renewal of Building & Zoning Permits. 51

ARTICLE X: ZONING BOARD OF ADJUSTMENT 52

10.10 ORGANIZATION 52
10.11 Composition and Appointment of Zoning Board of Adjustment. 52
10.12 Rules of Procedure. 52
10.13 Removal of Board Members. 52
10.14 Disqualification of Member. 52
10.15 Meetings. 52
10.16 Records of Proceedings. 52
10.17 Officers. 52
10.18 Powers. 53
10.20 HEARING REQUIREMENTS 54
10.30 APPEALS TO THE ZONING BOARD OF ADJUSTMENT 54
10.40 SPECIAL EXCEPTIONS 55
10.50 VARIANCE 57
10.60 WAIVERS 58
10.61 Equitable Waivers. 58
10.62 Waiver to Accommodate Disability. 58
10.63 Waiver for Agricultural Structures 59
10.70 DECISION OF THE BOARD 59
10.80 REHEARING 59

10.81 Motion for Rehearing *59*
10.82 Rehearing Procedure. *59*
10.90 FEES 60

ARTICLE XI: AFFORDABLE HOUSING 61

11.10 OBJECTIVE 61
11.20 DEFINITION OF AFFORDABLE HOUSING 61
11.30 DIMENSIONAL CONTROLS 61
11.31 Density Bonus in Conventional Subdivisions *61*

ARTICLE XII: PLANNING BOARD 62

12.10 SITE PLAN REVIEW AUTHORIZATION 62

APPENDIX A **WETLANDS VEGETATION**

APPENDIX B **SOIL TYPES**

APPENDIX C-1 **WILDLIFE HABITAT MAP**

APPENDIX C-2 **DEER WINTERING MAP**

APPENDIX D **ZONING MAP**

APPENDIX E **LYME WATER ASSOCIATION WELLS**

APPENDIX F **RIDGELINE AND HILLSIDE CONSERVATION DISTRICT MAP**

AMENDMENTS

INDEX OF WORDS DEFINED

TOWN OF LYME, NEW HAMPSHIRE

ZONING ORDINANCE

ARTICLE I : ENACTMENT

1.10 TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Lyme, New Hampshire."

1.20 PURPOSE

The purpose of this ordinance is to promote the public health, safety, convenience, and general welfare of the people of the Town of Lyme and, in particular, to retain its present character of simple rural beauty; to foster development compatible with the carrying capacity of the land and without unreasonable expenditure of public funds for the provision of municipal services; to encourage a high quality of life for all its residents; to conserve the value of buildings and property; to provide for the most appropriate use of land throughout the Town; and, in general to:

(a) implement the Lyme Master Plan;
(b) secure safety from fires, floods, panic and other dangers;
(c) provide adequate light and air;
(d) avoid undue concentration of population;
(e) prevent congestion on the roads and avoid traffic hazards;
(f) prevent overcrowding of land;
(g) facilitate the adequate provision of transportation, parking, solid waste, water facilities, water, sewage, schools, parks and recreation;
(h) enhance and preserve the natural, manmade, visual and historical amenities of Lyme;
(i) assure proper use of natural resources and other public requirements;
(j) preserve land for agricultural use, forest resources and recreational use.

Furthermore, in conformance with New Hampshire Revised Statutes Annotated (RSA) 674:16, the Zoning Ordinance shall regulate and restrict (1) the height, number of stories and size of buildings and other structures; (2) lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts, and other open spaces; (3) the density of population in the Town; and (4) the location and use of buildings, structures and land used for business, industrial, residential or other purposes. This Zoning Ordinance in no way abrogates the responsibilities or powers of the Planning Board, or any other Town board or agency.

1.30 VALIDITY

1.31 Adoption. Pursuant to the authority vested in towns by RSA 674:16, the following ordinance is hereby enacted by the voters of the Town of Lyme, New Hampshire, in official Town Meeting convened March 14, 1989. This ordinance shall take effect immediately upon its passage.

1.32 Saving Cause. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof.

1.33 Legal Nonconformity. This ordinance shall not apply to existing lawful structures nor to the existing lawful use of any building or land, which shall be considered as lawfully non-conforming structures or uses for as long as they are not enlarged or changed, except in conformity with Section 8.10 and Section 8.20, respectively.

1.34 Interpretation of Ordinance. These provisions shall be held to be the minimum requirements for the promotion of the health, safety, convenience, and general welfare of the Town of Lyme and its residents. Where a restriction or standard imposed by any provision of this ordinance differs from that imposed by any other applicable provision of the ordinance or any other applicable statute, ordinance, or regulation, the provision which imposes the greater restriction or the higher standard shall govern.

1.35 Status of Other Land Use Ordinances, Regulations, and By-Laws. The Town of Lyme Subdivision Regulations, Regulations for Site Plan Review, Curb Cut Regulations, Excavation Regulations, Telecommunications Facilities Ordinance, Floodplain Development Ordinance and Small Wind Energy Systems Ordinance remain in effect. In the event of any conflict between the provisions of these ordinances and Regulations and the Lyme Zoning Ordinance, the provisions which impose the greater restriction or the higher standard shall govern. Modifications of subdivision conditions, including but not limited to building envelopes, may be made by the Planning Board only.

1.40 AMENDMENT

1.41 Procedure of Amendment. The provisions of this ordinance may be amended by a Town Meeting vote with the procedure provided by RSA 675. Said Chapter requires, among other things, that there be at least one public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice shall be given for the time and place of each public hearing at least ten calendar days before the hearing, not including the day notice is posted nor the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation and shall be posted in at least two public places. The full text of the amendment need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposed amendment(s) is/are on file for public inspection is included in or attached to the notice.

1.42 Filing of Zoning Ordinance Amendments. All Zoning Ordinance amendments shall be placed on file with the town clerk for public inspection.

1.43 Effect of Amendments on Previously Issued Permits. Subject to provisions of Section 9.26 building & zoning permits issued prior to the posting of legal notice of any amendment to this Ordinance shall expire one year from the date of issuance.

ARTICLE II: DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meanings indicated in this section. Words using the present tense include the future; the singular number includes the plural and the singular. Where terms are not defined in this section, they shall have their ordinarily accepted meaning or such as the context may imply. The word "shall" is mandatory, the word "may" is permissive. The word "person" includes a firm, association, partnership, trust, company, corporation or other entity as well as an individual, and shall apply to the owner, agent, contractor, and others acting on behalf of the above. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."

ABANDONED. The discontinuance of a use or structure for a continuous period of at least two years with no intent of claiming one's right or interest in it.

ABUTTER. Any person whose property is located in New Hampshire and adjoins or is directly across the road or stream from the real estate under consideration.

ACCESS WAYS. A corridor for vehicular traffic including driveways and private roads.

ACCESSORY BUILDING, STRUCTURE OR USE. A building, structure, or use subordinate and customarily incidental to the principal building on, or principal or permitted use of, the same lot. This will include telecommunication facilities.

ACCESSORY USE OF STRUCTURE. A use of a structure subordinate and customarily incidental to the principal use of the structure.

ACRE. 43,560 square feet measured horizontally.

ADMINISTRATOR. The administrator of this ordinance. The Selectboard or its designee shall be the Administrator. See Article IX.

AGRICULTURE. Agriculture shall mean all operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or any practices on the farm as an incident to or in conjunction with such farming operations including, but not necessarily restricted to, the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; and forestry or lumbering operations.

ALTERATION. As applied to a building or structure, a change or rearrangement that would result in a change in the footprint or height of the building. As applied to use, a change in the character or intensity of a use.

AQUIFER AREA. An aquifer is an underground zone of soil, sand, gravel, or porous or fractured rock with the capacity to transmit and store large amounts of groundwater having the potential to meet public or private water needs. An aquifer area is the land surface overlying an aquifer.

BEST MANAGEMENT PRACTICES. Those management practices recommended by the US Natural Resources Conservation Service**,** NH Department of Resources and Economic Development**,** NH Department of Environmental Services or other responsible public agency to prevent soil erosion, to protect water quality, and to maintain the productive capacity of the soil. Publications include "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire," "Manual of Best Management Practices for Agriculture in New Hampshire," and "Best Management Practices to Control Nonpoint Source Pollution."

BOARD. The Zoning Board of Adjustment.

BUILDING. Any combination of any materials whether portable, moveable or fixed, having a roof and built for the shelter of persons, animals, or property.

BUILDING ENVELOPE. At the discretion of the Planning Board or the ZBA, an area of a lot designated as the only area in which structures such as a residence, a non-residential structure, and accessory structures including the septic system and well may be constructed or installed. It includes the driveway unless specifically noted. This area shall be included on any final plans for recording. Only the board designating the building envelope may approve a change to that envelope.

BUILDING FOOTPRINT. The area of a lot upon which a single building stands measured from the exterior surfaces of the structure, including roofed over areas such as terraces, decks, and porches.

BUILDING ZONE. The area within a lot measured 200' from any point of a principal residential building footprint existing prior to March 14, 1989. The Building Zone shall be excluded from the Agricultural Soils Conservation District.

BUSINESS. Non-residential use, including but not limited to retail, service, recreational, manufacturing, professional office or clinic, and lodging accommodations, but not including institutional, agriculture, or forestry use.

CHURCH or HOUSE OF WORSHIP. A non-residential building, together with its accessory buildings and uses, where persons assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLINIC. A place for medical or similar examination or treatment of persons or animals as outpatients.

CONFORMING USE. Any use that is a permitted use as specified in this ordinance.

CONSERVATION EASEMENT. A permanent restriction granted to a land trust or governmental agency that limits development and use of a property in order to protect conservation values for the public benefit.

CONSERVATION LOT. A Conservation Lot is a lot which is protected permanently through the grant of a conservation easement to a governmental agency or a conservation organization approved by the Planning Board. The lot may have no road frontage, but must have adequate access as approved by the Planning Board. Such conservation easement shall restrict the uses of the lot to silviculture, agriculture, and outdoor recreation

conducted in accordance with sound conservation practice and shall otherwise be in form and substance satisfactory to the Planning Board.

CONVERSION. The changing of a use to another use or uses in an existing single building.

COTTAGE INDUSTRY. A profession, occupation, or business use that is clearly incidental and secondary to the use of the single dwelling and does not change the residential character thereof. There shall be no more than the equivalent of three (3) full-time employees including the employer, on the residential premises of at least one of those employees or the employer. Such occupation or business must not change the existing character of the neighborhood, but may occur in an accessory building or buildings.

DESTROYED. The condition of a building which has been ruined, demolished, dismantled, or smashed by natural casualty or neglect.

DEVELOPED LOT. Shall mean a separately deeded lot with a structure, an established access, water supply, and sewage disposal system.

DEVELOPMENT. Any human-made change to improved or unimproved real estate including, but not limited to construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

DEVELOPMENT OF REGIONAL IMPACT. Any proposal which in the determination of the Zoning Board of Adjustment could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

I. Relative size or number of dwelling units as compared with existing stock;
II. Proximity to the borders of a neighboring community;
III. Transportation networks
IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
V. Proximity to aquifers or surface waters that cross municipal boundaries.
VI. Shared facilities such as schools and solid waste disposal facilities.

DRIVEWAY. Shall mean an area located on a lot and built for direct access to a structure or off-street parking space. A driveway shall not serve more than two lots.

DWELLING UNIT. A room or rooms arranged for use as a separate, housekeeping unit established for regular occupancy.

DWELLING, SINGLE . A residential building which may include 1.) an attached apartment or 2.) a detached dwelling as allowed under section 4.42.

DWELLING, MULTI . A residential building and accessory buildings on one lot containing three or more dwelling units.

EARTH. Sand, gravel, rock, soil, or construction aggregate.

EXCAVATION. A land area which is used, or has been used, for the commercial taking of earth, including all slopes, resulting in the removal of more than 100 cubic yards of earth.

FILLING. The placing or depositing of any type of material using earth moving machinery.

FIRE PROTECTION STRUCTURES. Any structure built or placed for the purposes of fire protection which has been authorized by the Chief of the Lyme Fire Department including fire ponds, water storage tanks, and hydrants.

FLOOD PRONE AREA. Flood prone areas are (1) areas of land lower in elevation than the land-water boundary at the high water mark along a watercourse flowing at its 1% frequency (100 year flood); (2) areas of land lower in elevation than the land-water boundary of other surface water at the high water mark of such surface water at its 1% frequency (100 year flood); and (3) those soils classified by the National Cooperative Soil Survey as "soils subject to flooding".

FOOD SERVICE. An eating establishment in the Skiway District developed for active skiing participants, their guests, and spectators, to eat at tables, booths, or a counter as part of Skiing Facilities Use.

GOVERNMENT USE. Uses by agencies and departments of local, county, state, and federal governments. The type of function of the governmental facility is stated below:

> Office Includes such functions as governmental office, laboratory, post office, clinic, assembly, and court.
>
> Education Includes such functions as elementary schools, middle schools, junior high schools, and high schools; colleges, vocational, or technical schools; kindergartens; libraries; and similar educational facilities.
>
> Public Safety Includes such functions as fire, police, rescue, and ambulance services.
>
> Service Includes such functions as recreation centers, senior citizen centers, gymnasiums, auditoriums, and outdoor recreation facilities such as playing fields, tennis courts, and golf courses.
>
> Waste Disposal Includes areas or structures for disposal of sewage, septage, solid waste, and garbage under the control of a governmental unit, including sanitary landfills, incinerators, sewage treatment plants, and similar methods of disposal.
>
> Cemetery Includes such functions as cemetery, cemetery vaults, and necessary maintenance structures.
>
> Parking Includes, but is not limited to, municipal-owned parking facilities available for use by the general public.

GOVERNMENTAL USE. A use, construction, or development of land owned or occupied, or proposed to be owned or occupied by the state, university system, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

GROSS FLOOR AREA, RESIDENTIAL. The sum of the gross floor area of each of a building's floors measured from the interior limits of the structure where there is at least five feet in height between the floor and the ceiling. The floor area of a residential building includes attic, cellar, and garage floor areas only if used for living space. It includes closets and stairwells, but does not include unenclosed porches.

GROSS FLOOR AREA, NON-RESIDENTIAL. The sum of the gross floor area of each of a building's floors measured from the interior limits of the structure where there is at least five feet in height between the floor and the ceiling.

HEAVY EQUIPMENT. Machinery or equipment used for excavation, lifting, road building, and earth moving to include but not limited to: bulldozers, backhoes, front end loaders, cranes, heavy trucks, dredges and other like equipment used in construction, earth moving, or dredging or related businesses.

HEIGHT. The vertical distance measured from the average finished lot grade where it meets the base of the building to the highest point of the structure.

HOME OCCUPATION. Any use conducted entirely within a dwelling or its accessory buildings and carried on by the residents with no other employees which use is clearly incidental and secondary to the residential use of the property and does not change the residential character thereof, and in connection with which there is no display and no outside storage of equipment, machinery, or materials. A sign is allowed as provided in Article VI.

IMPROVEMENT. Improvements to property shall mean any structure, road, driveway, parking area, wastewater disposal facility, or water supply facility.

INSTITUTIONAL USE. Public service uses provided by governmental and non-profit organizations including, but not limited to, education, recreation, health, public worship, and cultural enrichment.

LIGHT MANUFACTURING AND PROCESSING. Manufacturing and/or processing activity which does not create objectionable noise, smoke, odor, dust, dirt, noxious gases, glare, heat, or hazards to health by reason of fire, effects of industrial wastes, psychological effects, and generation of motor vehicle traffic or otherwise.

LIVING SPACE. One or more rooms in a building used by one or more persons for living or sleeping quarters.

LODGING ACCOMMODATIONS. Overnight quarters provided to transient guests, which could include as Site Plan Review: accessory uses such as meal preparation, meal service, and functions such as weddings, meetings, and reunions.

LOT. A parcel of land occupied or to be occupied by a principal building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such setbacks and other open spaces as are herein required. A lot shall have boundaries identical with those recorded at the Registry of Deeds. Except in the case of two parcels developed with dwellings or other principal structures prior to common ownership, contiguous parcels of land held in one ownership (except for lots created by an approved subdivision, which shall remain separate) shall constitute a single lot for all purposes of this ordinance, even though the parcels comprising such lot may (1) have been acquired by separate deeds, (2) have been described in the deed to the owner as separate parcels, or (3) be physically divided by a public highway. A lot contiguous with a parcel held in common ownership acquired after March 31, 2007 will not merge with the contiguous parcel, notwithstanding the above, unless the owner voluntarily merges the parcels pursuant to RSA 674:39-a.

LOT, NON-BUILDABLE. A lot created for other than building purposes.

LOT COVERAGE. The area of a lot occupied by structures and improvements, not including subsurface septic systems, wells, and fire protection structures. Driveways do not apply in calculating lot coverage in the Rural, East Lyme and Mountain and Forest Conservation Districts although commercial parking areas do apply.

LOT MEASUREMENTS. Depth of a lot shall be the average distance between the road and rear lot lines. Width of a lot shall be the average distance between the side lot lines.

LOT OF RECORD. A lot which is part of a subdivision approved by the Lyme Planning Board and recorded in the Grafton County Registry of Deeds, or a lot or parcel, the description of which was recorded prior to the effective date of this ordinance and is not contiguous to another lot in common ownership, as described in the definition of the term, "lot."

LOT SIZE. Shall mean the total horizontal land area within the boundaries of a lot, exclusive of:

(a.) 100% of road rights- of- way, surface waters and wetlands.
(b.) 80% of flood prone areas, areas within the Wetlands Conservation District buffer zone, areas within the Steep Slopes Conservation District, and areas within the Shoreland Conservation District as defined in Sections 3.251, 3.252 and 3.253 of the Lyme Zoning Ordinance.
(c.) 60% of areas having agricultural soils of national or statewide importance as defined in Section 3.254 of the Lyme Zoning Ordinance.
(d.) 40% of areas having agricultural soils of local importance as defined in Section 3.25.4 of the Lyme Zoning Ordinance.

Lot size in accordance with the foregoing definition shall be the basis for applying the requirements of Article V.

The foregoing area adjustments (a. – d. above) shall not apply in determining lot size or the dimensional requirements of Article V in the case of one minor subdivision of a lot of record on March 14, 1989, the effective date of the Lyme Zoning Ordinance.

LOT SIZE AVERAGING. The ability to create lots which may not meet the minimum lot size or dimensional criteria of Table 5.1.

MASTER PLAN. The Lyme Master Plan.

MINOR SUBDIVISION. Minor subdivision shall mean: 1) the subdivision of land into no more than two lots or condominiums requiring no new roads, utilities, or other municipal improvements; or 2) lot line adjustments (annexation) in which there is merely a sale, conveyance or exchange of adjacent land among two or more owners and which does not increase the number of owners or lots. It shall not mean the division of a residential structure into two dwelling units only.

NON-CONFORMING LOT. Any isolated lot of record, bounded by land of other than the owner, not meeting the requirements of this ordinance, which was legally created or existed by itself prior to the adoption of the provision in the zoning ordinance which would currently prohibit such a lot. See Section 8.30.

NON-CONFORMING STRUCTURE. Any structure which does not meet the requirements of this ordinance. See Section 8.20.

NON-CONFORMING USE. Any use in a District where it is not specifically allowed and which legally existed prior to the adoption of the provision in the zoning ordinance which prohibits the use.

OFFICE. A room, set of rooms, or building used for administrative or professional purposes.

OPEN SPACE. An undeveloped area of land used for farming, forestry, wildlife habitat, or recreation which may include improvements related to those uses such as fences and trails.

OUTDOOR RECREATION ACTIVITIES. Outdoor recreation activities include, but are not limited to, cross country skiing, hiking, snowmobiling, ATV use, swimming, horseback riding, hunting, fishing, and field sports such as baseball, soccer, hockey, etc. Outdoor activities organized for educational purposes such as fly fishing or hunting shall be considered outdoor recreational uses. Structures related to outdoor recreation activities may be allowed as provided by the zoning ordinance. Outdoor recreation activities shall not mean a business such as a marina, campground, recreational vehicle park, water slide, miniature golf or driving range, go cart tracks, race tracks, or other similar business uses.

PARENT LOT. Any of the land shown on the plat of a subdivision proposal which has been part of any previous subdivision which has been approved, constructed, or created by conveyance no more than ten years prior to a new proposal. Any such previous subdivision (including lots created) will be treated as part of the new proposal for purpose of analyzing its effect and applying all review criteria.

PERMIT, BUILDING & ZONING. A permit issued after all zoning ordinance requirements, special exceptions, Site Plan Review, and all other governmental requirements have been met.

PERMITTED/PROHIBITED USE. A permitted use (including customary accessory uses) is a use that is allowed as a matter of right under the terms of this ordinance. A use permitted by Site Plan Review or special exception is a use that is allowed if the conditions to the use are satisfied, including the approval of the Planning Board or Zoning Board of Adjustment. All other uses are prohibited.

PERSON. Any natural individual, firm, trust, partnership, association, corporation, company, or other legal entity.

PLANNING BOARD. The Lyme Planning Board.

PLANNED DEVELOPMENT. A mix of residential and institutional or business uses on a single lot in more than one building on a single lot.

RESIDENCE. A dwelling unit.

RESTAURANT. An eating establishment which is primarily developed for its patrons to eat at tables, booths, or a counter. Take-out services are only incidental to the main purposes of the establishment.

RETAIL USE. The sale of merchandise to customers primarily for personal use by customers.

ROAD. A class V or better highway or a street shown on a subdivision plat approved by the Planning Board pursuant to its official duties and built to subdivision standards. The word road includes the entire right-of-way. For the purposes of this ordinance, the end of the maintained portion of the road is the end of the road.

ROAD, PRIVATE. Shall mean a road that remains under private use and ownership and is so recorded in deeds of all abutting lots.

ROAD, SERVICE. An access way serving three or four lots and meeting the requirements within the Town of Lyme Subdivision Regulations.

SETBACK. The minimum horizontal distance from the property lines established by the requirements of this ordinance. It is defined by a line which runs parallel to a property line. The area between the property lines and the minimum setback line shall remain unoccupied by structures. Road setbacks are measured from the road rights of way lines where such lines are known and otherwise from a line which is 25 feet from the centerline of the road. Where a lot fronts on two or more roads, the minimum setback shall apply to each of the roads. See Table 5.1.

SERVICE USE. Shall include uses such as barber, hairdresser, shoe repair, and businesses providing similar services of a personal nature. Service use does not include dry cleaners, business laundries, car washes, and other uses which generate large volumes of waste water.

SIGN. Any structure or part thereof or device attached thereto or painted or represented thereon which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

SIGN AREA. Sign area shall mean the entire area of the sign together with any frame but excluding the necessary supports or uprights on which the sign is placed. Only one side of flat, back to back signs shall be included in calculating sign area.

SKIING FACILITIES. The use of land to include:

(a) all operations customary and incidental to Alpine and/or Nordic skiing including, but not limited to, food service, nursery for skiers' children, equipment rental and retail sales (ski shop) and first aid;
(b) all facilities and structures customary and incidental to Alpine and Nordic skiing including, but not limited to ski trails, ski lifts, skier service lodges, shelters, maintenance buildings, and ski racing facilities;
(c) all equipment customary and incidental to Alpine and Nordic skiing including, but not limited to, grooming, snowmaking, and lighting. For the purposes of this ordinance, the principal building shall be considered the skier service lodge with the greatest gross floor area.

SKI LODGE. The use of land and buildings in the Skiway District only as part of Skiing Facilities Use to provide services included within the definition of Skiing Facilities. In addition, the Ski Lodge Use would include, constituting an incidental, but not primary use, the following: the use of the ski lodge and adjoining premises for functions such as weddings, retirement parties, class reunions, and similar activities.

SLOPE, AVERAGE. The steepness of the surface of an area. Average slope is calculated as a percentage by dividing the total change in elevation of the area by the distance across the area and multiplying by 100. Change in elevation and distance are measured perpendicular to the contours.

SPECIAL EXCEPTION. A use which would not be appropriate generally or without restriction in a particular district and, accordingly, is allowable only if all applicable standards, conditions, and requirements established

by or pursuant to this ordinance are met and only after public hearing and determination by the Zoning Board of Adjustment. See Section 10.40.

STRUCTURE. Anything constructed or erected with a fixed location on, above, or below the ground, or attached to something having a fixed location on, above, or below the ground. Structure includes, but is not limited to a building (see definition), recreational vehicle used as a dwelling unit, manufactured housing, septic system, well, storage tanks, swimming pool, billboard, satellite antenna with 3 feet diameter or more, dock, tennis court, and like structures. It shall not include minor installations such as a fence, children's play equipment and houses, animal shelter under 15 square feet, stone wall, mail box, flag pole, minor retaining wall not located in a conservation district and with a height of 4 feet or less as measured from the toe of the wall to the top of the wall at its tallest point, tent for camping and temporary tent structure used for functions and gatherings, or patio and walkway with some permeability. For flood management purposes, structure also means any walled and roofed building (regardless of size).

STUDIO. The working room of an artist, sculptor, photographer, musician, or other artisan.

SURFACE WATER. Shall include the surface of all water bodies.

SWITCHBACK. A horizontal road curve used for surmounting the grade of a steep hill, usually with a small radius and curving over 125 degrees.

TEMPORARY STRUCTURE. A structure used in conjunction with construction, agriculture, or forestry work, and permitted only during the period that the work is in progress.

TOWN. The Town of Lyme.

TOXIC SUBSTANCE. A solid, liquid, or gas which poses an unreasonable risk to the health of humans, animals, or plants.

UNIT. A room or rooms arranged for use by a separate, independent business, institution, or a separate dwelling established for regular occupancy or rental. See also, "Dwelling Unit."

VARIANCE. A variation from the terms of this ordinance which may be granted by the Zoning Board of Adjustment pursuant to Section 10.50.

WATER BODIES. Shall include any and all lakes, impoundments and ponds of one acre or greater, water courses, and wetlands.

WATER COURSES. Any and all brooks, rivers, and streams, except drainage ways carrying only temporary run off from snow melt or storms.

WATER STORAGE. A fire pond, a water tank, or tower where water is stored for health and/or safety purposes.

WETLANDS. Wetlands are hereby defined as any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a predominance of vegetation typically adapted for life in saturated soil conditions, together with a 100 foot buffer zone around such areas. Wetlands include but are not limited to swamps, marshes, bogs, and similar areas. Wetlands shall be delineated on the basis of hydrophilic vegetation, hydric soils, and wetlands hydrology in accordance with

the current New Hampshire Department of Environmental Services Wetlands Bureau Code of Administrative Rules.

WIRELESS TELECOMMUNICATIONS STRUCTURE. Any structure used in the transmission, broadcast, or relay of wireless communications.

ZONING BOARD OF ADJUSTMENT (ZBA). The Lyme Zoning Board of Adjustment established pursuant to the provisions of Article X of this ordinance.

ZONING EASEMENT. A recorded restriction limiting development and use in accordance with the provisions of the Lyme Zoning Ordinance.

ARTICLE III: ZONING DISTRICTS

3.10 ZONING MAP AND ESTABLISHMENT OF DISTRICTS

The zoning map entitled "Lyme Zoning Map," is hereby adopted as part of this ordinance. The Lyme Zoning Map is attached as Appendix D. It shows a division of the Town into the following zoning districts:

Lyme Center District
Lyme Common District
Commercial District
Rural District
East Lyme District
Skiway District
Mountain and Forest Conservation District

Conservation Districts are also established as set forth in Section 3.27.

3.20 DESCRIPTION AND OBJECTIVES OF DISTRICTS

3.21 Lyme Center and Lyme Common Districts. The boundaries of the Lyme Center and Lyme Common Districts are shown on the Lyme Zoning Map. The objectives of the Lyme Center and Lyme Common Districts are to provide for a mixed use village character, preserve existing structures, minimize traffic and provide a variety of residential situations. Lyme's villages should continue to be residential in nature but should support a mixture of neighborhood business uses, institutional, and civic uses. New buildings, building renovations, and signs should be consistent with the present character of the villages.

3.22 Commercial District. The boundaries of the Commercial District are shown on the Lyme Zoning Map. The objectives of the Commercial District are to prevent strip development, limit business and light industrial use to a scale appropriate to existing uses in the area, promote a mixed use character, provide a variety of residential situations, and preserve Route 10 as a free-flowing highway.

3.23 Rural District. The boundaries of the Rural District are shown on the Lyme Zoning Map. The objectives of the Rural District are to protect the existing pattern of rural land uses in the Town, to maintain and foster traditional agricultural pursuits, to encourage the most appropriate use of land, and to facilitate the adequate provision of community services. Less intensive land uses are permitted in the Rural District to ensure that uses complement each other and are consistent with the existing character of the District and to minimize demands placed on Town services.

3.24 East Lyme District. The boundaries of the East Lyme District are shown on the Lyme Zoning Map. The objectives of the East Lyme District are to protect Lyme's natural heritage, to encourage the most appropriate use of land, and to facilitate the adequate provision of community services. Because of

its remote location and the low capability of the land to support development, East Lyme is reserved for low intensity land uses.

3.24.1 Holt's Ledge District. The Boundaries of the Holt's Ledge District are shown on the Lyme Zoning Map. The objectives of the Holt's Ledge District are to protect Lyme's natural heritage, to encourage the most appropriate use of land and to facilitate the adequate provision of community services. The Holt's Ledge District promotes reasonable use of small lots created prior to the enactment of the Zoning Ordinance in the East Lyme area of Lyme.

3.25 Skiway District. The boundaries of the Skiway District are shown on the Lyme zoning map. The objectives of the Skiway District are to recognize the unusual topographic features which restrict any development and to make provision for the Skiing Facilities use of land which existed at the time of the adoption of the Zoning Ordinance. The land in the Skiway District has limited use and is uniquely appropriate for the operation of a ski area. In addition, the existing ski area is a recreational asset benefiting the Town.

3.26 Mountain and Forest Conservation District. The boundaries of the Mountain and Forest Conservation District are shown on the Lyme Zoning Map. Lands in the Mountain and Forest Conservation District are extremely remote and are reserved for very low intensity land uses. The primary objective of the Mountain and Forest Conservation District is to preserve and protect Lyme's natural heritage of large tracts of undeveloped forest land in the more remote sections of Town and thereby serve the following additional objectives: (1) encourage continuation of large contiguous tracts of forest land in private ownership to provide forest resources and outdoor recreation; (2) encourage forestry and timber harvesting and permit other compatible uses including very low intensity development that will allow the land to appreciate in value; (3) protect natural areas; (4) protect wildlife habitat; (5) maintain ecological balance; (6) preserve scenic views; (7) avoid the burden of unreasonable municipal expenditures for the purpose of providing municipal services to remote and difficult locations; and (8) avoid the risk to health and safety of municipal employees and volunteers of providing emergency services to remote and difficult locations.

3.27 Conservation Districts. The Conservation Districts are comprised of the Wetlands Conservation District (Section 3.27.1), the Steep Slopes Conservation District (Section 3.27.2), the Shoreland Conservation District (Section 3.27.3), the Agricultural Soils Conservation District (Section 3.27.4), the Flood Prone Area Conservation District (Section 3.27.5), and the Ridgeline and Hillside Conservation District (Section 3.27.6). The Conservation Districts are established in order to protect Lyme's natural heritage and agricultural soils and to ensure that land is developed only according to its natural capability.

3.27.1 Wetlands Conservation District. The Wetlands Conservation District is hereby defined as any area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal conditions does support, a predominance of vegetation typically adapted for life in saturated soil conditions, together with a 100 foot buffer zone around such areas. Wetlands include but are not limited to swamps, marshes, bogs, and similar areas. Wetlands shall be delineated on the basis of hydrophilic vegetation, hydric soils, and wetlands hydrology in accordance with the current New Hampshire Department of Environmental Services Wetlands Bureau Code of Administrative Rules. One hundred percent (100%) of such wetland areas and 80% of the 100 foot

buffer zone shall be excluded in the calculation of lot size. Wetlands less than 2,500 square feet in size are excluded from the provisions of the Wetlands Conservation District, although State regulations may apply. The map available in the Town offices at the time of application will provide the Natural Resources Conservation Service (NRCS) hydric soils and National Wetlands Inventory which may be used as preliminary guidance for wetlands delineation. The primary objective of the wetlands conservation district is to protect the Town's wetlands from despoliation or unregulated alteration and thereby to preserve the integrity of these areas, optimizing the following: 1) proper drainage, 2) flood control, 3) water quality, 4) wildlife, flora and fauna, 5) recreation, 6) and aesthetics, all for the purpose of the public good.

3.27.2 Steep Slopes Conservation District. The Steep Slopes Conservation District is hereby defined as comprising all areas within which there is an elevation change of 20 feet or more and the average slope is 20% or greater. Any area which meets the foregoing criteria lies within the Steep Slopes Conservation District even though it may be part of a larger area which has an average slope of less than 20%. If part of a lot lies within the Steep Slopes Conservation District, 80% of such part shall be excluded in the calculation of lot size. The primary objective of the Steep Slopes Conservation District is to limit the nature and intensity of development of steep slopes to those uses which can be harmoniously, appropriately and safely located on steep slopes and thereby serve the following additional objectives: (1) prevent soil erosion; (2) protect surface waters from sedimentation, turbidity, runoff of stormwater and effluent from sewage disposal systems; (3) preserve tree cover and other vegetative cover; (4) protect wildlife habitat; (5) preserve scenic views; (6) protect natural areas; and (7) maintain ecological balance. The Steep Slopes Conservation District shall not include land in the Skiway District used in conjunction with Skiing Facilities.

3.27.3 Shoreland Conservation District. The Shoreland Conservation District is hereby defined as comprising: (1) all lands within 200 feet of the shore of the Connecticut River (including backwaters impounded by Wilder Dam), Reservoir Pond, Post Pond, Trout Pond, and all other ponds greater than 5 acres in size; and (2) all lands within 100 feet of the shore of all other surface waters. The 100 and 200 foot distances shall be measured horizontally from the top of the bank above the surface water in question. If part of a lot lies within the Shoreland Conservation District, 80% of such part shall be excluded in the calculation of lot size. The Town's surface waters are vital natural resources providing significant scenic, recreational and wildlife values with the potential for public water supply. The primary objective of the Shoreland Conservation District is to preserve and protect the Town's surface waters by permitting only those uses which can be harmoniously, appropriately, and safely located adjacent to surface waters and thereby serve the following additional objectives: (1) protect surface waters from sedimentation, turbidity, runoff of stormwater, and effluent from sewage disposal systems; (2) preserve tree cover and other vegetative cover; (3) protect wildlife habitat; (4) preserve scenic views; (5) protect natural areas; and (6) maintain ecological balance. The Shoreland Conservation District shall not include land in the Skiway District used in conjunction with Skiing Facilities.

3.27.4 Agricultural Soils Conservation District. The Agricultural Soils Conservation District is hereby defined as comprising those areas in the Rural, East Lyme, and Mountain and Forest Conservation Zoning Districts determined to be agricultural soils of national, statewide, or local importance and excluding Building Zones (see definition) and contiguous units of agricultural soils under one acre. Agricultural soils commonly found in Grafton County are listed in Appendix B. If any soils found during

site field work are not described in the Natural Resources Conservation Service (NRCS) publication *Soil Survey of Grafton County Area, New Hampshire*, the applicant must provide a determination of agricultural importance for those soils from NRCS or other appropriate agency. If part of a lot lies within the Agricultural Soils Conservation District, such part shall contribute to the calculation of lot size as follows: 60% of areas characterized by agricultural soils of national or statewide importance and 40% of areas characterized by agricultural soils of local importance shall be excluded in the calculation of lot size. Agriculture makes vital and significant contributions to the food supply, the economy, the environment, and the aesthetic features of the State of New Hampshire and of the Town and the tradition of using the land resource for agricultural production is an essential factor in providing for the favorable quality of life in the State and in the Town. The Town's agricultural soils are a scarce and vital natural resource providing the benefits outlined above. The primary objective of the Agricultural Soils Conservation District is to preserve and protect the Town's agricultural soils by permitting only those uses which can be accommodated without destroying the usefulness of such soils for agricultural production. The Agricultural Soils Conservation District shall not include land in the Skiway District used in conjunction with Skiing Facilities.

3.27.5 Flood Prone Area Conservation District. The Flood Prone Area Conservation District is hereby defined as comprising all flood prone areas. Flood prone areas are: (1) areas of land lower in elevation than the land-water boundary at the high water mark along a water course flowing at its 1% frequency (100 year flood); (2) areas of land lower in elevation than the land-water boundary of other surface water at the high water mark of such surface water at its 1% frequency (100 year flood); and (3) those areas characterized by soils classified by the National Cooperative Soil Survey as "Soil Subject to Flooding." If part of a lot lies within the Flood Prone Area Conservation District, 80% of such part shall be excluded in the calculation of lot size. The primary objective of the Flood Prone Area Conservation District is to limit the nature and intensity of development of flood prone areas to those uses which can be appropriately and safely located in flood prone areas and thereby serve the following additional objectives: (1) secure safety from floods; (2) reduce the financial burdens imposed upon the Town through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; (3) prevent loss of life, property damage and the other losses and risks associated with flood conditions; (4) preserve the location, character, and extent of natural drainage courses; (5) protect wildlife habitat; (6) preserve scenic views; (7) protect natural areas; and (8) maintain ecological balance.

3.27.6 Ridgeline and Hillside Conservation District. The Ridgeline and Hillside Conservation District is hereby defined as comprising those ridgeline and hillside areas depicted in Appendix F. **This map represents ridgelines and hillsides within 1000' of the ridgelines which could be visible (without trees) from publicly maintained roads and public waterways and including adjacent slopes of 20% or greater, but excluding 300' from publicly maintained roads.** The scenic value of Lyme's ridgelines and hillsides contribute significantly to the maintenance and enjoyment of the Town's rural character. Preservation of these scenic values and of Lyme's rural character is essential to the current and future well being of the people of the Town. The primary objective of the Ridgeline and Hillside Conservation District is to protect the Town's scenic and rural character by providing that development be carried out so as to be visually unobtrusive to the greatest extent reasonably practicable while permitting the landowner to exercise his property rights. The Ridgeline and Hillside Conservation District shall not include land in the Skiway District used in conjunction with Skiing Facilities.

3.30 INTERPRETATION OF DISTRICT BOUNDARIES

3.31 Location of District Boundaries. District boundaries which are defined by reference to the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the centerlines. The discontinuance of roads shall not affect the location of such district boundaries. When the Administrator cannot definitely determine the location of a district boundary, s/he shall refuse action, and the ZBA, upon appeal, shall interpret the location of the district boundary with reference to the Zoning Map, the definitions and objectives of the districts, and the purposes set forth in all relevant provisions of this ordinance.

3.32 Lots Crossed by District Lines. If a lot lies in more than one district, each part of the lot shall be governed by the regulations of the district in which such part falls. At the option of the landowner, the lot may be governed wholly under the regulations of the most restrictive district.

3.33 Location of Conservation District Boundaries. When it is alleged that an area has been incorrectly designated as lying within a Conservation District or that an area not so designated meets the criteria of a Conservation District, the Administrator shall consult with the Conservation Commission and the Planning Board before determining whether the area in question meets such criteria. The Administrator may refer the issue to the ZBA in which case the ZBA shall make the determination after public hearing pursuant to the provisions of Article X of this ordinance. Expenses incurred by the Town in ruling on such allegations, including the fees and disbursements of consultants, including engineers, surveyors and soil scientists, shall be borne by the person making the allegation.

ARTICLE IV: USE REGULATIONS

4.10 GENERAL

Except as otherwise provided by law or in this ordinance, no building, structure, or land shall be constructed, occupied, or used except where and as permitted in this Article. See Table 4.1.

4.20 USES PERMITTED BY RIGHT AND USES PERMITTED BY SITE PLAN REVIEW

Table 4.1 lists permitted uses and uses allowed by Site Plan Review in the Lyme Center, Lyme Common, Commercial, Rural, East Lyme, Skiway, and Mountain and Forest Conservation Districts. Such uses are subject to the provisions of Section 4.30 (Prohibited Uses), Section 4.40 (General Provisions), and Section 4.60 (Additional Standards and Use Provisions for Conservation Districts). All uses shall be consistent with and give effect to the objectives of the districts in which they are located.

4.30 PROHIBITED USES.

4.31 Unlisted Uses. Only uses listed in Article IV and legal non-conforming uses as specified in Article VIII shall be allowed.

4.32 Offensive Uses. No use shall be permitted in a manner which would:

(1) disturb the reasonable enjoyment of the current and anticipated uses of near-by properties or be adverse to public health or safety by reason of odor, fumes, dust, smoke, vibration, noise, light, glare, traffic, or any other cause;
(2) create a fire hazard;
(3) create conditions which are disorderly or unsightly and thus detrimental to other properties or to the public;
(4) result in the pollution of ground or surface waters;
(5) permit toxic or hazardous substances to enter ground or surface waters;
(6) result in the pollution of the air including localized air pollution exceeding the state air quality standards;
(7) result in soil erosion during or after construction;
(8) result in sedimentation of surface waters; or
(9) result in unreasonably increased traffic volume, speed, intensity, or risk to public safety.

The Administrator shall have original authority to determine whether any use is in violation of any of the foregoing provisions and to order the removal or abatement of such use so found in violation.

4.33 Radioactive Material. Use and/or disposal of radioactive substances in quantities which may pose a threat to health or safety shall not be permitted.

TABLE 4.1

Table 4.1

	Lyme Center	Lyme Common	Commercial District	Rural District	East Lyme	Skiway	Mountain & Forest	Holt's Ledge
AGRICULTURE								
Agriculture	Y	Y	Y	Y	Y	Y	Y	Y
Forestry	Y	Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL								
Single Dwelling	Y	Y	Y	Y	Y	N	Y	Y
Multi-Dwelling Conversion	SPR	SPR	SPR	SPR	N	N	N	N
Affordable Housing	SEE ARTICLE XI							
Lot Size Averaging	Y	Y	Y	Y	Y	N	Y	Y
INSTITUTIONAL								
Government Use	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR
Institution	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR
BUSINESS								
Clinic	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR
Cottage Industry	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR
Day Care	SPR	SPR	SPR	SPR	SPR	N	SPR	SPR
Excavation	N	N	Y	Y	Y	Y	Y	N
Home Occupation	Y	Y	Y	Y	Y	N	Y	Y
Light Manufacturing or Processing	N	N	SPR	N	N	N	N	N
Lodging Accommodations	SPR	SPR	SPR	SPR	N	N	N	N
Office Building, New	N	N	SPR	N	N	N	N	N
Office/Studio/Restaurant Conversion	SPR	SPR	SPR	SPR	SPR	N	SPR	N
Outdoor Recreation Activities	Y	Y	Y	Y	Y	Y	Y	Y
Planned Development	N	SPR	SPR	N	N	N	N	N
Restaurant	N	N	SPR	N	N	N	N	N
Retail Use	SPR	SPR	SPR	N[1]	N[1]	N[1]	N[1]	N
Sawmill	N	N	N	SPR	SPR	SPR	SPR	SPR
Service Use	SPR	SPR	SPR	N	N	N	N	N
Skiing Facilities	N	N	N	N	SPR	SPR	N	SPR

Y - Use permitted by right, provided that all other requirements of Federal, State, and Town laws, rules, ordinances, and regulations have been met. A permit is not required for agricultural, forestry, or home occupation uses.

SPR - Use permitted by Site Plan Review provided that all other requirements of Federal, State, and Town laws, rules, ordinance, and regulations have been met and approval has been granted by the Planning Board.

N - Use not permitted.

[1] The retail sales of products resulting from accessory use are permitted in these districts.

4.40 GENERAL PROVISIONS

4.41 Principal Building and Activity on Lots. There shall be only one principal building and one principal activity on a lot unless otherwise approved under the lot size averaging subdivision provision (Section 5.11 D.), the multi-dwelling and conversion provision (Section 4.46), or the planned development provision (Section 4.49).

4.42 Accessory Uses. Customary accessory uses are permitted uses which are incidental to the principal use, including single dwelling uses in conjunction with permitted business use. A single detached accessory dwelling unit may be added to a lot with an existing or proposed residence if:

a) only one detached accessory dwelling unit is permitted;
b) both units share an access to a town or private road;
c) both units are located less than 100 feet apart or share the same wastewater disposal system;
d) there shall be a suitable area for a replacement wastewater disposal system(s);
e) the gross floor area of the accessory unit does not exceed 750 square feet;
f) the subdivision of the lot to separate the two residences is prohibited through the grant of a zoning easement to the Town of Lyme; and
g) this shall not be considered a multi-dwelling conversion.

4.43 Temporary Uses and Structures. Temporary permits may be issued by the Administrator for a period not exceeding one year for non-conforming uses incidental to construction, agricultural, or forestry projects, provided such permits are conditioned upon agreement by the owner to remove the structure or terminate the use upon expiration of the permit. Such permits may be renewed upon application for an additional period of one year as long as work is active. These uses shall be limited to trailers or portable structures used for office, storage, and locker purposes and other non-residential uses consistent with the project.

4.44 Abandoned Structures. The remains of a permanent or temporary building or structure which has been destroyed or abandoned and which poses a hazard to health or safety shall within six months of being destroyed or abandoned be removed from the site, and the site shall be graded and re-vegetated by the owner.

4.45 Excavation. Excavation and removal of gravel, rock, or other natural materials is allowed in certain districts but only if the Planning Board has first issued an excavation permit pursuant to the Lyme Excavation Regulations. Excavation and removal of topsoil is not allowed. The foregoing does not apply to agricultural activities, pond building, customary grading, or landscaping work performed in the course of improvement of the land around a building or the construction of a building.

4.46 Conversions. If a use is permitted in Table 4.1, then a conversion of all or part of a single building to that use may be allowed. Any conversion requiring a Site Plan Review as noted in Table 4.1 must meet all of the criteria of section 12.10 as well as all of the following criteria:

A. Structures less than five years old or structures which were not served by wiring, heating, and plumbing (including sanitary facilities) during the previous five years shall not be converted to any use other than a single dwelling.

B. If applicable, the proposal must conform to the standards contained in the Site Plan Review Regulations;

C. The building is served by a driveway that conforms to the standards contained in Section 4.53;

D. The building is served by adequate off-street parking and loading meeting the standards set forth in Article VII;

E. The building is served by a septic system that meets both local and state standards;

F. In the conversion of a residential building to a non-residential use, 40% of the floor area of the building shall be retained for residential use.

G. No more than 6 units shall be permitted in any building.

4.47 Cottage Industry. The following standards and requirements must be satisfied to gain approval for a cottage industry:

A. There shall be no more than the equivalent of three full time employees, including the employer, on the residential premises of one of those employees or of the employer.

B. Signs shall be limited to three square feet and shall be used for identification purposes only.

4.48 Business Use. (Uses as listed under this heading in Table 4.1.) The following standards and requirements must be satisfied to gain approval for business use:

A. Any conversion of a residence to business use must retain at least one dwelling unit.

B. Off-street parking must be available for all employees, customers, and residents on-site.

C. Off-street loading must be available for all pick-up and delivery.

D. No business which utilizes, stores, processes, or disposes of quantities of toxic substances which may pose a threat to groundwater quality shall be permitted.

4.49 Planned Development. Planned Developments are allowed by Site Plan Review in districts as shown in Table 4.1. The uses in a Planned Development shall include only those uses

permitted or allowed by Site Plan Review as listed in Table 4.1 in the district in which the development is proposed. A Planned Development or a change of use in a Planned Development shall be reviewed and approved by the Planning Board prior to the issuance of a building & zoning permit. A Planned Development must meet all of the requirements for a Site Plan Review under section 12.10 as well as the following criteria:

A. At least 15% of the floor area shall be reserved for residential use.

B. There shall be no more than six units per building.

C. If there will be a total of three or more units, there shall be a water supply suitable and accessible for public safety purposes; and the water supply must be located within 1/2 mile of the Planned Development.

D. Dimensional Controls: The Planned Development shall satisfy the dimensional controls of Article V except that aggregate building footprint and maximum lot coverage shall be established by the Planning Board and shall be equal to the maximum total building footprint and maximum total lot coverage which would be available to the applicant if the property were subdivided into the maximum number of lots which could be created in a subdivision meeting all of the requirements of the Lyme Subdivision Regulations and this ordinance. Maximum individual building footprint shall be as specified in Table 5.1.

E. Other Requirements: The areas of the lot which will be left undeveloped shall be retained in open space and such open space shall be protected through the granting of a zoning easement to the Town or a conservation easement to a governmental agency or a conservation organization approved by the Planning Board.

4.50 Forestry and Timber Harvesting. Forest land in the Town of Lyme is a vital resource providing multi-use benefits including timber, outdoor recreation, clean water, and wildlife habitat. The right to manage forest land and construct and maintain logging roads for timber production is expressly recognized and permitted in all zoning and conservation districts. Timber harvesting operations, including the construction and maintenance of logging roads shall be conducted in accordance with best management practices so as to prevent soil erosion and damage to surface waters. Timber harvesting operations in deer yards (deer wintering areas) shall be conducted on the selection basis and so that no more than 30% of the basal area of coniferous trees 4 inches in diameter and larger measured at a height of 4 1/2 feet above ground level are removed in any 10 year period except as necessary to salvage dead or dying timber in the event of fire, storm, insect attack, or disease. Timber harvesting operations which do not meet the foregoing requirements may be permitted by special exception if such operations will result in wildlife benefits which are at least as great as those which would be achieved if such requirements were met. The location of deer yards is shown in Appendix C-1 and Appendix C-2.

4.51 Agricultural Use: The Right to Farm. The right to farm is a traditional right of fundamental importance to the Town of Lyme to those who are now farming in the Town and to those who may want to farm in the future. In order to safeguard and protect these basic interests, the right to farm, comprising all generally accepted agricultural practices, is expressly recognized and allowed as a permitted use, excepting any practices which utilize, process, or dispose of toxic quantities of substances which may pose a threat to groundwater quality, which shall be prohibited.

4.52 Wildlife Habitat. Wildlife habitat is an important element of the Town's natural heritage and shall be taken into account in land development. This section pertains to habitat important to deer, bear and State and federally designated rare, threatened, or endangered species. Some of the location of deer yards, other wildlife habitat, and wildlife crossings are shown in Appendix C-1 and Appendix C-2. Where reasonably practicable, buildings, structures, and other improvements shall be located so as not to interfere with deer yards, other wildlife habitat, and wildlife crossings. A change in vegetative cover in such an area shall not alter its status as habitat or how restrictions on the placement of buildings, structures, or other improvements apply to proposed development in wildlife habitat areas.

4.53 Driveways.

A. Permitted Design. Driveways which do not cross the Agricultural Soils, Wetlands, Steep Slope, Shorelands, and Flood Prone Conservation Districts are allowed if they meet the following standards:

1. The grade does not exceed 11% for any 100 foot segment;

2. If the total length of the driveway exceeds 1,000 feet, the width shall allow emergency vehicles to pass at a minimum of 1,000 foot intervals;

3. It is designed and constructed using the methods and practices approved by the U.S. Environmental Protection Agency as set forth in its publications and websites. (See for example www.epa.gov.) In addition, Low-Impact Development (LID) design shall be encouraged for any project to mimic the natural landscape with small and distributed infiltration, storage, and retention and detention measures.

4. Where a reasonable alternative exists, driveways shall not be constructed in the side or rear setbacks. When a driveway must be built within the setbacks, there shall be suitable area for snow storage; and

5. Curb cut permits must be obtained from the Town (see Curb Cut Regulations) or the State prior to receiving a zoning permit for the driveway.

6. Driveways shall not serve structures located more than 1,000’ from a Class V or better road that provides access to the lot.

7. The grade within switchbacks does not exceed 5%.

B. Special Exceptions.

1. Driveways with grades in excess of 11%, but not more than 14% within any 100 foot segment, may be permitted by special exception subject to the provisions of Section 10.40 and standards above.

2. See section 4.62 B. 1.

3. See section 4.64 B. 7.

4. Driveways serving structures located more than 1,000' from a Class V or better road that provides access to the lot may be permitted by special exception if the preferable development area cannot reasonably be located within reach of a driveway as restricted above in A.6. A "preferable development area" would be one where the driveway would be less intrusive to conservation districts and open space than a development area and driveway meeting the restrictions in A.6. above.

4.54 Skiing Facilities. Skiing Facilities use is allowed by Site Plan Review only in the Skiway District. The Conservation Districts for steep slopes, agricultural soils, and shoreland shall not apply to the Skiway District. The Ridgeline and Hillside Conservation District overlay shall apply in this Skiway District only with respect to those uses unrelated to alpine or Nordic skiing. Neither the general standards for a Site Plan Review contained in Section 12.10 nor the design requirements in Section 7.20 shall apply to the skiing facilities use. The following specific Site Plan Review standards shall regulate this use.

A. Specific Standards for Site Plan Review for Skiing Facilities Use of Land: In order for the Planning Board to approve an application for a Site Plan Review for Skiing Facilities use, the Planning Board must find that the following specific standards are met which shall be in lieu of any other standards for Site Plan Review contained in this Ordinance:

1. Parking areas shall be adequately signed or controlled by parking attendants so as to guide traffic flow and direction.

2. All graded areas shall be constructed in accordance with best management practices and in such a manner as to protect surface waters from sedimentation, turbidity, runoff of storm water and effluent from sewage disposal systems.

3. There shall be located on site a water storage facility capable of delivering the required fire flows and accessible year-round, constructed in accordance with best management practices and in such a manner as to protect surface waters from sedimentation, turbidity, runoff of storm water and effluent from sewage disposal systems.

4. Traffic patterns on the lot shall be coordinated so as to compose a convenient system. There shall be a proper arrangement of roadways, loading and unloading areas and parking areas on the lot to ensure the safety of vehicles, pedestrians and buses.

5. There shall be adequate access for fire, police and emergency vehicles to the lot from the public highway and sufficient maneuvering room. Comments shall be obtained from the Police and Fire Departments.

6. Adequate provision shall be made for handling water drainage on the lot utilizing best management practices.

7. Adequate provision shall be made for snow storage or removal utilizing best management practices.

8. Adequate provision shall be made for skiers and other pedestrians crossing the public highway.

9. On-site exterior lighting shall be designed to assure adequate illumination for the safety of vehicles and pedestrian travel.

10. Notwithstanding the provisions in subparagraph A above, any proposed new parking structure such as a parking garage, other than additional horizontal parking on land, shall meet the general Site Plan Review standards contained in Section 12.10.

11. Any road or proposed trail crossing of water courses must be located and constructed so as to cause the least reasonably practicable damage to the surface water.

12. Within 100 feet of any water course, there shall be no use which utilizes, stores, processes or disposes of toxic substances which may pose a threat to surface or ground water quality, nor shall underground fuel storage tanks be permitted.

13. Water impoundments shall not unreasonably interfere with the functioning of natural systems unless the environmental benefits of the impoundment will outweigh adverse impacts. This standard shall not apply to water impoundments on the Skiway tributary to Grant Brook.

4.55 Lodging Accommodations. A Site Plan Review and conformance to the standards, conditions, and requirements contained in Section 12.10 are required for each and every use that is proposed as accessory to lodging accommodations.

4.56 Governmental Use. The state, county, town, city, school district, or village district shall give written notification as set forth in RSA 674:54 to the governing body and planning board of any proposed governmental use of property within its jurisdiction, which constitutes a substantial change in use or a substantial new use.

4.60 SPECIFIC ADDITIONAL PROVISIONS FOR CONSERVATION DISTRICTS.

4.61 Wetlands Conservation District.

A. Permitted Uses. Permitted uses are those uses which do not involve the erection or construction of any structures, do not alter the natural surface configuration by the addition of fill or by excavation or dredging, and are uses that are otherwise permitted by this ordinance. Such uses include the following:

1. Forestry and tree farming using best management practices to protect wetlands from damage from soil erosion and otherwise.

2. Agriculture using best management practices to protect wetlands from damage from soil erosion and otherwise.

3. Wildlife refuges.

4. Parks and outdoor recreation uses consistent with the objectives of the District.

5. Conservation areas and nature trails.

6. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.

7. Water impoundments less than one acre in size if approved by the State and supported by the Lyme Conservation Commission.

B. Special Exceptions. Special exceptions may be granted by the ZBA permitting the uses listed below. The application for any such special exception shall be referred to the *Lyme Conservation Commission* for review and comment prior to scheduling the ZBA hearing on the application. The following uses are permitted by special exception in the Wetlands Conservation District:

1. Water impoundments greater than one acre in size, but only if the ZBA finds that the impoundment does not unreasonably interfere with the function of natural systems or that the environmental benefits of the impoundment outweigh the adverse impacts.

2. Non-business, non-residential water dependent uses, such as docks and boathouses. Such uses shall be located and constructed so as to cause the

least practicable damage to the wetland.

3. Access ways which meet the conditions of Section 4.53 and rights of way for overhead power and telephone lines located and constructed so as to cause the least reasonably practicable damage to the wetland and only if there is no feasible alternative location.

4. Wells and waterlines.

5. Any alteration of the natural surface configuration by the addition of fill or by excavation or dredging including bank stabilization.

6. Non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989.

7. As provided in Article VIII.

C. Additional Provisions.

1. No use which utilizes, stores, processes, or disposes of toxic substances which may pose a threat to surface or ground water quality is permitted.

2. No underground fuel storage tanks are permitted.

4.62 Steep Slopes Conservation District.

A. Permitted Uses. Permitted uses are those uses which do not involve development. Such uses include the following:

1. Forestry and tree farming using best management practices to prevent soil erosion.

2. Agriculture using best management practices to prevent soil erosion.

3. Wildlife refuges.

4. Parks and outdoor recreation uses consistent with the objectives of the District.

5. Conservation areas and nature trails.

6. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.

B. Special Exceptions. Special Exceptions may be granted by the ZBA permitting the uses listed below. The application for any Special Exception shall be referred to the *Planning Board* for review and comment prior to scheduling the ZBA hearing on the application. The following uses are permitted by Special Exception in the Steep Slopes Conservation District:

1. Access ways which meet the conditions of Section 4.53 and roads which meet the standards for new roads set forth in the Lyme Subdivision Regulations. Such access ways and roads shall be designed, constructed and maintained (a) in accordance with standards and limitations established by the Planning Board for crossing the Steep Slopes Conservation District and (b) so as to serve the objectives of the Steep Slopes Conservation District.

2. Any alteration of the natural surface configuration by the addition of fill or by excavation or dredging including bank stabilization.

3. Non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989.

4. As provided in Article VIII.

5. Structures as allowed by the Telecommunications Facilities Ordinance.

4.63 Shoreland Conservation District.

A. Permitted Uses. Permitted uses are those uses which do not involve the erection or construction of any structures, do not alter the natural surface configuration by the addition of fill or by excavation or dredging, and are uses that are otherwise permitted by this ordinance. Such uses include:

1. Forestry and tree farming using best management practices to protect surface waters from damage from soil erosion and otherwise.

2. Agriculture using best management practices to protect surface water from damage from soil erosion and otherwise.

3. Wildlife refuges.

4. Parks and outdoor recreation uses consistent with the objectives of the District.

5. Conservation areas and nature trails.

6. Wells and waterlines.

7. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.

8. Docks requiring only a State "Seasonal Dock Notification for Lakes and Ponds" or a State "Permit by Notification" and meeting the side setback requirements of this ordinance.

B. Special Exceptions. Special exceptions may be granted by the ZBA after proper publication and public hearing, for undertaking the following uses in the Shoreland Conservation District. The application for any such special exception shall be referred to the *Lyme Conservation Commission* for review and comment prior to scheduling the ZBA hearing on the application. The following uses are permitted by special exception in the Shoreland Conservation District:

1. Water impoundments, but only if the ZBA finds that the impoundment does not unreasonably interfere with the functioning of natural systems or that the environmental benefits of the impoundment outweigh the adverse impacts.

2. Non-business, non-residential water dependent uses, such as docks (if not permitted under 4.63 A.8. above), boathouses and access points. Such uses shall be located and constructed so as to cause the least practicable damage to the surface water.

3. Road crossings of water courses, access ways which meet the conditions of Section 4.53, and rights of way for overhead power and telephone lines if located and constructed so as to cause the least reasonably practicable damage to the surface water and only if there is no feasible alternative location.

4. Any alteration of the natural surface configuration by the addition of fill or by excavation or dredging including bank stabilization.

5. Non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989.

6. As provided in Article VIII.

C. Additional Provisions.

1. No use which utilizes, stores, processes or disposes of toxic substances which may pose a threat to surface or ground water quality is permitted.

2. No underground fuel storage tanks are permitted.

4.64 Agricultural Soils Conservation District.

A. Permitted Uses. Permitted uses are those uses which will preserve and protect the Town's agricultural soils. Such uses include:

1. Agriculture using best management practices to prevent soil erosion and maintain the productive capacity of the soil.

2. Forestry and tree farming using best management practices to prevent soil erosion and maintain the productive capacity of the soil.

3. Wildlife refuges.

4. Parks and outdoor recreation uses consistent with the objectives of the District.

5. Conservation areas and nature trails.

6. Structures accessory to the uses permitted in 1 - 5 above.

7. Underground utility lines, wells and waterlines.

8. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.

B. Special Exceptions. Development of any of the uses listed below shall not occur within the District unless a lot does not have sufficient developable non-agricultural soil to accommodate a proposed use. If a lot does not have sufficient non-agricultural soil, then up to a 25% area of the agricultural soil in a contiguous compact shape may be developed. If the lot is being subdivided or has been subdivided within the last 10 years, this 25% area shall be applied to the parent lot. In all cases, 75% of agricultural soil shall be protected by a zoning easement prohibiting all but agricultural, forestry, recreation and conservation uses. The Zoning Board of Adjustment may waive the requirement of an easement on lots which have less than three acres of agricultural soils. The easement requirement does not apply to special exceptions granted under section 8.24.

The uses listed below are permitted by special exception in existing structures or as described above provided that subdivision and development of land within this District shall be designed and carried out to the greatest extent reasonably feasible so as to preserve and protect the productive capacity of the soils. The following uses

are permitted by special exception in the Agricultural Soils Conservation District:

1. Single dwelling.

2. Multi-dwelling and office/studio conversions. See Section 4.46.

3. Clinic.

4. Cottage industry.

5. Home occupation.

6. Lodging accommodations.

7. Access ways which meet the conditions of Section 4.53, roads which meet the standards for new roads set forth in the Lyme Subdivision Regulations, and rights of way for overhead power and telephone lines.

8. Agricultural structures with a building footprint over 10,000 square feet to be located off agricultural soils as much as practicable.

9. Non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989.

10. As provided in Article VIII.

11. Structures as allowed by the Telecommunications Facilities Ordinance.

4.65 Flood Prone Area Conservation District.

A. Permitted Uses. Permitted uses are those uses which do not involve the erection or construction of any structures, do not alter the natural surface configuration by the addition of fill or by excavation or dredging, and are uses that are otherwise permitted by this ordinance. Such uses include the following:

1. Forestry and tree farming using best management practices.

2. Agriculture using best management practices.

3. Wildlife refuges.

4. Parks and outdoor recreation uses consistent with the objectives of the District.

5. Conservation areas and nature trails.

6. Wells and waterlines.

7. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.

B. Special Exceptions. Special exceptions may be granted by the ZBA permitting the uses listed below and which meet the requirements of the Lyme Floodplain Development Ordinance:

1. Water impoundments, but only if the ZBA finds that the impoundment does not unreasonably interfere with the functioning of natural systems or that the environmental benefits of the impoundment outweigh the adverse impacts.

2. Non-business, non-residential water dependent uses, such as docks, boathouses and access points constructed in accordance with the Lyme Floodplain Development Ordinance.

3. Access ways which meet the conditions of Section 4.53 and rights of way for overhead power and telephone lines.

4. Cottage industry and home occupation in a pre-existing residence provided that the size of the existing building is not increased.

5. Multi-dwelling, office, or studio conversion in a pre-existing building provided that the size of the existing building is not increased.

6. Any alteration of the natural surface configuration by the addition of fill or by excavation or dredging including bank stabilization.

7. Structures as allowed by the Telecommunications Facilities Ordinance.

8. Non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989.

9. As provided in Article VIII.

C. Additional Provisions.

1. No use which utilizes, stores, processes or disposes of toxic substances which may pose a threat to surface or ground water quality is permitted.

2. No underground fuel storage tanks are permitted.

4.66 Ridgeline and Hillside Conservation District.

A. Permitted Uses. Permitted uses are those uses allowed or permitted by special exception or Site Plan Review in the underlying district if such uses will not be inharmonious when viewed from the Town's public highways or public waters. Such uses include the following:

1. Forestry and tree farming.
2. Agriculture.
3. Wildlife refuges.
4. Parks and outdoor recreation uses.
5. Conservation areas and nature trails.
6. Fire protection structures if approved by the Planning Board with the exception that fire ponds of one acre or greater require a special exception.

B. Special Exceptions. Uses permitted by special exception are the uses including telecommunications facilities allowed by the underlying district subject to the requirement that the proposed use, to the maximum extent reasonably practicable, will not materially interfere with or degrade those visual features of the site or adjacent sites which contribute to the scenic character of the area as viewed from the Town's public highways or public waters and non-business development within areas specifically reserved for that purpose which were created as the result of conservation easements executed prior to the adoption of this Zoning Ordinance on March 14, 1989 may be allowed by special exception.

ARTICLE V: DIMENSIONAL CONTROLS

5.10 SUMMARY TABLE

The dimensional controls set forth in this ordinance and in table 5.1 establish minimum lot size, road and water frontage, maximum building size, maximum lot coverage and minimum setbacks.

Table 5.1

Dimensional Control	**Lyme Center**	**Lyme Common**	**Commercial District**	**Rural District**	**East Lyme**	**Skiway**	**Mountain & Forest**	**Holt's Ledge**
a)Minimum Lot Size (acres) (See section 5.11)	1	1	2	3 or 5	15	50	50	2
b) Minimum Road Frontage (ft) (See section 5.12)	100	100	200	300	600	600	1000	150
c) Minimum Road Setback (ft) (See section 5.13)								
Principal Structures	**See Section 5.13C**	**See Section 5.13C**	150	75	150	40	150	75
Accessory Structures			150	75	150	40	150	75
d) Minimum Side Setback (ft)								
Principal Structures	20	20	50	35	150	150	150	35
Accessory Structures	20	20	50	35	150	150	150	35
e) Minimum Rear Setback (ft)								
Principal Structures	20	20	50	35	150	150	150	35
Accessory Structures	20	20	50	35	150	150	150	35
f) Minimum Lot Width (ft)	100	100	200	300	500	1000	1000	200
g) Maximum Building Footprint (See section 5.14)	6%	6%	10%	2%	1%	1%	1%	2%
h) Maximum Lot Coverage (See section 5.15)	12%	12%	20%	12%	12%	2%	2%	12%
i) Max Gross Floor Area (sq. ft.)(See section 5.16)	6,000	6,000	14,000	14,000	14,000	14,000	14,000	14,000

5.11 Lot Size.

A. For the purposes of applying the provisions of this ordinance, lot size shall be defined as set forth in Article II and as provided by District in Table 5.1.

B. Unless otherwise permitted by the Planning Board in accordance with provisions for Planned Development in section 4.49, Lot Size Averaging in section 5.11 D., or Affordable Housing in section 11.30, minimum lot sizes shall be as set forth in Table 5.1. The minimum lot size in the Rural District is three acres for land within 1,000 feet of the state highways and five acres for all other land.

C. Building lot depth shall not exceed four times the average width of the lot, unless otherwise approved in connection with Planned Development provisions in section 4.49, Lot Size Averaging provisions in section 5.11 D. or Affordable Housing provisions in section 11.30. The foregoing limitation shall not apply in the subdivision of a lot of record on the effective date of this provision, March 12, 1996, for the creation of one lot in a single subdivision of that lot.

D. Lot Size Averaging.

1. The Planning Board may approve reduced lot sizes in accordance with the objectives of the Master Plan. Reductions may be allowed to promote the most appropriate use of land, to facilitate economical and efficient provision of public services; to allow land use patterns which preserve agricultural soils, outstanding natural, topographic and geologic features; and to preserve the natural and scenic qualities of the open land in the Town for conservation and recreation.

2. The maximum number of lots in a subdivision utilizing Lot Size Averaging shall be established by the Planning Board and except as provided in 5.11 D., 5. and 6. shall not exceed the maximum number of lots which could be created in a subdivision meeting the lot size, road frontage, and depth ratio requirements set forth in Table 5.1 and 5.11 A. and B. and all of the requirements of the Lyme Subdivision Regulations.

3. Lot sizes, frontage, and setbacks shall be determined by the Planning Board based on the character of the land and neighborhood; the adequacy of the soils to support on-site wastewater disposal and wells; safety of access and traffic circulation; and other issues relating to the future use and enjoyment of the property. The setbacks from abutting properties, not part of the application, shall not be reduced. Road setbacks may be reduced only when on an internal subdivision road approved by the Planning Board as part of the subdivision application. When frontage requirements are reduced, the Planning Board may require shared driveways.

4. When the Planning Board approves reduced lot sizes, it shall designate an area at least equivalent to the reductions in lot size to be set aside as open space. The Planning Board shall determine the location and configuration of the required open space to provide the greatest protection to the resources previously

outlined in section 5.11 D. 1. The Planning Board may require that the designated open space is restricted through a zoning easement or a permanent conservation easement granted to a conservation organization approved by the Planning Board or to the Town of Lyme.

5. Increased Density Option.

   a). As incentive to conserve open space, the Planning Board may approve up to 25% more lots (rounded to the nearest whole number) than would otherwise be permitted.
   b). The Increased Density Option is permitted for subdivisions of 20 acres or more or on approval by the Planning Board in instances where an applicant demonstrates that the objectives outlined in 5.11 D. 1. are met.
   c). The designated open space shall be contained in a contiguous area of no less than 75% of the lot proposed for subdivision and shall be protected permanently through the grant of a conservation easement to a conservation organization approved by the Planning Board or to the Town of Lyme.
   d) In order to achieve the objectives outlined in 5.11 D. 1., the Planning Board may require an applicant using lot size averaging to use the Increased Density Option—if the property is 20 acres or more.

6. Double Density Option in Mountain and Forest Conservation District: The Planning Board may approve twice the maximum number of lots otherwise permitted in the Mountain and Forest Conservation District provided that the following requirements are met:

   a). The open space is a contiguous area not less than 90% of the total area of the entire property.
   b) The open space is located and configured so as to serve the objectives of the Mountain and Forest Conservation District and to achieve the objectives outlined in 5.11 D 1.
   c). With the exception of the maximum 10% development area and an additional contiguous area of 10% of the total area of the property, the property shall not be posted against hunting, fishing, or foot travel (including accommodations required by the American Disabilities Act).
   d). The open space shall be protected permanently through the grant of a conservation easement to a conservation organization approved by the Planning Board or to the Town of Lyme.
   e). Must meet the minimum road frontage requirements set by Table 5.1.

7. The Planning Board may approve more than one residential building on a lot, but only if the total number of residential buildings does not exceed the maximum number of lots established as described in 5.11, D. 2. above. Residential buildings approved under lot size averaging should be located within building envelopes to preserve agricultural soils, outstanding natural, topographic, and geologic features; and to preserve the natural and scenic

qualities of the open land in the Town for conservation and recreation. Future subdivision of the lot may be prohibited through the grant of a zoning easement or a permanent conservation easement to the Town of Lyme or to a conservation organization approved by the Planning Board.

8. Except for the dimensional requirements specifically waived by the Planning Board in accordance with the Lot Size Averaging provisions described in 5.11 D., all other requirements of the subdivision regulations and the zoning ordinance shall be apply.

5.12 Road Frontage. The minimum road frontage of a lot shall be as shown in Table 5.1 except in the case of lots approved in a Planned Development in section 4.49, Lot Size Averaging in section 5.11 D., or Affordable Housing in section 11.30 and conservation lots as defined in Article II. Subject to approval by the Planning Board in its discretion, such lots may have no road frontage, but must have adequate access as approved by the Planning Board.

5.13 Setbacks.

A. The minimum distance between roads, drives, and parking areas and water bodies, water courses, and wetlands shall be 100 feet except as permitted by special exception.

B. The minimum building set back from the Connecticut River, including backwaters impounded by Wilder Dam, and from ponds greater than 5 acres in size shall be 200 feet. The minimum building set back from all other water bodies shall be 100 feet. The minimum building setback from a wetland with an area of 2,500 square feet or greater shall be 100 feet. The minimum setbacks shall not be reduced except in accordance with the provisions of Section 8.20.

C. Property line setbacks are provided in Table 5.1. In the Lyme Common and Lyme Center Districts, minimum road setbacks for new buildings, additions to existing buildings or replacements of existing buildings shall be no less than the median setback of the five closest buildings on the same side of the street. The minimum set backs shall not be reduced except in accordance with the provisions of Section 8.20.

D. Fire protection structures approved by the Planning Board are exempt from the setback requirements.

E. Sewage Disposal System Setbacks

1. The minimum distance between sewage disposal systems and water bodies, watercourses, drainage ways, and wetlands shall be:

a) 200 feet from the Connecticut River (including backwaters impounded by the Wilder Dam), Reservoir Pond, Post Pond, Trout Pond, Lily Pond, Pout Pond, or any true bog and 100 feet for other water bodies.

b) the minimum setbacks to water bodies shall not be reduced except in accordance with the provisions of Section 8.20.

2. The minimum distance between sewage disposal systems and wells that serve public water supply systems shall be as established by The New Hampshire Department of Environmental Services.

The map in Appendix E. shall be amended to show the locations of all the public water supply wells as registered from time to time with The New Hampshire Department of Environmental Services.

3. Special exceptions may be given for property line setbacks (see 5.10 Summary Table) for replacement systems only.

F. In the Skiway District for Skiing Facilities use, all buildings shall be set back a minimum of 40 feet from the centerline of the Grafton Turnpike. There is no road setback for Skiing Facilities Use because of the topographic limitations in the Skiway District. Special exception standards contained in Section 4.54 regulate Skiing Facilities Uses.

5.14 Building Footprint. The maximum building footprint shall be a percentage of lot size as provided in Table 5.1, or as follows, whichever is smaller:

A. shall not exceed 4,500 square feet in Lyme Center and Lyme Common, except for the Lyme Public school;

B. shall not exceed 7,000 square feet in the other districts, other than buildings in the Commercial District and those used in conjunction with Skiing Facilities in the Skiway District;

C. agricultural structures in the Rural, East Lyme and Mountain & Forest Districts shall not exceed 10,000 square feet except as otherwise permitted as a special exception (section 10.40) and in connection with Section 4.64 B; and

D. except as otherwise permitted by special exception in connection with lot size averaging subdivisions (Section 5.11); planned development (Section 4.49); and expansion of any lawful non-conforming structure in existence when this ordinance was passed (section 8.25).

5.15 Maximum Lot Coverage. The maximum lot coverage shall be a percentage of lot size as provided in Table 5.1, or as follows, whichever is smaller:

A. shall not exceed 6,000 square feet in Lyme Center and Lyme Common, except for the Lyme Public School;

B. shall not exceed 26,000 square feet per lot size averaged lot in the Commercial District;

C. shall not exceed 26,000 square feet in the other districts. Driveways do not apply in calculating lot coverage in the Rural, East Lyme and Mountain & Forest Districts;

D. lot coverage limitations shall not apply to Skiing Facilities Use in the Skiway District;

E. except as otherwise permitted by special exception for lot size averaging subdivisions (section 5.11 D); planned developments (section 4.49); and expansion of any lawful non-conforming structure in existence when this ordinance was passed (section 8.25); and

F. except as otherwise permitted by waiver under NH RSA 674:32 a-c for agricultural structures.

5.16 Gross Floor Area. Gross Floor Areas are provided in Table 5.1. The maximum gross floor area shall be determined by the Planning Board and shall not exceed 14,000 square feet per each lot that would be available to the applicant if the property were subdivided into the maximum number of lots which could be created in a subdivision meeting all of the requirements of the Lyme Subdivision Regulations and this ordinance. Only the principal building in Skiing Facilities Use shall be subject to a maximum gross floor area limitation of 18,000 square feet. For all other uses in the Skiway District, the maximum gross floor area shall be 14,000 square feet.

5.20 ADDITIONAL REQUIREMENTS

5.21 Height Regulations.

A. The greatest height of any point on the structure shall not exceed 35 feet from the finished grade except as permitted below or within the Telecommunications Facilities Ordinance. A special exception may be granted by the ZBA if recommended by the Fire Chief due to specific site conditions which allow adequate fire protection.

B. Flagpoles are exempt from height and setback regulations.

C. Silos, agricultural structures and church steeples are exempt from height regulations.

D. Radio or TV antennae for private, non-business reception may extend above the height limit specified in this section and may be located on the roof of a structure of main use, but not in the required road, side, or rear setback area, unless adequate reception may only be obtained in the setback area.

5.22 Water Frontage. The water frontage of a waterfront lot shall be the straight line distance between the points at which the two sidelines of the lot meet the high water mark of the waterfront and shall be not less than 200 feet in the Rural District and 300 feet in the East Lyme District.

5.24 Use of Dimensional Characteristics for Development of Land Protected by a Conservation Easement.

A. Lots with conservation easements executed *after* adoption of the Zoning Ordinance: The entire lot including the portion protected by a conservation easement may be used in the calculation of dimensional characteristics required for the development of only the reserved rights and not any lands subsequently annexed to the lot**.**

B. Lots with conservation easements executed *prior* to the adoption of the Zoning Ordinance: Unless otherwise restricted by terms of the conservation easement, the entire lot including the portion protected by a conservation easement may be used in the calculation of dimensional characteristics required for the development of the reserved rights and any lands subsequently annexed to the lot.

ARTICLE VI: SIGN REGULATIONS

6.10 APPLICABILITY

The purpose and intent of this section is to provide control of the erection, installation, and maintenance of signs for the purpose of aesthetic values and for safety, convenience, comfort, propriety, and the general welfare. All signs placed, erected, or established subsequent to the adoption of this ordinance shall conform to the requirements herein.

For the purpose of this Article the word "sign" does not include street or traffic signs or warnings or State approved directional signs; the flag, pennant or insignia of any nation, group of nations, state, city, or other governmental units**;** Temporary "for sale," "for rent," or political signs are not subject to the regulations herein except to the extent of the regulations relating to safety, lighting, and the prohibition against flashing or animated signs. These regulations shall not apply to non-illuminated signs and window posters that are displayed from within a building.

6.11 Non-conforming Signs. Any sign existing prior to the adoption of this Ordinance on March 14, 1989 and not conforming to the terms of this Ordinance shall be allowed to continue. Nothing herein shall prevent the replacement of a non-conforming sign so long as the replacement does not result in a new or increased violation.

6.12 Removal of Unused Signs. Any sign, now or hereafter existing which no longer advertises a bona fide business conducted or product sold, shall be removed by the owner, agent, or person having the beneficial use of the building or property upon which the sign is located within fourteen (14) days after written notification from the Administrator.

6.13 Site Plan Review. All signs to be erected in conjunction with a new site plan or a change in site plan shall be subject to Site Plan Review.

6.20 GENERAL REQUIREMENTS

6.21 Permitted Signs.

A. On-Premises Signs: On-premises signs shall refer only to a use or activity occurring at the premises on which the sign is located.

B. Off-Premises Signs: Except for State approved signs, off-premises signs may be permitted by the ZBA by special exception. Such signs shall be used solely to direct persons to a premises within the Town of Lyme and shall advertise only the name of the premises to which the directions relate. There shall be no more than two Town approved signs to any premises, and there shall be no more than one sign on any one lot. No off-premises sign shall be located within 50 feet of another such sign.

6.22 Size of Sign.

A. On-Premises Signs. The total area of on-premises signs on any lot shall be limited to 16 square feet per side for businesses and institutions and three square feet per side for dwellings including home occupations and cottage industries. The total sign area may be increased during Site Plan Review .

B. Off-Premises Signs. The area of an off-premises sign shall not exceed six square feet.

C. Increase in Sign Area. If a sign is located at least 100 feet from the road right of way, the maximum area of the sign may be increased by 25%. If the sign is located at least 200 feet from the road right of way, the maximum area of the sign may be increased by 50%.

6.23 Illumination. Signs may be illuminated only by continuous indirect white light with the light sources so placed that they will not constitute a hazard to driving or be a nuisance to neighboring properties. Business signs may be illuminated one hour after the last business in the building in which the business is located closes for the night, but not later than midnight.

6.24 Lighting & Movement. No flashing or moving signs or signs with visible moving parts or intermittent lighting to create the visual effect of movement are permitted. Neon and tubular signs are permitted when they are located within the building and are seen through a window.

6.25 Construction & Location. Signs shall be constructed of durable materials and shall be maintained in good condition and repair. No signs shall be located more than 20 feet above ground level. No sign shall extend above the roof or parapet line of any building on the premises, nor more than 4 inches out from and parallel to the wall to which it is attached. No sign shall be placed upon or supported by a tree, rock, or other natural object. Any motor vehicle primarily used to display a sign will be subject to any and all regulations as contained in this article. No sign shall be located within side and rear set back areas as provided in Table 5.1. There is no road setback.

6.26 Pole Signs. Only one Pole Sign may be erected upon any premises.

6.27 Restrictions as to Location. No sign other than official street signs or traffic directions shall be erected or maintained within the road right-of-way. No sign shall be placed in such a position as to endanger motor vehicle or pedestrian traffic or obscure or otherwise cause confusion with official street or highway signs or signals.

ARTICLE VII : OFF STREET PARKING AND LOADING

7.10 APPLICABILITY

No use of premises shall be authorized or increased and no structure shall be erected or enlarged unless the parking and loading requirements set forth in this Article or established by the Planning Board in the course of Site Plan Review or as a condition to a special exception or variance by the ZBA are met.

7.20 DESIGN REQUIREMENTS

7.21 Number of Parking Spaces. All parking demand created by new structures or uses, additions to existing structures or uses, and change of use in existing structures shall be accommodated on the premises entirely off street. This will require two parking spaces per dwelling unit, one parking space per employee, and such additional parking spaces for business and institutional uses as shall be established by the Planning Board so that adequate parking is provided for the particular use.

7.22 Area Design and Location. The following standards shall be met:

A. off-street parking proposed to be located in the road setback shall require a special exception if not subject to Site Plan Review;

B. drainage shall be provided for so as to avoid dust, erosion, hazard, or unsightly conditions;

C. facilities shall be so sized and arranged that vehicles need not back onto public ways;

D. parking areas for non-residential and multi-dwelling uses shall be screened from abutting properties as specified by the Planning Board in its Site Plan Review.

7.23 Loading Requirements. Adequate off-street loading facilities and spaces shall be provided to service all needs created by new business structures, additions to old ones, or changes of use. Facilities shall be so sized and arranged that trucks need not back onto or off of a public way or be parked on a public way while loading, unloading, or waiting to do so.

7.24 Egress Controls. No more than two (2) access ways shall be constructed from any one road to any one property, unless the frontage along the road exceeds five hundred feet (500'). When the frontage exceeds five hundred feet (500'), one additional access way may be allowed per additional five hundred feet (500') of frontage.

7.25 Additional Requirements. Where one structure or area has simultaneous combined uses, the requirement for parking shall be the cumulative total of the requirements for each separate use.

ARTICLE VIII : NON-CONFORMING USES, STRUCTURES, LOTS

8.10 NON-CONFORMING USES

8.11 Continuation and Expansion. Any lawful non-conforming use as defined in this ordinance may continue, and may be expanded as a special exception allowed by the ZBA pursuant to the provisions of Section 10.40 provided all other zoning requirements are met and the use is expanded by not more than 50% in overall intensity considering such matters as the following: traffic generated, number of employees, number of shifts, volume of water use, volume of sewage effluent, noise, odor, glare, vibration, dust, and smoke.

8.12 Conversion of Existing Non-conforming Business Use To Another Business Use. Any lawful non-conforming business use now in existence may be converted to another business use as a Site Plan Review allowed by the Planning Board pursuant to the provisions of Section 12.10 provided that all other zoning requirements are met and the new use does not result in an increase in intensity of use over the existing use considering such matters as the following: traffic generated, number of employees, number of shifts, volume of water use, volume of sewage effluent, noise, odor, glare, vibration, dust, and smoke.

8.13 Resumption After Discontinuance. A non-conforming use which has ceased to exist for a period of 24 consecutive months may not again be initiated.

8.14 Superseded by Conforming Use. If a non-conforming use is superseded by a permitted use or a use permitted by Site Plan Review, it shall thereafter conform to the regulations of the district and the non-conforming use shall not be resumed.

8.20 NON-CONFORMING STRUCTURES AND BUILDINGS AND STRUCTURES AND BUILDINGS WHICH WOULD BE RENDERED NON-CONFORMING BY EXPANSION OR RELOCATION

8.21 Continuance. Any lawful non-conforming building in existence when this ordinance is passed may continue unchanged, but may not be altered or expanded in any way which will result in a new or increased violation, except as provided herein.

8.22 Setbacks for Existing Non-conforming Structures. Where an existing structure is non-conforming with respect to the road, side, or rear setback requirements, additions to, or modifications of that structure (except under Section 8.27) and the construction of accessory buildings or accessory structures may be permitted in the setback area as a special exception subject to the provisions of Section 10.40 and to the following requirements:

A. the proposed modification, addition, or accessory building or accessory structures cannot reasonably be located outside the setback area and,

B. the lot coverage, excluding driveways, of that part of all proposed additions or accessory buildings or accessory structures to be located in the setback area will not

be larger than 500 square feet in the Lyme Common and Lyme Center Districts or 1,000 square feet in all other districts.

8.23 Expansion of Existing Conforming Structures and Construction of Accessory Buildings Or Accessory Structures Within or Into the Road, Side, or Rear Setbacks Established in Table 5.1. The expansion of existing conforming structures and the construction of accessory buildings or accessory structures either within or into the road, side, or rear setback areas established by Table 5.1 may be permitted in the setback area as a Special Exception subject to the provisions of Section 10.40 and to the following requirements:

A. the proposed replacement, addition, or accessory building or accessory structures cannot reasonably be located outside the setback area and,

B. the lot coverage, excluding driveways, of that part of all proposed additions or accessory buildings or accessory structures to be located in the setback area will not be larger than 500 square feet in the Lyme Common and Lyme Center Districts or 1,000 square feet in all other districts.

C. This section applies only to the expansion of structures existing prior to March 14, 1989 and the construction of accessory buildings or accessory structures where the principal structure on the property existed prior to March 14, 1989.

8.24 Expansion of Existing Structures and Construction of Accessory Buildings or Accessory Structures Within or Into the Conservation Districts. The expansion of existing structures and the construction of accessory buildings or accessory structures either within or into the Conservation Districts as defined in Section 3.27.1 through 3.27.5 may be permitted as a special exception subject to the provisions of Section 10.40 and to the following requirements after review by the *Planning Board* for Steep Slopes Conservation District encroachment and *Conservation Commission* review for Wetlands and Shoreland Conservation Districts encroachment:

A. Such expansion or construction will not significantly violate the objectives of the Conservation Districts and meets all State requirements including the Comprehensive Shoreland Protection Act (NH RSA 484:B);

B. Such expansion or construction cannot reasonably be located outside the Conservation District and will be made in the manner which is least intrusive to the Conservation District;

C. The lot coverage, excluding driveways, of that part of all proposed expansion or construction to be located in the Conservation District will not be larger than 500 square feet in the Lyme Common and Lyme Center Districts or 1,000 square feet in the other districts;

D. Such expansion or construction will not involve a significant increase in sewage loading within the Wetlands, Shoreland, or Flood Prone Area Conservation Districts; and

E. All expansion or construction in the Flood Prone Area Conservation District is done in accordance with the Floodplain Development Ordinance for the Town of Lyme.

8.25 The Expansion of Existing Structures and Construction of Accessory Buildings or Accessory Structures Where the Maximum Building Footprint and/or Lot Coverage Exceeds or Would Exceed the Percentage Limitations Established in Table 5.1. The expansion of existing structures and the construction of accessory buildings or accessory structures where the building footprint and/or lot coverage exceeds or would exceed the percentage limitations established by Table 5.1 may be permitted as a Special Exception subject to the provisions of Section 10.40 and to the following requirements:

A. The lot coverage, excluding driveways, of that part of the proposed addition or accessory building or accessory structure that would cause the building footprint, lot coverage, or percentage limitations established by Table 5.1 to be exceeded will not be larger than 500 square feet in the Lyme Common and Lyme Center Districts or 1,000 square feet in the other districts.

B. The maximum building footprint of 4,500 square feet in Lyme Center and Lyme Common and 7,000 square feet in the other districts (other than agricultural buildings in the Rural, East Lyme, and Mountain and Forest Conservation Districts) shall not be exceeded.

C. This section applies only to the expansion of structures existing prior to March 14, 1989 and the construction of accessory buildings or accessory structures where the principal structure on the property existed prior to March 14, 1989.

8.26 Replacement, Restoration, and Reconstruction. Nothing herein shall prevent the substantial restoration or reconstruction within two years of a non-conforming building or structure destroyed in whole or in part by fire or other natural casualties, to include snow load, wind, or age, or the replacement of a building or structure so long as this use does not result in a new or increased violation. Such a restored, reconstructed, or replaced building or structure shall be considered an existing building or structure for purposes of this Ordinance.

8.27 Replacement of a Non-conforming Structure. Nothing herein shall prevent the replacement of a non-conforming structure so long as the replacement does not result in a new or increased violation.

8.29 Relocation of an existing structure in a conservation district.

The relocation of an existing structure in a conservation district to a different location within a conservation district may be permitted as a special exception subject to the provisions of section 10.40 and the following requirement:

A. The relocation shall better serve the purposes of the Conservation District.

B. A relocated structure shall not be eligible for conversion under section 4.46 until five years after the completed relocation.

C. The original area of disturbance will be restored to satisfy the purposes of the conservation district as determined by the Zoning Board of Adjustment.

8.30 NON-CONFORMING LOTS

8.31 Vacant Lot. A vacant lot which is non-conforming because of the requirements of Table 5.1 may be used (1) for the purposes for which it was being used at the time of passage of this ordinance; (2) for agriculture; (3) for forestry; (4) for a single dwelling; and (5) for outdoor recreational purposes only, provided the following conditions are met:

A. all other requirements of this ordinance are met;

B. the arrangements for sewage disposal are approved in accordance with the provisions of Town regulation and State law;

C. such lot has at least 50 feet of frontage on a road or has a private driveway which serves not more than two adjacent lots and is shown on a subdivision plan approved by the Planning Board prior to the passage of this ordinance; and

D. except where the proposed use is for agriculture and/or forestry, a Special Exception shall be required which shall include a determination by the ZBA of reasonable and practicable dimensional requirements applicable to the size and location of the proposed residence.

8.32 Annexation to a Non-Conforming Vacant Lot. The Planning Board may approve annexation to enlarge a non-conforming vacant lot of record by up to one acre without removing its "lot of record" status provided the lot remains non-conforming because of the requirements of Table 5.1. The resulting lot shall be subject to all the requirements and conditions of Section 8.31, and the Planning Board, in its discretion, may designate a building envelope on the resulting lot consistent with the goals and purposes of this Ordinance and the Lyme Subdivision Regulations.

8.33 Removal of Structures on Non-Conforming Lots.

When all buildings or structures other than septic systems and wells located on a non-conforming lot have been demolished, and the remains of such structures have been removed from the site, the lot shall be deemed to be vacant for the purposes of Section 8.31.

ARTICLE IX: ADMINISTRATION

9.10 ENFORCEMENT

9.11 Authority and Responsibility. It shall be the duty of the Selectboard, acting as the Administrator, to enforce the provisions of this ordinance and the Board is hereby given the power and authority to do so. The Selectboard may appoint an Administrator to carry out any action in the enforcement of this ordinance as the Selectboard may direct.

9.12 Violations and Penalties. Upon determination of the Administrator that the Ordinance is being violated, the Administrator shall immediately take informal steps to enforce the provisions of this Ordinance. If informal efforts fail to achieve compliance, the Administrator or the Selectboard may issue a cease and desist order per NH RSA 676:17–a. addressed to the violator stating the provision of the Ordinance which is being violated, the facts constituting the violation, the corrective action required, including a reasonable time within which such action shall be taken, but in no case longer than 20 days, and notice that failure either to take corrective action or file an answer will cause the Administrator or the Selectboard to issue a citation of land use violation or take other appropriate legal action.

If the cease and desist order fails to achieve compliance, the Administrator or the Selectboard may elect to issue and serve upon the violator a local land use citation in accordance with the provisions of RSA 676:17-b which will impose a civil penalty payable by the offender for each day the violation continued subsequent to the written notice up to a maximum of five days violation charged in one citation. The recipient may either plead guilty or *nolo contendere* to the District Court and pay the fine or answer and request a trial.

Alternatively, the Administrator or the Selectboard, after giving the offender notice of the violation and reasonable time to take corrective action, but in no case longer than 20 days, may elect to commence an action directly in Court charging a violation of the Ordinance and requesting a fine not to exceed the amount specified in NH RSA 676:17. If necessary, the Administrator or the Selectboard may seek an injunction in the Superior Court.

9.20 PERMITS

9.21 Permit Required. It shall be unlawful to develop, construct, alter, restore, remove, or demolish or commence any construction, alteration, restoration, removal or demolition of a building or structure or construct or alter a sign or commence development or construct a water body without first filing a written application with the Administrator and receiving an approved Building & Zoning Permit.

It shall also be unlawful to make any change in the use of property, other than a permitted use as set forth in Table 4.1, without first filing with the Administrator a written application requesting a Site Plan Review. If the application is approved by the Planning Board, the Administrator shall issue a Building & Zoning Permit for the requested change in use. Permits for any new construction or renovation of schools, halls, theatres, or other public buildings shall be granted as provided in RSA 155-A:4.

In the event the Zoning Administrator's position is vacant or s/he is absent, the Selectboard may issue Building & Zoning Permits.

9.22 Permit Not Required. A permit is not required to repair or otherwise work on any existing building or structure by replacing existing materials, if the type and grade of the replacement materials are similar to the original materials, and if the interior and exterior size and configuration remain unchanged (e.g. re-staining, re-painting, re-papering, re-plastering, re-roofing with same type of shingles, and re-flooring with same type of flooring). This does not include a major renovation. A permit is not required to paint ceilings, walls, or woodwork previously stained or wallpapered or to wallpaper where previously stained or painted.

9.23 Application Form. Permit applications shall be filed with the Administrator in such form as the Administrator may require. The application shall contain the full name of the owner and/or her/his agent. It shall contain a certification that the property lies in an approved subdivision or is not subject to the subdivision regulations of the Town in effect at the time of application. The application shall describe briefly the proposed work and/or use and give such other information as may be required to enable the Administrator to determine whether the proposed work and/or use complies with the provisions of this ordinance. The application for a building & zoning permit shall require submission of all subdivision approvals and conditions specified by the Planning Board at the time the lot was created or subdivided.

The Administrator shall act upon any application within 15 days after its receipt. If the Administrator requires additional information, s/he shall act upon the application within 15 days after the receipt of the additional information. If the Administrator or Selectboard deny a permit, they shall state their reasons for denial in writing to the applicant.

9.24 Issuance of Permit.

A. No development shall be commenced until the owner or his agent shall first secure a building & zoning permit from the Administrator.

B. No building & zoning permit shall be issued or become effective until the Administrator has certified that the proposed building or alteration and its intended use and occupancy comply with the provisions of this ordinance.

C. No such permit shall be issued or become effective with respect to matters which must be reviewed and approved by the ZBA or the Planning Board until such review has been completed and such approval has been given.

D. Upon approval of the application, the Administrator shall issue a permit authorizing such construction, alteration, or demolition.

E. A copy of the permit shall be posted on-site within public view and maintained in good condition.

9.25 Permit Fees. Permit fees shall be established by the Selectboard at a rate designed to cover the cost of administering this ordinance.

9.26 Revocation, Expiration, or Renewal of Building & Zoning Permits.

A. A violation of or variation from the terms, conditions, or authorization of a building & zoning permit by the holder thereof or her/his agent, architect, or contractor shall be cause for the revocation of said permit. Such revocation shall be made at the discretion of the Selectboard. An appeal from such action may be made as provided in Article X of this ordinance.

B. Building and Zoning Permits shall expire one year from the date of issuance. If the work or change in use for which a permit was issued has not yet begun or has not been completed when the permit expires, the recipient of the permit shall be required to obtain a renewal permit. Application for renewal shall include the information required for the initial permit, an explanation of the reasons for renewal, and description of the work or change in use, if any, completed as of the date of the application to renew. If the work or change in use has not been carried out to a significant degree, renewal of the permit will be granted as long as there are no changes to the Zoning Ordinance or original site conditions that will affect the conditions under which the permit was originally granted. All renewal applications for a Building & Zoning Permit for which a Site Plan Review, Special Exception, or Variance was originally required must be reviewed by the Zoning Administrator who will decide whether or not to issue a renewal of the Site Plan Review, Special Exception, or Variance upon which the initial permit was based.

C. The Administrator shall not issue any building & zoning permits if application for such permit is made after the first legal notice of an amendment to the Zoning Ordinance has been posted and if the proposed amendment would, if adopted, justify denial of such permit.

ARTICLE X: ZONING BOARD OF ADJUSTMENT

10.10 ORGANIZATION

10.11 Composition and Appointment of Zoning Board of Adjustment. The Board shall consist of five members, three of whom shall be appointed by the Selectboard and two of whom shall be appointed by the Planning Board. There shall also be three alternate members who shall be appointed by the Planning Board. The terms of Board members and alternate members shall be three years. The initial terms of members and alternate members shall be staggered so that no more than two members and one alternate member are appointed each year. A vacancy shall be filled by appointment by the original appointing board for the unexpired term. (RSA 673:12.)

10.12 Rules of Procedure. The Board shall adopt rules of procedure concerning the method of conducting its business. Such rules shall be adopted, and may be amended, at a regular meeting of the Board and shall be placed on file with the Town Clerk. (RSA 676:1.)

10.13 Removal of Board Members. After public hearing, appointed members and alternate members may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office. The appointing authority shall file with the Town Clerk a written statement of reasons for removal under this section and provide a copy of the statement to the member or alternate member who has been removed. (RSA 673:13.)

10.14 Disqualification of Member. No member of the ZBA shall sit upon the hearing of any question which the ZBA is to decide in a judicial capacity if that member would be disqualified under. RSA 673:14. If a member is disqualified or unable to act in any particular case pending before the ZBA, the chairman shall designate an alternate to act in such member's place, as provided in RSA 673:11.

10.15 Meetings. Meetings of the ZBA shall be held at the call of the chairman and at such other times as the Board may determine.(RSA 673:10.) All meetings of the Board shall be properly noticed and shall be open to the public. (RSA 676:7.) The ZBA shall, to the extent practical and appropriate, hold joint meetings with the Planning Board on matters requiring action by both the Planning Board and the ZBA as permitted by RSA 676:2.

10.16 Records of Proceedings. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Whenever the Board votes to approve or disapprove an application or deny a motion for rehearing, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefore, shall be placed on file in the Board's office and shall be made available for public inspection within 144 hours of such vote. (RSA 676:3)

10.17 Officers. The Board shall elect its chair and such other officers as it deems necessary. (RSA 673:8.)

10.18 Powers. The Board shall have the powers assigned to it by RSA 674:33 and any other powers assigned to it by statute, ordinance, or vote of the Town Meeting. Such powers include the following:

A. Administrative Appeal. The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official of the Town in the administration or enforcement of this ordinance. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and, to that end, shall have all the powers of the official from whom the appeal is taken.

B. Variances. Provided that the conditions set forth in Section 10.50 are satisfied, the Board shall have the power under NH RSA 674:33 V. to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, if, owing to extraordinary conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

C. Special Exceptions. In appropriate cases and subject to appropriate conditions and safeguards, the Board may permit special exceptions to the terms of this ordinance. All special exceptions shall be made in harmony with the general purpose and intent of this ordinance and shall be in accordance with the general and specific rules contained in this ordinance, including the provisions of Section 10.40 hereof.

D. Development of Regional Impact. Upon receipt of an application for development, the Zoning Board of Adjustment shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

Upon determination that a proposed development has a potential regional impact, the Zoning Board shall afford the Upper Valley Lake Sunapee Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony.

Within 72 hours of reaching a decision regarding a development of regional impact, the Zoning Board shall, by certified mail, furnish the Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least 14 days prior to public hearing, the Zoning Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the time, date, and place of the hearing and their right to testify concerning the development.

E. Appeals of Planning Board Decisions. Any Planning Board decision which includes an interpretation of this Zoning Ordinance may be appealed to the Zoning Board of Adjustment.

F. Equitable Waivers. The Zoning Board of Adjustment can provide relief under RSA 674:33-a. when a lot or other division of land, or a structure, is discovered to be in violation of a physical layout or dimensional requirement that is imposed under the Zoning Ordinance. See section 10.61.

10.20 HEARING REQUIREMENTS

Prior to exercising its power to grant an administrative appeal, special exception, or variance, the Board shall hold a public hearing. The public hearing shall be held within 30 days of the receipt of the application requesting consideration by the Board. Notice must be sent by certified mail to all abutters, easement holders, and every engineer, architect, land surveyor, soil scientist, or other professional whose name appears on any information submitted with the application, not less than 5 days before the date of the hearing and may be sent to others by regular mail as the Board may determine. The Board shall hear all abutters desiring to submit testimony and all non-abutters who can demonstrate that they are affected directly by the proposal under consideration. The Board may hear such other persons as it deems appropriate. Notice shall be published in a newspaper of general circulation not less than 5 days before the date of the hearing and shall indicate the time and place of the hearing and what relief is being sought. (RSA 676:7)

However, in the case of a development of regional impact, notice must be sent by certified mail to all abutters, affected municipalities, and the Regional Planning Commission at least 14 days prior to the public hearing.

10.30 APPEALS TO THE ZONING BOARD OF ADJUSTMENT

Any aggrieved person, officer, department, board, or bureau of the Town affected by any decision of the administrative officer may appeal to the Board. Appeals shall be taken within 21 calendar days beginning with the date of decision by filing with the Board a notice of appeal specifying the grounds for appeal. (RSA 676:5)

An appeal stays all proceedings under the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed unless a restraining order is granted by the Board or by the Superior Court. (RSA 676:6)

To grant an administrative appeal, the ZBA must apply the strict letter of the law. It must find that the Administrator correctly or incorrectly interpreted a particular provision of the ordinance. If it finds that the ordinance was properly interpreted, it cannot grant an administrative appeal even if it feels relief might be in order.

10.40 SPECIAL EXCEPTIONS

Certain uses of land and structures are permitted only as special exceptions and require approval by the ZBA. In order for the ZBA to approve an application for a special exception, the special exception must be expressly permitted by this ordinance, and the ZBA must find, as a matter of fact, that all of the general and specific standards, conditions, and requirements for approval of the special exception are met. If more than one special exception is required for a proposal, the proposal must be reviewed and found to meet the conditions of Section 10.40 for each and every special exception associated with the proposal. Any proposed development which depends on a Special Exception to be granted for a particular element of the proposal, then becomes subject to Special Exception review of every aspect of the proposal.

A. In addition to all applicable specific standards, conditions, and requirements set forth elsewhere in this ordinance, the following general standards, conditions, and requirements must be met by all special exceptions:

1. The use will be in harmony with the purposes and intent of this ordinance.

2. The use will be in harmony with the general purposes, goals, objectives, and standards of the Master Plan.

3. The site is an appropriate location for the use giving due consideration to such factors as topography; soils; surface and groundwater; vehicular access including internal access and the public road system serving the site; significant wildlife habitat and trails; and significant natural, scenic, or historic features or sites. Conservation Commission input will be considered if offered and may be requested if there is impact to natural resources.

4. The use will be compatible with neighboring developed and open space land uses present and prospective.

5. The use will not adversely affect the character (including developed and open spaces) of the area or the character (including developed and open spaces) or value of neighboring properties.

6. The use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

7. The use will not be hazardous or disturbing to existing or future neighboring developed or open space uses.

8. The use will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person or property, or

to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

9. The use will have vehicular approaches to the property which shall be so designed as not to create interference with traffic on surrounding public streets or roads.

10. The use will not result in the destruction or loss of, or damage to significant wildlife habitat and trails or significant natural, scenic, or historic features.

11. The use will be adequately served by and will not impose an undue burden on any public improvements, facilities, utilities, and services including roads, police and fire protection, schools, telephone and electric, solid waste disposal, and recreation facilities. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed special exception, be responsible for establishing the ability, willingness, and binding commitment of the responsible public and private agencies and utilities to provide such improvements, facilities, utilities, and services in sufficient time to adequately service the proposed use and in a manner consistent with the Master Plan, this ordinance, and other relevant plans, programs, maps, and ordinances adopted by the Town to guide its growth and development. The approval of the special exception shall be conditioned upon such improvements, facilities, utilities, and services being provided.

12. The Planning Board shall review and approve the use if such review and approval is required by this ordinance. This approval may be a condition of a ZBA approval.

13. Operations in connection with the use shall not be more objectionable to nearby properties by reason of noise, fumes, odor, vibration, or otherwise than would be the operation of any permitted uses in the district which are not subject to special exception procedures.

14. The use will be adequately served by a parking area sized to accommodate the parking needs and circulation requirements of tenants, customers, employees, and delivery and other services. An adequate area shall be provided, or an adequate plan shall be made for snow storage and/or removal. The proposal shall conform to the standards and requirements of Article VII.

B. Before approving a special exception, the ZBA may impose such safeguards and requirements in addition to the specific requirements of this ordinance as it deems necessary or desirable to satisfy the general standards, conditions, and requirements set forth above. Such safeguards and requirements may include but are not limited to the following:

1. Lot areas and road, side, or rear setbacks greater than the minimum requirements of this ordinance.

2. Screening of parking areas or other parts of the premises from adjoining premises or from roads by walls, fences, retention of tree cover, and other vegetation, plantings, or other devices.

3. Modification of the exterior features, appearance, or siding of structures.

4. Limitation of size, number of occupants, number of employees, method and time of operation or extent of facilities including limitation on building footprint, lot coverage, and gross floor area.

5. Regulation of the number, design, and location of drives or other traffic features.

6. Off street parking or loading spaces beyond the minimum requirements of this ordinance.

7. Limitation of the number, location, and size of signs and modification of the appearance of signs.

8. Control of exterior lighting.

9. Easements or building envelopes to limit or prohibit further development.

10.50 VARIANCE

The ZBA may, on an appeal, grant a variance from the provisions of this ordinance, but only if all the following facts are found by the ZBA and such findings are specified in its decision:

(1) The variance will not be contrary to the public interest;
(2) The spirit of the ordinance is observed;
(3) Substantial justice is done;
(4) The values of surrounding properties are not diminished; and
(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.60 WAIVERS

10.61 Equitable Waivers.

When a lot or other division of land or a structure is discovered to be in violation of a physical layout or dimensional requirement that is imposed under the Zoning Ordinance, the owner may apply to the Zoning Board of Adjustment for an equitable waiver of the requirement, which the Board shall grant if each of the following facts exists:

A. That the violation was not discovered by an owner, owner's agent, or municipal officer until after any structure that is in violation was substantially completed or until after a lot or other division of land in violation had been sold to an innocent buyer;

B. That the violation was caused by either

1. A good faith error in measurement or calculation made by an owner or owner's agent, or

2. By an error in applying the ordinance made by a municipal official who issued the permit that should not have been issued.

C. That the physical or dimensional violation does not constitute a public or private nuisance, does not diminish the value of other property in the area, and does not interfere with any present or permissible future uses of other property; and

D. That due to the investment made in ignorance of the violation, the cost of correcting it so far outweighs any public benefit to be gained that it would be inequitable to require the violation to be corrected.

Notwithstanding, in lieu of the findings required in A through D above, the equitable waiver shall be granted if the owner demonstrates to the satisfaction of the Board that:

A. The violation has existed for ten years or more, and

B. No enforcement action, including a written notice of violation, has been commenced against the violation by the municipality or by any person directly affected.

10.62 Waiver to Accommodate Disability. The zoning board of adjustment may grant a waiver from the terms of this zoning ordinance without finding hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a

person or persons with a recognized physical disability to reside in or regularly use the premises provided that:

A. Any waiver granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance; and

B. In granting any waiver to this paragraph, the zoning board of adjustment may provide in a finding included in the waiver that the waiver shall survive only so long as the particular person has a continuing need to use the premises.

10.63 Waiver for Agricultural Structures. See section 5.15 F.

10.70 DECISION OF THE BOARD

The concurring vote of three members of the ZBA shall be necessary to reverse any action of the Administrator or to decide in favor of the applicant on a request for a special exception, variance, or waiver. The ZBA shall issue a final written decision which either approves or disapproves an application. The decision shall be filed in the Town Office within seventy-two (72) hours after the decision has been made. If the application is approved subject to conditions, the conditions shall be set forth in detail. If the application is denied, the reasons for denial shall be indicated in the denial letter and on the record of the ZBA's proceedings.

10.80 REHEARING

Within thirty (30) calendar days after any order or decision of the Board, the Selectboard, any party to the action, or any person directly affected may apply for a rehearing, as provided in RSA 677:2.

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

10.82 Rehearing Procedure. If a motion for rehearing is granted, the procedure for notice and for conduct of the rehearing shall be the same as for the original hearing, except that the Board may limit the rehearing to consideration of the grounds set forth in the motion for rehearing.

10.90 FEES

The ZBA may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular applications and appeals. Such fees may be imposed by the ZBA to cover fees and disbursements of consultants to the ZBA, including, but not limited to, engineers, surveyors, lawyers, and community planners. Such fees shall be paid or provided for in advance to the satisfaction of the ZBA.

ARTICLE XI: AFFORDABLE HOUSING

11.10 OBJECTIVE

It is of fundamental importance for the Town of Lyme to maintain a balance of housing for people of all incomes. For young Lyme families starting out, for older people who can no longer maintain their present homes, and for others who work in the Town, there must be opportunities to own or rent homes at affordable cost. This Article XI provides certain exceptions to the other provisions of the Zoning Ordinance so as to enable the creation and maintenance of a stock of affordable housing.

11.20 DEFINITION OF AFFORDABLE HOUSING

Affordable housing is hereby defined as housing on land owned (or leased for a term of not less than 30 years under a lease which is renewable at the option of the lessee) by a non-profit organization organized for the purpose of providing housing to individuals and families whose incomes are in accordance with the definitions of the New Hampshire Housing Authority Act RSA 204-C:56.

11.30 DIMENSIONAL CONTROLS

The dimensional controls otherwise applicable in the Rural District, as well as in the Lyme Common, Lyme Center, and Commercial Districts, shall be relaxed for affordable housing as follows: If the Planning Board finds that the land is suitable as to slope and soil characteristics, it may permit a subdivision for up to four dwelling units, attached or free standing, on lots which average not less than one-half acre in size per dwelling unit. In calculating lot size, the provisions of the Agricultural Soils Conservation District shall not apply. The provisions of the other Conservation Districts shall apply. The other dimensional controls (frontage, set back, lot width, maximum building footprint and maximum lot coverage) may be modified by the Planning Board as appropriate in view of the design, location, and character of the subdivision. The applicant must demonstrate that a water supply and septic system can be built and maintained according to State requirements.

11.31 Density Bonus in Conventional Subdivisions. The developer of a conventional subdivision shall be entitled to create lots which are up to 20% smaller than would otherwise be required for a donation of up to 20% of the developable land in the subdivision to an affordable housing organization. The total lot size reduction shall equal the total gift.

ARTICLE XII: PLANNING BOARD

12.10 SITE PLAN REVIEW AUTHORIZATION

Pursuant to the provisions of RSA 674:43, the Planning Board is authorized by this ordinance, effective upon passage hereof, to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for structures containing more than two dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. The Town Clerk shall file a certificate of notice with the Grafton County Registry of Deeds showing that the Planning Board has been so authorized

APPENDIX A –WETLANDS VEGETATION

Herbaceous Plants

Common Name:	*Scientific Name:*	*Common Name:*	*Scientific Name:*
Cattail (O)	*Typha angustifolia & T. latifolia*	Jack in the Pulpit (FW)	*Arisaema triphyllum*
Marsh Marigold (O)	*Caltha palustris*	Jewelweed (FW)	*Impatiens capensis*
Royal Fern (O)	*Osmunda regalis*	Marsh Fern (FW)	*Thelypteris thelypteroides*
Rice Cutgrass (O)	*Leersia oryzoides*	Ostrich Fern (FW)	*Matteuccia struthiopteris*
Skunk Cabbage (O)	*Symplocarpus foetidus*	Purple Loosestrife (FW)	*Lythrum salicaria*
Swamp Milkweed (O)	*Asclepias incarnata*	Reed Canary Grass (FW)	*Phalaris arundinacea*
Tussock Sedge (O)	*Carex stricta*	Sensitive Fern (FW)	*Onoclea sensibilis*
Blue Joint Grass (FW)	*Calamagrostis canadensis*	Spotted Joe Pye Weed (FW)	*Eupatorium maculatum*
Cardinal Flower (FW)	*Lobelia cardinalis*	Wool Grass (FW)	*Scirpus cyperinus*
Cinnamon Fern (FW)	*Osmunda cinnamomea*	Interrupted Fern (F)	*Osmunda claytonia*
Common Reed (FW)	*Phragmites australis*	New York Fern (F)	*Thelpteria noveboracensis*
False Hellebore (FW)	*Veratrum viride*		
Goldthread (FW)	*Coptis trifolia*		

Source: Wetlands Bureau, New Hampshire Department of Environmental Services, 01-07-04.

Shrubs

Common Name:	*Scientific Name:*	*Common Name:*	*Scientific Name:*
Azalea, Swamp (O)	*Rhododendron viscosum*	Spicebush (FW)	*Lindera benzoin*
Buttonbush (O)	*Cephalanthus occidentalis*	Steeple-Bush (FW)	*Spiraea tomentosa*
Cranberry, Large (O)	*Vaccinium macrocarpon*	Winterberry Holly (FW)	*Ilex verticilallata*
Cranberry, Small (O)	*Vaccinium oxycoccos*	Withe-Rod (FW)	*Viburnum cassinoides*
Labrador Tea (O)	*Ledum groendlandicum*	Bayberry (F)	*Myrica pensylvanica*
Leatherleaf (O)	*Chamaedaphne calyculata*	Chokecherry, Black (F)	*Aronia melanocarpa*
Mountain Holly (O)	*Nemopanthus mucronatus*	Cranberry, Mountain (F)	*Vaccinium vitis-idaea*
Rose, Swamp (O)	*Rosa palustris*	Hobble-Bush (F)	*Viburnum lantanoides*
Rosemary, Bog (O)	*Andromeda polifolia*	Ivy, Poison (F)	*Toxicodendron radicans*
Sumac, Poison(O)	*Taxicodendron vernix*	Meadow-Sweet (F)	*Spiraea latifolia*
Sweetgale (O)	*Myrica gale*	Nannyberry (F)	*Viburnum lentago*
Alder, Speckled (FW)	*Alnus rugosa*	Pepper-Bush (F)	*Clethra alnifolia*
Arrow-Wood (FW)	*Vibernum recognitum*	Raspberry, Red (F)	*Rubus idaeus*
Blueberry, Highbush (FW)	*Vaccinium corymbosum*	Rhododendron, Rosebay (F)	*Rhodoendron maximum*
Chokeberry, Red (FW)	*Aronia arubtifolia*	Rose, Virginia (F)	*Rosa virginiana*
Dogwood, Red Osier (FW)	*Cornus stonlonifera*	Sheep-Laurel (F)	*Kalmia augustifolia*
		Witch Hazel (F)	*Hamamelis virginiana*
Dogwood, Silky (FW)	*Cornus amomum*	Yew, American (F)	*Taxus canadensis*
Elderberry, American (FW)	*Sambucus canadensis*		
Maleberry (FW)	*Lyonia ligustrina*		
Rhodora (FW)	*Rhododendron canadense*		

Trees

Common Name:	*Scientific Name:*	*Common Name:*	*Scientific Name:*
Atlantic White Cedar (O)	*Chamaecyparis thyoides*	Sycamore (FW)	*Platanus occidentalis*
Black Ash (FW)	*Fraxinus nigra*	Tupelo (Black Gum) (FW)	*Nyssa sylvatica*
Green Ash (FW)	*Fraxinus pensylvanica*	Black Willow (FW)	*Salix nigra*
River Birch (FW)	*Betula nigra*	Gray Birch (F)	*Betula populifolia*
Northern White Cedar (FW)	*Thuja occidentalis*	Yellow Birch (F)	*Betula alleghaniensis*
		Cottonwood (F)	*Populus deltoides*
American Elm (FW)	*Ulmus americana*	Slippery Elm (F)	*Ulmus rubra*
American Larch (FW)	*Larix laricina*	Balsam Fir (F)	*Abies balsamea*
Silver Maple (FW)	*Acer saccharinum*	Honey Locust (F)	*Gleditsia triacanthos*
Swamp White Oak (FW)	*Quercus alba*	Ironwood (F)	*Carpinus caroliniana*
Balsam Poplar (FW)	*Populus balsamifera*	Red Maple (F)	*Acer rubrum*
Black Spruce (FW)	*Picea mariana*		

Source: *National List of Plant Species that Occur in Wetlands: New Hampshire*, U. S. Fish and Wildlife Service, 1988.

O – Obligate Wetlands Species: 99% or greater chance to grow in wetland
FW – Facultative Wetlands Species: 67 – 99% chance to grow in wetland
F – Facultative Species: equally likely to occur in wetlands or uplands

APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
1	Occum fine sandy loam, occasionally flooded	√						
2	Suncook loamy fine sand			√				√
4	Pootatuck very fine sandy loam	√						
5	Rippowam fine sandy loam			√	√			
8	Hadley silt loam, frequently flooded	√						
9	Winooski silt loam	√						
15	Searsport mucky peat				√			
22A	Colton loamy sand, 0 to 3 % slopes			√				√
22B	Colton loamy sand, 3 to 8 % slopes							√
22C	Colton loamy sand, 8 to 15 % slopes							√
22E	Colton loamy sand, 15 to 60 % slopes							√
24A	Agawam fine sandy loam, 0 to 3 % slopes	√						
24B	Agawam fine sandy loam, 3 to 8 % slopes	√						
26A	Windsor loamy fine sand, 0 to 3 % slopes			√				√
26B	Windsor loamy fine sand, 3 to 8 % slopes			√				√
26C	Windsor loamy fine sand, 8 to 15 % slopes			√				√
26E	Windsor loamy fine sand 15 to 60 % slopes							√
27A	Groveton fine sandy loam, 0 to 3 % slopes	√						
27B	Groveton fine sandy loam, 3 to 8 % slopes	√						
27C	Groveton fine sandy loam, 8 to 15 % slopes			√				
27E	Groveton fine sandy loam, 15 to 60 % slopes							

APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
28A	Madawaska fine sandy loam, 0 to 3 % slopes	√						
28B	Madawaska fine sandy loam, 3 to 8 % slopes	√						
36A	Adams loamy sand, 0 to 3 % slopes			√				√
36B	Adams loamy sand, 3 to 8 % slopes							√
36C	Adams loamy sand, 8 to 15 % slopes							√
36E	Adams loamy sand, 15 to 60 % slopes							√
56B	Becket fine sandy loam, 3 to 8 % slopes	√					√	
56C	Becket fine sandy loam, 8 to 15 % slopes		√				√	
56D	Becket fine sandy loam, 15 to 25 % slopes						√	
57B	Becket fine sandy loam, 3 to 8 % slopes, very stony			√			√	
57C	Becket fine sandy loam, 8 to 15 % slopes, very stony			√			√	
57D	Becket fine sandy loam, 15 to 25 % slopes, very stony						√	
57E	Becket fine sandy loam, 25 to 35 % slopes, very stony						√	
59B	Waumbek loamy sand, 3 to 8 % slopes, very stony							
59C	Waumbek loamy sand, 8 to 15 % slopes, very stony							
61B	Tunbridge-Lyman-Rock outcrop complex, 3 to 8 % slopes					√		
61C	Tunbridge-Lyman-Rock outcrop complex, 8 to 15 % slopes					√		
61D	Tunbridge-Lyman-Rock outcrop complex, 15 to 25 % slopes					√		
61E	Tunbridge-Lyman-Rock outcrop complex, 25 to 60 % slopes					√		
62B	Charlton fine sandy loam, 3 to 8 % slopes	√						
62C	Charlton fine sandy loam, 8 to 15 % slopes		√					

APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
62D	Charlton fine sandy loam, 15 to 25 % slopes							
63B	Charlton fine sandy loam, 3 to 8 % slopes, very stony			√				
63C	Charlton fine sandy loam, 8 to 15 % slopes, very stony			√				
63D	Charlton fine sandy loam, 15 to 25 % slopes, very stony							
63E	Charlton fine sandy loam, 25 to 35 % slopes, very stony							
72B	Berkshire loam, 3 to 8 % slopes	√						
72C	Berkshire loam, 8 to 15 % slopes		√					
72D	Berkshire loam, 15 to 25 % slopes							
73B	Berkshire loam, 3 to 8 % slopes, very stony			√				
73C	Berkshire loam, 8 to 15 % slopes, very stony			√				
73D	Berkshire loam, 15 to 25 % slopes, very stony							
73E	Berkshire loam, 25 to 35 % slopes, very stony							
76B	Marlow fine sandy loam, 3 to 8 % slopes	√					√	
76C	Marlow fine sandy loam, 8 to 15 % slopes		√				√	
76D	Marlow fine sandy loam, 15 to 25 % slopes						√	
77B	Marlow fine sandy loam, 3 to 8 % slopes, very stony			√			√	
77C	Marlow fine sandy loam, 8 to 15 % slopes, very stony			√			√	
77D	Marlow fine sandy loam, 15 to 25 % slopes, very stony						√	
77E	Marlow fine sandy loam, 25 to 35 % slopes, very stony						√	
78B	Peru fine sandy loam, 3 to 8 % slopes	√					√	
78C	Peru fine sandy loam, 8 to 15 % slopes		√				√	

APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
79B	Peru fine sandy loam, 3 to 8 % slopes, very stony			√			√	
79C	Peru fine sandy loam, 8 to 15 % slopes, very stony			√			√	
79D	Peru fine sandy loam, 15 to 25 % slopes, very stony						√	
90B	Tunbridge-Lyman complex, 3 to 8 % slopes			√		√		
90C	Tunbridge-Lyman complex, 8 to 15 % slopes			√		√		
90D	Tunbridge-Lyman complex, 15 to 25 % slopes					√		
101	Ondawa fine sandy loam, frequently flooded	√						
102	Sunday loamy sand			√				√
104	Podunk fine sandy loam	√						
105	Rumney loam			√	√			
108	Hadley silt loam, occasionally flooded	√						
109	Limerick silt loam			√	√			
114	Walpole-Binghamville complex			√	√			
130A	Hitchcock silt loam, 0 to 3 % slopes	√						
130B	Hitchcock silt loam, 3 to 8 % slopes		√					
130C	Hitchcock silt loam, 8 to 15 % slopes			√				
130E	Hitchcock silt loam, 15 to 60 % slopes							
132A	Dartmouth silt loam, 0 to 3 % slopes	√						
132B	Dartmouth silt loam, 3 to 8 % slopes		√					
173C	Berkshire loam, 8 to 15 % slopes, extremely stony							
173D	Berkshire loam, 15 to 25 % slopes, extremely stony							

APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
173E	Berkshire loam, 25 to 35 % slopes, extremely stony							
201	Ondawa fine sandy loam, occasionally flooded	√						
254B	Monadnock and Hermon soils, 3 to 8 % slopes		√					
254C	Monadnock and Hermon soils, 8 to 15 % slopes		√					
254D	Monadnock and Hermon soils, 15 to 25 % slopes							
255B	Monadnock and Hermon soils, 3 to 8 %, very stony			√				
255C	Monadnock and Hermon soils, 8 to 15 %, very stony			√				
255D	Monadnock and Hermon soils, 15 to 25 % slopes, very stony							
255E	Monadnock and Hermon soils, 25 to 35 % slopes, very stony							
295	Greenwood mucky peat				√			
298	Pits, gravel							
299	Udorthents, smoothed							
310A	Quonset loamy sand, 0 to 3 % slopes			√				√
310B	Quonset loamy sand, 3 to 8 % slopes							√
310C	Quonset loamy sand, 8 to 15 % slopes							√
310E	Quonset loamy sand, 15 to 60 % slopes							√
313	Deerfield loamy fine sand		√					
330B	Bernardston silt loam, 3 to 8 % slopes	√					√	
330C	Bernardston silt loam, 8 to 15 % slopes		√				√	
330D	Bernardston silt loam, 15 to 25 % slopes						√	
331B	Bernardston silt loam, 3 to 8 % slopes, very stony			√			√	

APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
331C	Bernardston silt loam, 8 to 15 % slopes, very stony			√			√	
331D	Bernardston silt loam, 15 to 25 % slopes, very stony						√	
331E	Bernardston silt loam, 25 to 35 % slopes, very stony						√	
334B	Pittstown loam, 3 to 8 % slopes	√					√	
334C	Pittstown loam, 8 to 15 % slopes		√				√	
336B	Pittstown loam, 3 to 8 % slopes, very stony			√			√	
336C	Pittstown loam, 8 to 15 % slopes, very stony			√			√	
336D	Pittstown loam, 15 to 25 % slopes, very stony						√	
341A	Stissing silt loam, 0 to 3 % slopes, very stony			√	√		√	
341B	Stissing silt loam, 3 to 8 % slopes, very stony				√		√	
347A	Lyme and Moosilauke soils, 0 to 3 % slopes, very stony				√			
347B	Lyme and Moosilauke soils, 3 to 8 % slopes, very stony				√			
355C	Hermon fine sandy loam, 8 to 15 % slopes, extremely bouldery							
355D	Hermon fine sandy loam, 15 to 25 % slopes, extremely bouldery							
355E	Hermon fine sandy loam, 25 to 35 % slopes, extremely bouldery							
360B	Cardigan-Kearsarge complex, 3 to 8 % slopes			√		√		
360C	Cardigan-Kearsarge complex, 8 to 15 % slopes			√		√		
360D	Cardigan-Kearsarge complex, 15 to 25 % slopes					√		
361B	Cardigan-Kearsarge-Rock outcrop complex, 3 to 8 % slopes					√		
361C	Cardigan-Kearsarge-Rock outcrop complex, 8 to 15 % slopes					√		
361D	Cardigan-Kearsarge-Rock outcrop complex, 15 to 25 % slopes					√		

APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
361E	Cardigan-Kearsarge-Rock outcrop complex, 25 to 60 % slopes					√		
395	Chocorua mucky peat				√			
398	Pits, Quarries							
401	Occum fine sandy loam, occasionally flooded	√						
406	Medomak silt loam				√			
534	Binghamville silt loam			√	√			
558B	Skerry fine sandy loam, 3 to 8 % slopes	√					√	
559B	Skerry fine sandy loam, 3 to 8 % slopes, very stony			√			√	
559C	Skerry fine sandy loam, 8 to 15 % slopes, very stony			√			√	
559D	Skerry fine sandy loam, 15 to 25 % slopes, very stony						√	
613	Croghan loamy fine sand		√					
614	Kinsman sand			√	√			
632A	Nicholville very fine sandy loam, 0 to 3 % slopes	√						
632B	Nicholville very fine sandy loam, 3 to 8 % slopes		√					
633	Pemi silt loam			√	√			
647A	Pillsbury fine sandy loam, 0 to 3 % slopes, very stony			√	√		√	
647B	Pillsbury fine sandy loam, 3 to 8 % slopes, very stony				√		√	
701B	Becket-Skerry association, gently sloping, very stony			√			√	
703D	Becket-Monadnock association, moderately steep, very stony						√	
703E	Becket-Monadnock association, steep, very stony						√	
709D	Becket-Tunbridge association, hilly, very stony						√	

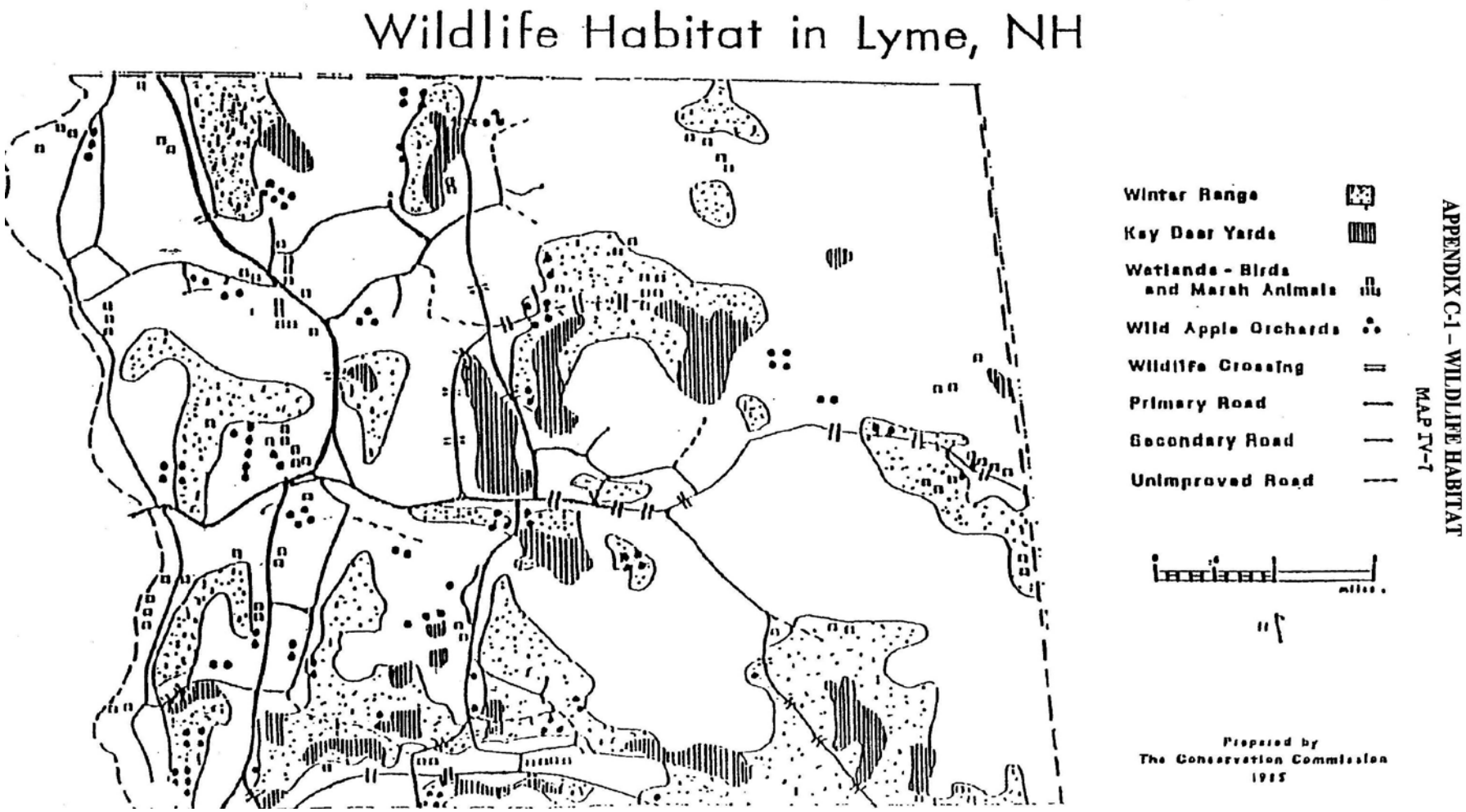
APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
709E	Becket-Tunbridge association, steep, very stony						√	
710D	Becket-Lyman-Rock outcrop complex, hilly					√	√	
710E	Becket-Lyman-Rock outcrop complex, steep					√	√	
711B	Monadnock-Hermon association, undulating, very stony							
711D	Monadnock-Hermon association, hilly, very stony							
711E	Monadnock-Hermon association, steep, very stony							
712B	Hermon-Monadnock association, undulating, extremely bouldery							
712D	Hermon-Monadnock association, hilly, extremely bouldery							
712E	Hermon-Monadnock association, steep, extremely bouldery							
713B	Hermon-Waumbek association, undulating, very stony							
713D	Hermon-Waumbek association, hilly, very stony							
717	Lyme-Peacham association, very stony				√		√	
719D	Marlow-Tunbridge association, hilly, very stony						√	
719E	Marlow-Tunbridge association, steep, very stony						√	
720D	Marlow-Lyman-Rock outcrop complex, hilly					√	√	
720E	Marlow-Lyman-Rock outcrop complex, steep					√	√	
721B	Peru-Marlow association, gently sloping, very stony			√			√	
722D	Marlow-Berkshire association, moderately steep, very stony						√	
723B	Peru-Pillsbury association, gently sloping, very stony				√		√	
724B	Skerry-Tunbridge association, undulating, very stony						√	
726D	Rock outcrop-Lyman complex, hilly					√		

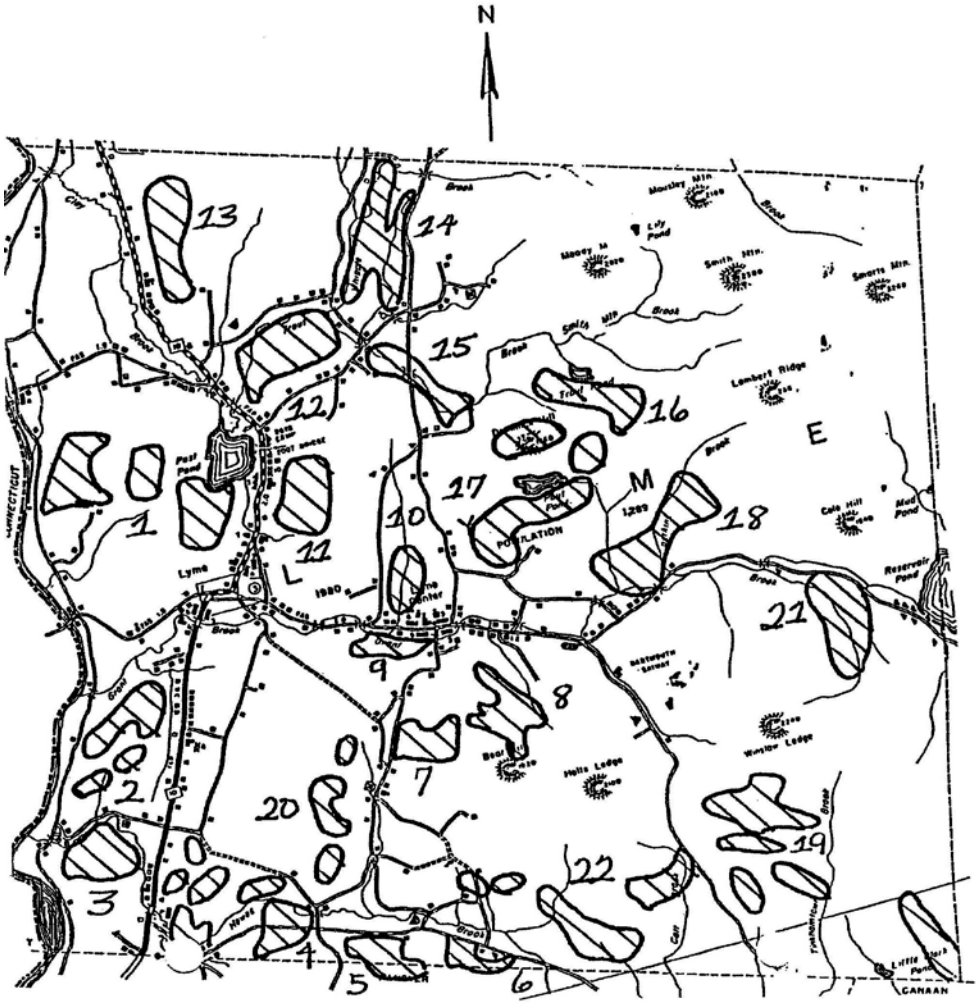
APPENDIX B - TABLE OF SOIL TYPES

Soil #	Name	Agricultural			Hydric	Shallow	Hardpan	Porous
		National	State	Local				
726E	Rock outcrop-Lyman complex, steep					√		
727	Rubble Land							
729B	Waumbek-Lyme association, undulating, very stony				√			
730B	Skerry-Lyman-Rock outcrop complex, undulating					√	√	
731	Peacham and Ossipee Soils, very stony				√		√	
734D	Surplus-Sisk association, moderately steep, very stony						√	
735E	Saddleback-Ricker-Rock outcrop complex, steep					√	√	
740D	Hermon-Redstone association, hilly, very stony							
741D	Redstone-Canaan-Rock outcrop complex, hilly					√		
741E	Redstone-Canaan-Rock outcrop complex, steep					√		
819B	Peru-Tunbridge association, undulating, very stony						√	
DAM	Dam							
W	Water							

Appendix C1 Wildlife Habitat



APPENDIX C-2 – DEER WINTERING MAP



NEW HAMPSHIRE FISH AND GAME
DEER WINTERING AREA SURVEY

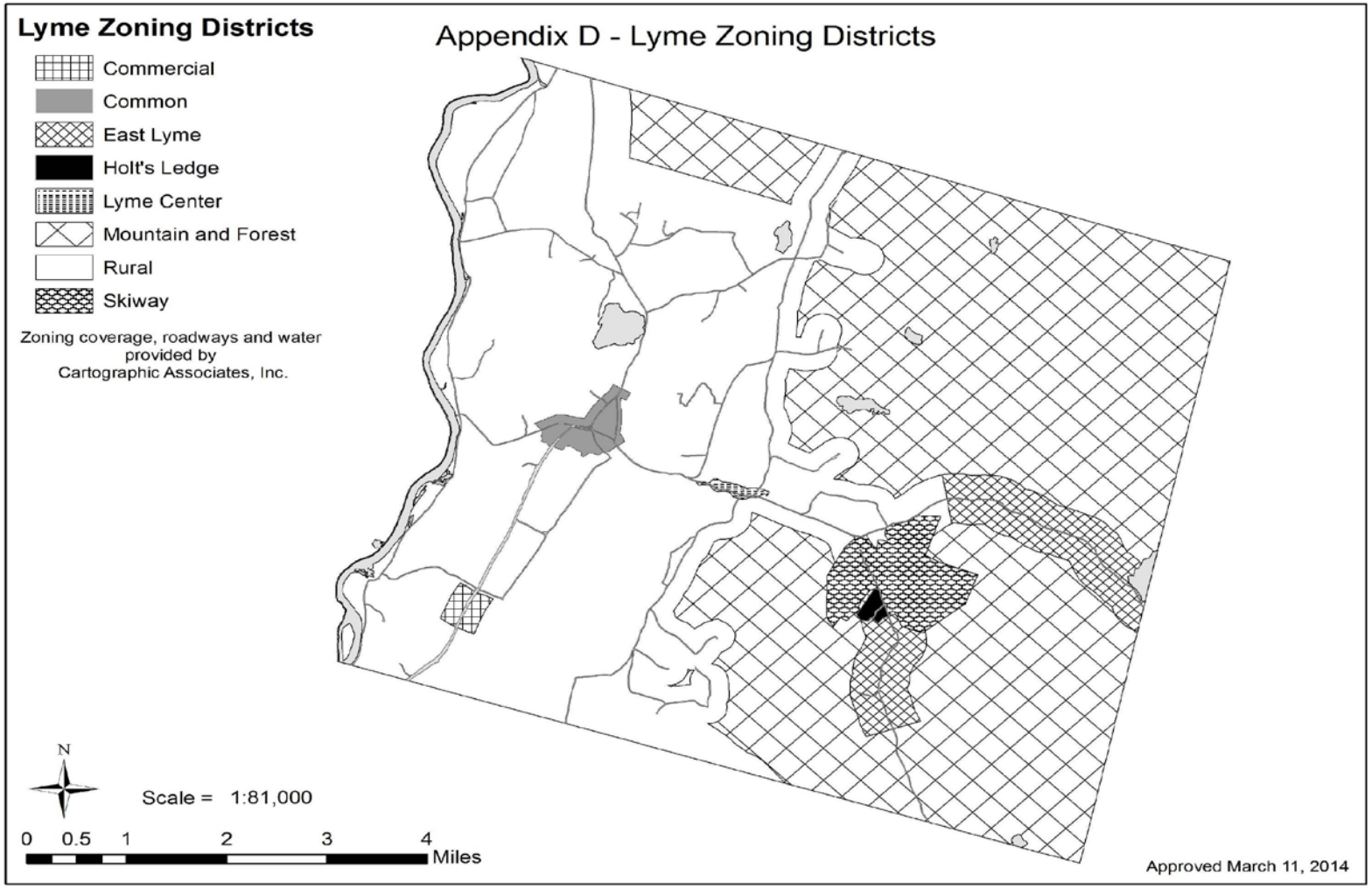
TOWN: LYME
COUNTY: GRAFTON

1) Post Pond
2) Lyme Hill
3) Shoestrap Road
4) Hewes Brook
5) Hanover Line
6) Goose Pond Road
7) Baker Hill
8) Bear Hill
9) Grant Brook
10) Lyme Center
11) Acorn Hill
12) Trout Brook
13) Culver Hill
14) Whipple Brook
15) High Bridge Road
16) Trout Pond
17) Pout Pond
18) Quintown Road
19) Tinkhamtown
20) Plot Hill
21) Reservoir Pond
22) Call Brook

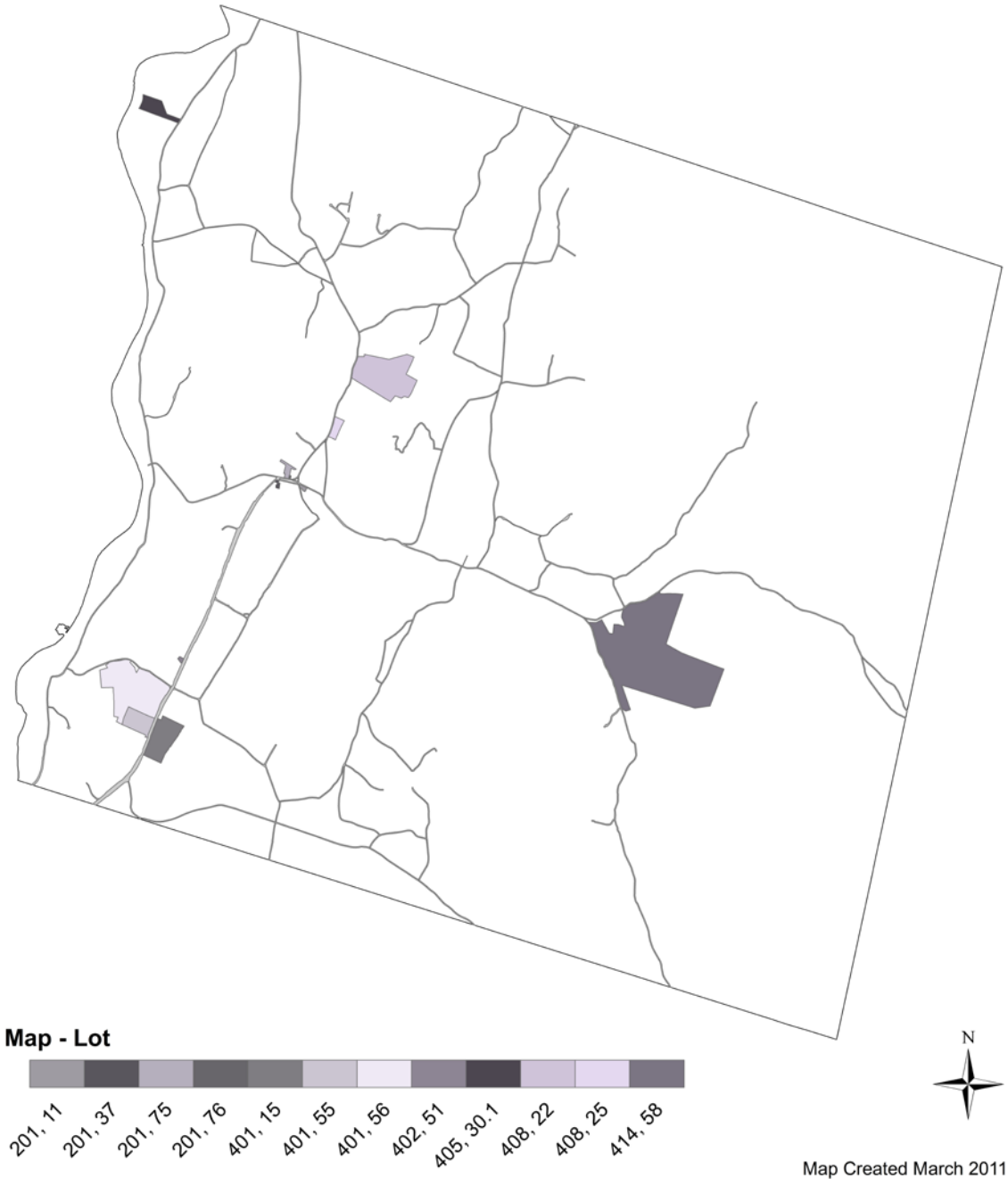
Revised 2/98

APPENDIX C-2 – DEER WINTERING AREAS

APPENDIX D – ZONING MAP



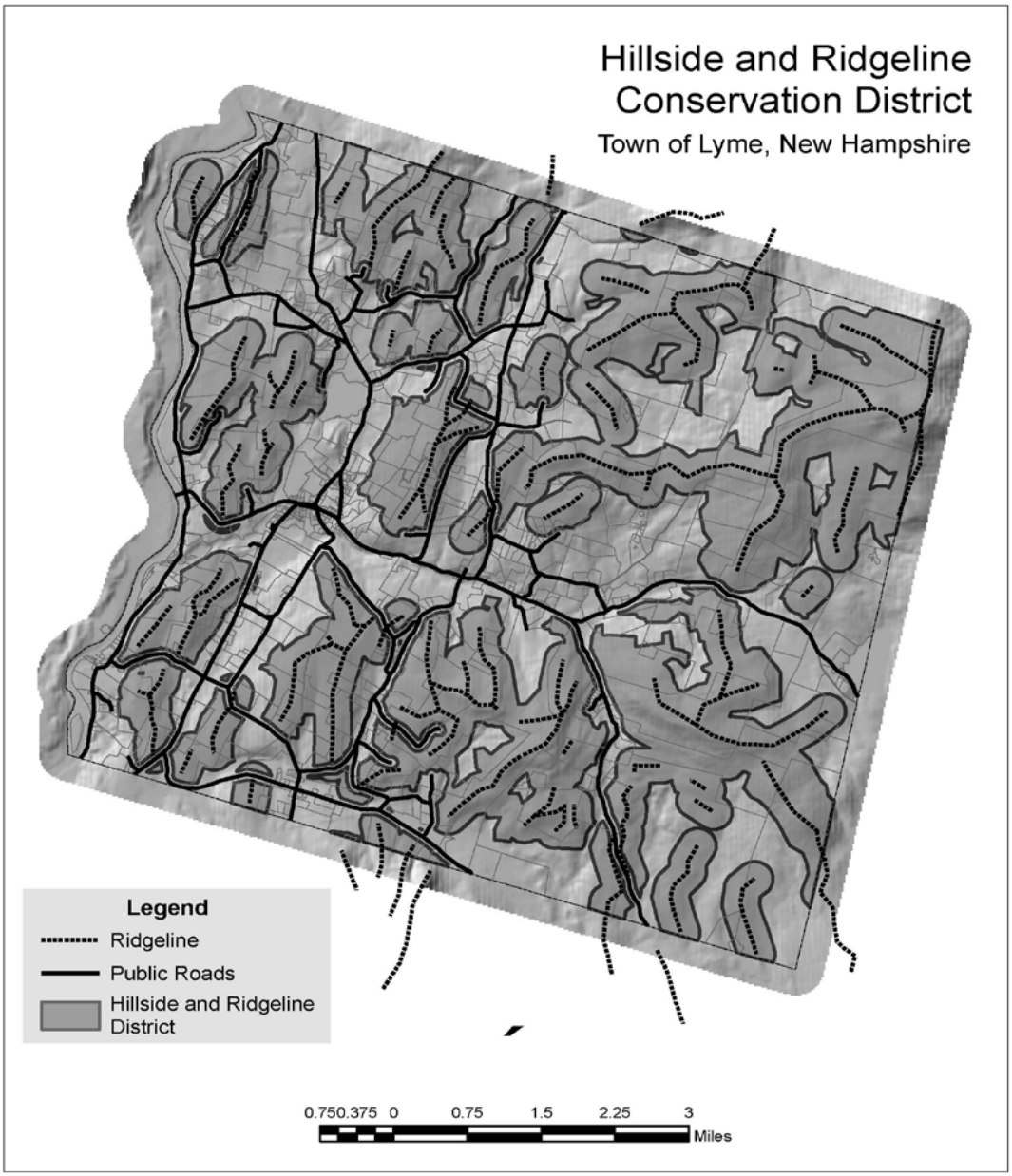
Appendix E
Lots having a public water supply well



Revised: March 2012

APPENDIX F – RIDGELINE & HILLSIDE DISTRICT MAP

Appendix F



Daniel Karnes, Cartographer
15 January 2006

AMENDMENTS

Adopted: March 14, 1989

Revisions: March 13, 1990; March 12, 1991; March 10, 1992; September 8, 1992; March 11, 1993; March 8, 1994; March 14, 1995; March 12, 1996; March 11, 1997; March 10, 1998; March 9, 1999; March 14, 2000; March 13, 2001, March 12, 2002, March 11, 2003; March 9, 2004, March 8, 2005, March 14, 2006, March 13, 2007 and March 11, 2008. March 8, 2011. March 13, 2012. March 12, 2013. March 11, 2014. March 10, 2015. March 08, 2016.

INDEX OF WORDS DEFINED
IN ARTICLE II: DEFINITIONS

A

Abandoned, 4, 21
Abutter, 4, 53, 54
Access Way, 4, 28, 29, 30, 32, 33
Access ways, 11
Access Ways, 44
Accessory, 4, 5, 6, 8, 10, 21, 26, 31, 35, 45, 46, 47
Acre, 4, 12, 16, 27, 30, 31, 33, 34, 35, 36, 38, 48, 61
Administrator, 4, 18, 19, 21, 42, 49, 50, 51, 54, 59
Agriculture, 4, 5, 12, 17, 20, 27, 28, 29, 31, 32, 34, 48
Alteration, 4, 28, 29, 30, 33, 49, 50
Aquifer, 4, 6

B

Best Management Practices, 5, 23, 25, 26, 27, 28, 29, 31, 32
Building, 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 14, 19, 20, 21, 22, 23, 24, 33, 35, 37, 38, 39, 42, 43, 45, 46, 47, 48, 49, 50
Building Envelope, 2, 5, 57
Building Footprint, 5, 23, 32, 35, 39, 47, 57, 61
Building Zone, 5, 16
Business, 1, 5, 6, 8, 10, 11, 12, 14, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 40, 42, 43, 44, 45, 52

C

Church or House of Worship, 5, 40
Clinic, 5, 7, 20, 32
Conditional Use Approval, 8, 10, 19, 20, 21, 22, 25, 26, 43, 45, 49, 51
Conforming Use, 5, 45
Conservation Easement, 5, 28, 29, 30, 32, 33, 34, 37, 38, 41
Conservation Lot, 5, 38
Conversion, 6, 20, 21, 22, 32, 45
Cottage Industry, 6, 20, 22, 32, 33

D

Destroyed, 6, 21, 47
Developed Lot, 6
Development, 1, 6, 7, 14, 15, 24, 28, 29, 30, 31, 32, 33, 34, 41, 49, 50, 53, 55, 56, 57, 62
Development of Regional Impact, 6, 53, 54
Driveway, 4, 6, 8, 22, 24, 25, 40, 45, 46, 47, 48
Dwelling Unit, 6, 10, 12, 21, 22, 44, 61, 62

E

Earth, 6, 7, 8
Excavation, 6, 8, 20, 21, 27, 28, 29, 30, 32, 33

F

Filling, 6, 7
Fire Protection Structures, 7, 8, 27, 30, 31, 33, 34, 38
Flood, 1, 2, 7, 15, 17, 24, 32, 46, 47
Food Service, 7, 11

G

Government, 5, 7, 8, 20, 27, 42
Gross Floor Area, 7, 11, 21, 35, 40, 57

H

Heavy Equipment, 8
Height, 1, 4, 8, 23, 40
Home Occupation, 8, 20, 22, 32, 33

I

Improvement, 8, 9, 10, 21, 24, 56
Institution, 5, 8, 14, 20, 44

L

Living Space, 7, 8
Lodging, 5, 8, 20, 26, 32
Lot, 8
Lot Coverage, 8, 23, 35, 39, 40, 45, 46, 47, 57, 61
Lot Measurements, 9
Lot of Record, 9, 36
Lot Size, 1, 9, 16, 17, 35, 36, 61
Lot Size Averaging, 9, 20, 39
Lot, Non-Buildable, 8

M

Manufacturing, 5, 8, 20
Master Plan, 1, 9, 55, 56
Minor Subdivision, 9
Multi-Dwelling, 6, 20, 21, 32, 33, 44

N

Non-Conforming Lot, 9, 45, 48
Non-Conforming Structure, 9, 42, 45, 47
Non-Conforming Use, 9, 19, 21, 45

O

Office, 5, 7, 10, 20, 21, 32, 33, 52
Open Space, 1, 8, 10, 23, 37, 55

P

Parent Lot, 10, 31
Permit, 3, 10, 21, 23, 49, 50, 51, 58
Permitted/Prohibited Use, 5, 10, 19, 21, 24, 27, 28, 29, 31, 32, 34, 42, 45, 49, 56
Person, 4, 5, 10, 18, 42, 54, 55, 58, 59
Planned Development, 10, 20, 21, 22, 36, 38, 39, 40
Planning Board, 1, 2, 5, 6, 9, 10, 18, 21, 23, 27, 29, 38, 44, 48, 50, 52, 53, 56, 62

R

Recreation, 1, 5, 7, 8, 10, 15, 20, 23, 27, 28, 29, 31, 32, 34, 56
Removal, 6, 19, 21, 26, 42, 48, 49, 56
Residence, 6, 10, 21, 22, 33, 48
Restaurant, 10, 20
Retail, 5, 10, 11, 20
Road, 1, 4, 5, 8, 9, 10, 18, 21, 26, 29, 30, 32, 35, 37, 38, 43, 48, 55, 56, 57

S

Service Use, 8, 11, 20
Setback, 24, 35, 38, 39, 40, 45, 46, 57
Sign, 11, 14, 22, 25, 42, 43, 49
Single Dwelling, 6
Ski Lodge, 11
Skiing Facilities, 7, 11, 15, 16, 17, 20, 25, 39, 40
Slope, Average, 11, 16
Special Exception, 10, 11, 23, 25, 27, 29, 30, 31, 33, 34, 38, 39, 42, 44, 45, 46, 47, 48, 51, 53, 54, 55, 56, 59
Structure, 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, 21, 22, 24, 26, 27, 29, 31, 32, 35, 39, 40, 44, 45, 46, 47, 48, 49, 54, 55, 57, 58, 62
Studio, 12, 20, 32, 33
Surface Water, 6, 7, 12, 16, 17, 19, 23, 25, 26, 29, 30
Switchback, 24

T

Temporary Structure, 12, 21
Town, 1, 2, 12, 14, 15, 16, 17, 18, 21, 23, 24, 31, 34, 42, 47, 48, 50, 52, 53, 54, 56, 59, 61, 62
Toxic Substance, 12, 19, 22, 24, 26, 28, 30, 33

U

Unit, 6, 9, 10, 12, 21, 22, 44, 61, 62

V

Variance, 12, 51, 53, 54, 57, 59

W

Water Bodies, 12, 38
Water Body, 49
Water Courses, 12, 26, 30, 38
Water Storage, 12, 25
Wetlands, 12, 15, 24, 27, 46
Wireless Telecommunications Structure, 13

Z

Zoning Board of Adjustment, ZBA, or Board, 5, 6, 10, 12, 13, 18, 27, 29, 30, 31, 33, 42, 45, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60
Zoning Easement, 13, 21, 23, 31, 37, 38