

# Easton Zoning Ordinance

Adopted March 10, 1970

Amended 6/4/70 – 3/11/86 – 3/10/87 – 3/09/88 – 3/14/89

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3/10/20 -- 3/9/21

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## **ARTICLE 1: TITLE**

This ordinance shall be known and cited as the "Easton Zoning Ordinance."

## **ARTICLE 2: PURPOSE**

This Ordinance is designed to promote the health, safety and general welfare of the inhabitants of Easton, to protect the value of the property, to prevent the overcrowding of the land, to avoid undue concentration of population, to provide adequate air and light, to protect water quality, and to facilitate the adequate provisions of other public requirements. (03/14/17)

A combination of all or a number of factors, topographical, climatological, geological, historical and geographical, create an environment in the Town of Easton which is and can be of specific appeal to residential, agricultural, and conservation-based developments. This ordinance, therefore, is particularly designed to protect, preserve, and encourage such developments.

## **ARTICLE 3: DEFINITIONS**

Section 301. General. Unless otherwise expressly stated, words shall, for the purpose of this Ordinance, have the meaning indicated in Section 302. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "person" includes a partnership, corporation or other entity. The word "building" includes the word "structure." The word "shall" is mandatory, not directory.

Section 302. Specific.

Accessory Use: A use subordinate to and incidental to the principal use of land and building.

Adjacent: Bordering, contiguous, or neighboring. The term includes wetlands that directly connect to other waters of the United States, or that is in reasonable proximity to these waters, but physically separated from them by man-made dikes or barriers, natural river berms, beach dunes, and similar obstructions. (03/08/11)

Antenna: Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications, through the sending and/or receiving of electromagnetic waves of any bandwidth. (3/9/99)

Aquifer: A geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water. (03/08/11)

Area of Special Flood Hazard: Area of special flood hazard is the land in the flood plain within the Town of Easton subject to a 1 percent or greater chance of flooding in any given year. The area is designated as Zone A on the Flood Insurance Rate Map. (3/9/2010)

Base Flood: Base flood means the flood having a one-percent possibility of being equaled or ex-

ceeded in any given year. (3/9/2010)

Bog: A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil or water conditions. (03/08/11)

Buffer: The protected upland areas adjacent to wetlands and surface waters in the Wetlands Conservation Overlay District. (03/08/11)

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, other public or private purposes, or accessory thereto, excluding structures for storage of crops.

Building Height: The vertical distance between the average finished grade of the structure and the highest point of the roof of the structure.

Certified Wetland Scientist: A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-a. (03/08/11)

Conditional Use: A use allowed upon the granting of a Conditional Use Permit by the Planning Board pursuant to RSA 674:21 II in accord with the procedures described in RSA 676:4. (03/09/21)

Development: Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (3/9/2010)

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

Exception: An exception is a use that would not be appropriate generally or without restriction throughout a particular zone, but which, if controlled as to number, area, location or relation to neighborhood, would promote the public, health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a particular zone as an exception only if specific provision for such exception is made in this Ordinance, after review by the Board of Adjustment.

Flood Insurance Rate Map (FIRM): Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. (3/9/2010)

Flood Insurance Study (FIS): Flood Insurance Study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards. (3/9/2010)

Front Yard: The distance between the front lot line and the nearest portion of a building. The depth of the front yard shall be measured from the street or approved private road right-of-way line to the building; where the width of the right-of-way is not or cannot be established, the right-

of-way line shall be considered to be 25 feet from the center of the street. (3/12/91)

Frontage: That side of a lot bordering a street or private road right-of-way, and ordinarily regarded as the front of the lot. The private road, existing or proposed, must meet road requirements of the current Subdivision Regulations. (3/12/91)

Gasoline Station: means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline. (03/08/11)

Groundwater: Subsurface water that occurs beneath the water table in soils and geologic formations. (03/08/11)

Hydric Soils: Soils that are saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers. (03/08/11)

Impervious: Not readily permitting the infiltration of water. (03/08/11)

Impervious Surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen; wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored in them are not considered impervious surfaces. (03/08/11)

Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126. (03/08/11)

Lot: A parcel of land occupied or to be occupied by a building, together with such open spaces as are required by the provisions of this Ordinance.

Manufactured Housing: Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained herein. Manufactured housing shall not include presite built housing as defined in State Law RSA 674:31-a and also shall not include "recreational travel vehicles". (3/10/86)

One Hundred-Year Flood: See "Base Flood". (3/9/2010)

Outdoor storage: Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface. (03/08/11)

Petroleum Bulk Plant or Terminal: Means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container. (03/08/11)

Positive limiting barrier (PLB): A depression (e.g., groove) in the surface of an otherwise level impervious area designed to impede the flow and contain spilled substances within the perimeter of the impervious area. PLBs are typically constructed and maintained to contain small spills or releases (five to 15 gallons). (03/08/11)

Prime Wetlands: Those areas designated Prime Wetlands in accordance with RSA 482-A:15, and the N.H. Code of Administrative Rules Env-Wt 700. (03/08/11)

Public water system: A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (03/08/11)

Rear Yard: The distance between the nearest portion of a building on a lot and the rear property line of the lot.

Recreational Travel Vehicle: A vehicle equipped with either sleeping, kitchen and/or bathroom facilities, self-propelled or able to be pulled by another vehicle, and designed for travel and not as a stationery permanent residence. (3/10/86)

Regulated Substance: Petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure. (03/08/11)

Regulatory Floodway: Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (3/9/2010)

Sanitary Protective Radius: The area around a public water supply well which must be maintained in its natural state as required by Env-Dw 301 or 302 (for community water systems); Env-Dw 373.12 and Env-Dw 372.14 (for other public water systems). (03/08/11)

Seasonal High Water Table: The depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed hydrogeologist, soils scientist, wetlands scientist, engineer or other qualified professional approved by the Planning Board. (03/08/11)

Secondary Containment: A structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there. (03/08/11)

Setback: The required minimum distance between the front, side and rear lot or street lines and the closest point of a building or structure. (3/12/91)

Side Yard: The distance between the nearest portion of a building on a lot and a side property line of the lot.

Sign: A structure which advertises or which is used as an outdoor display for the advertising of a property, establishment, enterprise or other matter.

Snow Dump: For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal. (03/08/11)

Special Flood Hazard Area: See "Area of Special Flood Hazard". (3/9/2010)

Stratified-drift Aquifer: A geologic formation of predominantly well-sorted, sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells. (03/08/11)

Street: A thoroughfare, road, public or private highway or public way open and available to public use. "Street" shall mean the entire width of the right of way.

Street Line: The line dividing the street and a lot. Where the width of a street is not established or cannot be determined, the street line shall be considered to be 25 feet from the center of the street.

Structure: Structure means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (3/9/2010)

Substantial Damage: Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (3/9/2010)

Substantial Improvement: Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:

- a. the appraised value prior to the start of the initial repair or improvement or,
- b. in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provide that the alteration will not preclude the structure's continued designation as a "historic structure". (3/9/2010)

Surface Water: Perennial and seasonal streams, lakes, ponds and tidal waters including marshes, water-courses and other bodies of water, natural or artificial. (03/08/11)

Surface Waters of the State: Pursuant to RSA 485-A:2.XIV, perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or

ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial. (03/08/11)

Telecommunications Facility: Any structure intended for use in connection with the transmission or reception of radio, television, telephone, or internet signals or other electromagnetic transmission/reception. Includes the Personal Wireless Service Facility (PWSF) as well as the tower and mount and all accessory structures and improvements such as roads, parking areas, fencing, stormwater management and equipment buildings.

Vernal Pool: A body of water, typically seasonal, that provides essential breeding habitat for certain amphibians and invertebrates, does not support viable fish population, and meets the criteria established by the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program, *Identification and Documentation of Vernal Pools in New Hampshire*, rev 2004. (03/08/11)

Wellhead Protection Area: The surface and subsurface area surrounding a water, well or well field supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water, well, or well field. (03/08/11)

Wetlands: "Wetlands" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (3/9/2010)

Violation: Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR§ 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. (3/9/2010)



## **ARTICLE 4: APPLICATION OF REGULATIONS**

Section 401. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations specified herein for the zone in which it is located.

Section 402. No part of a yard or other open space or off-street parking space required to enable a building to comply with this Ordinance shall be included as part of a yard, open space, or off-street parking space similarly required for any other building. (3/14/00)

## **ARTICLE 5: PRESENT USES**

Section 501. Every use being made of land, structures or buildings in the Town of Easton, on the effective date of this Ordinance may be continued and such uses are not affected by the provisions of Article 6 of this Ordinance.

Section 502. Non-conforming uses permitted by Section 501 may be expanded only upon the approval of the Board of Adjustment which shall first find: (1) such expansion or extension does not create a greater nuisance or detriment; (2) the expanded uses is in conformity with the requirements of Articles 7 & 8 of this Ordinance.

Expansion of a nonconforming use or structure may be allowed by the zoning board of adjustment in a wetland buffer provided that the encroachment upon the wetland is not increased and review by the conservation commission finds that any potential increased impact upon the wetland functions will be mitigated.

Section 503. A non-conforming use permitted by Section 501 may be changed to another non-conforming use only upon the approval of the Board of Adjustment, which shall first find that such use is no more objectionable in character than the old use.

Section 504. Any non-conforming use permitted by Section 501 which has been discontinued for a period of two years shall not thereafter be resumed.

Section 505. A non-conforming use, permitted by Section 501, which has been damaged or destroyed by fire, accident, or other causes, may be repaired or reconstructed to its condition prior to such damage or destruction, provided such work is undertaken and completed within two (2) years after such damage or destruction.

## **ARTICLE 6: FUTURE USES**

Section 601. No construction shall be undertaken until a plan is submitted to the Board of Selectmen and permit issued.

### **Section 602. RESIDENTIAL/AGRICULTURAL DISTRICT**

The purpose of this provision is to protect the public health, safety and general welfare by controlling and guiding the use of land in the area generally suitable for residential and agricultural use.

This District shall include all the land within the Town of Easton. Where the Residential/Agricultural District is overlaid by another zoning district, the more restrictive regulations shall apply:

#### **Section 602.1 Permitted Uses**

##### **(a) Residential Uses Permitted.**

- (1) One family dwellings.
- (2) Farm dwellings.
- (3) Single manufactured house. (3/8/88)
- (4) Accessory use structures shall not precede the principal structure by more than twenty- four (24) months, shall not be used for human habitation or overnight occupancy, and shall be of such construction that the salvage value would be sufficient to enable the recovery of removal costs in the event of abandonment or failure to construct the principal permitted use structure to which the accessory use structure relates. (3/14/95) (3/13/01)
- (5) Two-family dwellings, with at least 3 acres per family unit required. (3/14/89)
- (6) Workforce Housing per RSA 674:58-61 (SB342) (3/8/11)
- (7) A single recreational vehicle shall be stored without limitation on a residential lot once it has been improved with a dwelling, but no recreational vehicle shall be stored on a vacant lot. (3/10/98)
- (8) Home occupations as provided in Section 801.

##### **(b) Group Service Uses Permitted.**

- (1) Church, parish house or other religious use.
- (2) School except private or boarding schools.
- (3) Accessory uses customarily incidental to the permitted use. Such use shall include buildings for housing automobiles, equipment and supplies.

##### **(c) Other Uses Permitted.**

- (1) Agriculture, which shall include farming, dairying, pasturage, horticulture, and animal and poultry husbandry.
- (2) Forest management activities and tree farming.
- (3) Parks, conservation areas, nature trails, and outdoor recreation areas containing no buildings.
- (4) Wildlife refuges.

Section 602.2 Special Exceptions. The following additional uses may be permitted by the Board of Adjustment as a special exception under Section 1003 of this Ordinance:

1. Public utility buildings.
2. Municipal buildings and uses, such as but not limited to a community hall, fire station, library, or park or recreation (3/14/89)
3. Non-commercial park and recreation areas excepting private recreational travel vehicle campgrounds.(3/10/87)
4. Tourist homes including bed and breakfast establishments not to exceed 8 guest rooms. (3/14/89)
5. Antique shops, gift shops.
6. Day-care services, not to exceed 10 children. (3/14/89)
7. Group health-care or residential home for elderly people, not to exceed 5 patients, with a minimum lot size of 5 acres. (3/14/89)
8. Small wind energy systems as defined in RSA 674:62.
9. Excavations pursuant to Section 807 and Section 1003.B. (3/12/13)

Section 602.3 Conditional Uses. The following additional use may be permitted by the Planning Board as a Conditional Use:

1. Telecommunications Facilities pursuant to Section 809. A Telecommunications Facility may be allowed in addition to an existing Permitted Use or use allowed by Special Exception.

Section 604. WETLANDS CONSERVATION OVERLAY DISTRICT (3/14/89) (3/14/00)  
(03/08/11) (03/14/17) (03/10/20)

A. TITLE AND AUTHORITY

1. Title: The title of this district shall be the Wetlands Conservation Overlay District.
2. Authority: This district is established under the authority granted pursuant to RSA 674:16, Grant of Power, and RSA 674:21, Innovative Land Use Controls.
3. The word "District" as used in this Section is meant to define lands that exhibit the physical conditions described herein. (03/14/17)

B. FINDINGS

The wetlands and buffers in the Town of Easton are a valuable natural resource requiring careful management to maintain their usefulness to public health, safety and welfare. The municipality of Easton finds that wetlands and buffers:

1. Prevent the destruction of, or significant changes to, those wetland areas, related water bodies and adjoining land which provide flood protection.
2. Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses.
3. Provide for nutrient attenuation and augmentation of stream flow during dry periods.
4. Preserve and protect important wildlife habitat and maintain ecological balance.
5. Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of abuse or inharmonious use of wetlands.
6. Protect the wetlands, watercourses, surface and groundwater supplies and water bodies of the Town of Easton from degradation.
7. Preserve and enhance those aesthetic values associated with the Wetlands Conservation Overlay District.

C. PURPOSE

The purpose of the Wetlands Conservation Overlay District is to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the master plan.

D. APPLICABILITY

All proposed development, removal of vegetation, and alteration of the land surface within the Wetlands Conservation Overlay District is subject to this ordinance.

E. BOUNDARIES

1. The Wetlands Conservation Overlay District includes:
  - Surface waters of the state.
  - Wetlands of any size.
  - Buffers 25 feet wide around bogs over 1,000 square feet, vernal pools over 500 square feet, wetlands of any size adjacent to open water, and all other wetlands

over 40,000 square feet.

2. Wetlands constructed for storm water treatment, agricultural use, waste treatment or other such purposes are exempt from the provisions of the Wetlands Conservation Overlay District.

3. Boundary Determination:

The two online resources below can be used as initial guidance, non-definitive, references for wetland boundaries:

- U.S. Department of Agriculture, Soil Survey Geographic (SSURGO) database for Grafton county, as amended
- U.S Fish and Wildlife Service, national Wetland Inventory, as amended

The boundaries of the Overlay District is determined by the actual facts on the ground, not by maps.

When a boundary of the Wetlands Conservation Overlay District is disputed by either the conservation commission or an applicant, the conservation commission, at the applicant's expense, may engage an independent certified wetlands scientist to determine the location of the Wetland Conservation Overlay District limit on the properties affected. The delineation shall be consistent with DES Wetlands Bureau Rules, as amended. The completion of a New England District Wetland Delineation Data-sheet (US Army Corps of Engineers, as amended) by the certified wetland scientist can provide the appropriate level of documentation to address questions about the delineation. The Conservation Commission shall make the final determination of the wetlands limit based on its consultant's report.

## F. PERMITTED USES

The uses listed below are presumed to be consistent with the protection of wetland functions and values when in accord with the following and so are allowed in the Wetlands Conservation Overlay District without a Conditional Use Permit. These uses will not:

- Require the erection or construction of any structure.
- Alter the natural surface configuration by re-contouring or grading of the land.
- Involve filling, dredging, or draining of the wetland.
- Change the flow of water.
- Result in the pollution of the wetlands, surface water, or groundwater.
- Involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with current best management practices.

Permitted uses include:

1. Passive recreation such as hiking, fishing, hunting on foot, non-motorized boating.
2. Wildlife or fisheries management.
3. Scientific research and educational activities.
4. Agriculture in the wetland buffer, consistent with best management practices published by the NH Department of Agriculture, Markets and Food.
5. Forest management in the wetland buffer, consistent with best management practices published by the NH Department of Resources and Economic Development and UNH Co-

operative Extension.

## G. PROHIBITED USES

The following uses may not be established or expanded within the Wetlands Conservation Overlay District:

1. Structures, except as provided in Section H: Conditional Uses.
2. Salt storage.
3. Automobile junkyards.
4. Solid or hazardous waste facilities.
5. Use of fertilizer on lawns, except lime or wood ash.
6. Bulk storage or handling of chemicals, petroleum products or hazardous materials.
7. Sand and gravel excavations.
8. Processing of excavated materials.
9. Impervious surfaces, unless associated with a use approved as a Conditional Use.
10. Activities which result in soil compaction such as parking vehicles or heavy equipment, unless associated with a use approved as a Conditional Use.
11. Underground tanks.

## H. CONDITIONAL USES

All activities in the Wetland Conservation Overlay District not listed in Section F, Permitted Uses, above are presumed to impair the wetland functions and values unless proven otherwise by the applicant as provided below. After review and recommendation by the Conservation Commission, the following uses may be granted a Conditional Use Permit by the Planning Board:

1. Accessory structures in the wetland buffer associated with legally preexisting primary structures if it is demonstrated that no practicable alternative exists elsewhere on the lot.
2. The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, and utility right of way easements including power lines and pipe lines, if essential to the productive use of land adjacent to the Wetlands Conservation Overlay District. These uses shall be located and constructed in such a way as to minimize any detrimental impact upon the wetlands and consistent with state recommended design standards (per the NH Fish and Game Department), and only if no viable alternative is available.
3. Agricultural activities consistent with best management practices as published by the NH Department of Agriculture Markets and Food.
4. Forestry activities consistent with best management practices as published by the NH Department of Resources and Economic Development and NH Cooperative Extension. As specified in Logging Operations (Env-Wt 304.05), all skid trails, truck roads and log land-

ings shall be located 50 feet from streams or ponds and designed using appropriate erosion control devices. Stream and wetlands crossings shall be kept to a minimum in size and number.

5. Water impoundments for the purpose of creating a water body for wildlife, fire safety, or recreational uses. Conditional Use Permits may be granted for impoundments for on-site detention of stormwater runoff in buffers only.
6. Disposal of snow and ice collected from roadways and parking areas.
7. Other uses that the applicant proves will not interfere with the wetlands functions and values, water quality or value as wildlife habitat, pursuant to Section II.

#### I. OTHER PROVISIONS

Wetland areas may be used to fulfill no more than 25 percent of the minimum lot size, provided that the non-wetland area is sufficient in size and shape to adequately accommodate all required utilities such as sewage disposal and water supply.

#### J. CONDITIONAL USE PERMIT

1. Application for a Conditional Use Permit shall be on forms supplied by the Planning Board and shall include a site plan on one or more sheets at a scale of 1" = 100' or larger, with information the Planning Board deems necessary to make an informed decision, which may include:
  - a. North arrow and date.
  - b. Property lines.
  - c. Locus map showing adjacent wetlands and other significant hydrological features.
  - d. Names and addresses of abutting property owners and holders of conservation restrictions and easements.
  - e. Wetland limit and wetland buffer.
  - f. Soil types.
  - g. Vegetation types.
  - h. Topographic contours at no greater than 5 foot intervals.
  - i. Surface drainage patterns, intermittent and year-round.
  - j. Existing and proposed development, removal of vegetation, and alteration of the land surface.
  - k. Computation of the area to be impacted, in square feet of surface area and cubic yards of cut and fill.
  - l. Stormwater management proposed during and after construction.
2. The Planning Board shall refer the application to the Conservation Commission which shall consider all relevant facts and circumstances, and shall include its findings in its recommendations to the Planning Board that the project is both consistent with the purposes of this ordinance and minimizes impacts to the wetland and buffers, including but not limited to the

following:

a. The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers, including but not limited to the capacity of the wetland to:

1. Support fish and wildlife
2. Prevent flooding
3. Supply and protect surface and ground waters
4. Control sediment
5. Control pollution
6. Support wetland vegetation
7. Promote public health and safety
8. Moderate fluctuations in surface water levels.

b. The proposed activity will have no negative environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources, including:

1. Erosion
2. Siltation
3. Turbidity
4. Loss of fish and wildlife
5. Loss of unique habitat having demonstrable natural, scientific, or educational value
6. Loss or decrease of beneficial aquatic organisms and wetland plants.
7. Dangers of flooding and pollution.
8. Destruction of the economic, aesthetic, recreational and other public and private uses and values of the wetlands to the community.

c. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetland or its buffer.

d. The proposed activity utilizes applicable best management practices.

e. Federal and/or state permit(s) have been received for the proposed activity in accordance with N.H. Administrative Rules Env-Wt 100-800 and the Federal Clean Water Act Section 404 Permit.

f. Where applicable, proof of compliance with all other state and/or federal regulations has been received.

3. The Conservation Commission, in considering an application for a conditional use permit in the Wetlands Conservation Overlay District, may recommend conditions be attached to its approval including but not limited to requirements for more extensive buffers, additional plantings in areas to be revegetated, performance guarantees, and a reduction in proposed impervious surfaces.

#### K. IDENTIFICATION OF BUFFER

The entire length of the upland limit of the wetland buffer shall be marked with highly visible



construction tape prior to, and maintained for the full duration of, any construction-related activities. The applicant may also be required to place a permanent monument (e.g., iron pin, granite bound) at all points of the lot lines which intersect with the upland limit of the Wetlands Conservation Overlay District prior to such activities. These monuments shall be shown on the site plan submitted with the application. The applicant may also be required to affix tape or other marks to trees or other durable objects (e.g., 4" x 4" wood posts) at 50 foot intervals along the upland boundary of the Wetlands Conservation Overlay District, and maintain said markings as needed to provide evidence of the upland side buffer boundary.

Section 605. GROUNDWATER PROTECTION OVERLAY DISTRICT (3/14/89) (3/13/01)  
(3/12/02) (03/08/11)

A. AUTHORITY

The Groundwater Protection District is established pursuant to the authority granted pursuant to RSA 674:16, Grant of Power, and RSA 674:21, Innovative Land Use Controls.

B. PURPOSE

The purpose of this ordinance is in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.

The purpose is to be accomplished by regulating land uses which could contribute pollutants to designated wells and/or aquifers identified as being needed for present and/or future public water supply.

C. GROUNDWATER PROTECTION DISTRICT

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the areas shown as having a "high potential to yield groundwater." The Easton Groundwater Protection Overlay Map references are:

- U.S. Geological survey and N.H. Department of Environmental Services, Survey of Stratified Drift Aquifers, as amended
- U.S. Department of Agriculture, Natural Resources Conservation Service, Level 6 Hydrologic Unit Boundaries for New Hampshire, as amended

D. APPLICABILITY

This ordinance applies to all uses in the Groundwater Protection District except for those uses exempt under Section 605.K. (exemptions) of this ordinance.

E. PERFORMANCE STANDARDS

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Section 605.K.:

1. For any use that will render impervious more than 15 percent or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the planning board determines is consistent with New Hampshire Stormwater Manual Volumes 1-3, as amended , NH Department of Environmental Services.
2. Conditional uses, as defined under Section 605.I. shall develop stormwater management and pollution prevention plans and include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA, as amended ). The plan shall demonstrate that the use will:
  - a. Meet minimum stormwater discharge setbacks between water supply wells and

- constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post-Construction) Stormwater Management, (DES, 2008 or later edition);
- b. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
  - c. Stipulate that expansion or redevelopment activities shall require and amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);
  - d. Maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.
3. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture Markets, and Food, July 2008, and any subsequent revisions:
  4. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains:
  5. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner:
  6. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
  7. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
  8. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
  9. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules;
  10. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells;
  11. All transfers of petroleum from delivery trucks and storage containers over five gallons in

capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter;

#### F. SPILL PREVENTION, CONTROL and COUNTERMEASURE (SPCC) PLAN

1. Conditional uses, as described under Section 605.I.1., using regulated substances shall submit a spill control and countermeasure (SPCC) plan to the Emergency Management Director who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods, or fires that may cause large releases of regulated substances. It shall include:
  - a. A description of the physical layout and a facility diagram including all surrounding surface waters and wellhead protection areas.
  - b. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
  - c. A list of all regulated substances in use and locations of use and storage.
  - d. A prediction of the direction, rate of flow, and total quantity of regulated substance that that could be released where experience indicates a potential for equipment failure.
  - e. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

#### G. PERMITTED USES

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses. All uses must comply with the Performance Standards unless specifically exempt under Section 605.K.

#### H. PROHIBITED USES

The following uses are prohibited in the Groundwater Protection District:

1. The development or operation of a hazardous waste disposal facility as defined under RSA 147- A;
2. The development or operation of a solid waste landfill;
3. The outdoor storage of road salt or other deicing chemicals in bulk;
4. The development or operation of a junkyard;
5. The development or operation of a snow dump;

6. The development or operation of a wastewater or septage lagoon;
7. The development or operation of a petroleum bulk plant or terminal;
8. The development or operation of gasoline stations:

#### I. CONDITIONAL USES

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:

1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention control and countermeasure (SPCC) plan, in accordance with Section 605.F., is approved by the local Emergency Management Director;
2. Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater;
3. Any activities that involve blasting of bedrock.

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use (as listed in Section 605.H. of this ordinance) and will be in compliance with the Performance Standards in Section 605.E. as well as all applicable local, state, and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

#### J. EXISTING NONCONFORMING USES

Existing nonconforming uses may continue without expanding or changing to another nonconforming use, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules.

#### K. EXEMPTIONS

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

1. Any private residence is exempt from all Performance Standards;
2. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from Section 605.E. Performance Standards 5. through 8.;
3. Storage of heating fuels for on-site use or fuels for emergency electric generation,

provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 605.E.5.;

4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Section 605.E. Performance Standards 5. through 8.;
5. Storage and use of office supplies is exempt from Section 605.E. Performance Standards 5. through 8.;
6. Temporary storage of construction materials on a site where they are to be used is exempt from Section 605.E. Performance Standards 5. through 8. if incorporated within the site development project within six months of their deposit on the site;
7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;
8. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401:03 (b) (1) and 501.01 (b) are exempt from Section 605.E. Performance Standards 5. through 8.;
9. Underground storage tank systems and above ground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section 605.M. of this ordinance

#### L. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS

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

#### M. MAINTENANCE AND INSPECTION

1. For uses requiring Town approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Grafton County. The description so prepared shall comply with the requirements of RSA 478:4-a;
2. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by a designated agent of the Select Board at reasonable times with prior notice to the landowner;

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

Section 606. STEEP SLOPES, HILLSIDE & RIDGELINE DEVELOPMENT OVERLAY DISTRICT (3/14/89) (3/13/01) (3/8/11) (3/10/20)

A. Purpose and Intent

The purpose of the Steep Slopes, Hillside & Ridgeline Development Overlay District (SHRD) is to protect the scenic and ecological resources associated with lands characterized by higher elevations, steep slopes, and visual sensitivity in a manner that allows for carefully designed, low-impact development which retains the rural character of the Town of Easton.

1. Prevent soil erosion.
2. Protect surface waters from sedimentation, turbidity, runoff of stormwater and effluent from sewage disposal systems.
3. Preserve forests and other vegetative cover.
4. Protect wildlife habitats and natural areas
5. Preserve scenic views and ecological balance.

B. District Boundaries

1. Steep Slopes, Hillside & Ridgeline Development Overlay District Definition

The Steep Slopes, Hillside & Ridgeline Development Overlay District is defined as:

- any areas with an average slope exceeding 15%,
- any areas located above the 1300 foot contour level,
- any knolls of higher land where development would interrupt the natural forested condition of a ridgeline viewed from anywhere on a class 5 road or better.

2. Relation to Other Districts

Where SHRD is superimposed over another zoning district, the more restrictive regulations shall apply,

3. SHRD incorrectly delineated

Where it has been determined that an area has been incorrectly delineated as a SHRD area, or that an area not so designated was subsequently found to meet the criteria for SHRD designation, the Zoning Board of Adjustment shall determine whether the regulations contained in this provision shall apply.

C. Development Requirements in the SHRD

1. Preliminary Review is required for development and/or building in the SHRD.
2. Review by the Planning Board is required prior to the registration of a sub-division or the issuance of a building permit in the SHRD.

3. The applicant shall schedule a meeting with the Planning Board to review the site development plan. The Planning Board may authorize a committee which shall include a member of the Planning Board, a member of the Select Board and a member of the community, or appoint one member of the Planning Board alone to conduct a preliminary review. The purpose of the preliminary review is to evaluate the conceptual development plans, including the location and general character of the site and to provide the applicant with clear direction regarding the submission materials needed for review under these regulations. The conclusion of the preliminary review will be within 31 days of the first preliminary meeting with notification to the applicant in writing and including the appropriate sub division application or the building permit application as requested.

4. The Board of Selectmen and the Planning Board shall work constructively to aid any applicant for sub division and/or building in the SHRD in the preliminary planning stages to submit a plan which is in harmony with the SHRD regulations.

5. If a sub-division application is appropriate, submission and consideration will be in accordance with notification, advertising and hearing as per regulations for any other subdivision type.

6. In order to minimize impact, the following may be required:

- a. Grading plan: Plat displaying existing and proposed contours at a maximum of 5' intervals for the area surrounding the area of proposed development, such area to be of sufficient size to show relationship of the development to the surrounding terrain.
- b. Lighting Plan showing location, type and height of all exterior lighting (including security lighting) is to be shown on the plan. Lighting studies may be required and would include photometric analysis of exterior lighting as well as a review of any impact interior lighting may have on nighttime visibility through windows, such as the visibility of light through the building fenestration.
- c. Visibility studies: Viewshed analysis, line of sight sections, site photography, and other means to assess impact of the proposed application may be required. On site measures such as ply wood and pole mock-ups, and survey tape layout of site elements may also be required in the event the site is deemed to be sensitive by the Planning Board.
- d. Stormwater Management/Erosion Control Plan: An adequate stormwater drainage and erosion control plan, prepared by a registered New Hampshire engineer, shall be requested when the average slope of the site is steep/severely steep, that is greater than 15%, or there are major headwater streams and/or major drainage areas and water ways located on the site.
- e. Architectural Plans and Renderings: Building design drawings clearly depicting all proposed structures to scale and their locations on the site in relation to the physical and natural features on the parcel, including the proposed grade of the building area and finished floor elevations. Drawings should clearly display building elevation and architectural design: building materials, exterior colors and window fenestration. All structures proposed, including outbuildings and garages are to be shown.



- f. Landscaping Plan: A Landscaping plan which shows all existing vegetation designating what is to be preserved and/or installed, along with other landscaping elements such as gazebos, berms, walls, etc. Special attention should be given to existing/proposed vegetation adjacent to buildings for visibility and screening purposes (within at least 30'). A species list of existing vegetations and a plan for the maintenance of the existing and proposed landscape should be included. Such a plan shall address specific measures to be taken to ensure the protection and survival, and if necessary, replacement of designated trees during and after the construction and/or installation of all site improvements.
- g. Access Plan: A plan including existing roads, ROW's and trails: proposed roads, driveways, trails, walks, paths, parking areas etc: Such a plan would include proposed paving materials, slopes of proposed access routes and erosion control measures. This plan might be combined with the Stormwater Management/Erosion Control Plan and should include road profiles as well.
- h. Slope Analysis (prepared pursuant to Section E; Density Analysis, below)

D. Technical Assistance: The Planning Board and/or the Board of Selectmen may seek the assistance of technical experts, such as licensed engineering or architectural professionals, to provide independent analysis related to specific applications. Such experts will be compensated by the applicant according to standard competitive rates locally accepted.

E. Density Analysis: Prior to submitting an application for subdivision, the applicant shall complete a slope-density analysis to determine the allowable density for the subject lots. Such analysis shall include a lot elevation map highlighting the areas of the lots having a slope less than 15%, as well as the percentage of area highlighted per lot. Lots with a surface area of less than 15% slope over or equal to half of the lot shall have a minimum lot size of three (3) acres. Lots with a surface area of greater than 15% slope over half of the lot shall have a minimum lot size of six (6) acres. In all cases, each lot shall have at least one contiguous acre that is of less than 15% slope. The lots are subject to State and Town building requirements in force at time of approval. (03/12/19)

### Standards and Guidelines

- A. General Requirements: To protect the unique and environmental character of those areas of Easton within the SHRD, especially those characterized by steep slopes, prominent knolls, ridgelines and significant focal points, all development shall be designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and physical environment of the Town.
- B. Designation of Vantage Points: For the purposes of the SHRD, vantage points shall be defined as maintained (class 5 or higher) public roads, state highways and municipal properties. In reviewing projects to determine compliance with these standards, and to identify appropriate mitigation to ensure that a project does not result in an undue adverse impact of scenic resources, the Planning Board shall consider the relative importance of the vantage point from which the project is visible (affected vantage points). Such consideration shall include the number of affected vantage points; the volume of traffic using the affected roads or highways; length of time that a project would be viewed by motorists

traveling on the affected roads or highways; the project's distance from the affected vantage points; and, the visibility of the project from vantage points typically used by pedestrians and/or serving as public observation points.

- C. Standards and Guidelines: The following is a list of Standards, Guidelines and accompanying illustrations (located in the Appendix) and are the basis for guiding development in a visually and environmentally sensible way within the overlay district without an undue impact to scenic and environmental resources. "Adverse" indicates a negative impact on an identified resource. "Undue Adverse" indicates that the proposed development violates one or more Standards set forth in this Ordinance and that the impacts cannot be mitigated.

Standards are statements that express the development and design intentions of this overlay district. All development within this district must comply with these standards. The Standards reflect the visual and environmental concerns of the community in relation to the Town's hillsides and ridgelines.

Guidelines are instructive in nature. They suggest a variety of means by which the applicant might comply with the standards. The options for compliance are not limited to the guidelines listed, but the applicant can use the list to aid in the design process.

Illustrations graphically portray the prescriptions and concepts conveyed in both the Standards and Guidelines and are found in the Appendix at the end of this Ordinance.

### Site Development and Environmental Protection

Standard 1.1 All development, including grading, clearing and construction of driveways, shall provide for the retention of native top soil, stabilization of steep hillsides, prevention of erosion, and consequent sedimentation of streams and watercourses. Peak stormwater discharge from the site after development shall not exceed pre-development levels for a two (2) year/twenty four (24) hour storm event and existing drainage patterns will not be altered in a manner to cause and adverse impact on neighboring properties, town highways or surface waters.

Guideline 1.1 On Steep slopes, clearing should be avoided to prevent erosion resulting from storm water runoff, and in areas where streams and intermittent watercourses are found, a buffer (s) area should be established to limit sedimentation or other adverse impacts on water quality. Prior to groundbreaking the area to be disturbed must be delineated by tape and approved by the building inspector and/or Selectmen.

Guideline 1.2 The flattest portion of the site should be used for locating house sites, subsurface sewage disposal systems and parking areas. (See illust. A1 & A2)

Guideline 1.3 Existing vegetative buffers should be employed as filter strips or employ vegetative stabilization methods where necessary.

Guideline 1.4 Lot coverage and building footprints should be minimized and development clustered, all to minimize site disturbance and preserve large areas of undisturbed space. (See illust. A3)

Standard 2. Subsequent to the application for a subdivision permit or a building permit within the SHRD, forest management and timber harvesting shall, at a minimum, adhere to guide lines included in the *“Best Management Practices for Forestry: Protecting New Hampshire’s Water Quality”*.

Guideline 2.1 Forest management should maintain the appearance of an unbroken forested canopy as viewed from off-site, should protect aesthetic resources and wildlife habitat, and provide for sustainable ongoing management of forest resources. (See Illus. A4)

Standard 3. Forest management activities designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house sites and septic systems or related work, shall be reviewed by the Planning Board under these regulations.

Where a landowner fails to submit predevelopment site preparation plans to the Planning Board or the Select Board in relation to a building permit application, The Planning Board or the Select Board must limit development to the non-impacted portion of the property and/or require the site to be restored or vegetated prior to development.

Pre-development site preparation without pre-development consultation with the Planning Board shall not constitute “significant development” in any considerations by the Zoning Board of Adjustment, Board of Selectmen or other authority.

Guideline 3.1 Prior to implementing a forest management plan, the landowner should review the plan with the Planning Board to ensure that forest management activities and future development plans are consistent with the standards set forth in this ordinance.

Standard 4. Development shall not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique property features. All efforts will be made to protect/preserve such areas and promote suitable buffers.

Guideline 4.1 Development should be clustered away from fragile environments (see Illust. A5).

Guideline 4.2 If roads and bridges must be placed in wetlands, they should intersect the wetland at the narrowest part. (see illust. A6)

Guideline 4.3 Existing vegetation should be preserved and, as much as possible, parcels should remain with their undisturbed portions connected to one another.

Guideline 4.4 Buffer widths and setbacks from streams should be established, the width of which should increase with the steepness and the length of slopes, and the

width of the stream. A general rule is to keep a 50' setback from streams on lands with less than 15% slope, and on steeper slopes the buffer distance should increase as the slope increases. (See illust. A7)

### Landscape and Scenic Character

Standard 5. On a forested hillside, there will be no significant exposure of buildings, and all development shall be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where such planting is needed to visually interrupt the portion of structures visible from defined vantage points in all seasons.

Guideline 5.1 Clearing and forest management should be restricted to protect the unbroken forested backdrop. Generally, forest management will be limited to practices which maintain a forested appearance adjacent to buildings. (See illust. A8)

Guideline 5.2 Clearing of vegetation at the edge of the road should be minimal, clearing only as much necessary to clear a driveway entrance with adequate sight distance and proper drainage control. (See illust. B2)

Guideline 5.3 Clearing for views should be limited, with narrow view openings between trees and beneath tree canopies being desirable alternative to clearing large opening adjacent to building facades. View clearing should involve the selective cutting of small trees and the lower branches of large trees, rather than removing mature trees.

Guideline 5.4 On wooded sites, existing forest cover should be maintained adjacent to proposed building sites to interrupt façade of buildings, provide a forested backdrop to buildings and reduce or eliminate the visual impact of new development from vantage points. (See illust. B1)

Standard 6. Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows. (See illust. B3-B7)

Guideline 6.1 On parcels characterized by meadows, additional landscaping and/or reforestation may be employed immediately adjacent to proposed structures to interrupt the facade of buildings, provide additional trees as backdrop to buildings and/or soften the visual impact of new development from vantage points.

Guideline 6.2 Trees should be preserved or planted close to structures to provide screening and better blend into the wooded perimeter surrounding meadows.

Guideline 6.3 Buildings should be located outside of cleared meadows.

Guideline 6.4 Cleared meadows, reminiscent of historic hillside pastures, may be created but buildings should not be located in them (i.e. clearings should not frame and thereby draw attention to houses located on hillsides and ridgelines.)

Guideline 6.5 Using stone walls and hedgerows as property lines is recommended and existing stone walls and hedgerows shall be preserved wherever possible. Should additional landscaping be required, it should be consistent with existing patterns such as hedgerows.

Guideline 6.6 For both wooded and meadow sites, landscaping proposed for the project should be of native or naturalized hardy species consistent with vegetation types and patterns appropriate to the site and environs. Invasive, non-native species shall be avoided.

Standard 7. During construction, trees identified on the landscaping plan are to be protected.

Guideline 7.1 Tree protection measure taken during construction should include snow fencing 5' outside the drip line or, with approval, trunk protection and hay bale covering when construction work has to be within canopy.

Guideline 7.2 Trees should be saved undisturbed in groupings.

Guideline 7.3 Native excavated soils should be stockpiled. Where feasible, transplant existing vegetation, trees, shrubs and ground covers elsewhere on site or near to its original location.

#### Road and Driveway Access

Standard 8. See Section 810.

Guideline 8.1 Wherever feasible or appropriate, retain and reuse old farm roads, town roads and trails instead of constructing new roads or driveways to minimize clearing and disruption of the landscape and relate to traditional and historic land use patterns.(See illust. C2)

Guideline 8.2 Applicant should try to minimize crossing of steep slopes with roads and driveways and should avoid roads "against" the contours; follow contour of the land.

#### Building Design

Standard 9. Development will not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points. (See illust. D1)

Guideline 9.1 Buildings and structures should not be sited on high points, outcroppings or prominent knolls within the project site. (See illust. D1)

Guideline 9.2 When building on slopes, the preference is to set the buildings into the topography using partial earth sheltering. Try taking advantage of the topogra-

phy by building multi-level structures with entrances on more than one level (i.e.: walk-out basements, garages under buildings.)(See illust. D2)

Standard 10. The massing of a project (a single building or a group of buildings) shall be designed to minimize visual impacts and contribute to, harmonize with, the scenic quality of the surrounding landscape.

Guideline 10.1 Building materials, exterior colors and fenestration that minimize year round visibility, reflectivity, and night-time light impacts should be selected. Oversized picture windows and large expanses of glass should be avoided or the visual impacts mitigated by dividers or other architectural design elements.

Guideline 10.2 A variety of volumes, roof planes and wall planes would be incorporated within a building project.

Guideline 10.3 The main roof line (ridges and eaves) of individual buildings should be broken and varied to reduce the building's visual scale.

Guideline 10.4 The surface of vertical walls should be modulated to avoid single monolithic shape and/or to reduce the visual scale of buildings.

Guideline 10.5 Building design should reflect the natural patterns of the site and should be well integrated with site design and landscaping.

Guideline 10.6 Building design should be well integrated into the surrounding neighborhood and be in keeping with the character of the area.

Standard 11. Off-site light impacts shall be minimized. Outdoor lighting shall comply with the standards contained in Section 804

Guideline 11.1, The use of reflective surfaces and outdoor lighting fixtures higher than 15' should be minimized to limit visibility of the development from off-site. Bollard, low post lighting and low level, indirect lighting is recommended. Spot or flood lights should be avoided and all fixtures certified to be "dark Sky certified". (See illust. D3)

Guideline 11.2 Creative lot layout may also serve to limit off-site glare, visibility and night sky pollution by laying out buildings and structures that shield light fixtures from viewing areas. (See illust. D4)

### Development Density

Standard 12. The minimum area for all lots in existence prior to August 1, 2010 shall be as established for the underlying district.

Guideline 12.1 Where possible, development should take place on the portions of a lot where the slopes are less than 15%. No development should take place where the slope is greater than 20%.

### Pre-Existing Lots

In the case of lots created prior to August 1, 2010, compliance with the standards of this SHRD overlay district shall be achieved to the extent that it is possible while still allowing for reasonable use of the pre-existing lot.

## Section 607. FLOOD HAZARD ZONE.

1. The purpose of this zone is to promote and protect the health, safety and general welfare of the Town by providing reasonable regulations for the use of the flood hazard areas.
2. Pursuant to RSA 674:57, by resolution of the Town of Easton Selectmen), all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Grafton, NH" dated February 20, 2008, together with the associated Flood Insurance Rate maps dated February 20, 2008, are declared to be part of the Easton Zoning Ordinance and are hereby incorporated by reference. (3/9/2010) In all cases the most current updates of maps and references shall apply.

3. Permitted Uses.

The following uses shall be permitted within this zone, provided that they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect or unduly restrict the capacity of the channels or floodways, or raise the level of flood waters, or reduce the pooling areas of the flood plain.

- a. agricultural uses and forestry activities;
- b. residential accessory uses such as yards, gardens, parking areas, and play areas;
- c. public works such as road crossings and utilities.

4. Special provisions

- a. There shall be no expansion of present non-conforming buildings or septic systems, except to correct malfunctions of septic systems (improvements to systems shall include relocation or features which will minimize their impairment or contamination during flooding).
- b. Existing non-conforming buildings within this zone damaged or destroyed may be replaced or repaired within two years after such damage or destruction provided they comply with the minimum standards of the National Flood Insurance Program contained in the Code of Federal Regulations 59.1, 60.3 and 60.6, as amended. (3/10/98) (3/9/2010)
- c. A watercourse alteration or relocation may be approved only:
  - i. after notifying the Wetlands Bureau of the New Hampshire Department of Environmental Services and submitting copies of such notification to the Selectmen, in addition to the copies required by RSA 482-A:3, submitting said notification to those adjacent communities as determined by the Selectmen, including notice of all scheduled hearings before the Wetlands Bureau. (3/9/2010)
  - ii. after the applicant has submitted to the Selectmen certification provided by a registered professional engineer assuring the flood-carrying capacity of the watercourse can and will be maintained. (3/9/2010)
- d. All necessary State and Federal permits shall be submitted to the Selectmen prior to the issuance of a building permit

5. Variances and Appeals (3/9/2010)

- a. Any order, requirement, decision or determination of the Selectmen made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.



- b. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
  - i. the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
  - ii. if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
  - iii. the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. The Zoning Board of Adjustment shall notify the applicant in writing that:
  - i. the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - ii. such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

- d. The community shall:
  - i. maintain a record of all variance actions, including their justification for their issuance; and
  - ii. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

**ARTICLE 7: LOT SIZE AND AREA REGULATION**

**Section 701. Lot Size.** Each lot shall be a minimum of 3 acres.

The planning board may approve reduced lot sizes, frontage requirements, and/or setbacks in accordance with the following provisions:

**I. PURPOSE**

Lot size averaging permits flexibility in subdivision design to promote the most appropriate use of land and the protection of productive agricultural or forest land, scenic views, historic sites, shorelines, wetlands, hillsides, important habitat areas, and other resources of importance to the community, while minimizing the alteration of the natural topography of the land, in accordance with the goals and objectives of the master plan.

**II. APPLICABILITY**

The minimum acreage for a lot size averaging subdivision plan shall be determined by buildable lot.

**III. DENSITY**

The total number of lots approved will be determined based on the number that would be otherwise approved under a conventional subdivision plan. The applicant may choose to either:

1. Submit a concept plan showing lots, road rights-of-way, and storm water management areas, and any other areas which would not be incorporated in individual lots as necessary to meet the usual minimum standards for the district without the need for any lot area or lot dimension variances, and accounting for development limitations such as steep slopes, wetlands, septic suitability, available water supply, adequate driveway access to each lot, and compliance with the Town subdivision regulations, or
2. After accounting for areas that must be subtracted from the acreage figure utilized to calculate the developable area pursuant to other sections of this ordinance if any, subtract a percentage of the property in accord with the table below to account for roads, drainage and other utilities prior to dividing by the minimum acreage required per unit for the district.

<b>Zoning District Lot Size</b>	<b>% Deduction for Roads and Utilities</b>
5-10 Acres	5%
1.5 – 4.5 Acres	10%
1 Acre or less	15%

**IV. DIMENSIONS AND ARRANGEMENT OF LOTS**

The minimum lot size, 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 sup-

port on-site wastewater disposal and wells, safety of access, traffic and pedestrian circulation, impervious surface, and other issues relating to the future use and enjoyment of the property.

The factors considered by the planning board when evaluating the proposed arrangement of lots shall include, but not be limited to, the following:

- Arrangement of roads, storm water facilities, wastewater and other utilities in conformance with the natural features of the parcel, minimizing changes to the topography.
- Minimization of impervious cover.
- Protection of stream corridors and other important habitat areas.
- Protection of wetlands.
- Feasibility of continued or future agricultural use.
- Feasibility of continued or future forest management.
- Relationship to neighboring property, including conservation easements, or natural, cultural, recreational or scenic features.

In no case will lots smaller than one acre be permitted. The setbacks from abutting properties not part of the application shall not be reduced. Front 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.

#### V. PERMANENTLY PROTECTED AREA

The lot size averaging plan will concentrate development away from the most important resource areas and from those areas of the property that are most environmentally sensitive as described in Section I.

For each lot less than the minimum size normally required for the district, one or more lots larger than the minimum shall be provided in order to maintain an average lot size no smaller than the minimum lot size normally required for the district. Permanent protection from further development shall be provided for an area equal to or exceeding the sum of the areas by which individual lots are reduced below the minimum normally required for the district. Further subdivision, or use for other than one dwelling unit, noncommercial outdoor recreation, conservation, agriculture, forestry or other principle use or building as otherwise permitted by the zoning ordinance, shall be prohibited. The protected land shall be shown on the final plat and the conservation restriction recorded with the Register of Deeds.

#### VI. MANAGEMENT OF PERMANENTLY PROTECTED AREA

Pursuant to RSA 674:21-a, planning board approval of a final lot size averaging subdivision plan shall result in the creation of a conservation restriction incorporating the conditions of approval, including the maximum number of lots and the location, size and permissible uses of the land area that is to remain undeveloped. If the undeveloped area is to be held in common, all covenants, deed restrictions, organizational provisions for a homeowner's association or equivalent, and any other agreements regarding the method of ownership, management or maintenance of the protected area shall be established prior to planning board approval of the subdivision plan. By mutual agreement of the planning board and subdivider, the conservation restriction may take the form of a con-

ervation easement to the town/city or private conservation group, or other instrument approved by the planning board. (03/08/2011)

Section 702. Frontage. Any lot shall have a minimum frontage thereon of 250 feet.

Section 703. Setback. Every structure placed on a lot shall be at least 50 feet from the nearest edge of the right of way on any road.

Section 704. Side and Rear Yards. Every structure placed on a lot shall be at least 50 feet from the side and rear property lines.

Section 705. Height. No structure shall exceed 35 feet in height. This limit does not apply to accessory uses such as TV and radio antennas, flagpoles, roof-top satellite dishes, Telecommunications Facilities granted a Conditional Use Permit pursuant to Section 809 (3/9/21), or small wind energy systems as defined in RSA 674:62. (3/8/88)

## **ARTICLE 8: GENERAL REGULATIONS**

### **Section 801. HOME OCCUPATIONS**

Definition: A home occupation is an accessory use of a dwelling unit or other accessory structure on a residential lot that involves the on-site manufacture of goods or provision of services, and limited sales of goods produced on site. In addition, a home occupation must meet the standards listed below.

Standards: The standards, further define acceptable home occupations, are intended to insure compatibility with other permitted uses, and to make certain that the home occupation is secondary or incidental to the residential use of the property.

1. There shall be no exterior evidence of the conduct of a home occupation except as other standards allow. The principal character of residential use shall not be changed by the home occupation.
2. A home occupation shall be conducted only within the enclosed living area of the dwelling unit or within an accessory structure, limited in area by the following:
  - a. The home occupation to be located in a dwelling unit shall not occupy more than 25 percent of the total floor area of the dwelling unit.
  - b. The home occupation to be located within an accessory structure shall not occupy more than 50 percent of the combined total floor area of the dwelling unit and the accessory structure.
  - c. The area to be occupied by sales of goods produced on site shall not exceed 250 square feet of the total space allocated to the home occupation area in a dwelling or accessory structure.
  - d. Total floor area is defined as follows: the sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls, and not including cellars, attics, porches, etc.
3. The home occupation shall be carried on by persons who live in the home full time. Two employees living off premise are permitted.
4. One unlighted sign, not to exceed six square feet, shall be allowed.
5. The home occupation shall not generate unreasonable effects from traffic, parking, noise, vibration, glare, fumes, odors, artificial lighting or electrical interference.
6. Adequate off-street parking must be provided
7. No storage of materials, goods, supplies, or equipment related to the home occupation shall be visible from the abutting properties and roads.

### **Section 802. OFF-STREET PARKING**

Adequate off-street parking shall be provided for all uses.

### **Section 803. SIGNS**

- (a) No sign shall exceed six (6) square feet in size.
- (b) No signs, billboards, or exterior graphic display shall be permitted except in conjunction with the use and/or sale of the land upon which the sign is located.
- (c) Signs shall not project over public right of way.
- (d) Each commercial sign permitted in Town (except

for home occupations) may be illuminated on each side with no more than one white light per side, with the intensity of the light not to exceed 750 lumens. The lights shall not flash and shall be positioned so as to direct the light away from roads and abutting residential structures.

(e) Off-premise signs may be permitted as special exceptions, except that in the case of a single "House For Sale" sign, the following simplified procedure shall be followed: "The Applicant, with written permission of the person on whose land the sign would be located, may apply, on a form acceptable to the Selectmen, for permission to erect, for a period of six months, a single "House For Sale" sign that conforms in all respects to the requirements of this Section. The Selectmen may, at the end of any six month period, extend permission for the sign's placement for an additional period of six months. The Selectmen shall have the authority to revoke permission at any time; provided, however, that in the event that the Selectmen were to deny or revoke permission to erect such a sign, the Applicant may apply directly to the Zoning Board of Adjustment for a Special Exception."(03/12/96)

(f) No signs will be allowed which advertise establishments located outside of Easton.

#### Section 804. ILLUMINATIONS (3/13/01)

1. Exterior lighting shall be so arranged and shielded as to prevent direct glare from the light source onto any public street or onto other property.
2. Flashing signs are prohibited.

#### Section 805. TEMPORARY STRUCTURES

On site temporary structures or trailers used in conjunction with construction work are permitted only during the period that construction work is in progress and in no event for longer than 6 months. This period may be extended by the Board of Adjustment on application.

#### Section 806. ACCESS ROADS

Every person who sells or attempts to sell a parcel of unimproved land for use now or in the future, as a building lot, shall, if said parcel does not have direct access to a state, town or other public road, first submit to the Planning Board plans or blueprint showing the parcel to be sold as well as all proposed roads and/or rights of way giving access to said parcel from a road open to public use.

If such roads, or rights of way provide, in the opinion of the Planning Board, a means of practical, usable access to the parcel for the owner and for the supplying of municipal services, the Planning Board shall approve the same.

Section 807. EXCAVATIONS (3/13/01)

In addition to the requirements of RSA Chapter 155-E, the following additional provisions shall apply to the removal of fill, gravel, stone or loam for commercial purposes

1. Upon a predetermined date of completion and within one month of completion the area is made safe and sightly by grading, leaving no slope greater than two to one, nor any possibility of standing water and/or where found more desirable by the Building Inspector, through fencing in the area of excavation, and providing with suitable ground cover to prevent erosion.
2. A bond is posted with the Treasurer of the Town of Easton by the applicant in an amount approved by the Building Inspector as sufficient to guarantee conformity with the Provisions of sub- section 1 of this section.

Section 808. BONDING FOR DEVELOPERS

A developer of land shall post a bond with the Treasurer of the Town of Easton, in the amount approved by the building inspector to guarantee installation and completion to the satisfaction of the Planning Board, of necessary roads, utilities and services, before a proposed subdivision plan is approved or before a building permit is issued.

Section 809 TELECOMMUNICATIONS FACILITIES (3/9/21)

Section 809.1 Purpose

The purpose of Section 809 is to:

- (d) Preserve the authority of the Town of Easton to regulate and provide for reasonable opportunity for the siting of wireless telecommunications facilities enabling the applicants to provide such services to the community quickly, effectively, and efficiently.
- (e) Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of telecommunications facilities.
- (f) To further the vision and uphold the policies and recommendations of the Town of Easton's Master Plan.
- (g) Protect the historic, cultural, natural, and aesthetic resources of the town and property values therein by minimizing the adverse impacts of telecommunications facilities.
- (h) Locate telecommunications facilities and/or antennas in a manner which promotes the general safety, health, welfare, and quality of life of the residents of the town of Easton and those who visit.
- (i) Encourage the use of collocation, camouflaged facilities, monopoles, and construction of facilities with the ability to serve multiple providers.
- (j) Permit the construction of new ground-mounted towers where all other reasonable opportunities have been exhausted.
- (k) Provide constant maintenance and safety inspections for any and all facilities.
- (l) Provide a mechanism for the Town to remove towers to protect the citizens from imminent harm and danger.

Section 809.2 Applicability

The provisions of Section 809 apply to all construction, installation, maintenance, inspection, expansion and removal of telecommunications facilities within the town of Easton.

The following are exempt from the provisions of this Ordinance:

- A. Temporary wireless telecommunications facilities:
  - a. Used for emergency communications by public officials.
  - b. Designed for use while a permitted permanent wireless facility is under construction.
  - c. Used for a special event or conference as approved by the Select Board.
- B. Amateur (ham) radio services licensed by the F.C.C.



### Section 809.3 Definitions

Unless as otherwise defined below, definitions for terminology utilized within Section 809 will be the same as the “Definitions” used within the current State of New Hampshire RSA 12-K and the current Telecommunications Act of 1996 or in ARTICLE 3. DEFINITIONS. If any definitions within Section 809.3 are defined in the current State of New Hampshire RSA 12-K and current Telecommunications Act of 1996, or as amended, the more current definition will apply.

ANSI/TIA: American National Standards Institute / Telecommunications Industry Association.

Average Tree Canopy Height: The average height found by inventorying the height above ground level of all trees over 20 feet in height for a radius of 150 feet from the base location of the proposed tower prior to construction.

Camouflaged: Telecommunications facilities that are disguised, hidden, part of an existing or proposed structure, placed within an existing or proposed structure, or designed to blend into the surrounding environment. Examples include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light or flag poles, and structures designed to resemble natural features such as trees or rock outcroppings.

Collocation: The placement or installation of new PWSFs on existing towers or mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting the attachment of PWSFs in compliance with applicable NH State Building Codes. “Collocation” does not include a “substantial modification”.

EPA: Environmental Protection Agency.

Equipment Shelter: An enclosed structure, cabinet, shed, vault, or box near the base of a mount within which is housed equipment for PWSFs, such as batteries and electrical equipment.

FAA: Federal Aviation Administration.

Fall Zone: A safety area surrounding a telecommunication facility equaled to 200% of the tower height.

FCC: Federal Communications Commission.

Fresnel Zone: The envelope around line-of-sight radio signal which should be free of interfering objects, such as branches, to minimize interference with the signal.

Guyed Telecommunications Facility: A lattice or other telecommunications facility that is secured to the ground or other surface by diagonal cables for lateral support.

Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.

Non-Conforming Telecommunications Facility: Any telecommunications facility which is not in conformance with the requirements of this Ordinance, but that existed lawfully prior to the adoption, revision, or amendment of this Ordinance.

Propagation Maps: Coverage maps that indicate the service areas of radio communications transmitting stations including but not limited to telecommunication facilities.

Provider: An entity providing telecommunications services to individuals or institutions.

PWSF: Personal wireless service facility" or "PWSF" or "facility" means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services. A PWSF includes the set of equipment and network components, exclusive of the underlying tower or mount, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide personal wireless services.

Scenic View: A wide angle or panoramic field of sight that may include natural and/or human-made structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a faraway object, such as a mountain, or a nearby object, such as an historic building.

Side-mounted: Mounted on the side of a building or other structure.

Substantial modification: The mounting of a proposed PWSF on a tower or mount which, as a result of single or successive modification applications:

- (a) Increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by either more than 10 percent or the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or
- (b) Involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than 20 feet, or more than the width of the tower or mount at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower or mount via cable; or
- (c) Increases or results in the increase of the permitted square footage of the existing equipment compound by more than 2,500 square feet; or
- (d) Adds to or modifies a camouflaged PWSF in a way that would defeat the effect of the camouflage.

Tower: A guyed or self-supporting structure that is designed and constructed primarily for the purpose of supporting one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, internet, microwave, cellular, telephone, or similar forms of electronic communication.

Vantage Point: A point located on a public or private roadway, waterway, or path from which a proposed telecommunications facility will be visible.

#### Section 809.4 Conditional Use Permit

A. All telecommunications facility construction and/or substantial modifications shall require a Conditional Use Permit from the Planning Board. Applications for collocations on existing structures are exempt from Planning Board review and are instead subject to review by the Town's Select Board, pursuant to Subsection 809.07(B) of this Ordinance. The applicant shall provide and bear the expense for documentation to the Planning Board giving evidence of compliance with this Ordinance. The documents shall include, but not be limited to, the following:

1. Detail scaled plan and related documents in accordance with Subsection 809.4.D.
2. Written proof, such as a license, that the proposed use/telecommunications facility complies with the FCC regulations governing telecommunications facilities.
3. Propagation maps for the proposed tower, and drive test results supporting applicant's proposal.
4. Listing of all alternative sites considered along with each site's research documentation including, but not limited to, location, propagation maps, conversations with landowners, and reason why you rejected the site.
5. Results of a balloon test performed at the location and height of the proposed tower. Public notice must be provided no less than ten days prior to the balloon test. Photos must be provided and taken from various locations within a twenty (20) mile radius of the proposed tower.
6. Engineering information detailing the size and coverage required for the facility location.
7. For a new ground-mounted tower or antenna an inventory and map of all existing ground-mounted towers and antennas that are located within the town's jurisdiction and those within ten miles of the border thereof, including specific information about the location, height, design of each tower and/or antenna, as well as economic, regulatory, and technological feasibility for co-location on the inventoried towers and/or antennas.
8. Written evidence demonstrating that no existing ground-mounted tower or antenna can accommodate the applicant's proposed telecommunication facilities. This evidence shall consist of substantial evidence that:
  - a. No existing ground-mounted towers or antennas are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
  - b. Existing ground-mounted towers or antennas are not of sufficient height to meet the applicant's engineering requirements, and why.
  - c. The existing ground-mounted towers or antennas do not have sufficient structural strength to support the applicant's proposed telecommunication facility's related equipment.
  - d. The applicant's proposed telecommunication facilities would cause electromagnetic interference with the telecommunication facilities located on the existing ground-mounted towers or antennas, or the telecommunication facilities located on the existing towers or antennas would cause interference with the applicant's proposed telecommunication facilities.
  - e. The fees, costs, or contractual provisions required by the owner in order to share the existing ground-mounted tower or antenna are unreasonable. Costs ex-

ceeding new ground-mounted tower development are presumed to be unreasonable.

f. The applicant can demonstrate other limiting factors that render existing ground-mounted towers and antennas unsuitable.

g. Examples of supporting evidence to be provided by the applicant include but are not limited to propagation maps, drive test results that demonstrate need, coverage and capacity of services.

The Planning Board may have this information reviewed and independently tested and verified by an engineer hired by the Town for verification of any claims made by the applicant regarding technological limitation and feasibility for alternative locations. Cost for this review shall be borne by the applicant.

B. When reviewing an application for Conditional Use Permit the Planning Board shall follow the procedures contained in RSA 676:4 Board's Procedure on Plats and in RSA Chapter 12-k.

C. Timeline for Review:

The Planning Board shall act on Conditional Use Permit Applications within the time frames prescribed by Federal and State law, as those laws maybe amended.

The Planning Board must complete its review and issue a decision within:

- 90 days for applications to collocate a PWSF that constitute a substantial modification on an existing structure.
- 90 days for applications to construct a telecommunications facility that constitute a "small wireless facility" as defined by 47 C.F.R. 1.6002, as that law may be amended.
- 150 days for applications to construct a new telecommunications facility that does not constitute a "small wireless facility"

The Planning Board may notify the applicant for a Telecommunications Facility or PWSF with in 30 days of receipt of the application that the application is materially incomplete. The Planning Board's notice must clearly and specifically identify the missing information and documents. If the Planning Board provides such notice, the time frame for the Planning Board to complete its review does not run from the date the Planning Board provided notice that the application was incomplete but until the date that the applicant provides all requests, information and documents.

The applicant may agree to waive these deadlines for the Planning Board to complete its review and issue a decision.

D. Conditional Use Permit Application Requirements:

1. General. A project narrative detailing the proposed structures, number of proposed antennas, their height above ground level and placement on support structure; documentation of exploration of collocation potential; details of anticipated noise to be generated; demonstration of coverage need including existing and proposed facilities of the provider to be used in conjunction with the proposed facility; statement authorizing the Easton Planning Board and Select Board and their designees and agents to access the site for the purpose of reviewing this application, including for the purposes of a publicly noticed site visit, and for performing any inspection deemed necessary by either board or their

agents, to ensure conformance of the on-site improvements with the approved plan and all other applicable ordinances and regulations.

2. The application must identify the type of proposed facilities (i.e. collocation of a PWSF that does not constitute a substantial modification on an existing facility; collocation of a PWSF that constitutes a substantial modification on an existing facility; construction of a new telecommunications facility that constitutes a “small wireless facility”; or construction of a new telecommunications facility that does not constitute a “small wireless facility”) and the applicable deadline for the Town to complete its review and issue a decision.
3. Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue a Conditional Use permit.
4. Abutters list. A list of names and addresses of all abutters to the site, as defined by R.S.A. 672:3 as amended, as shown in the town records not more than five days before the day of filing the application with Planning Board.
5. Site Plan. A PDF and five 24” x 36” copies, one of which must be mylar, at a minimum scale of 1 inch to 100 feet, prepared, stamped and signed by a land surveyor or engineer licensed in the State of New Hampshire, containing:
  - a. A locus map at a minimum scale of one inch to two thousand feet showing the approximate location of the proposed telecommunications facility in relation to existing streets, water courses and water bodies, and other landmarks.
  - b. North arrow and bar scale.
  - c. A title block with title, property owner name and address, applicant name and address, scale of plan, and name, seal and address of preparer.
  - d. Surveyed property lines of the parcel showing their bearings and distances.
  - e. Area of entire parcel in acres and square feet.
  - f. Deed reference and tax map number.
  - g. Names of all abutting property owners, showing Map and Lot number as shown on the Town of Easton Tax Maps.
  - h. Required setbacks as defined within the Town’s Subdivision Regulations, Zoning Ordinances and Town Ordinances.
  - i. Proposed lease area.
  - j. Location and layout of existing and proposed structures and buildings. GPS coordinates of the tower and distances from at least 3 separate lot lines.
  - k. Existing and proposed contours at five-foot intervals for the entire site being considered for development showing existing contours as dotted lines and finished elevations solid.
  - l. Location and size of proposed signs, fencing, landscaping, screening and lighting.
  - m. Location, width and elevations of proposed access.
  - n. Location of existing and proposed utilities.
  - o. Location, elevation, and layout of catch basins and other surface drainage features.
  - p. Location of all physical/natural features such as water bodies, water courses, wetlands, vegetation/foilage lines, soils types, rock outcroppings and stone walls.
  - q. Fall zone.
  - r. Location of all structures within 200% of the height of the proposed facility.

6. Elevation drawings of the proposed support structure. including structure height, design and proposed materials; finish; base and methods of attachment.
7. Visual impact analysis including balloon test photos and visual simulations from public roads and trails.
8. A stormwater management plan providing adequate detail to demonstrate compliance with the appropriate applicable best management practices identified in Volumes 1, 2 and 3 of the "New Hampshire Stormwater Manual," current edition, published by NHDES. This shall include, for example, a drainage plan, including plans for retention and slow release of stormwater where necessary, and the location, elevation and site of all catch basins, dry wells, drainage ditches, swales, culverts, retention basins, and storm sewers. Indicate direction of flow through the use of arrows. Show the engineering calculations used to determine drainage requirements as well as the date and source for precipitation data. A plan for long-term maintenance of the stormwater facilities must be included.
9. For ground mounted PWSFs being sited within or near trees, a written report from a qualified forestry consultant providing average tree canopy height and method used to determine it.
10. Cost estimate from engineer licensed in the state of New Hampshire to form the basis for the security bond to include removal, disposal, and restoration of site in accordance with Section 809.9 of this Ordinance.
11. Date and permit number of all required state and federal permits.
12. Listing and description of all required inspections during and after every construct stage of the project as mandated to be complaint by the various Federal and State of New Hampshire Building Codes as currently adopted.

#### Section 809.5 Conditional Use Permit Requirements

A. Telecommunications Facilities must be located on land either leased to or owned by the tower owner and must have a dedicated electrical service. Towers are to be designed for collocation of wireless services to the greatest possible degree.

B. Federal and State Requirements: All telecommunications facilities must meet or exceed current standards and requirements of the ANSI/TIA-222, RSA Chapter 12-K, FAA, FCC, the New Hampshire Building Code and any other applicable codes or other agency with the authority to regulate such facilities. If such standards and regulations are amended, the owner(s) of facilities governed by this Ordinance shall bring these into compliance within six (6) months of the effective date of the amendments. Failure to bring facilities into compliance with any changes shall constitute grounds for the removal of the tower or antenna at the owner's expense as outlined in Section 809.11 of this Ordinance.

C. Setbacks: Tower and associated guy wires and accessory facilities shall comply with all setbacks in the Town of Easton's Zoning Ordinance, including but not limited to provisions of the Zoning District(s) in which the facility is located.

D. Fall Zones:

1. The fall zone of a telecommunications tower shall be no less than 200% of the height of the tower, including antennas, and vertical appurtenances in order to ensure public safety. No property line, public or private road, residential dwelling or structure, business or institutional use, or public recreational areas shall be inside the fall zone. The fall zone may cross property lines so long as the applicant secures a recorded fall zone easement from the affected property owner(s). The area of any easement(s) shall be shown on all plans submitted to the Town, and the terms of any such easement(s) shall be provided as part of the Conditional Use review.

2. Fall Zones for Non-Ground-Mounted Facilities: In the event that an existing structure such as a building, barn silo, church steeple, or utility pole is proposed as a mounting for a telecommunications facility, a fall zone shall not be required unless the Planning Board determines that under the circumstances a fall zone is required.

E. Height:

1. Height Limitations for Ground-Mounted Facilities/Towers: In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for any telecommunications facility shall not exceed twenty (20) feet above the average tree canopy height. Height shall be measured from the ground level to the highest point on the tower, including any antennae affixed thereto but not including lightning rods. Notwithstanding the above, additional height may be approved upon a finding by the Planning Board that the additional height is necessary in order to provide adequate coverage, to create an appropriate Fresnel zone, or to provide opportunities for collocation, and that the additional height will not have an adverse visual impact on the scenic character or appearance of the area.

2. Height Increase for Existing Structures and Buildings: In the event that an existing structure (other than a dedicated telecommunications tower) is proposed as a mount for a telecommunications facility, the height of the original structure shall not be increased by more than fifteen (15) feet above the highest point of a flat or mansard roof or fifteen (15) feet above the height at the midpoint between the peak and the eave of other roof styles, unless the facility is completely camouflaged (for example, a facility within a flag pole or chimney). Any increase in height shall be in scale and proportionality to the structure as originally configured. A provider may locate a telecommunications facility on a building that is legally non-conforming with respect to height, provided that the provisions of this section are met.

F. Camouflaging:

1. Any tower that breaks a ridge line or has the sky as a backdrop when viewed from a public or private road may be required to be camouflaged if the Planning Board determines that it creates a visual impact as defined in Section 809.8. The design and manufacturer to be approved by the Planning Board. If the tower will meet these criteria in the event future collocation is utilized, it may also be required to be camouflaged when constructed.

2. In order to comply with the Master Plan, to the greatest extent feasible, all telecommunications facilities shall be designed to blend into the surrounding environment through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques. Equipment shelters shall be camouflaged or made architecturally harmonious with surrounding structures to the greatest practical degree. Such camouflage may be achieved with planting or fencing, as approved by the Planning Board. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be part of the original structure. Any easement or lease shall specify that any trees providing required screening shall be maintained and shall not be removed or trimmed, unless the trees are dead or dying and present a hazard to persons or property, or approval is granted by the Planning Board. The Planning Board may require replacement of the tree(s) if such removal compromises the purpose of the camouflage as determined by the Planning Board.
3. Roof-Mounts: When any telecommunications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
4. Side-Mounts: Telecommunications facilities that are side-mounted shall be camouflaged to the greatest practical degree.

G. Lighting:

1. Telecommunications facilities shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the FAA or other federal or state authority.
2. Ground Lighting: Emergency, safety, or security ground lighting may be utilized when there are people at the site. All ground lighting shall be shielded and directed downward towards the facility and away from neighboring properties.

H. Bulk, Height, and Glare: All telecommunications facilities shall be designed in such a manner as to minimize the visual impact of the facility height, mass, and guy wire supports for the intended use. Materials utilized for the exterior of any structure shall be of a type, style, and location so as to minimize glare and to minimize visual impact from any historic or scenic view, public vantage point, or abutting properties.

I. Finish: Telecommunications facilities shall have a corrosion resistant matte finish unless otherwise required. The Planning Board may require the telecommunications facility to be painted or otherwise camouflaged to minimize the adverse visual impact.

J. Fencing: The area around any ground-mounted telecommunications facility and communications equipment shall be completely fenced and gated for security. Fencing shall be at a minimum of 6' in height and chosen to minimize visual impact and be consistent with its intended safety purpose.



K. Signs: All facilities shall be identified with a sign no greater than six (6) square feet stating the name of the facility's owner and a 24-hour emergency telephone number, posted adjacent to the entry gate. In addition, "No Trespassing" or other warning signs and the federal telecommunications facility registration plate, where applicable, shall be posted on the fence as required to meet federal requirements. No commercial signs or lettering shall be placed on the tower or facility.

L. Noise: The Planning Board may impose conditions to minimize the effect of noise from the operation of machinery or equipment upon nearby properties.

M. Access: If available, existing entrances and driveways shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual and environmental impact. New driveways shall conform to the Town's requirements relating to driveways, minimize disturbances to the natural contour of the land and be located within existing forest or forest fringe areas and not in open fields. Erosion control for the design, construction, and maintenance of driveways shall follow the standards section of the Town of Easton, New Hampshire Subdivision Regulations.

N. Utilities: Utility or service lines for telecommunications facilities shall be underground. The Planning Board may waive this requirement if obvious barriers make it unreasonable to place the utilities underground.

O. Landscaping: Existing growth and natural landforms on the site and immediate area surrounding the compound shall be preserved to the maximum extent possible.

P. Fire Protection: A letter must be provided from the Fire Chief or designee documenting approval of road access and a protocol for ensuring emergency access to the site if needed.

Q. Additional Requirements for Telecommunications Facilities:

1. Use of trees for constructing Telecommunications facilities is prohibited.
2. The use of DAS (distributed antenna system) or other alternative technologies shall be thoroughly studied and determined to be infeasible before the construction of any new towers is approved.
3. Lattice Towers are not permitted. A waiver may be approved if the applicant is able to demonstrate that no practicable alternative exists pursuant to Section 809.14 of this ordinance.
4. The antenna radiated power density shall be the minimum necessary, and in no instance shall exceed the maximum safety range prescribed by the FCC, EPA and/or the Department of Health and Human Services.
5. The radiated power shall not adversely affect reception of radio and television signals or other electronic equipment.
6. Antenna Type: Narrow profile antenna arrays are recommended and required for new ground-mounted facilities, the collocation of facilities, and facilities mounted on existing structures and buildings.
7. The applicant proposing to build a new ground-mounted tower or antenna shall submit an agreement with the Town that allows for the maximum allowance of collocation upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available collocation for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town, and grounds for a denial.

### Section 809.6. Structural Design Review and Inspections

- A. The design of the telecommunications facility, including but not limited to the tower, appurtenant structures and any attachments to the tower shall be designed by a New Hampshire licensed professional engineer to the applicable sections of the New Hampshire Building Code. The design engineer will certify to the wind category utilized as being the correct wind category for the location and that the design is in conformance with the New Hampshire State Building Code. The plans to be stamped by the professional engineer.
- B. The completed design of the telecommunications facility, including but not limited to the tower and any attachments shall be reviewed by a third-party New Hampshire licensed professional engineer selected by the Planning Board and paid for by the Applicant. The third-party professional engineer will certify to the Easton Planning Board that the design meets or exceeds the current NH State Building Code and that the wind category utilized in the design is appropriate for the location.

### Section 809.7 Collocation

A. Whether the applicant is applying for a new tower, or for a substantial modification of an existing tower, the applicant must demonstrate in their application to the satisfaction of the Planning Board that the telecommunications facility cannot be collocated on an existing or approved facility or structure for one of the following reasons:

1. Structural or Spatial Capacity: The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved facility, as documented by a structural engineer licensed in the State of New Hampshire. Additionally, the existing or approved telecommunications facility cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
2. Radio Frequency Interference: The proposed antennas and equipment, alone or together with existing facilities, equipment, and/or antennas, would create radio frequency interference (RFI) in violation of federal standards or requirements as documented by a qualified radio frequency engineer.
3. Radio Frequency Radiation: The proposed antennas and equipment, alone or together with existing facilities, equipment, and/or antennas, would create radio frequency radiation (RFR) in violation of federal standards or requirements without unreasonable modification or mitigation measures.
4. Aesthetics: Locating the needed equipment upon an existing or approved facility would have an unacceptable impact upon aesthetics.
5. Coverage: There are no existing or approved telecommunications facilities in the area in which coverage is sought.
6. Other: Other specific unforeseen reasons make it unreasonable or not feasible to locate the planned equipment upon an existing or approved telecommunications facility.

B. When not associated with a substantial modification, a request for collocation only does not require a Conditional Use Permit and may be submitted directly to the Select Board on the town's Building Permit application for review and approval. Collocations must comply with all applicable codes and regulations including the Town's building code and be located and constructed in such a manner as to ensure public safety.

The Select Board must complete its review and issue a written decision within 45 days of receiving an application for a collocation. Within 15 days of receiving an application, the elect Board may notify the applicant of deficiencies in the application and identify what information or documents need to be provided. If the applicant provides the requested information within 15 days, the Select Board must issue its decision within 45 days of the date the Select Board originally received the application. If the applicant does not provide the requested information within the 15 days, the 45-day deadline is extended by the same period it takes the applicant to provide the requested information.

#### Section 809.8 Evaluation of Visual Impact

Upon review of the applicant's visual analysis, supporting materials, public hearing testimony, and balloon test results, the Planning Board shall evaluate the visual impact of the proposed facility in order to determine if the design minimizes its visual presence in the landscape. The Planning Board may require changes to the design in order to further minimize the visual impact of the proposed telecommunication facility. The Planning Board shall consider, but not be limited to, the following in making their determination:

1. The amount of time and time of year during which the proposed facility will be viewed by the traveling public on a public highway, public trail, or public water body.
2. The frequency of the view of the proposed facility by the traveling public.
3. The degree to which the view of the proposed facility is screened by existing and/or proposed vegetation, the topography of the land, and existing structures.
4. Background features in the line of sight to the proposed facility that either obscure the facility or make it more conspicuous from all angles of view.
5. The distance of the telecommunications facility from key vantage points and the proportion of which the facility will be visible above the skyline or tree line.
6. The number of members of the traveling public or residents of Easton and neighboring towns who will be affected by the alteration of the scenic character of the area.
7. The sensitivity or unique value of any particular view affected by the proposed facility;  
and
8. Significant disruption of any view that provides context to an historic or scenic resource.

#### Section 809.9 Security Bond

A. Before, and as a condition of, Conditional Use Permit approval for a telecommunications facility the Planning Board shall require the developer or installer to file with the Select Board a bond or other form of security for the removal and proper disposal of the telecommunications facility together with any structures or equipment appurtenant thereto, and of returning the site to

its condition prior to such installation. The amount of security shall be based upon the removal cost plus fifteen percent (15%). The removal cost estimate shall be provided by the applicant and certified by a professional engineer licensed in New Hampshire. The security is to be released by the Town only after a final restoration inspection by the Planning Board or its designee. The property owner is obligated to remove the facility even if the security does not cover the entire cost of removal and restoration.

B. Recognizing the hazardous situation presented by abandoned and unmonitored towers, the security bond may also be used for the removal and disposal of abandoned telecommunications facilities in the event that such a facility is abandoned, and the facility owner is incapable and/or unwilling to remove the tower. After each telecommunications facility inspection, the owner of the facility shall provide the Select Board with a structural evaluation and a revised removal cost estimate prepared by a professional civil engineer licensed in New Hampshire. The Select Board shall revise the amount of the security to be provided by the applicant to be the removal cost plus fifteen percent (15%).

#### Section 809.10 Monitoring and Maintenance

A. The owner of a telecommunications tower, including tower structure, and antenna(s) and accessory equipment shall ensure that it is maintained, and its condition assessed in compliance with the guidelines recommended as set forth under current standards of ANSI/TIA-222 and shall be scheduled as follows:

- Guyed structures every three years.
- Self-supporting tower every 5 years.
- Additionally, after severe wind and/or other extreme loading conditions as determined by the Building Inspector or Select Board or their designee.

B. Inspections shall be conducted by a professional engineer, licensed in the State of New Hampshire and approved by the Town, at the owner's expense. The engineer shall submit a written report to the Select Board, or their designated representative, within 30 days of the inspection. If the report concludes that a structure is not in compliance with the applicable NH State Building Code, then, upon notice of the deficiency, the owner shall have thirty (30) days to bring the structure into compliance. Failure to take remedial action shall constitute abandonment and grounds for removal, and the tower(s) shall be removed and disposed of at the owner's expense through the execution of the posted security bond.

C. The owner of the telecommunications facility shall maintain the telecommunications facility in good condition. Such maintenance shall include but shall not be limited to: painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

D. Unless an alternative schedule is approved or required by the Select Board, the owner of the telecommunications facility shall inspect the driveway and stormwater facilities at least once in the spring and once in the fall and after major storm events as determined by the Town and perform any needed maintenance and/or repair to ensure proper functioning.

E. The Town shall verify, at the tower owner's expense, that the propagation of the cellular signal is at least equal to the signal defined in the application for the telecommunications facility. Such verification will be completed once in each maintenance cycle.

#### Section 809.11 Abandonment or Discontinuation of Use

A. Notification: At such time that a carrier or owner plans to abandon or discontinue operation of a telecommunications facility, the carrier or owner will notify the Town by Certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given not less than ninety (90) days from the date of abandonment or discontinuation of operations. In the event that a carrier or owner fails to give such notice, the wireless telecommunications facility shall be considered abandoned if not operated for twelve (12) months.

B. Removal: Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the telecommunications facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of antennas, mount, equipment shelters, and security barriers from the subject property.
2. Proper disposal of waste materials from the site in accordance with local and state solid waste disposal regulations.
3. Restoring the location to its natural condition.

C. Failure to Remove: If the owner of the facility does not remove the facility, then the Select Board shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall then dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Select Board. If the abandoned facility is not removed within ninety (90) days, the Select Board may execute the security bond to pay for this action.

#### Section 809.12 Insurance

The Select Board shall require the owner/operator of any antenna or tower to annually provide proof that it is maintaining adequate liability insurance covering accident or damage.

#### Section 809.13 Final Approval

The facility owner shall enter into a written agreement with the Town, in a form to be reviewed by the Town's attorney at the owner's expense, which incorporates, at a minimum, all of the requirements and remedial procedures of this Ordinance and any additional specific conditions of approval associated with the Conditional Use Permit.

Upon receipt of the certification from the third-party professional engineer the Easton Select Board shall issue a Building Permit subject to any conditions identified by the Easton Planning Board and the Easton Building Official.

The third-party professional engineer(s), licensed in the State of New Hampshire, retained by the Town, at the applicant's expense, shall monitor the project and perform inspections required to certify to the Select Board and Easton Building Official that the construction of the telecommunications facility, including but not limited to, the Tower, foundation, appurtenant structures and the attachments complies with the design and is compliant with the applicable Federal and New Hampshire Building Codes as currently adopted. The engineer(s) will be certified for the specific inspection they are performing. The engineer will verify to the Select Board and Building Official the finished tower foundation is in the correct location as detailed in the applicant's application prior to work continuing. The engineer(s) will provide the Select Board and Building Official

with copies of the inspection report on each inspection within 10 days after the inspection is complete.

Upon receipt of an unconditioned certification from the third-party New Hampshire licensed Professional Engineer that the construction of the tower and the attachments are in compliance with the New Hampshire Building Code and certification from the Easton Planning Board Chairman and the Easton Select Board Chairman that all conditions of the Conditional Use approval and Building Permit have been complied with, the Easton Building Official shall issue a Certificate of Occupancy.

The adding of any additional appurtenant structures, attachments or extension of the Tower requires the following of the above before the Select Board will issue a Building Permit and the Easton Building Official issues a Certificate of Occupancy for the modifications or attachments.

#### Section 809.14 Waivers.

(A) General. Section 809.14 Waivers only applies to Section 809 Telecommunications Facilities and no other Section of Easton's Zoning Ordinance. Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with a particular requirement of Section 809, or the purposes of this Ordinance may be served to a greater extent by an alternative proposal, it may approve waivers to this Ordinance. The purpose of granting waivers under this Ordinance shall be to ensure that an applicant is not unduly burdened as opposed to merely inconvenienced by this Ordinance. The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply:

- (1) The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.
- (2) The waiver will not, in any manner, vary the intent of Section 809, the Town master plan, or official maps.
- (3) A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include but not be limited to the following:
  - a. Topography and other site features.
  - b. Availability of alternative site locations.
  - c. Geographic location of the property.
  - d. Size/magnitude of the project being evaluated and availability of collocation.
  - e. Whether the absence of a waiver would otherwise actually prohibit or effectively prohibit the applicant from providing services.

(B) Conditions. In approving waivers, the Planning Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of this Ordinance.

(C) Procedures. A petition for any such waiver shall be submitted in writing by the applicant with the application for Planning Board review. The petition shall state fully the grounds for the waiver.

er and all of the facts relied upon by the applicant. Failure to submit the petition in writing shall require an automatic denial.

#### Section 809.15 Facilities installed prior to effective date.

All telecommunication facilities, towers and antennas legally installed prior to the effective date of the Ordinance shall be considered permitted, nonconforming uses and structures and may be utilized for siting consistent with the terms of this Ordinance.

#### Section 809.16 Appeals

Appeals regarding the decision of the Planning Board for the Conditional Use Permit, must be appealed to the New Hampshire Superior Court as provided by RSA 676:5(III) and RSA 677:15.

Collocation: Collocations are subject to approval by the Town's Select Board pursuant to Subsection 809.07(B). Within thirty (30) days after any order or decision of the Select Board granting or denying a permit for a collocation, the applicant or any other person directly affected by the application may apply to the Select Board for reconsideration or a rehearing in respect to any matter determined in the proceeding.

#### Section 810. ROAD AND DRIVEWAY ACCESS.

1. Driveway grades shall not exceed 15% and shall have an average grade that does not exceed 12%. Where necessary, limited steeper grades are acceptable if they serve to better minimize overall erosion potential and environmental impacts, provided adequate access is ensured. Owner must sign waiver of safety regarding ability of local fire and rescue vehicles to negotiate the steeper slopes and release Easton from liability in writing suitable to the Board of Selectmen for all driveway grades in excess of 10%.
2. All private driveways less than 18 feet wide and exceeding a length of 1500 feet, must have a turnout(s) capable of supporting a fire truck or other emergency vehicle, in order to allow another emergency vehicle to pass. Minimum dimensions of the turnout shall be at least 12 feet wide and 40 feet long. There must be at least one turnout for every 1500 feet of driveway. Turnout(s) should be approximately equally placed. (03/12/2019)

## **ARTICLE 9: ENFORCEMENT**

**Section 901. ENFORCEMENT PROCEDURES AND PENALTIES.** This Ordinance shall be administered and enforced by the Board of Selectmen, and/or through an appointed Building Inspector as prescribed by NHRSA Chapter 676. (6/4/70)

Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and maximum penalties detailed in RSA 676 or RSA 485-C. (03/08/11)

**Section 902. BUILDING PERMIT REQUIRED.** A Building Permit shall be required prior to a) the construction of any new structure or sign, or b) the alteration, reconstruction, expansion, or moving of any structure. A Building Permit Application shall be accompanied by all necessary State, federal and other local permits. In addition, prior to the construction of a private driveway entering a Town road, a Driveway Permit must be obtained. The Board of Selectmen or its appointed Building Officer shall issue permits which are in conformance with this and related ordinances. (3/8/88)

**Section 903. LEGAL ACTIONS.** The Building Inspector is hereby authorized to institute or cause to be instituted in the name of the Town, any and all actions, legal or equitable, that may be necessary for the enforcement of this Ordinance.



## **ARTICLE 10: BOARD OF ADJUSTMENT**

Section 1001. There is hereby created a Board of Adjustment, and its members shall be appointed as prescribed by RSA Chapter 673, and shall have the terms and powers conferred by RSA Chapter 674 as it has been or may be amended. (6/4/70)

Section 1002. Appeals. The Board of Adjustment shall hear and decide any case in which it is alleged there is an error in any order, requirements, decision, or determination made by any official in the enforcement of this Ordinance.

Section 1003. Special Exceptions.

8. The Board of Adjustment may make a special exception, subject to appropriate conditions and safeguards as determined by it. In acting on an application for a special exception, the Board shall take into consideration:
  1. The proposed use shall be one permitted by this Ordinance as a special exception.
  2. The specific site is an appropriate location and of adequate size for such use.
  3. The use will not adversely affect the adjacent area and there are no reasonable objections to the use by the owners of the abutting land.
  4. The proposed use will promote the public health, safety, welfare, morals, order, convenience and prosperity, of the adjacent area.
  
9. In addition, the following findings must be made prior to the issuance of a special exception for an excavation: (3/12/13)
  5. The proposed excavation is in a non-residential area.
  6. The excavation will not cause a diminution in area property value or unreasonably change the character of the neighborhood.
  7. The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.
  8. The excavation will not create any nuisance or create health or safety hazards.

Section 1004. Variances.

As provided in RSA 674:33, as amended, a variance from the terms of this Ordinance may be legally granted by the Zoning Board of Adjustment if the following conditions are met:

- A. The variance will not be contrary to the public interest;
- B. The spirit of the ordinance is observed;
- C. Substantial justice is done;
- D. The values of surrounding properties are not diminished; and
- E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
  - @. 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.
- a. If the criteria in subparagraph (1) 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.

The definition of "unnecessary hardship" set forth in subparagraph (E) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

#### Section 1005. Public Hearing

- C. Prior to exercising its appeals powers, the Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be given as follows:
- 1. The appellant and every abutter and holder of conservation, preservation, or agricultural preservation restrictions shall be notified of the hearing by certified mail stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. The board shall hear all abutters and holders of conservation, preservation, or agricultural preservation restrictions 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.
  - 2. A public notice of the hearing shall be placed in a newspaper of general circulation in the area not less than 5 days before the date fixed for the hearing of the appeal.
- D. The public hearing shall be held within 30 days of the receipt of the notice of appeal.
- E. Any party may appear in person or by the party's agent or attorney at the hearing of an appeal.
- F. The cost of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the board to terminate further consideration and to deny the appeal without public hearing.

#### Section 1006. Determination of Regional Impact

Upon receipt of an application for a Special Exception or Variance, the Board of Adjustment shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of Easton. This regional impact could result from a number of factors, such as, but not limited to, the following:

- a. relative size or number of units compared with existing housing stock;

- b. transportation networks;
- c. proximity to the borders of a neighboring community;
- d. anticipated emissions such as light, noise, smoke, odors or particles;
- e. proximity to aquifers or surface waters which transcend municipal boundaries; and
- f. shared facilities such as schools and solid waste disposal facilities.

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 Board shall afford the 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 that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

#### Section 1007. Fees

The Board of Adjustment 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 appeals or applications.

### **ARTICLE 11: AMENDMENTS**

- (1) This Ordinance may be amended in accordance with the provisions of RSA Chapter 675 as it is or may be amended.
- (2) Every attempt will be made to notify all land owners of any proposed amendments to the Zoning Ordinance. (6/4/70)

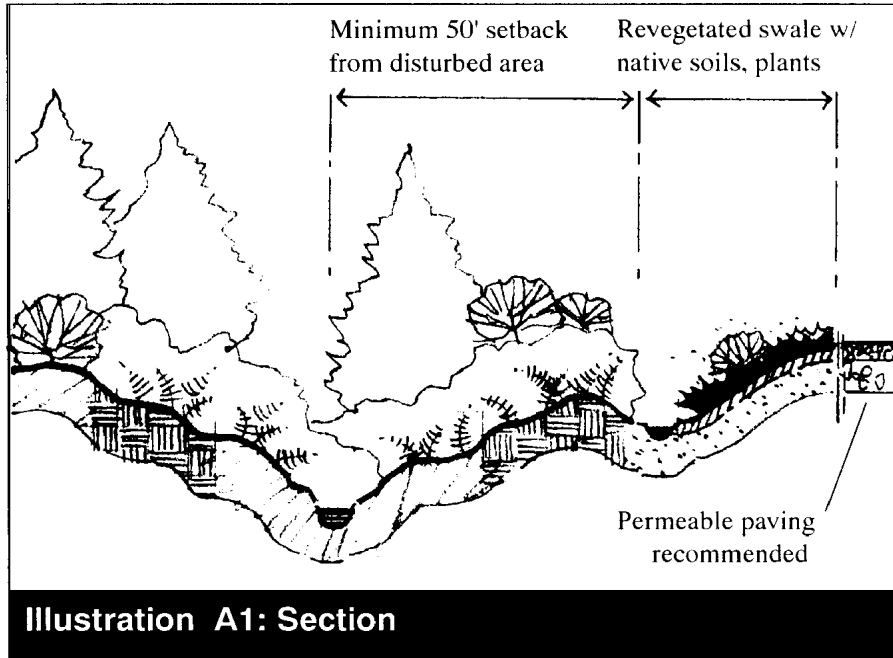
### **ARTICLE 12: SEVERABILITY**

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

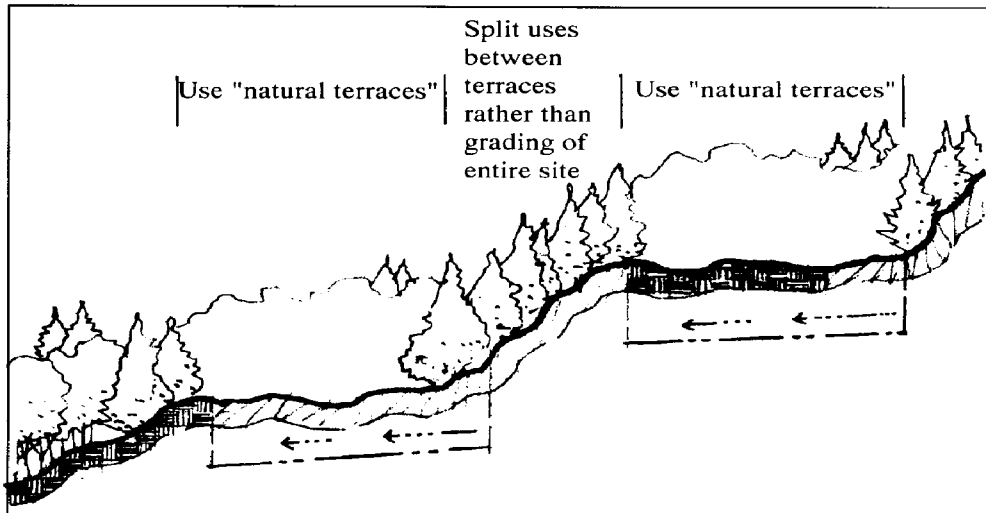
### **ARTICLE 13: EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage.

**Appendix to Section 606. STEEP SLOPES, HILLSIDE & RIDGELINE DEVELOPMENT OVERLAY DISTRICT**

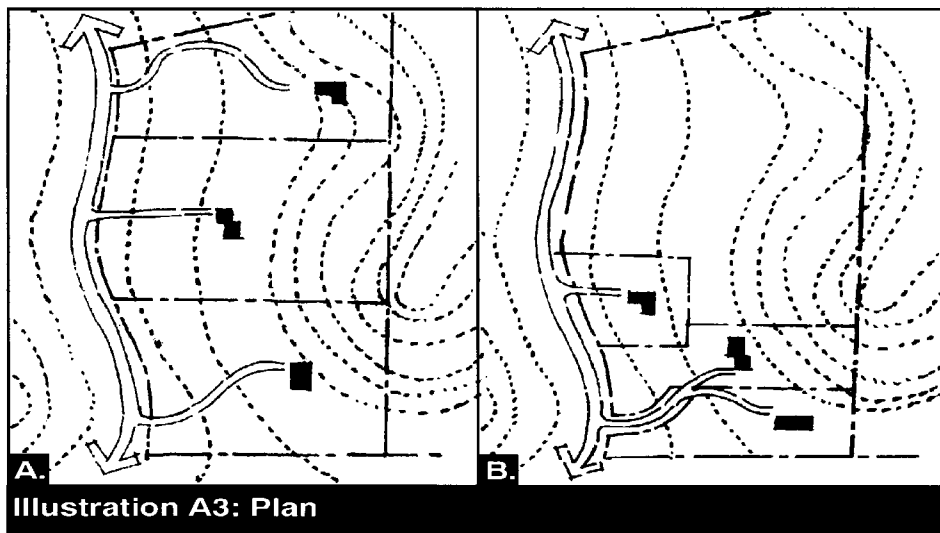


Use biodegradable erosion control blankets where more intensive stabilization is required



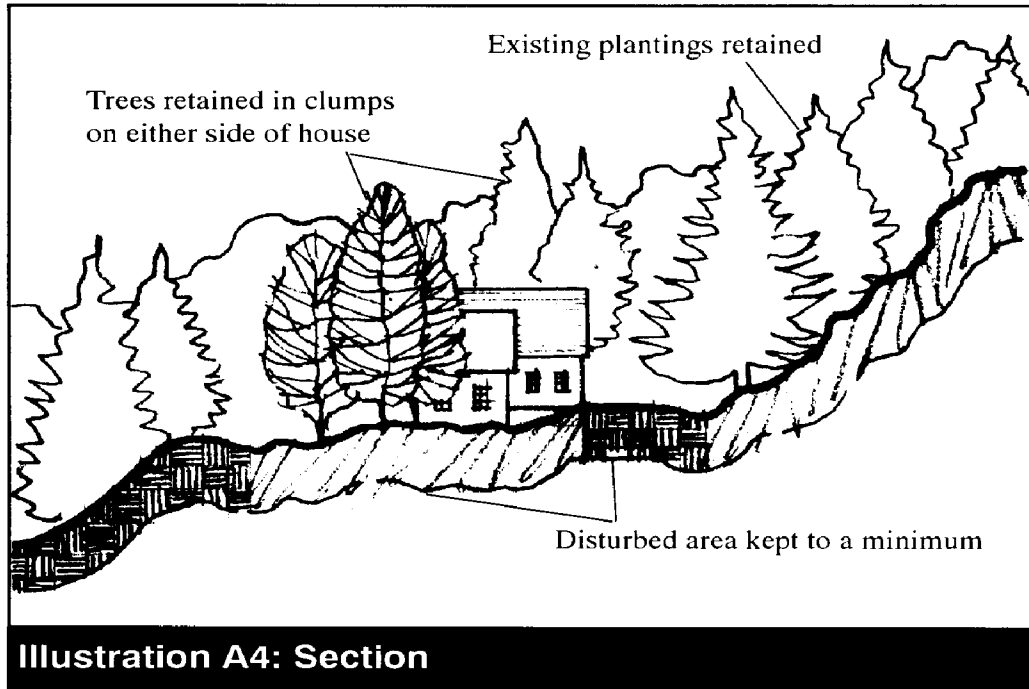
**Illustration A2: Section**

Maintain filter/buffer strip between terraces for runoff and visual screening. Terraced areas can be regraded w/ proper pitch and curtain/ interceptor drains as necessary

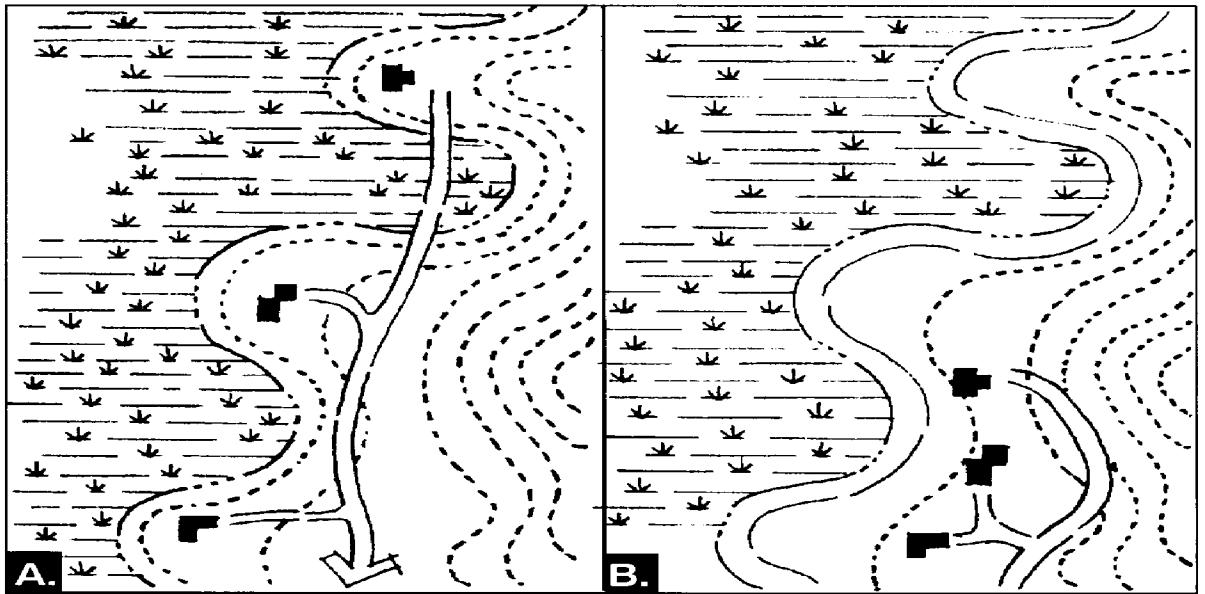


**Illustration A3: Plan**

Option B uses less road, provides for more open space, uses 33% less land than Option A. Option B concentrates the road cuts in one area and sites structures below the base of the ridge.

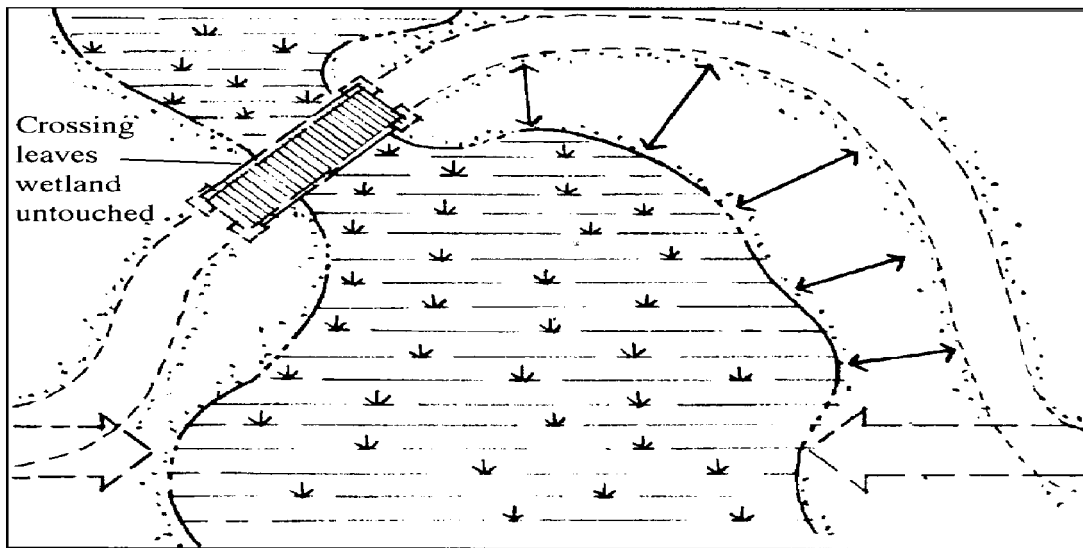


House is sited on natural terrace and stepped down with grade.  
Lawn area is reduced in size along with maintenance requirements.



**Illustration A5: Plan**

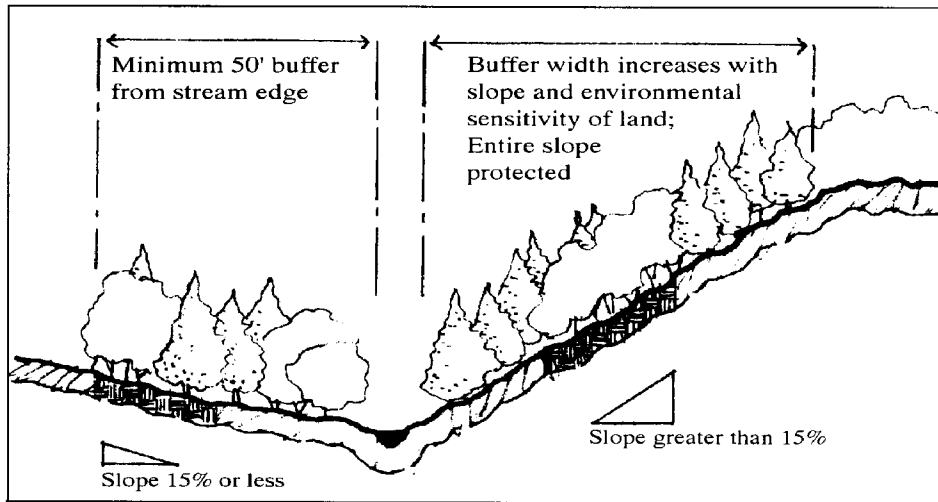
Option B avoids crossing the wetlands, clusters the structures on the most suitable land, and avoids construction and road impact on the wetland



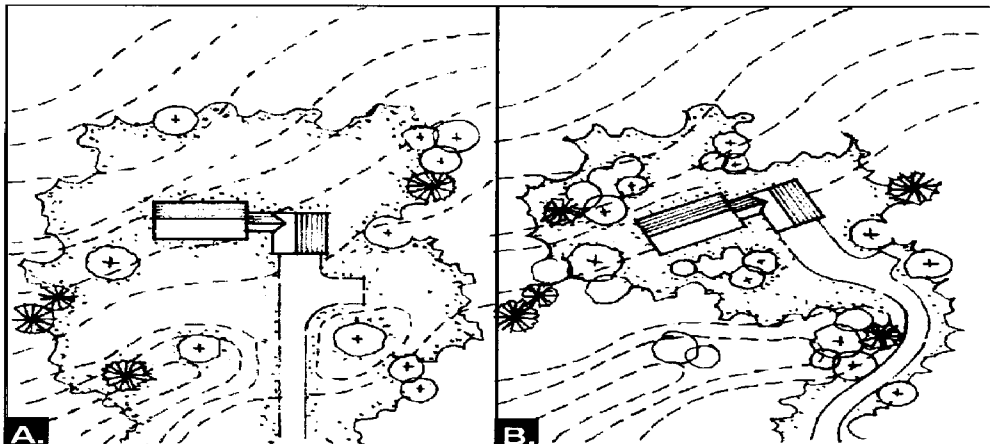
**Illustration A6: Plan**

Road is re-routed to avoid fill/environmental impact to wetland. A proper setback is maintained between the road and the wetland and the road narrows for wetland crossing.



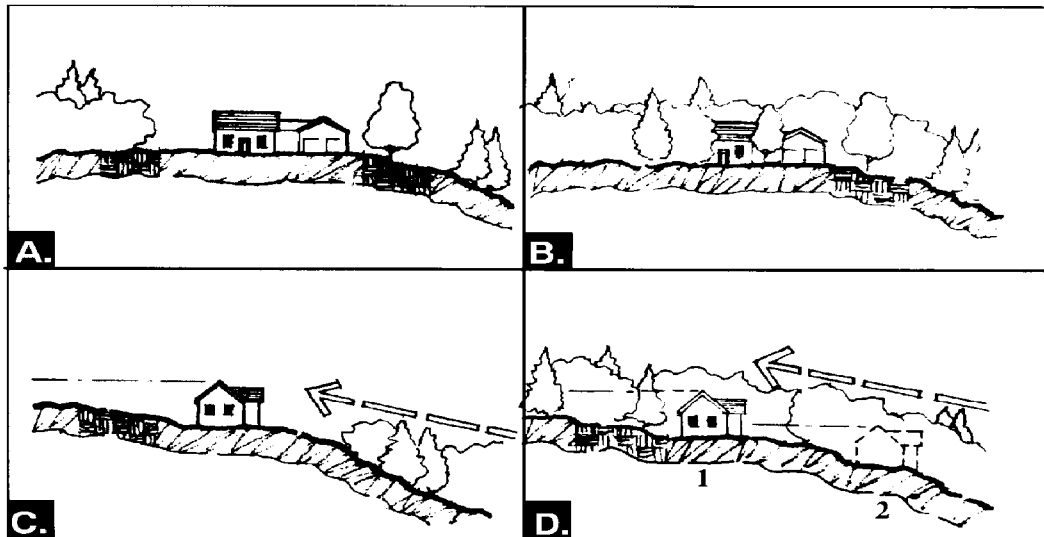


**Illustration A7: Section**



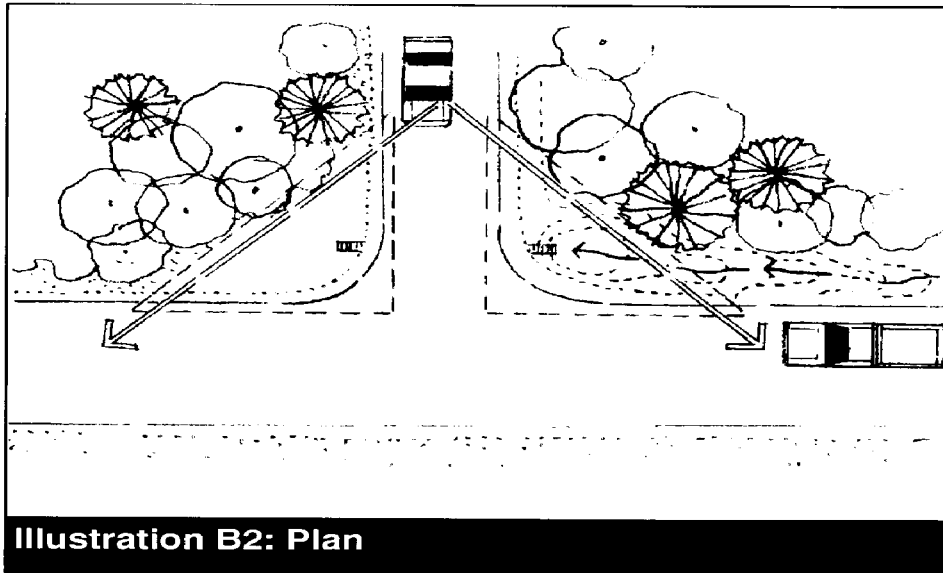
**Illustration A8: Plan**

In Option B trees are left in "islands" or extensions of the forest rather than as individual specimens. The driveway is routed to eliminate blasting and grading and to protect a section of woodland. The house is oriented with topography.



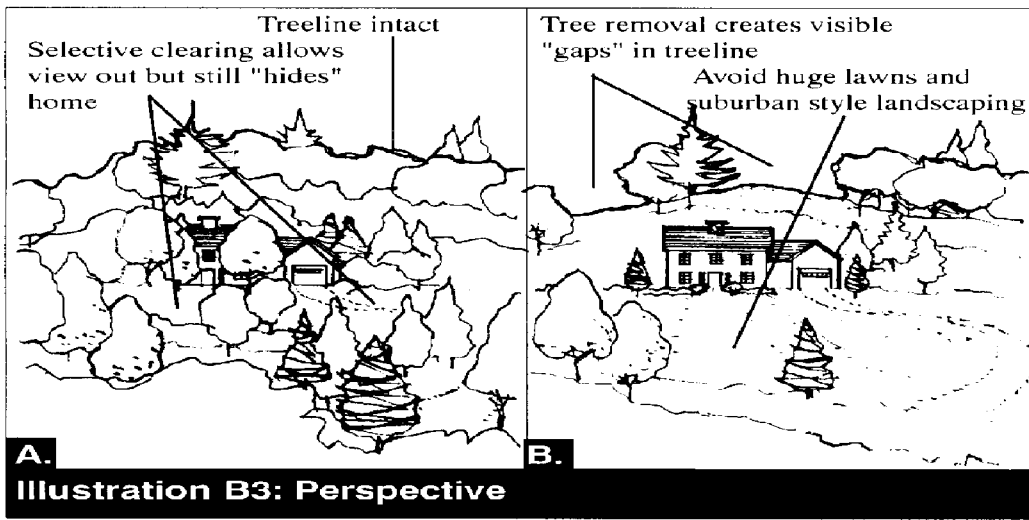
**Illustration B1: Sections**

In (A) the clearing for the house creates an unnatural pattern on the ridgeline and the interrupted treeline draws attention to the development, creating a visual impact. Drawing (B) shows the same house with existing vegetation retained to maintain the integrity of treeline behind and in front of the structure. In (C) the roofline of the house is visible above the height of land and the clearing has removed most of the screening/buffering trees. Drawing (D) illustrates the same house (1) with vegetation saved to mitigate visual impact, if no other siting alternatives exist. The recommended solution would be siting the house (2) below the height of land, with the treeline intact.

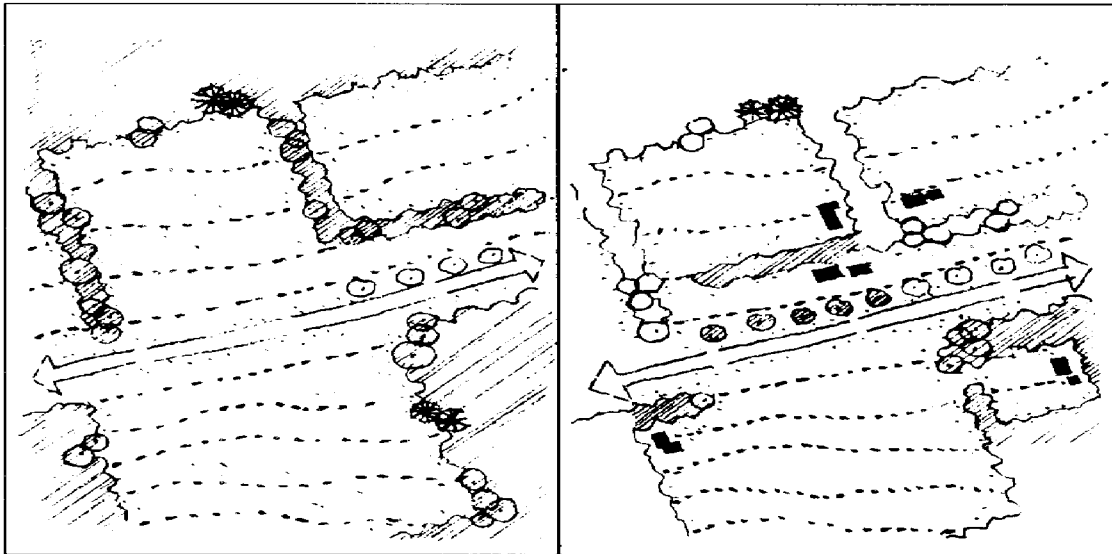


**Illustration B2: Plan**

It is important to maintain a cleared zone at driveway intersections with roads for safety (visibility) purposes. The clear zone also allows for snow storage and effective stormwater management measures such as small detention basins. Native groundcovers and low vegetation should be established in these areas



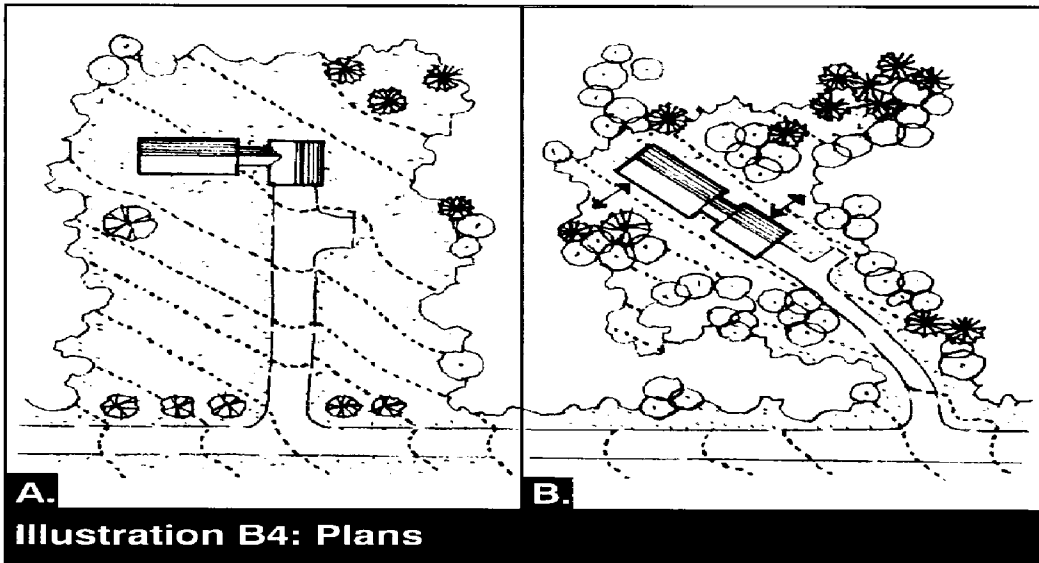
In Option A, the desired approach, existing vegetation is selectively removed and the hillside retains its natural, forested appearance. In Option B, extensive clearing, exposes the home as a visual focal point and undermines the integrity of the landscape pattern. A large lawn and suburban style landscaping is not appropriate in this context.



### **Illustration B5: Plans**

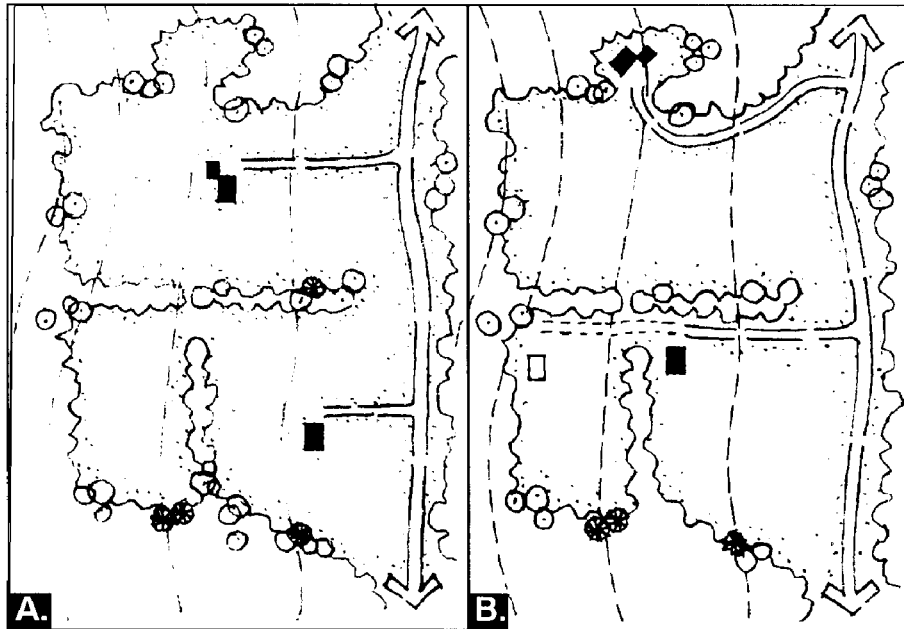
These plans illustrate how reinforcing or relating to the existing vegetative conditions create siting possibilities for houses and maintain the agricultural open space and character of an area. The extension of the treeline along the road and the hedgerow would create a potential site for a vernacular farmhouse and barn design.

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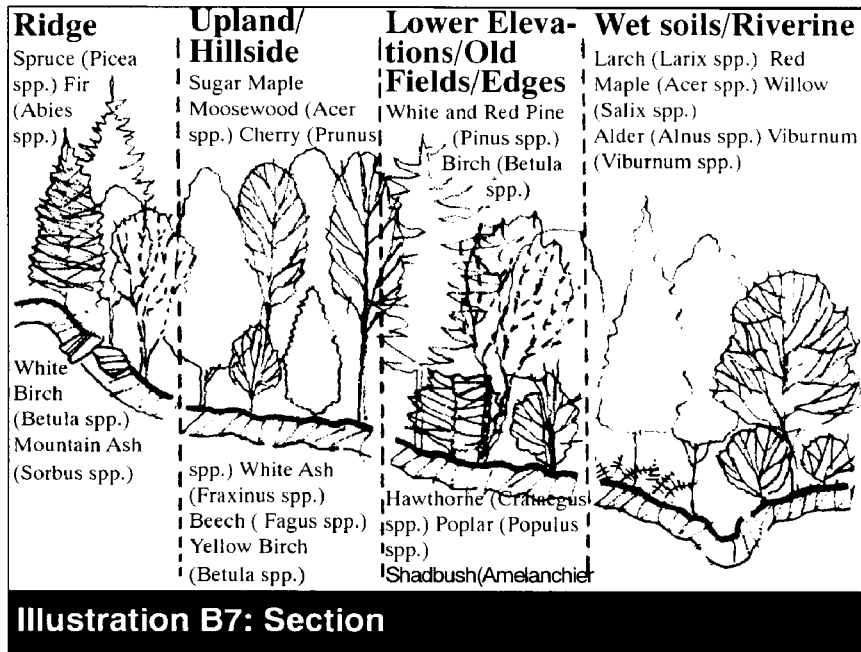
**Illustration B4: Plans**

Drawing (A) is plan of a typical suburban style house lot with a large lawn, wide driveway and orientation to the road. An occasional mature tree has been saved in isolated locations. The preferred plan (B) sites the house and a narrow driveway/parking area in relation to the contours and maintains existing vegetation in their native groupings, with understory intact as well. A 30 foot clearing limit from the sides of structures may be imposed on visually sensitive sites.



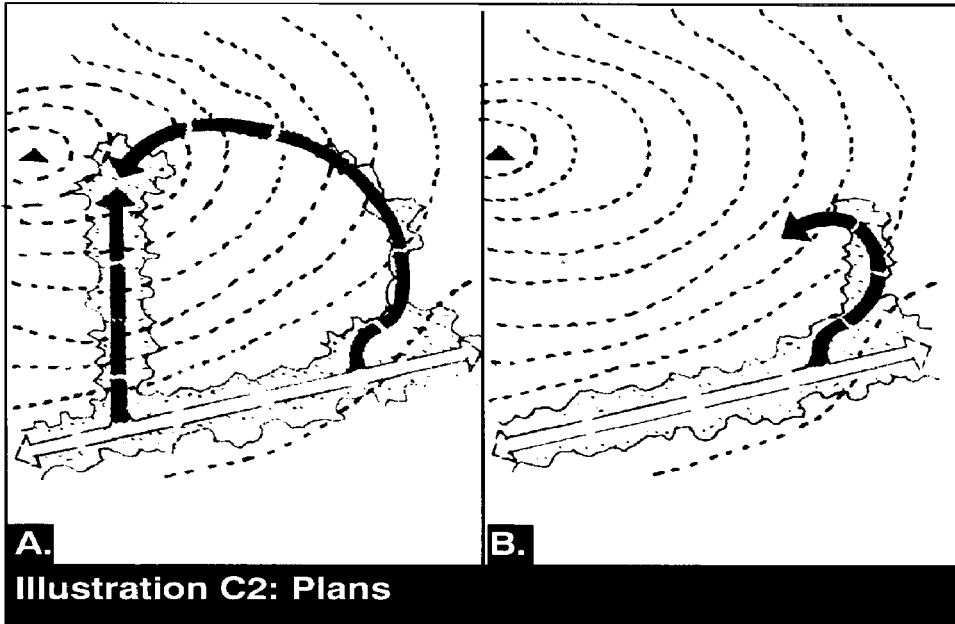
**Illustration B6: Plan**

In Option B, attention is given to the existing landscape patterns. Houses and driveways are sited along or within the treeline or follow existing hedgerows. Open meadows are not disrupted and future development potential exists without disturbing the open meadows.



**Illustration B7: Section**

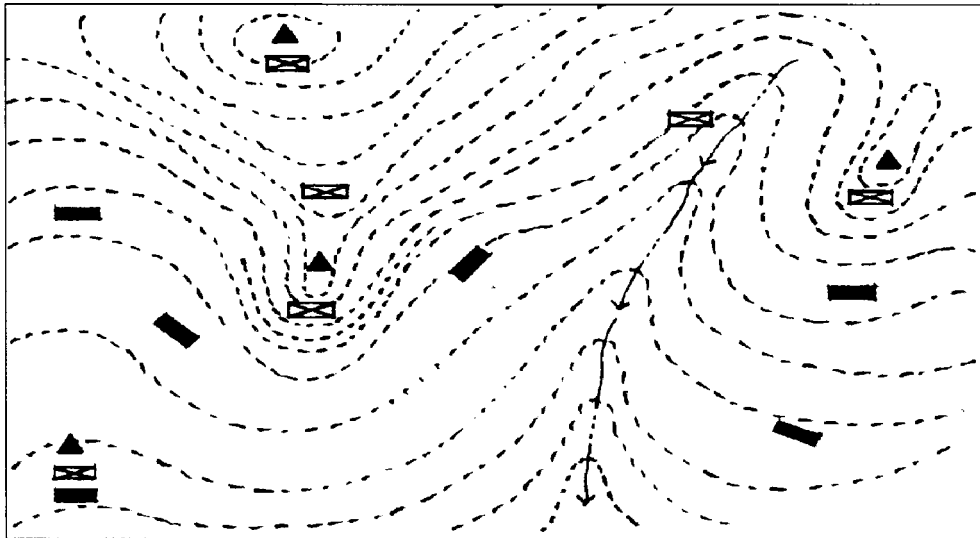
A site analysis will yield native vegetation patterns in any location. Typical species types and associations in relation to physiography are shown.






**Illustration C2: Plans**

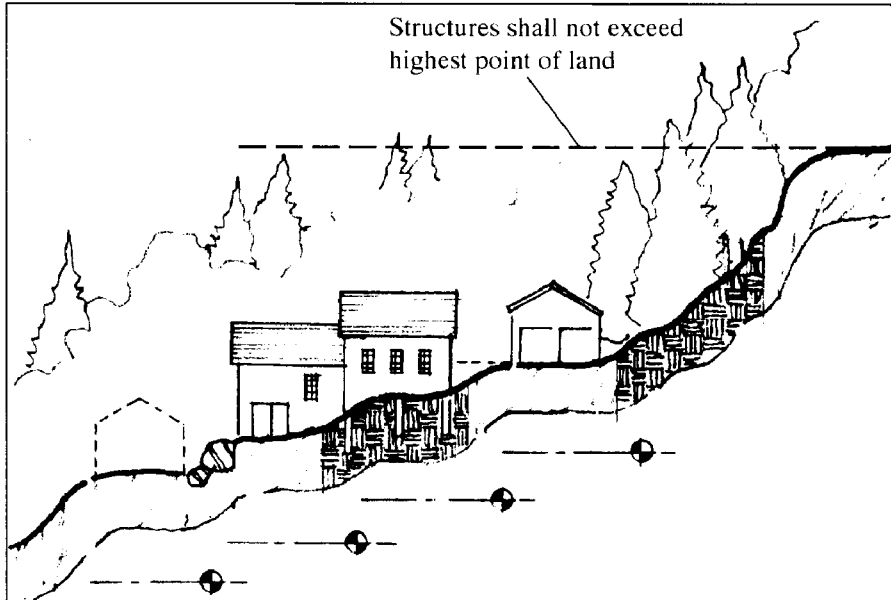
If a higher site must be developed, driveways providing access should follow old woods trails/farm roads where available, and in every case, "wrap around" contours or follow a more gradual route, as shown in Road Alignment B, rather than a straight cut as shown in Alignment A. The straight cut makes the whole length of the road visible and results in more cut and fill. Option B, in all cases, is the best approach and minimizes road construction cost and removal of vegetation.





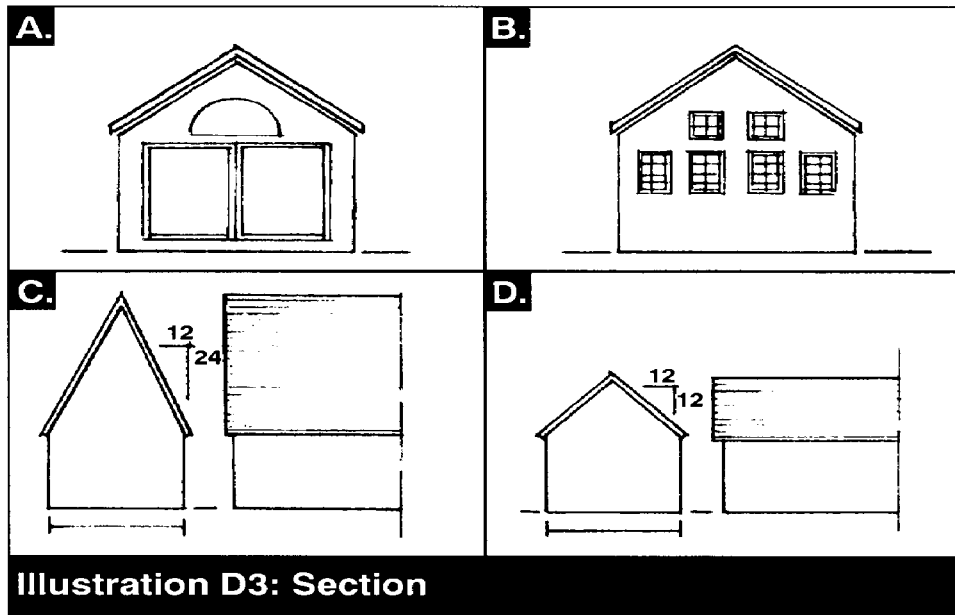
**Illustration D1: Plan**

-  Avoid siting in these locations
-  Indicates better siting option for buildings
-  High points



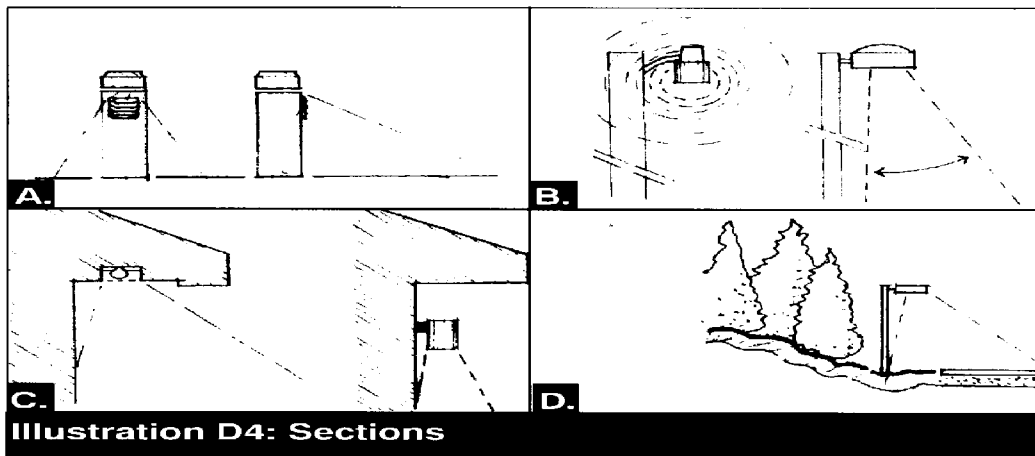
**Illustration D2: Section**

House is terraced down hillside and not sited on high points. This helps to reduce visual mass. It also takes advantage of the topography by having entrances at different levels. Existing bedrock is maintained as are tree groups.



**Illustration D3: Section**

Options A and B show two different window treatments. Option B helps to reduce glare and reduces the impact of interior lighting or reflection when viewed from the outside. Single pane windows and facades should be avoided. Options C and D show two different roofing types. The moderate pitch illustrated in Option D avoids the roof becoming another "wall" and decreases the massing of the building in general.



**Illustration D4: Sections**

Options A and C provide illustrations of low level and pedestrian lighting concepts that help reduce off-site lighting impacts. Option B illustrates a typical metal halide light fixture that would not be ideal and a fixture with a shield to focus the light. Option D illustrates placing light fixtures using topography, plant material and structures to minimize impact.