ZONING ORDINANCE
OF
GREENFIELD, NEW HAMPSHIRE

Amended:

March	1937	March	1977	Sept	1986	March	1994	March	2002	March	2012
March	1959	March	1978	March	1987	March	1995	March	2003		
March	1961	March	1979	March	1988	March	1996	March	2004		
Jan	1968	March	1980	March	1989	March	1997	March	2005		
March	1970	March	1981	March	1990	March	1998	March	2006		
March	1971	March	1982	March	1991	Sept	1998	March	2007		
March	1973	March	1984	Dec	1991	March	1999	March	2009		
March	1975	March	1985	March	1992	March	2000	March	2010		
March	1976	March	1986	March	1993	March	2001	March	2011		

An ordinance regulating and restricting the use of land, the location, construction and use of buildings in the Town of Greenfield, whether for business, residence or for other purposes; providing for the changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Adjustment; and imposing penalties.

PREAMBLE: In pursuance of the authority conferred by Chapter 92 of the 1925 Laws of New Hampshire and by Chapter 55 of the 1935 Laws of New Hampshire and amendments, and for the purpose of promoting the health, safety, morals, prosperity, convenience or general welfare, as well as efficiency and economy in the process of development, of the inhabitants of the incorporated Town of Greenfield, NH, by securing safety from fire, panic and other dangers, providing adequate areas between buildings and various rights of way, by preserving the rural charm now attached to our Town, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements and by other means in accordance with a comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED by a majority of the voters present and voting at this legal meeting of the Town of Greenfield, held on this tenth day of March in the year one thousand nine hundred and thirty-six.

SECTION I. SHORT TITLE

This ordinance shall hereinafter be termed "Zoning Ordinance of 1936, as amended".

SECTION II. DEFINITIONS

For the purpose of this ordinance, certain terms are defined as provided in this section:

A. "Home Produce and Products" means and includes all vegetables, fruits, flowers, plants, poultry and maple products plus cordwood and Christmas trees, all of which must have been grown on the property by members of the household of a bona fide resident.

B. "Right of Way" means and includes all Town, State and Federal highways and land at either side of same as covered by statutes to determine the width of rights of way.

C. "Permanent Residents". A family shall be considered permanent residents when they have used any building continuously as a residence for a period of six (6) months or more.

D. “Hotel” shall mean a building or group of buildings under the same management in which there are sleeping accommodations for sixteen (16) or more persons and are primarily used by transients for lodging, with or without meals.

E. “Bed and Breakfast” shall mean all dwellings where sleeping accommodations are provided for a price and accommodate fifteen (15) or fewer persons and may or may not provide a breakfast.

F. "Front Yard" shall mean a space extending for the full width of a lot between the extreme front line of the building and the nearest side of the right of way.

G. "Frontage" shall mean the contiguous length of the lot bordering on, and granting access from a Class V or better highway, as defined in New Hampshire Revised Statutes Annotated (RSA) 229:5, or a street shown on an official map, if any.

H. "Permanent Building" shall mean any building resting on a foundation or otherwise legally defined as real estate. For the purpose of setback requirements, swimming pools are considered to be permanent buildings.

I. "Advertising Sign" shall mean any display identifying or promoting a business, product, or service, whether such display is freestanding or is attached to a structure or painted thereon.

J. "Business" shall mean establishments engaged in the trading of goods and services.

K. "Industry" shall mean any non-residential building or land area in which the industrial operations of manufacturing, processing, fabricating, assembly, packaging, finishing, treating, or compounding or similar processes take place or in which are located establishments engaged in the trading of goods and services, except that which is allowed under Section IV.B Professional Uses and Customary Home Occupations.

L. "Accessory Dwelling Unit" shall mean a separate dwelling unit incorporated within or to become attached to an existing one-family dwelling.

M. "Housing" shall mean all residential dwellings containing a minimum of three hundred twenty (320) square feet of living area, i.e., bedroom, bathroom, kitchen.

N. "Family" shall mean any number of persons related by blood or marriage, or not more than four (4) persons not related by blood or marriage, living together as a single housekeeping unit.

O. "Dwelling Unit" shall mean a room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure & containing independent cooking, sanitary and sleeping facilities.

P. "Building" shall mean any independent structure having a roof with structural support & more than two hundred (200) square feet in size and/or when any point of the structure is greater than ten feet in height. All buildings, permanent or temporary (including quonset hut type buildings covered with plastic), must meet setback requirements.

Q. "Food Service Facility" - a commercial establishment dispensing prepared food and/or beverages for consumption on or off the premises.

R. “Motor vehicle” means any self-propelled vehicle not operated exclusively upon stationary tracks, originally intended for use on public highways.

S. “Junk yard” means any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited one or more unregistered motor vehicles which are not longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. "Junk yard” shall also include any place of business, storage or deposit of motor vehicles purchased for the purpose of dismantling and selling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a motor vehicle or cut up the parts thereof.

T. “Conservation Lot” means any lot, with or without frontage, created for the purpose of conservation with no possibility of locating a building. Such conservation lot must have adequate legal protection to the satisfaction of the Planning Board.

U. “Detached Accessory Dwelling Unit” a detached accessory dwelling unit is a cottage, guesthouse, employee quarters or rental unit which is built on the same property as a main house.

V. “ Storage Container” a weather- resistant receptacle designed and used for the storage or shipment of goods, wares, materials or merchandise. Examples include, but are not limited to, “portable on demand storage units”, metal shipping containers, or cargo boxes detached from motor vehicles. “Storage Container” shall not include minor accessory structures or other structures for which a building permit is required.

SECTION III. DISTRICTS

For the purpose of regulating and restricting the use of land and the location, construction, and use of buildings, the Town is divided into four (4) districts, identified and defined as follows:
Business District; Village District; General Residence District; and Rural/Agricultural District

Superimposed over certain of the above Districts are Special Purpose Districts in which special regulations and restrictions apply. These Districts are identified and defined hereinafter as follows: Industrial District and the Wetland Conservation District. In all cases where Special Purpose Districts are superimposed within other zoning districts, that District whose regulations are more restrictive apply.

NOTES:

1. The voters of the Town of Greenfield have adopted the New Hampshire Model Floodplain Development Ordinance, which places restrictions on building within the floodplain.

2. In 2011, the voters of the Town of Greenfield voted to create a new Special Purpose District called the Crotched Mountain Rehabilitation and Education District. When conflicts emerge between this district and underlying General Residence District, the use regulations and dimensional requirements of the Crotched Mountain Rehabilitation and Education District shall apply.

A. Business District:

1. The Business District shall observe the following regulations and restrictions:

   a. This District shall be principally a District for the transactions of business and the following uses are permitted: stores & shops for the conduct of any retail business or personal service, offices, banks, filling stations, car washes, motor vehicle repair garages and food service facilities. All the above businesses must be conducted in permanent

buildings. Residences are allowed in this District however, manufactured housing, mobile homes and/or travel trailers used as a residence shall not be permitted.

b. The lot area shall be not less than one and one-half (1.5) acres and the frontage not less than one hundred fifty (150') feet, provided, however, that a lot with less acreage or less frontage, or both, which is recorded in the Office of the Registry of Deeds at the time of passage of this amendment shall be deemed a conforming lot. There shall be between the nearest side of any public highway and the extreme front of any building, a yard having a minimum depth of fifty (50') feet. There shall be between the nearest part of any building or structure on the lot, a side or rear yard of not less than twenty-five (25') feet. There is, however, an exception to these setback requirements. For lots smaller than one and one-half acres in area and deemed conforming per the above, setback requirements will be reduced in proportion to the actual lot size divided by the minimum lot size, however, in no case will setbacks be less than thirty (30') feet at the front and twenty (20') feet at the sides and rear. No building addition shall have to be set back from the lot line any further than any existing building on the lot.

c. No business shall be permitted which is offensive or injurious to nearby residents or the general public or which does not meet State and Federal environmental and sanitary standards.

d. No entertainment halls shall be permitted in this District except those under public ownership.

e. Except for the following two exceptions, no building may house more than one (1) family as permanent residents.

2. By special exception, the Board of Adjustment may permit the addition of not more than one (1) accessory dwelling unit under the following conditions:

a. Such addition is within or attached to the primary dwelling.

b. Either the accessory dwelling unit or the primary residence shall constitute the domicile of the person or persons who own the lot on which the residence is situated.

c. The accessory dwelling unit shall have a minimum floor area of three hundred (300') square feet but shall be no area greater than twenty-five (25%) percent of the total floor area of the building.

d. The accessory dwelling unit shall have a separate entrance and shall have adequate egress in case of fire or other hazard.

e. No change shall be made to the exterior of the residence, which would detract from its appearance as a one-family residence.

f. The sewage disposal system for the residence, either existing or as it may be modified, shall be shown adequate for all occupants, and shall have been approved by the Building Inspector,

g. The accessory dwelling unit shall comply with all the other ordinances of the Business District.

3. Buildings with up to twenty-five (25) dwelling units are permitted providing:

a. It is a single story building consisting entirely of dwelling units for those elderly individuals with moderate or greater incomes, and that meet the Department of Housing and Urban Development (HUD) definition of elderly.

b. The building's location in the Business District is north of Forest Road and between lots V1-3 and V1-9.

4. The Board of Adjustment may, by special exception, permit in the Business District, a light industry or related operation that will comply with the following requirements:

a. Demonstrate that it will not offend neighbors by objectionable odors or excessive noise, and that it will not become a public or private nuisance by meeting the following requirements:

b. *Vibrations.* Every use shall be so operated that ground vibrations inherently and recurrently generated is not perceptible, without instruments, at any point of the property line of the property on which the use is located.

c. *Noise.* Objectionable noise due to intermittent beat frequency, or shrillness shall be muffled or eliminated so as not to become a nuisance to adjacent property. No noise shall be perceptible without instruments at any point of the property line on which the use is located.

d. *Odor.* Every use shall be so operated as to prevent the emission of objectionable or offensive odors in any such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.

e. *Smoke.* No use shall be so operated that it degrades the quality of the air by emitting smoke or particle matter.

f. *Discharges:*

(1) No use shall be so operated that it emits hazardous waste or materials.

(2) Demonstrate that it will not create traffic problems.

(3) Provide a setback of at least one hundred (100') feet from the nearest edge of the right of way, with no buildings, parking areas, delivery areas, or storage areas less than twenty-five (25') feet from all side and rear boundaries.

(4) Provide adequate loading and delivery facilities for trucks, and parking areas for employees and others, none of such facilities or areas to be located in the one hundred (100') foot front yard portion of the property.

(5) Meet the requirements of this Ordinance and all statutes of the State of New Hampshire relating to air pollution and the disposal of sewage and industrial wastes.

(6) Be conducted entirely within enclosed buildings or within enclosed structures.

(7) Provide appropriate landscaping, including fencing and/or shrubs of adequate height and bulk at planting for adequate screening, as deemed necessary by the Board.

(8) Otherwise meet the requirements of this Ordinance with regards to lot size, frontage, signs, etc.

B. Business District Boundaries:

The Business District, as defined in Section III A, shall be bounded as follows:

Beginning at the railroad crossing on Forest Road; thence

To a point, four hundred (400') feet due north of the crossing, thence

Easterly, on a line four hundred (400') feet north of Forest Road, to a point four hundred (400') feet west of Sawmill Road; thence

Northerly and four hundred (400') feet west of Sawmill Road, to a point due west of the juncture of Sawmill Road and the northern boundary line of V2-3; thence

Due east to a point four hundred (400') feet east of Sawmill Road; thence

Southerly and four hundred (400') feet east of Sawmill Road, to the south side of Forest Road; thence

Along the south side of Forest Road to the northeast corner of V3-22, the Library property; thence To a point on the southern boundary of V3-23 that is four hundred (400') feet east of Slip Road; thence

Southerly on a line four hundred (400') feet east of Slip Road to the railroad right of way; thence

Northerly and westerly along the east and north boundaries of the railroad right of way, to the point of beginning.

C. Village District:

The Village District shall observe the following regulations and restrictions:

1. It shall be a district of residences only. Manufactured housing, mobile homes and/or travel trailers used as residences shall not be permitted in this district.

2. No building shall house more that one (1) family as permanent residents. However, by special exception, the Board of Adjustment may permit the addition of not more than one (1) accessory dwelling unit under the following conditions:

a. Such addition is within or attached to the primary unit.

b. Either the accessory dwelling unit or the primary residence shall constitute the domicile of the person or persons who own the lot on which the residence is situated.

c. The accessory dwelling unit shall have a minimum floor area of three hundred (300) square feet but shall be no greater than twenty-five (25%) percent of the total floor area of the building.

d. The accessory dwelling unit shall have a separate entrance and shall have adequate egress in case of fire or other hazard.

e. No change shall be made to the exterior of the residence, which would detract from its appearance as a one-family residence.

f. The sewage disposal system for the residence, either existing or as it may be modified, shall be shown adequate for all occupants, and shall have been approved by the Building Inspector.

g. The accessory dwelling unit shall comply with all the other ordinances of the Village District.

3. There shall be between the nearest side of any public highway and the extreme front of any building, a yard having a minimum depth of one hundred (100') feet. There shall be between the nearest side and rear border of any lot a yard of not less than fifty (50') feet. There is, however, an exception to these setback requirements. For lots smaller than two acres in area and deemed conforming per the following paragraph 4, setback requirements will be reduced in proportion to the actual lot size divided by the minimum lot size, however, in no case will setbacks be less than thirty (30') feet at the front and twenty (20') feet at the sides and rear.

4. The lot area shall not be less than two (2) acres and frontage on a Class V or better highway of not less than two hundred fifty (250') feet, provided however, that a lot with less frontage or acreage which is recorded in the Office of the Registry of Deeds at the time of passage of this amendment shall be deemed a conforming lot.

D. Village District Boundaries:

The Village District, as defined in Section III C, shall be bounded as follows:

Beginning at a point four hundred (400') feet due north of the railroad crossing on Forest Road; thence;

Northerly to a point on Sawmill Road, opposite the juncture with Crotched Mountain Road; thence;

Easterly to the juncture of the Francestown Road and Pine Ridge Road; thence

For four hundred (400') feet easterly along Pine Ridge Road; thence

Southerly to a point four hundred (400') feet north of East Road and four hundred (400') feet east of Forest Road; thence

Southwesterly to the southernmost point of the Business District; thence

Along the eastern and northern boundaries of the Business District, to the point of beginning.

Also included in this district, all land included within four hundred (400') feet of the high water mark around Otter, Sunset, and Zephyr Lakes.

E. General Residence District:

The General Residence District shall observe the following regulations and restrictions:

1. It shall be principally a district of residences.

2. No building shall house more than four (4) families as permanent residents. The lot size shall be not less than one and one-half (1.5) acres for each dwelling unit and off-street parking for two (2) cars for each dwelling unit must be provided.

3. There shall be between the nearest side of any public highway and the extreme front of any building a yard having a minimum depth of one hundred (100') feet. There shall be between the side and rear borders of any lot and the nearest part of any building a yard of not less than fifty (50') feet. There is, however, an exception to these setback requirements. For lots smaller than two acres in area and deemed conforming per the following paragraph 4, setback requirements will be reduced in proportion to the actual lot size divided by the minimum lot size, however, in no case will setbacks be less than 30 feet at the front and 20 feet at the sides and rear. No building addition shall have to be set back from the lot line any further than any existing building on the lot.

4. The lot area shall be not less than two (2) acres and frontage on a Class V or better highway of not less than two hundred fifty (250') feet, except industrial lots in the Industrial District will require only one hundred fifty (150') feet of frontage, provided however, that a lot with less acreage or frontage which is recorded in the Office of the Registry of Deeds at the time of passage of this amendment shall be deemed a conforming lot.

5. Business is prohibited in this District except as hereinafter provided.

6. The following businesses will be permitted in this District: buying, selling and exposing for sale home produce and products; maintaining and operating hotels, bed & breakfast inns and day care centers, as well as those defined under Section IV.B Professional Uses and Customary Home Occupations.

7. There shall be no restriction as to the type of residential building within this District, providing regulations as to lot acreage, frontage and setbacks are complied with.

8. Industry may be permitted within this District but shall be strictly confined to the Industrial Special Purpose Districts provided therefore, except that which is allowed under Section IV.B Professional Uses and Customary Home Occupations.

F. General Residence District Boundaries:

The General Residence District as defined in Section III E shall be bounded as follows:

This district, covering areas served by major roads, <u>encompasses all land not contained in any other district herein defined</u>. It should be noted that where major roads penetrate other districts to outlying parts of Town, land to a depth of four hundred (400') feet on either side of the road is included in this District. Such is the case on Forest and Peterborough Roads and portions of East and New Boston Roads.

G. Rural/Agricultural District:

The Rural/Agricultural District shall observe the following regulations and restrictions:

1. It shall be primarily a district in which facilities to the benefit of agriculture and/or rural living are to be retained. Emphasis will be placed on the preservation of open space, rural tranquility, woodlands, waterways, scenic views, historic and otherwise unique features.

2. The lot area shall be not less than four (4) acres and the frontage not less than three hundred fifty (350') feet, provided however, that a lot with less area or frontage which is recorded in the Office of the Registry of Deeds at the time of passage of this amendment shall be deemed a conforming lot.

3. There shall be between the nearest side of any public highway and the extreme front of any building a yard having a minimum depth of one hundred (100') feet. There shall be between the nearest side or rear border of any lot and the nearest part of any building or structure on the lot, a yard of not less than fifty (50') feet. There is, however, an exception to these setback requirements. For lots smaller than four acres in area and deemed conforming per the preceding paragraph 2, setback requirements will be in proportion to the actual lot size divided by the minimum lot size, however, in no case will setbacks be less that fifty (50') feet at the front and thirty (30') feet at the sides and rear. No building addition shall have to be set back from the lot line any further than any existing building on the lot.

4. Industry is not permitted in this district. The following businesses will be permitted in this district: Buying, selling and exposing for sale home produce and products. Maintaining and operating hotels, bed & breakfast inns and day care centers, as well as those defined under Section IV.B Professional Uses and Customary Home Occupations.

5. No building shall house more that one (1) family as permanent residents. However, by special exception, the Board of Adjustment may permit the addition of not more than one (1) accessory dwelling unit under the following conditions:

a. Such addition is within or attached to the primary unit.

b. Either the accessory dwelling unit or the primary residence shall constitute the domicile of the person or persons who own the lot on which the residence is situated.

c. The accessory dwelling unit shall have a minimum floor area of three hundred (300) square feet but shall be no greater than twenty-five (25%) percent of the total floor area of the building.

d. The accessory dwelling unit shall have a separate entrance and shall have adequate egress in case of fire or other hazard.

e. No change shall be made to the exterior of the residence, which would detract from its appearance as a one (1) family residence.

f. The sewage disposal system for the residence, either existing or as it may be modified, shall be shown adequate for all occupants, and shall have been approved by the Building Inspector.

g. The accessory dwelling unit shall comply with all the other ordinances of the Rural/Agricultural District and shall not be included in open space development density calculations.

H. Rural/Agricultural District Boundaries:

The Rural/Agricultural District, as defined in Section III G, is located in the eastern, southern and western portions of Greenfield and is bounded as follows:

Beginning at a point on the Lyndeborough border, four hundred (400') feet east of Forest Road; thence

Northwesterly and four hundred (400') feet from and parallel to Forest Road to a point four hundred (400') feet southeast of the New Boston Road.

At this point a corridor of the General Residence District, measuring four hundred (400') feet to either side of the New Boston Road, extends to the juncture of Dunklee Hill Road.

The District boundary resumes at a point four hundred (400') feet southwest of Miner Road and proceeds northerly on a line four hundred (400') feet southwest of Miner Road to a point four hundred (400') feet east of Forest Road; thence

Generally northwesterly four hundred (400') feet east of and parallel to Forest Road to a point four hundred (400') feet south of East Road; thence

Easterly four hundred (400') feet south of and parallel to East Road to its juncture with the Class VI portions of Pine Ridge Road; thence

Along Pine Ridge Road to Rand Brook; thence

Northwesterly along Rand Brook until four hundred (400') feet from the Francestown Road; thence

Four hundred (400') feet east of and parallel to the Francestown Road to the Francestown line; thence

Easterly and southerly along the Francestown and Lyndeborough borders, to the point of beginning.

Also, beginning at a point on the Lyndeborough border at the crossing of Russell Station Road; thence

Southerly, westerly, and northerly along the Lyndeborough, Temple and Peterborough borders to a point four hundred (400') feet north of Gulf Road; thence

Easterly four hundred (400') feet north of and parallel to Gulf Road to Russell Station Road; thence

Southerly along Russell Station Road, to the point of beginning.

Also, beginning at the juncture of the Peterborough border with the East shore of the Contoocook River; thence

Northerly, following the high water mark of the riverbank to the Bennington border, but interrupted by a strip measuring four hundred (400') feet to either side of Forest Road; thence

Easterly along the Bennington border to a point four hundred (400') feet east of Muzzey Hill Road; thence

Southerly, east of and parallel to Muzzey Hill Road to the west side of the railroad right of way; thence

Southerly along the railroad right of way to a point of crossing of Otter Brook; thence

With an interruption across Forest Road, to a point on Otter Brook, four hundred (400') feet south of Forest Road; thence

Resuming southerly along the west bank of Otter Brook to the Peterborough line; thence

Westerly, to the point of beginning.

I. Special Purpose Districts:

1. Industrial Districts:

Industry and excavations may be permitted in those areas of the General Residence District as hereinafter defined after a public hearing, providing the industry and/or excavation is not injurious to agricultural enterprises or nearby private residents and does not exist on lots created for the purpose of residential subdivision. The specific areas applicable to this purpose are:

a. Russell Station area in the vicinity of the railroad tracks and defined as follows:

Beginning at the northwest corner of Route 31 and northern boundary of R9-45 property; thence

Westerly on north boundary of R9-45 property, crossing the railroad track and Russell Station Road to a stone wall marking north boundary of R9-66-1 property; thence

Westerly on the north side of a stonewall to Gulf Road; thence

Westerly on the north side of Gulf Road to a stonewall which represents the boundary between the properties of R6-24-6 and R9-2; thence

On east side of stone wall, north 8 degrees east and continuing on a straight course approximately two thousand, four hundred (2,400') feet to the point of intersection of this line with stone wall marking southern boundaries of properties of R9-1, S5-13, S5-12, S5-11 and R9-79 (FKA R6-22); thence

Fifty-eight (58) degrees east on south side of stone wall marking southern boundaries of R9-1, S5-13, S5-12, S5-11 and R9-79 (FKA R6-22) land and continuing on this line to intersection with Route 31; thence

Southeasterly on west side of Route 31 to point of beginning.

Also, to include the property identified as R9-18-1 (FKA R9-18-A).

These boundaries are as shown on Town Zoning Map.

b. Sawmill Road area in the vicinity of Greenfield's Department of Public Works' garage and Recycling Center and defined as follows:

On the east side of Route 31, beginning at the Alexander Brook near the southern boundary of R2-15-1; thence

Northerly, along Route 31 for approximately one (1) mile.

There, opposite the entrance of R1-9 (AKA Top of the World), the boundary runs east along a stone wall to the Old Russell Road; thence

Southeasterly along Old Russell Road to the Alexander Brook; thence

Westerly, along the Alexander Brook to the point of beginning.

On the west side of Route 31, the Industrial Zone encompasses the properties identified as lots #26, #27, #28 and #29 on Tax Map sheet R1.

c. Application for the building permits in the Industrial Districts must show the following:

(1) Adequate parking for workers and visitors.

(2) Minimum setback of one hundred (100') feet from any State accepted highway.

(3) Side or rear truck facilities.

(4) Appropriate landscape.

(5) Minimum sideline setbacks of fifty (50') feet on both sides, one-half (.5) of which may be used for driveways.

(6) No building or set of buildings may occupy more than thirty (30%) percent of its lot nor shall it occupy more than sixty (60%) percent of its frontage if the front yard is less than one hundred (100') feet deep.

2. Wetland Conservation District *[Adopted 1978; Amended: 2003 & 2005]***:**

a. General: The Wetland Conservation District is hereby determined to be those areas identified and delineated as poorly drained (Hydric "B") or very poorly drained (Hydric "A") soils and as bodies of water by the National Cooperative Soil Survey through field mapping surveys completed in 1970 and shown on its field mapping photographic sheets for the Town of Greenfield, NH. The Wetland Conservation District, as herein defined, is shown on a map designated as the Town of Greenfield Wetland Conservation District Map, and is an overlay to the "Zoning Map" of the Town of Greenfield, NH. This map is available for public review at the Greenfield Town Offices during normal office hours.

This map is for reference use only. In the event that an area on the map is questionable in terms of its soil type, High Intensity Soils Sampling will be used to determine the location and extent of poorly drained or very poorly drained soils.

In all cases where the Wetland Conservation District is superimposed over another zoning district in the Town of Greenfield, that district whose regulations are more restrictive shall apply.

b. Purpose: In the interest of public health, convenience, safety and welfare, the regulations of this District are intended to guide the use of land areas with extended periods of high water tables:

(1) To prevent the destruction or alteration of natural wetlands, which provide natural storage of flood crests and reduce flood losses, filter sediments and cleanse pollutants from flowing water, recharge near-surface and ground water supplies, alleviating droughts in dry seasons, and which provide vital habitat and refuge for fish, waterfowl and wildlife.

(2) To prevent the developments of structures or such other land uses on naturally occurring wetlands, which would contribute to pollution of surface or ground water.

(3) To prevent inharmonious use of wetlands which would create unnecessary or excessive expense to the Town for the provision and maintenance of essential services and utilities.

(4) To encourage those uses that can be appropriately and safely located in wetland areas.

c. Permitted Uses: Any use that does not result in the erection of any structure or alter the surface configuration by addition of fill and that is otherwise permitted by the Zoning Ordinance.

(1) Forestry - tree farming

(2) Agriculture

(3) Water impoundments and well supplies

(4) Drainage ways - streams, creeks or other paths of normal runoff water

(5) Wildlife habitat management

(6) Parks and such recreation uses as are consistent with the purpose and intentions of paragraph b above.

(7) Conservation areas and nature trails

(8) Open space as permitted by Subdivision Regulations and other sections of this Ordinance.

d. Special Exceptions: Special Exceptions may be granted by the Board of Adjustment for the following uses, within the Wetlands Conservation District:

(1) Streets, roads and other access ways and utility rights of way easements, including power lines and pipe lines if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands.

(2) The undertaking of a use not otherwise permitted in the Wetland Conservation District which may include the erection of a structure, dredging, filling, drainage or otherwise altering the surface configuration of the land, if it can be shown that the proposed use will not conflict with the purpose and intentions of paragraphs a. and b., and if such proposed use is otherwise permitted by the Zoning Ordinance. Proper evidence to this effect shall be submitted, in writing, to the Board of Adjustment and shall be accompanied by the findings of a review of the environmental effects of such a proposed use upon the wetland in question.

e. Special Provision:

(1) No wetlands may be used to satisfy minimum lot size requirements except in the Rural/Agriculture District where wetlands may be used to satisfy up to two (2) acres of the lot size requirement. In any district, wetlands may be used to satisfy all but fifty (50') feet, plus the width required for driveway access, of the frontage requirement.

(2) No new septic tank or leach field may be closer than seventy-five (75') feet to any wetland. Exceptions, granted by the Code Enforcement Officer, may be made to repair or enlarge existing systems.

(3) No construction or ground disturbance shall occur within twenty-five (25') feet of the wetland areas defined in this article, except for those items listed in Section D of this Article. This twenty-five (25') foot buffer zone shall be parallel to and surveyed from the edge of the wetland on a horizontal plane; for the purpose of protection the buffer zone shall be subject to the same regulations that apply to the filling and uses of wetlands.

3. Crotched Mountain Rehabilitation and Education Center District:
[Adopted 2011; Amended 2012]

a. Purpose & Intent: The purpose of the Crotched Mountain Rehabilitation and Education Center ("CMREC") District is to provide for the medical, educational and residential care of persons with disabilities and others in need of these services. The CMREC District shall recognize and support the integrated and interdependent nature of these uses, the importance of accessibility to the rehabilitative care community and the public and the virtue of maintaining natural land features.

b. Use Regulations:

(1) Permitted Uses. The following uses shall be permitted within the CMREC District:

(a) Hospital
(b) Clinics and Outpatient Services
(c) Education and Vocational Training
(d) Professional and Administrative Office
(e) Research, consistent with the purpose and intentions set forth in Paragraph A above
(f) Housing
(g) Group Day Care
(h) Nursing Home
(i) Recreational
(j) Agricultural
(k) Sustainable Forestry and Timber Production
(l) Manufacturing and repair of medical and rehabilitation devices

(2) Accessory Uses. It is recognized that certain uses may be in furtherance of the goals of the CMREC District when provided in conjunction with other permitted uses. Therefore, the following uses shall be permitted if accessory to a permitted use within the District. Such uses shall be intended for residents, staff and guests of the facilities and not for the general public. Any structures maintained to provide for an accessory use within the CMREC District may be stand-alone and need not be accessory to a structure maintained for a permitted use.

(a) Conference and Meeting Facility
(b) Food Service
(c) Lodging
(d) Retail
(e) Theater/Function Hall
(f) Artisan/Studio

(g) Utilities for the production and distribution of electricity, heat, water and waste water treatment.
(h) Vertical take-off and landing area
(i) Communication Towers for cell phones, emergency response and mutual aid systems. Any such towers shall be subject to the regulations set forth in Section V of this Ordinance and are permitted for use by the general public.

c. Dimensional Requirements: In recognition of the buffer to other Greenfield zoning districts provided by the Forest Conservation Easement overlaying the majority of the CMREC District, certain dimensional requirements are relaxed to provide for increased design flexibility necessary to accomplish the purpose and intent of the CMREC District.

(1) Primary Structures and Setbacks. There shall be no limits on the number of primary structures that may be contained on a single lot within the CMREC District; provided however, that the following internal setbacks shall apply to each such structure:

(a) Primary structure shall be setback at least thirty (30') feet from the edge of pavement of any roadway within the CMREC District.
(b) Primary structure shall be setback at least forty (40') feet from any other internal primary structure.
(c) All structures shall be setback at least fifty (50) feet from any other district boundary.

(2) Lot Coverage. The building coverage on any single lot shall not exceed seventy percent (70%).

(3) Frontage. All primary structures shall have at least fifty (50) feet of contiguous frontage on an internal or external roadway.

(4) Buffers. There shall be buffering of an appropriate type and depth, as determined by the Planning Board during Site Plan Review, to provide year-round protection for abutting properties from traffic, buildings, structures, lighting, noise or other activities.

(5) Building Height. Notwithstanding anything to the contrary in this Ordinance, the maximum building height in the CMREC District shall be 50 feet or three stories for any building with an indoor fire suppression or sprinkler system.

d. CMREC Boundaries: The CMREC District, as defined in this Section is comprised by the following lots identified by Tax Map numbers.

R2 Lot 5	R2 Lot 10	R2 Lot 11-4
R2 Lot 6	R2 Lot 11	R2 Lot 13
R2 Lot 7	R2 Lot 11-1	R2 Lot 14
R2 Lot 8	R2 Lot 11-2	
R2 Lot 9	R2 Lot 11-3	

SECTION IV. GENERAL REGULATIONS AND RESTRICTIONS

A. Advertising Signs:

No advertising sign is permitted in any district except in accordance with the terms of a written permit obtained from the Building Inspector. A permit shall be issued, without charge, upon written application showing conformance with the following specifications:

1. Size: Fifteen (15) square feet or smaller.

2. Location: No closer than twenty-five (25') feet to an abutting lot and sited so as not to obstruct the view of traffic.

3. Number: Except for the Business District, no more than one (1) sign affixed to a building and additionally no more than one (1) sign per lot. In all districts, if the lot fronts on more than one (1) road, at least one (1) sign is permitted on each road. In the Business District and at the discretion of the Building Inspector, multiple signs may be affixed to a building containing multiple businesses but never more than one sign per business.

4. Content: Advertisement only of the business being conducted on the premises or products or services supplied there.

5. Lighting: No light except steady white light for illumination only.

6. If an unusual need exists, the Board of Adjustment may grant a special exception to the size limitation for a sign, which only identifies the location of the business. The Board of Adjustment may grant a special exception to permit signs necessary for giving directions to a business that is not located on a State highway. In considering applications for special exceptions, the Board of Adjustment shall follow the procedure as that prescribed for appeals in New Hampshire RSA 31:71.

7. The foregoing notwithstanding, this section does not apply to signs existing and permitted as of the date of passage of this section.

B. Professional Uses and Customary Home Occupations:

Subject to the requirements of this Ordinance, nothing herein shall prevent a profession or customary home occupation from being conducted in a residence or in a structure accessory to the residence in any district, provided, however, that said profession or customary home occupation is first approved by the Greenfield Planning Board through a Site Plan Review and permit issued.

1. For purposes of this Section, an approved professional or customary home occupational use will be one that can be conducted in accordance with the conditions and requirements set forth in paragraph 2 below.

2. There shall be no adverse effect caused by the use on the residential character of the site or of any structure on it, on surrounding properties or on the natural environment. Thus, there shall be no nuisance or health hazard generated by noise, vibration, odors, heat, smoke, dust, light, glare, traffic or parking, or by soil, water or air pollution, or by any other effect of the use. Pursuant to these conditions the following requirements shall be met:

a. The use shall be clearly incidental and secondary to the residential use of the site.

b. The use shall be carried out wholly within a dwelling or a structure accessory to the dwelling. An accessory structure not attached to the dwelling shall be no closer than the dwelling to any public right-of-way. Buildings or other facilities on the same site that are not customary to a residence, or farm in a Rural/Agricultural District, shall not be included in the use. The proposed Home Occupation shall be operated on the lot of the resident's

dwelling unit. A special exception may be granted by, the Board of Adjustment for an abutting lot owned by the applicant.

c. The use shall be conducted by, members of the household occupying the dwelling. No more than two (2) persons outside the household shall be employed in the use.

d. The use shall cause no variation from the exterior residential character of the dwelling or other structure employed in the use. Thus, there shall be no display on the structure or in a window, and no other building feature normally associated with a non-residential use. There shall be no exterior storage of goods or equipment.

e. No more than four (4) off-street parking spaces will be used on a regular basis. No on-street parking will be used. No traffic, either in volume or in vehicle size, will be allowed that is not ordinarily associated with a residential use.

f. A sign shall be permitted for the home-based business provided that they comply with other Greenfield sign requirements, and that they may not be illuminated and may not exceed 3 square feet in area. The sign shall be reviewed by, the Planning Board.

g. A maximum of one (1) truck with a twelve thousand (12,000) pound gvw, which is used for the home-based business, may be parked on the premise. More than one truck or larger equipment shall be allowed if the Planning Board determines that there shall be no adverse effect on the neighborhood.

h. The Home-Based Business permit shall become void if there are any significant changes in the business or if the business ceases operation, or when the residence is sold. If the business is proposed to continue following the sale or transfer of the property the new owner must file a Site Plan application with the Planning Board for their review and approval.

C. Number of Buildings:

Lots in any district shall contain no more than one residential building. One detached accessory dwelling unit may be allowed by special exception of the Zoning Board of Adjustment if a property meets the following requirements:

1. The detached accessory dwelling unit shall not be sold separately without subdivision approval.

2. The property must contain a minimum of five (5) acres.

3. The maximum number of bedrooms or sleeping spaces allowed in any detached accessory dwelling unit is two (2).

4. There shall be no attached accessory apartment unit on the lot.

5. The detached accessory dwelling unit is subordinate and clearly secondary to the main residence and shall contain no more than seven hundred (700) square feet.

6. There can be no more than one (1) accessory dwelling unit.

7. There shall be a minimum of two (2) off-street parking spaces for each living unit.

D. Home produce and products:

Home produce and products may be bought and sold and exposed for sale in any district provided a nuisance is not created by offensive noise, vibration, smoke, dust, odors, heat, glare, traffic or activity at unreasonable hours. In the Business District only, home produce shall include campfire wood not grown on the property provided the sale of such wood is clearly incidental and secondary to the residential use of the site and conducted only by members of the household occupying the dwelling located on the lot, and provided that there is no nuisance or health hazard generated by noise, light, traffic or parking or by any other effect of the use. Individuals selling home produce and products may supplement their sales with agricultural products (as defined by NH RSA 21:34A) not grown on the property provided that at least half of their yearly sales, by value, are grown on the property.

E. Backlots/Reduction of Required Frontage:

1. For the purpose of implementing the policies and goals set out in the Town's Master Plan, avoiding strip development and encouraging good civic design, the Planning Board, at its sole discretion, is hereby authorized to approve subdivision proposals containing backlots with less frontage than otherwise required by this Ordinance. Such back lots may be approved in the Village District, General Residence District and the Rural/Agricultural District only and no such approval shall be granted unless the following conditions are met:

a. All backlots so approved shall be laid out in such a manner as to be capable of accommodating completely within the lot boundaries and completely behind the required front yard, a square with each side having a minimum dimension of not less than the frontage requirement for the district in which the lot is located.

b. In no case shall any backlot be approved which does not have at least one hundred (100') feet of frontage as defined in this Ordinance.

c. Not more than one (1) backlot shall be created on any lot of record, and no backlot so created shall be further subdivided except in full conformity with the provisions of this Ordinance.

d. In no case shall such backlots be so located as to have adjacent frontage.

e. Any backlots so created under the provisions of this Section shall have a minimum area of not less than ten (10) acres and any construction thereon shall be set back from public rights of way not less than three (3) times the distance usually required in the district. Such lots and any subsequent development thereon shall conform in all other respects to the requirements set out in this Ordinance and the Subdivision Regulations.

f. Proposed driveway (curb cut) locations for each lot in the subdivision shall be clearly shown on the subdivision plat which shall be accompanied by written comments as to location, design and safety by the Town's engineer/road agent, if such lots are located on a Town maintained road, or the Commissioner of the New Hampshire Department of Transportation or his duly authorized agent, if the lots are located on a State maintained road.

2. It is the intent of this Ordinance that the creation of backlots be allowed only in appropriate circumstances and not encouraged. The Planning Board may reject proposals for the creation of backlots if it determines that such proposals:

a. Involve land which is unsuitable for development.

b. Are scattered and premature.

c. Are otherwise inconsistent with the expressed purpose of this Ordinance or the Subdivision Regulations.

F. Junkyards:

No person shall locate or maintain in the Town a junkyard (as defined by NH RSA 236:91 and 236:112).

G. Unregistered Vehicles:

It shall be unlawful for the owner or occupant of any premises to have or permit thereon more than two unregistered motor vehicles unless kept in a fully enclosed structure. Vehicles that are registered shall be inspected and considered roadworthy. This shall not apply to vehicles used on the premises for agriculture or any work where registration is not required. A special exemption can be granted by the Board of Adjustment for ongoing vehicle restoration involving more than two unregistered motor vehicles. Any deviation from the above will be deemed a "junk yard".

Violations of the foregoing shall be punishable by a fine of not more than twenty ($20.00) dollars. Each day of non-compliance shall constitute a separate offense.

H. Hunting & Game Preserves:

No person shall locate or maintain in the town, a hunting or game preserve herein defined as a place where game is released for hunting.

I. Personal Property Sales:

In any district, the sale of surplus or used personal or household property, commonly known as a yard sale, or garage sale, or barn sale, or tag sale, may be conducted under the conditions described below. These conditions are intended to help protect the residential character of the surrounding area.

1. The sale is conducted personally, by an occupant of the household involved.

2. The sale does not interfere with the safety, convenience, or general welfare of the occupants of surrounding property.

3. The sale is conducted for no longer than three (3) consecutive days without the approval of the Board of Selectmen.

4. No one household shall conduct such a sale more than three (3) times in a twelve (12) month period without the approval of the Board of Selectmen.

J. Elderly Housing:

The Board of Adjustment may, by special exception, permit in any district, a home for the elderly or any municipal or similar use provided that the building conforms in general value to other structures in the neighborhood and the use does not substantially reduce the value of existing property in the neighborhood.

K. Building Height:

In any district, the maximum height for any building intended for human occupancy, either as a residence, business or for any other purpose, will be thirty five (35') feet above the ground or two (2) stories. For purposes of this Ordinance, an attic used for storage only is not considered a story.

The height of any other structure, except towers which are subject to the personal wireless service facility regulations, shall be not greater than fifty (50') feet from the ground except that special exceptions to this height restriction may be granted by the Board of Adjustment for silos for storage of feed crops, for other farm buildings, church towers, water storage structures or amateur radio antennas.

L. Food Service Facilities Requirements:

1. A restroom(s), including lavatory, conveniently located within the building. All wastes must discharge directly into an approved in ground sewage disposal system.

2. Provisions for washing utensils used in the preparation and/or consumption of food and/or beverages. Any waste water must discharge directly into an approved in ground sewage disposal system;

3. A water supply adequate for both the washing facilities and restroom(s).

M. Outdoor lighting:

Outdoor lighting shall be shielded in such a manner that it will not cause glare or direct lighting on any adjacent property or cause glare to passing vehicles on adjacent streets and it will be shielded to point the light downward.

In the case of flags, which cannot be illuminated with down-lighting, upward lighting may be used only in the form of one narrow-cone spotlight which confines the illumination to the flag.

N. Noise:

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessarily loud noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the town, and in accordance with the concepts, measurement definitions and procedures set forth below.

1. Noises Prohibited-Decibel Provisions:

a. Use Districts: It shall be unlawful to project a sound or noise, excluding noise emanating from cars, trucks or other vehicles, from one property into another, within the boundary of a use district, which exceeds the limiting noise spectra set forth in Table 1 below. Sound or noise projecting from one use district into another use district with a different noise level limit, shall not exceed the limits of the district into which the noise is projected.

b. Loading and Unloading: It shall be unlawful to load, unload, open, or close or otherwise handle boxes, crates, containers, and building materials, trash cans, dumpsters, or similar objects between the hours of 10:00pm and 6:00am so as to project sound across a real property line, except as exempted under e below.

c. Power Tools: It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder, drill, garden tool, or similar device used outdoors, with the exception of snow blowers, before 7:00am. Snow blowers, lawnmowers, and chain saws shall be exempted from the L10 and Maximum Permissible- weighted Sound Level limits enumerated in Table 1 below.

d. Radios, Televisions Sets, Musical Instruments and Similar Devices: It

shall be unlawful to operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound between the hours of 11:00pm and 7:00am in such a manner as to cease a noise disturbance across a real property boundary.

e. Exemptions: The following uses and activities shall be exempt from noise level regulations:

(1) Noises of safety signals, warning devices and emergency pressure relief valves;
(2) Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency;
(3) Noises resulting from emergency and maintenance work as performed by the town, by the state, by public utility companies or noises resulting from the provision of municipal services;
(4) Any other noise resulting from activities of a temporary duration ;
(5) Parades and public gatherings for which the Selectmen have issued a permit;
(6) Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any purpose.

2. Measurement of Noise:

a. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by ANSI SI.4-1971 TYPE 1 or TYPE 2 and IEC 179. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

b. The slow meter response of the sound level meter shall be used in order to best determine that the amplitude has not exceeded the limiting noise levels set forth in Table I below.

c. The measurement shall be made at the location the noise is perceived by the complainant, or upon a public way, at a level of five (5') feet above the ground.

3. Tables:

Table I: Limiting Noise Level For Use Districts

Use District A represents the Village, Residential, and Rural/Agricultural Districts. Use District B represents the Business District. Use District C represents the Industrial Districts.

Use District	Maximum Permissible A-weighed Sound Level

	Day	Night
A. L-10 level	55	45
Maximum	68	58
B. L-10 level	60	45
Maximum	70	58
C. L-10 level	60	60
Maximum	70	70

L-10 refers to a national guideline for measuring noise levels over time and is recommended by the Environmental Protection Agency.

Sound levels are in decibels re: 20 micro pascals measured on the A. weighting network of a sound-level meter meeting the standards referenced in paragraph 2a above.

For the purpose of this Table, "Day" shall be defined as 7:00am to 10:00pm and "Night" shall be defined as 10:00pm to 7:00am. If the noise is not smooth and continuous, one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I of this section.

Table II Type of Operation in Character of Noise
(correction in decibels)

Noise of impulsive or intermittent character (hammering, discharging of weapons, etc.): minus 5

Noise of periodic character (hum, screech, etc.): minus 5

4. Application for Special Permit: Application for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specific noise and a reasonable time limit for its abatement.

5. Upon an apparent violation of this ordinance and the issuance of a complaint, the enforcing officer shall give a verbal order to cease or abate the noise immediately or within a specific period of time. If the order is not complied with, the person or persons responsible for the noise shall be charged with a violation of the ordinance. Anyone who violates the ordinance shall be subject to fine of twenty-five ($25.00) dollars per offense. Written record of all measured violations shall be kept by the police department.

O. Temporary Use of Manufactured Housing:

1. In the event of a catastrophe rendering an existing dwelling unusable, a manufactured home may be temporarily allowed on an occupied or unoccupied lot for a period not to exceed 12months, to allow for repair or rebuilding of the dwelling, provided that safe and adequate sewage and a safe water supply can be provided and that a valid building permit has been issued.

2. During the period of construction of a new home, a manufactured home may be temporarily allowed on the lot for a period not to exceed twelve (12) months, provided that safe and adequate

sewage and a safe water supply can be provided and that a valid building permit has been issued.

P. Building Code:

1. International Residential Code *[Adopted 2004]*.
2. International Existing Building Code.
3. Current State of New Hampshire Codes *[Adopted 2006]*.

Q. Unregistered Trailers and Storage Containers *[Adopted 2012]***:**

It shall be unlawful for the owner or occupant of any premises to have or permit thereon any unregistered trailer or storage container within the lot's building setback unless such placement is temporary and associated with on site building construction or renovation. Such placement shall occur only after receiving a permit issued by the Code Enforcement Officer for a period of sixty (60) days or less. Such permit is renewable.

SECTION V. TELECOMMUNICATIONS/PERSONAL WIRELESS SERVICE FACILITIES

[Adopted 1997; Amended: 2001, 2010, 2011 & 2012]

Purpose and Intent:

It is the express purpose of this Article to permit carriers to locate telecommunications/personal wireless service facilities within particular areas of the Town of Greenfield consistent with appropriate land use regulations that will ensure compatibility with the visual and environmental features of the Town. Compatibility with the visual features of Greenfield is measured based on the change in community scale and character in relation to the height, mass, materials, contrasts or proportion within the surroundings of a proposed wireless service facility. This Article enables the review of the locating and siting of telecommunications/personal wireless service facilities by the Town of Greenfield so as to eliminate or mitigate the visual and environmental impacts of telecommunications/personal wireless facilities. This Article is structured to encourage carriers to locate on existing buildings and structures whenever possible. New ground mounted telecommunications/personal wireless facilities are permitted, but only when the use of existing structures and buildings are found to be infeasible. Co-location is encouraged for all telecommunications/personal wireless service facility applications and the review of a telecommunications/personal wireless facility shall be on the basis of the site being built using all positions on the mount.

A. Applicability:

The terms of this Article and the Site Plan Review Regulations shall apply to telecommunications/personal wireless service facilities proposed to be located on property owned by the Town of Greenfield, on privately owned property, and on property that is owned by any other governmental entity that acts in its proprietary capacity to lease such property to a carrier.

B. Definitions:

For the purpose of this Article, the following terms shall have the meaning given herein:

1. "Antenna" The surface from which wireless radio signals are sent and/or received by a telecommunications/personal wireless service facility.

2. "Antenna Array" An collection of antennas attached to a mount to send and receive radio signals.

3. “Average Tree Canopy Height” An average found by inventorying the height at ground level (AGL) of all trees over twenty (20’) feet in height for a defined area, such as the area delineated in Section F (f).

4. “Camouflaged” A telecommunications/personal wireless service facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

5. “Carrier” A Company that provides telecommunications/personal wireless services, also sometimes referred to as a provider.

6. “Co-location” The use of a single mount on the ground by more than one carrier (vertical co-location) or the same carrier with multiple licenses, and/or the use of several mounts on an existing building or structure by more than one carrier or the same carrier with multiple licenses.

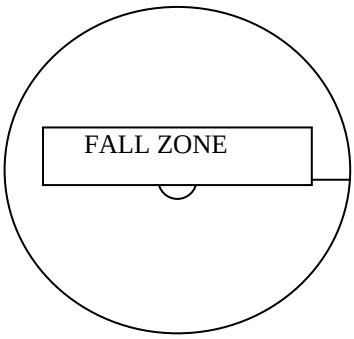
7. “Environmental Assessment (EA)” An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a telecommunications/personal wireless service facility is placed in certain designated areas.

8. “Equipment Shelter” An enclosed structure, cabinet, shed, vault or box near the base of the amount within which are housed equipment for telecommunications/personal wireless service facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

9. “Facility” See Telecommunications/Personal Wireless Service Facility

10. “Fall Zone” The area on the ground from the base of a ground mounted telecommunications/personal wireless service facility that forms a circle with a radius equal to the height of the facility, including any antennas or other appurtenances, as set forth in Figure 1. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Figure 1
Ground Mount Height = H
Radius=H



11. “Guyed Tower” A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

12. “Height” The height above ground level (AGL) from the natural grade of a site to the highest point of the structure.

13. “Lattice Tower” A type of mount with multiple legs and structural cross bracing between the legs that is self-supporting and free standing.

14. “Mast” A thin pole that resembles a street light standard or telephone pole. A dual-polarized antenna is typically deployed on a mast.

15. “Monopole” A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel, concrete, or other material, that is designed for the placement of antennas and arrays along the shaft.

16. “Mount” The structure or surface upon which antennas are mounted, including the following four types of mounts:

a. Roof-mounted. Mounted on the roof of a building.
b. Side-mounted. Mounted on the side of a building.
c. Ground-mounted. Mounted on the ground.
d. Structure –mounted. Mounted on a structure other than a building.

17. “Telecommunications/Personal Wireless Service Facility” Telecommunications/Personal Wireless Service Facility for the provision of telecommunications/personal wireless services facilities include a mount, antenna, equipment shelter and other related equipment as defined by The Telecommunications Act of 1996, as amended. .

18. “Personal Wireless Services” The three types of services regulated by this Ordinance: Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.

19. “Radio Frequency (RF) Engineer” An engineer specializing in electrical or microwave engineering, especially of radio frequencies.

20. “Radio Frequency (RFR) Radiation” The emissions from telecommunications/personal wireless service facilities.

21. “Security Barrier” A wall, fence, or berm that restricts an area from unauthorized entry or trespass.

22. “Separation” The distance between one carrier’s array of antennas and another carrier’s array.

C. District Regulations:

1. Location: Telecommunications/Personal wireless service facilities shall be permitted in all zoning districts. Special exception by the Zoning Board of Adjustment is required for all zoning districts except the Rural/Agricultural district. Applicants seeking approval for telecommunications/personal wireless service facilities shall first evaluate existing structures for the siting of telecommunications/personal wireless service facilities. Only after finding that there are not suitable existing structures pursuant to Section C (4) herein, shall a provider propose a new ground mounted facility.

2. Existing Structures: Policy: Telecommunications/Personal wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunication facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

3. Existing Structures: Burden of Proof: The applicant shall have the burden of proving that there are no existing structures which are suitable to locate its telecommunications/personal wireless service facility and/or transmit or receive radio signals. To meet that burden, the applicant shall take all of the following actions to the extent applicable:

a. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a telecommunications/personal wireless service facility. If the Planning Board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.

b. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures that was contacted.

c. If the applicant claims that a structure is not capable of physically supporting a telecommunications/personal wireless service facility, this claim must be certified by a licensed professional civil engineer. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the telecommunications/personal wireless service facility without unreasonable costs. The estimated cost shall be provided to the Planning Board.

4. Ground Mounted Facilities Policy: If the applicant demonstrates that it is not feasible to locate on an existing structure, ground mounted telecommunications/personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including, but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees.

D. Use Regulations:

A telecommunications/personal wireless service facility shall require a building permit in all cases and may be permitted as follows:

1. Existing Structures: Subject to the provisions of this Article and site plan review under RSA 674:43:III and except as otherwise permitted under Section D (1), a carrier may locate a wireless service facility on an existing structure, building, utility tower or pole or water tower. For the purposes of this section, new structures that are conforming to all other district zoning requirements shall be considered as existing structures.

2. Ground Mounted Facility: A telecommunications/personal wireless service facility involving construction of a ground mount shall require a site plan review and be subject to the provisions of this Article.

3. Completion Schedule: Any approval issued by the Planning Board will be in effect for nine (9) months from the date of approval to allow for completion of construction. After nine (9) months, if construction is not completed, a new application is required.

E. Dimensional Requirements:

1. Telecommunications/Personal wireless service facilities shall comply with the following requirements:

a. Height, Maximum: In no case shall a telecommunications/personal wireless service facility exceed one hundred forty (140') feet in height, unless the mount for the facility was greater than one hundred forty (140') feet prior to the adoption of this Article.

b. Height, Existing Structures and Utility Poles: Carriers that locate new telecommunications/personal wireless service facilities on water towers, electric

transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts and monopoles may be permitted to increase the height of those structures no more that twenty (20') feet, or forty (40') feet at the discretion of the Planning Board, if the additional height will not materially impair the visual impacts of the site. This increase in height shall only be permitted once for each structure.

c. Height, Other Existing Structures: The height of a telecommunications/personal wireless service facility shall not increase the height of a structure by more that fifteen (15') feet, unless the facility is completely camouflaged: for example a facility completely within a flagpole, steeple, or chimney. The increase in the height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a telecommunications/personal wireless service facility on a building that is legally nonconforming with respect to height, provided that the provisions of the Article are met.

d. Height, Ground-Mounted Facilities: Ground mounted telecommunications/personal wireless service facilities shall not project higher than twenty (20') feet above the average tree canopy height within a fifty (50') foot radius of the mount, security barrier, or designated clear area for access to equipment, whichever is greater.

e. Setbacks: All telecommunications/personal wireless service facilities, equipment shelters and security barriers shall comply with the building setback provisions of the zoning district in which the facility is located.

f. Fall Zone for Ground Mounts: In order to ensure public safety, the minimum distance from the base of any ground-mount of a telecommunications/personal wireless service facility to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in this Article. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the Site Plan Review.

g. Fall Zone for Non-Ground Mounts: In the event that an existing structure is proposed as a mount for a telecommunications/personal wireless service facility, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing non-conforming structures, telecommunications/personal wireless service facilities and their equipment shelters shall not increase non-conformities.

F. Height Simulations:

During the ninety (90) day period following formal acceptance of an application, the Board may, during its deliberations, require that the applicant erect a structure that would physically simulate the proposed tower, thus enabling the Board to better assess the impact of a tower at a particular location. As an example, a crane boom, extending one hundred (100') feet vertically, would simulate a one hundred (100') foot communications tower.

G. Performance And Design Standards:

1. Visibility:

a. Visual impacts are measured on the basis of:

(1) Change in community scale, as exhibited in relative height, mass or proportion of the telecommunications/personal wireless service facility within their proposed surroundings.

(2) New visible elements proposed on a contrasting background.

(3) Different colors and textures proposed against a contrasting background.

(4) Use of materials that are foreign to the existing built environment.

b. Enhancements are measured on the basis of:

(1) Conservation of opportunities to maintain community scale, e.g. buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.

(2) Amount and type of landscaping and/or natural vegetation.

(3) Preservation of view corridors, vistas and view sheds.

(4) Continuation of existing colors, textures and materials.

c. Visibility focuses on:

(1) Eliminating or mitigating visual impact.

(2) Protecting, continuing and enhancing the existing environment.

d. Camouflage for Facilities on Existing Buildings or Structures-Roof Mounts:

When a telecommunications/personal wireless service 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 façade in order to limit their impact on the building's silhouette.

e. Camouflage for Facilities on Existing Buildings or Structures-Side Mounts:

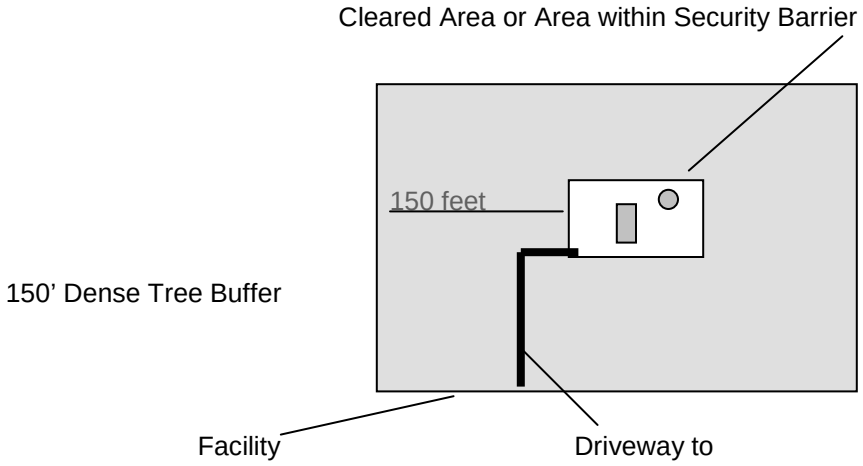
Telecommunications/Personal wireless service facilities which are side mounted shall blend with the existing building's architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with material consistent with the design and materials of the building.

f. Camouflage for Ground Mounted Facilities:

All ground mounted telecommunications/personal wireless service facilities shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred fifty (150') feet from the mount, a security barrier, or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions, as set forth in Figure 2. These trees must be existing on the subject property, planted on the site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one hundred fifty (150') foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carriers lease. The easement or lease shall specify that the trees within the buffer shall

not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.

Figure 2



2. Color:

To the extent that any telecommunications/personal wireless service facilities extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings.

3. Equipment Shelters:

Equipment shelters for telecommunications/personal wireless service facilities shall be designed consistent with one of the following design standards:

a. Equipment shelters shall be located in underground vaults; or

b. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the telecommunications/personal wireless service facility; or

c. Equipment shelters shall be camouflaged behind effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or

d. If mounted on a roof top, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.

4. Lighting, Signage, Security and Utilities:

a. Lighting: The mounts of telecommunications/personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities shall be shielded from abutting properties and consistent with the Town of Greenfield Lighting Ordinance.

b. Signage: Signs shall be limited to those needed to identify the property and owner and warn of any danger. All signs shall comply with signage requirements of the Town of Greenfield Zoning Ordinance.

c. Security Barrier: The Planning Board shall have final authority on whether a ground mounted telecommunications/personal wireless service facility should be surrounded by a security barrier.

d. Utilities: All utilities servicing a telecommunications/personal wireless service facility shall be placed underground.

5. Historic Buildings:

a. A structure shall not alter the character or defining features, distinctive construction methods, or original historic materials of the building.

b. Any alteration made to an historic structure to accommodate a telecommunications/personal wireless service facility shall be fully reversible.

c. Telecommunications/Personal wireless service facilities authorized under this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.

6. Scenic Landscapes and Vistas:

a. Ground mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, or abutting properties. All ground mounted telecommunications/personal wireless service facilities shall be surrounded by a buffer of dense tree growth as per Section F (1-f).

b. Ground mounted telecommunications/personal wireless service facilities shall not adversely impact the following vistas/views: Powder Mill Pond, The Contoocook River, Crotched Mountain, Otter Lake, Greenfield State Park, Oak Park, Blanchard Hill, Mount Monadnock, Sunset and Zephyr Lakes, the Wapak Trail, North Pack and Winn and Rose Mountains.

7. Driveways:

If available, existing entrances and driveways to serve a telecommunications/personal wireless service facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic and environmental impact. New driveways to serve a telecommunications/personal wireless service facility shall not exceed twelve (12') feet in width. A gravel or crushed stone surface is encouraged.

8. Antenna Types:

Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4') feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a large antenna array are negligible.

9. Ground and Roof Mounts:

All ground mounts shall be of a mast type mount. Lattice towers, guyed towers and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section D (2).

10. Hazardous Waste:

No hazardous waste shall be discharged on the site of any telecommunications/personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred ten (110%) percent of the volume of the hazardous material stored or used on the site.

11. Noise:

Telecommunications/Personal wireless service facilities shall not generate noise in excess of that permitted under the Greenfield Noise Ordinance.

12. Radio Frequency Radiation (RFR) Standards:

All equipment proposed for a telecommunications/personal wireless service facility shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines), under *Report and Order,* FCC 96-326, published on August 1, 1996, and all subsequent amendments.

H. Monitoring and Maintenance:

1. Maintenance:

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

2. Monitoring:

As part of the issuance of the site plan approval or building permit, the property owner shall agree that the Town of Greenfield may enter the subject property to obtain RFR measurements at the expense of the carrier. The Town shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany Town representatives when the measurements are conducted.

3. Security for Removal:

Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunication facilities in the event that a facility is abandoned and the owner is unwilling or unable to remove the facility in accordance with Section H (2). The amount of the security shall be based upon the removal costs plus fifteen (15%) percent provided by the applicant and certified by a structural engineer licensed in New Hampshire. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional structural engineer licensed in New Hampshire every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen (15%) percent the owner of the facility shall provide additional security in the amount of the increase.

I. Abandonment or Discontinuation of Use:

1. Notification:

At such time that a carrier plans to abandon or discontinue operation of a telecommunications/personal wireless service facility, such carrier will notify the Town by certified U. S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a carrier fails to give such notice, the telecommunications/personal wireless service facility shall be considered abandoned upon such discontinuation of operations.

2. Removal:

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

a. Removal of antennas, mount, equipment shelters and security barriers from the subject property.

b. Proper disposal of the waste materials from the site in accordance with local and state Solid Waste Disposal regulations.

c. Restoring the location of the telecommunications/personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

3. Failure to Remove:

If the owner of the facility does not remove the facility upon the Code Enforcement Officer's order, then the Board of Selectmen shall, after holding a public hearing with notice to the owners and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.

SECTION VI. NON-CONFORMING BUILDINGS OR LAND

Use of Buildings or Use of Land:

Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Ordinance and made non-conforming by its provisions or any amendment thereto, may be continued subject to the provisions of this Article but shall not be:

1. Moved, enlarged, altered, extended or restored except by Special Exception granted by the Board of Adjustment and then only to a use which in the opinion of the Board of Adjustment is of the same or a more restrictive nature. However, additions to existing buildings that are in violation of setbacks will be allowed if the addition does not encroach any further than the existing building.

2. If any non-conforming use ceases for any reason for a period of one (1) year or more, it shall thereafter be used in conformity with the Ordinance. Intent to resume a non- conforming use shall not confer the right to do so.

SECTION VII. ORDINANCE OF REGULATIONS GOVERNING ADULT-ORIENTED BUSINESSES

[Adopted 2001]

Purpose and Intent:

It is the purpose of this regulation to establish reasonable and uniform provisions in accordance with RSA 674:16 & 17 to regulate the secondary effects of sexually-oriented business within the Town of Greenfield in the interests of public health, safety and welfare, including, but not limited to: protection of property values, separation of incompatible land use; location of such uses relative to public facilities; and the prevention of blight and crime.

It is the intent of this regulation to prevent problems that are commonly associated with sexually-oriented businesses. Further, the provisions of this regulation have neither the purpose or effect of imposing limitations or restriction on the content of any communicative materials, including sexually-oriented materials; and it is not the intent nor effect of this regulation to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually-oriented materials to their intended market. It is neither the intent nor effect of this regulation to condone or legitimize the distribution of obscene materials.

A. Definitions:

A sexually oriented business is any place of business at which any of the following activities is conducted.

1. Adult Bookstore or Adult Video Store – A business that devotes more than fifteen (15%) percent of the total display, shelf, rack, table, stand or floor area, utilized for the display and sale of the following:

a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-roms, internet access or other forms of visual representations which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571-B:1 or

b. Instruments, devices, or paraphernalia which are designed for use in connection with “sexual conduct” as defined in RSA 571-B:1, other than birth control devices.

An Adult Bookstore or Adult video store does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock and trade and does not devote more than fifteen (15%) percent of the total floor area of the establishment to the sale of books and periodicals.

2. Adult Theatre - An establishment open to the public with a capacity of five or more persons where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571 B:1.

3. Adult Cabaret - A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 571 B:1.

B. Applicability and Where allowed:

1. Sexually oriented businesses, as defined in Section A; shall only be permitted by Special Exception of the Board of Adjustment, and subject to the following conditions:

a. No such use shall be permitted within two thousand (2,000') feet of the property line of a church, cemetery, school, day care center, any public buildings, public facilities, or the Village District.

b. No such use shall be permitted within five hundred (500') feet of a residential property line.

c. No adult businesses shall be permitted within one thousand (1,000') feet of another such use, or within a building in which such a use already exists.

2. The distance requirements above shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall or temporary or permanent physical divider of each business.

3. Nothing herein shall be construed to permit the display, sale or rental of materials in any district that would otherwise violate state or federal law.

C. Additional Reasonable requirements:

1. Notwithstanding additional requirements imposed by Site Plan Review, the following provisions shall apply:

a. Buildings shall be suitably screened by either vegetation or some other type, as determined by the Planning Board during Site Plan Review

b. No sexually explicit or suggestive materials or advertising shall be visible from outside the building.

c. No private viewing rooms or booths shall be allowed.

d. No more than forty (40%) percent of the materials in stock shall deal with adult publications as defined in Article II, Definitions. Of the remaining sixty (60%) percent, children's material shall not be included.

e. No other use than those defined herein shall be permitted in the building(s) or on the property.

SECTION VIII. IMPACT FEE ORDINANCE

[Adopted 2001]

Purpose and Intent:

This ordinance is enacted pursuant to RSA 674:21, and in order to:

- Promote the public health, safety and welfare and prosperity;
- Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Greenfield;
- Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive use expenditure of public funds for the supply of such services;

- Provide for the harmonious development of the municipality and its environs;
- Ensure the proper arrangement and coordination of streets; and,
- Ensure streets of sufficient width to accommodate existing and prospective traffic,.

A. Definitions:

Impact Fee means a fee or assessment imposed upon development, including subdivision, building construction or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.

B. Authority to Assess Impact Fees:

The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this ordinance.

C. Assessment Methodology:

1. The amount of any impact fee shall be a proportional share of municipal capitol improvement costs which is reasonably related to the capital needs created by the development, and to which the benefits accruing to the development from the capital improvements financed by the fee.

2. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

D. Administration of Impact Fees:

1. Each in fact impact fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs for which fees are collected to meet.

2. All impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development.

3. Between the date of assessment and collection, the Planning Board may require developers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed impact fees.

4. Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy; provided however, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the Town may advance the time of collection of the impact fee to the issuance of a building permit.

5. The Planning Board and the assessed party may establish an alternate, mutually acceptable schedule of payment of impact fees.

E. Return of Impact Fee:

1. If the full impact fee assessed under this ordinance is not encumbered or otherwise legally bound to be spent for the purpose for which it was collected within six (6) years, the fee shall be refunded to the assessed party, with any accrued interest.

2. Whenever the calculation of the impact fee has been predicated upon some portion of capital improvement costs being borne by the Town, a refund shall be made upon the failure of the Town Meeting to appropriate the Town's share of the capital improvements costs within six (6) years from the date of payment thereof.

F. Applicability:

1. This ordinance shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans, including, but not limited to the authority to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II (a).

SECTION IX. OPEN SPACE DEVELOPMENT ORDINANCE

[Adopted 2004; Replaced 2007; Amended 2010]

Open Space Development:

Open Space Development, in accordance with this ordinance may be allowed in the General Residence District and the Rural/Agricultural District. Open Space Development shall mean a residential development in which residences are clustered together, adjacent to permanently preserved open space with a meaningful purpose as outlined in this section.

A. Purpose:

The purpose of the Open Space Development ordinance is to:

1. Allow for greater flexibility and creativity in the design of residential subdivisions, and to allow a more economical and efficient layout of streets, utilities, and public services.

2. Encourage the permanent preservation of land and other natural resources and encourage development that consumes a portion of the total land being developed.

3. Maintain the traditional New England rural character and land use pattern in which small villages contrast with open space and farmlands.

4. Ensure that residential development takes into consideration and works with the natural features of the land, including wetlands, watercourses, forests, prime agricultural land, steep slopes, plants, wildlife, historic sites, scenic areas, and rural character, trails, and known aquifers.

5. Provide wildlife corridors connecting open spaces. These are frequently needed by wildlife to ensure their survival.

6. Assure that the overall density of the development is no greater than what is normally allowed in the underlying district.

B. General:

The Open Space development provisions of this ordinance provide applicants with an alternative development approach intended to promote flexibility and innovation in land planning. Within this context, the ordinances that are established are intended to be a minimum consideration of allowable impacts.

Each tract of land possesses different, unique development characteristics and limitations, and the Open Space Development use allowed on any particular tract will be a result of a collaborative effort of the developer and the Planning Board. The Planning Board shall hold sole authorization of the approval, or disapproval of any Open Space Development.

C. Definitions:

1. "Common Area" shall mean any area of land or water set aside for the benefit and enjoyment of all the residents of an Open Space Development.

2. "Mandatory Home Association" shall mean a private nonprofit corporation, association, or other legal nonprofit entity established by the developer for the benefit and enjoyment of the residents of the Open Space Development. Membership in said association shall be mandatory for property owners and made a required covenant in any deed issued or passed. It shall provide voting and use rights in the common area when applicable and may charge dues to cover expenses, which may include, but are not limited to, tax liabilities of the common area, recreational or utility facilities. Articles of Association or Incorporation must be acceptable to the Planning Board and by the Town Counsel and any other municipal, county, state agency, body, commission or department required by law to approve of the same. The common area will not be separately assessed. The Home Owners Association's articles of agreements shall include a provision that reflects that any assessed value of the common area or other property owned by the association for the benefit of the lot owners will be assessed proportionately as part of the value of each of the individual lots.

3. "Net Developable Area" shall mean the total acreage shown to be developable under Town of Greenfield Subdivision Regulations and Zoning Ordinances, minus all areas which are determined not to be suitable for on-site sewage disposal, and all areas designated as Wetland or Wetland buffer.

4. "Conservation Land" shall mean land that is owned by, controlled by, or deeded to a non-profit entity who's sole purpose is to conserve land.

5. "Public Open Land" shall mean land that is owned by, controlled by, or deeded to a public entity (for example: Town, County, State).

6. "Open Space" shall mean all Common Areas plus all Conservation Lands plus all Public Open Lands.

D. Lot Size and Frontage:

The minimum size for an Open Space Development is twenty (20) acres. The minimum lot frontage of the open space development lot shall be at least a contiguous one hundred (100') feet. All Rights of way shall be at least sixty (60') feet in width. At least one access to the Open Space Development shall be within the minimum frontage. The minimum frontage and access shall be within the Town of Greenfield.

E. Phased Subdivision Applications:

This Open Space Development Ordinance shall also apply to the phased subdivision of a parcel over a period of time through separate successive applications. The density and design requirements shall apply to phased applications for the original parcel as though the development of the entire parcel were proposed in one application at one time. The total permitted density will be based upon the acreage and characteristics of the original parcel that existed as of the date of enactment of this Article. The Planning Board may require phased development as a condition of approval.

F. Standards for Approval:

All standards below must be met or impacts mitigated to the satisfaction of the Planning Board prior to the approval of an Open Space Development.

1. The application is in compliance with all applicable zoning ordinances and subdivision regulations, and is in the public interest.

2. There will be no greater diminution of the nature, character and value of surrounding properties than would be created under any other use or development permitted in the underlying district(s).

3. That there are no existing violations of the Greenfield Zoning Ordinance on the subject property.

4. That the character of the area shall not be adversely affected. To determine this, the Planning Board shall consider the following aspects of the surrounding area:

    a. Transportation, determined through analysis of the following:
        1) Access for safety/emergency vehicles onto the site, within the site, and to individual dwelling units.
        2) Capacity of nearby and affected intersections, and transportation corridors.
        3) Cost for municipality to maintain roadways.
        4) Layout, width, and construction of roadways on the site.

    b. Protection of natural resources, determined through analysis of the following:
        1) Protection of environmentally sensitive areas, including but not limited to, wetlands, shore land buffers, wildlife corridors and critical habitat, significant groundwater and surface water resources.
        2) Maintenance of view sheds and other visually appealing aspects of the site.

    c. Protection of cultural and agricultural resources, determined through analysis of the following:
        1) Establishment of new and protecting existing trail ways for travel.
        2) Protection of historic buildings or significant historical landscapes.
        3) Establishment, protection, and promotion for agricultural uses of the site.

5. Roads in an Open Space Development may be either private or public. The plan shall not be approved if it will result in excessive or undue municipal expense for the provision of any municipal services, including the expense to maintain the roads within the development as well as off-site roads leading to the development.

    a. For public roads, all applicable standards and regulations regarding the construction, bonding, maintenance and acceptance of public subdivision roads shall apply.

    b. For private roads, the applicant shall provide construction specifications sufficient to insure proper access to and from the subdivision by the intended residents, emergency vehicles, and utility vehicles. The applicant shall provide sufficient documentation to insure that the contemplated lot owners will be suitably bound to maintain the construction standard of said roads and that they will be entitled to use the roads equally for their respective benefit as well as being proportionately charged for maintenance and other associated costs.

6. The capacity of existing or planned community facilities and services (including streets and highways) must not be adversely impacted. Mitigation of these impacts by the developer can be properly considered in approving an Open Space Development.

G. General Requirements:

1. At a minimum, forty (40%) percent of the Net Developable Area must be dedicated to Open Space.

2. The Common Area shall be deeded to all residents of the development. The area may contain accessory structures and improvements necessary and appropriate for educational, recreational, cultural, or social uses. The area may also be used for utility services utilized by the residents of the development. The area may not be used for residential, commercial, or industrial uses. The area shall be bound by a Mandatory Homeowners Association or similar legal entity and is subject to Site Plan Review and approval.

3. No building shall be constructed or earth disturbed on any Conservation Land or Public Open Space.

4. All Common Areas, Conservation Lands, and Public Open Lands must be designated and identified as such when the application is submitted to the Board. These areas and lands must be identified on the approved and recorded plats.

5. All Conservation Lands and Public Open Lands shall be preserved in perpetuity through deed restriction, conservation easement, or similar legal entity.

6. Only residential uses shall be allowed.

7. The maximum number of dwelling units is calculated by dividing the Net Developable Area by the minimum permissible acreage per dwelling unit of the underlying district, rounded down to the nearest whole number of dwelling units.

8. The maximum number of lots is the maximum number of dwelling units.

9. Each lot shall contain one building.

10. Each building shall contain a minimum of one (1) dwelling unit and a maximum of two (2) dwelling units.

H. Setbacks and Other Dimensions:

Certain dimensional requirements are relaxed to provide for increased design flexibility necessary to accomplish the goals of open space development. The outer perimeter of an Open Space Development shall have the same setbacks as required in the district in which the property lies. The setbacks for interior lots may be reduced as shown below. The setback shall be depicted on all plats.

1. Frontage requirements for all buildings on exterior roadways defaults to the requirements of the underlying district. The following frontage requirements shall apply to all buildings on interior roadways:

   a. Each single dwelling unit building shall have fifty (50') feet of frontage.

   b. Each two dwelling unit building shall have seventy-five (75') feet of frontage.

2. The following setbacks shall apply to all buildings:

a. Setbacks from exterior lot lines of the entire parcel shall be twenty-five (25') feet for single dwelling unit buildings and forty (40') feet for two dwelling unit buildings.

b. Setbacks from the edge of pavement for roadways within, and part of, the development shall be thirty (30') feet.

c. Separation between all single dwelling unit buildings shall be forty (40') feet.

d. Separation between all two dwelling unit buildings shall be fifty (50') feet.

e. Separation between single dwelling unit buildings and two dwelling unit buildings shall be fifty (50') feet.

f. Setbacks from all interior lot lines shall be twenty (20') feet.

3. All developments shall contain some form of lot delineation or lines that designate a reasonable amount of land attributable to each particular building. If a building contains more than one dwelling unit, private and common areas for the lot will be designated for each dwelling unit.

I. Utilities:

All utilities serving the development shall be underground. The Board may waive the requirement for underground utilities along lengthy entrance roads that are visually separated from the clustered buildings.

SECTION X. SMALL WIND ENERGY SYSTEMS ORDINANCE

[Adopted 2009; Amended 2011]

A. Purpose:

This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate small wind energy systems as an accessory use in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Definitions:

1. "Meteorological Tower (Met Tower) means the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resources at a given location. For the purposes of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

2. "Modification" means any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

3. “Net metering” means the difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer’s small wind energy system that is fed back into the electric distribution system over a billing period.

4. “Power Grid” means the transmission system managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

5. “Shadow flicker” means the visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

6. “Small wind energy system” means a wind energy conversion system consisting of a wind generator, a tower, associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

7. “System height” means the vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

8. “Tower” means the monopole, guyed monopole or lattice structure that supports a wind generator.

9. “Tower height” means the height above grade of the fixed portion of the tower, excluding the wind generator.

10. “Wind generator” means the blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

C. Procedure for Review:

1. Applications For: Small wind energy systems, their towers and associated equipment shall be subject to site plan review and approval. An application with designs for towers, additional support features and all associated facilities and accessories shall be submitted to the Planning Board who will establish a schedule for processing the application.

2. Permitted Areas: The installation and operation of small wind energy system facilities are permitted in the Rural/Agricultural District. They are also permitted in the General Residence District and the Special Purpose District, but only as a special exception granted by the Board of Adjustment if it is not for the general public. When considering applications for the construction and operation of small wind energy systems, the Planning Board and the Board of Adjustment will consider such factors as proximity to residential building, the impact on the value of surrounding properties, its affect on the character and natural features of the site, the frequency of maintenance personnel visiting the site, nuisances it may create such as interference with neighborhood television, telephone or radio reception plus any comments from abutters.

3. Additional Systems: The combination of all small wind energy systems on a lot cannot exceed a total output capacity of 100 kW.

4. Application: Applications submitted to the Planning Board shall also contain a site plan with the following information:

    a. Property lines and physical dimensions of the applicant’s property.

b. Location, dimensions and types of existing major structures on the property.

c. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.

d. Tower foundation blueprints or drawings.

e. Tower blueprints or drawing.

f. Setback requirements as outlined in this ordinance.

g. The right-of-way of any public road that is contiguous with the property.

h. Any overhead utility lines.

i. Small wind energy system specifications including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.

j. Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

k. Sound level analysis prepared by the wind generator manufacturer or qualified engineer.

l. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.

m. Evidence of compliance of non-applicability with Federal Aviation Administration requirements.

n. List of abutters to the applicant's property.

5. Abutter and Regional Notification: Public notification will be in accordance with the Site Plan Review Process.

6. Bond Posting: The Planning Board can require that an applicant, for the construction of a small wind energy system, post a bond to cover the cost of removal if it should ever be abandoned.

D. Standards:

1. The Planning Board shall evaluate the application for compliance with the following standards;

a) Setbacks:

1. The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to the property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads

0	1.5	1.1	1.5

2. Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

b) System Height: The maximum system height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the system height exceed 150 feet.

c) Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (DBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

d) Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

e) Signs: All signs including flags, streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.

f) Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

g) Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

h) Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

i) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

ii) The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

iii) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

i) Approved Wind Generators: The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if applicable.

j) Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

k) Access: The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

l) Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations and ordinances.

E. Abandonment:

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment of discontinuation of operations.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:

   a) Removal of the wind generator and tower and related above-grade structures.

   b) Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After 12 months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

4. If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

F. Violation:

It is unlawful for any person to construct, install or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

G. Penalties:

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:L17.

SECTION XI. OUTDOOR WOOD-FIRED HYDRONIC HEATERS ORDINANCE

[Adopted 2009]

All outdoor wood-fired hydronic heaters shall adhere to the requirements set forth in RSA 125-R titled Outdoor Wood-Fired Hydronic Heaters.

SECTION XII. VERTICAL TAKE-OFF AND LANDING AIRCRAFT

[Adopted 2011]

No aircraft capable of vertical take-off and landing profile excluding Hot Air Balloons, may be landed or taken-off in the Town of Greenfield, except in the Rural Agriculture Zone, General Residence Zone and Industrial Overlay District. The landing zone must be a minimum of 250' from all boundaries on the property. Hours of operation are from 7:00 am to 10:00 pm. Aircraft of this type may land in all zones for properly licensed helicopters providing medical and related evacuation services and emergency services essential to the public health and safety, such as search and rescue, fire fighting, law enforcement and other related services. No landing or take-off of commercial or scenic helicopter tours or chartered flights shall be allowed in the Town of Greenfield.

The Zoning Board of Adjustment (ZBA) may by Special Exception allow helicopter operations for construction, survey and other work, where other practical methods are not available to do the work and for special events such as the visit of a dignitary or some other event of short-term nature in all districts.

No approval for a special exception under this ordinance shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to the town residents and their property.

SECTION XIII. GROUNDWATER PROTECTION ORDINANCE

[Adopted 2012]

I. INTRODUCTION

This ordinance is established to preserve and protect the Town of Greenfield's groundwater resources within the designated areas for the health, safety, and general welfare of current and future residents. It is hereby acknowledged that groundwater is the most important source of drinking water and is an integral part of the hydrologic cycle that warrants protection from contamination.

II. AUTHORITY

Authority for this ordinance is granted pursuant to RSA 674:16, II and RSA 674:21, innovative land use controls, RSA 147:1, local health regulation and RSA 485-C, defining Best Management Practices.

III. GROUNDWATER PROTECTION DISTRICT

The groundwater protection district is an overlay district which is superimposed over the existing underlying districts and includes within its boundaries the Stratified Drift Aquifers and Wellhead Protection Areas for public water supply wells as defined under Section V of this ordinance as shown on the map entitled "Town of Greenfield Groundwater Protection District Boundaries" 2012 and subsequent addenda.

IV. APPLICABILITY

This ordinance applies to all uses within the designated boundaries of the Groundwater Protection District, except for those uses exempt under Section XII, Exemptions, of this ordinance.

V. DEFINITIONS

Aquifer: a geological formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

Designee: A person appointed by the Planning Board or Board of Selectmen to issue/monitor Conditional Use Permits and Spill Prevention, Control and Countermeasure Plans (SPCC). Such individual shall be a qualified professional whose credentials are acceptable to the State DES.

Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.

Gasoline station: a place where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purpose of the retail sale of gasoline.

Impervious: not readily permitting the infiltration of water.

Impervious surface: surface through which regulated substances cannot pass when spilled. Surfaces that are not considered to be impervious are asphalt, untreated wood, gravel, soil (including hard packed), concrete if cracks, holes or unsealed seams are present.

Junkyard: an area which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. This does not include motor vehicle dealers registered with NH DMV under RSA 261:104 and controlled under RSA 236:126.

Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

Petroleum bulk plant or terminal: a place 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.
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 of the year.

Regulated substance: petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition (Code of Federal Regulations-Environmental), excluding the following substances: ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium hydroxide, potassium permanganate, and propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.

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 (NH Code of Administrative Rules-community water

systems); Env Dw 301.06 and Env-Dw 302.06 (NH Code of Administrative Rules-other public water systems)

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.
Secondary containment: A structure such as a berm or dike with an impervious surface which is adequate to hold at least 110% of the volume of the largest regulated substances container that will be stored there.

Snow dump: an area where snow from roadways and parking lots is deposited for disposal.

Stratified-drift aquifer: A geological formation of predominantly well sorted sediment deposited by or in bodies of glacial melt water, including gravel, sand, silt or clay, which contains sufficient quantities of water to wells.

Surface water: streams, lakes, ponds, and tidal waters, including marshes, water-courses and other bodies of water, natural or artificial.

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.

VI. PERMITTED USES

All uses permitted by right or by special exception in the underlying zoning district(s) are permitted in the Groundwater Protection District, except those uses expressly prohibited in Section VII or listed as regulated uses in Section VIII of this Ordinance.

VII. PROHIBITED USES

The following uses have been identified as posing a potential threat to the quality of groundwater resources. Therefore the establishment or operation of these uses is prohibited within the Groundwater Protection District.

1. Hazardous waste disposal facility
2. Solid waste landfill
3. Junkyard
4. Outdoor storage of road salt or other deicing chemicals
5. Snow storage area
6. Motor vehicle dealers (including boats, snowmobiles, motorcycles and similar motorized equipment) facilities for the sale of power equipment, which provide product repair and service, facilities for vehicle body repair and paint shops, vehicle service stations, vehicle radiator, tire, exhaust, transmission shops, tire retreading facilities, and other facilities for the repair and service of internal combustion engines or vehicles powered by them, including the storage, warehousing or parking of vehicles in connection with their repair or service.
7. Petroleum distribution, through the use of above or underground storage tanks and piping; or petroleum fuel dispensing activities.
8. Wastewater or septage lagoon.
9. The following waste handling and disposal practices: new or private municipal solid waste disposal areas; regional solid waste disposal areas; private or special solid waste disposal areas; resource recovery facilities; transfer stations; biomedical waste treatment facilities and regional processing centers; hazardous waste water facilities; septage disposal areas; publicly –owned treatment works; wastewater treatment systems which discharge to the groundwater other than those which treat domestic sanitary sewage and sanitary sewage generated from public and private restrooms.

10. Waste processing systems: floor drains, dry wells (except those permitted by state regulations), or other leaching structures intended to convey waste or spillage to the groundwater, excluding publicly owned or domestic septic systems and excluding non-contaminated roof drainage or storm water runoff to the ground.
11. Facilities that require underground storage or transmission of petroleum liquids or hazardous materials: underground storage tanks, underground distribution systems, and liquid fuel pipelines.
12. Textile mills, tanneries, and apparel production facilities which engage in dyeing, textile coating or treatment
13. Wood product manufacturing facilities which engage in hardwood or softwood veneer or plywood production, wood preservation, production of reconstituted wood products, and pulp and paper manufacturing.
14. Printing and publishing facilities which engage in plate-making, commercial lithography, photoengraving, and gravure.
15. Production facilities which engage in the production of chemicals, petroleum or products derived from petroleum, or coal.
16. Facilities for the production of rubber and plastic products which engage in the manufacture of coated rubber products, elastomeric and resin cements, tires and tubes.
17. Facilities which are primary metal industries or fabricate metal, clay glass, and electrical parts that engage in foundry operations, metal forming, machine shops, chemical processes for mirror or glass coating, metal plating, degreasing shops, and etching operations or which engage in the use, storage, handling, or disposal of hazardous materials.
18. Facilities for the generation of electrical power by the means of fossil fuel, except for those intended for the generation of electricity during emergencies and those facilities which utilize natural gas as a fuel.
19. Petroleum terminals and fuel oil dealers.
20. Facilities for wholesale trade which engage in: coal, ore, and mineral sales and metal salvage, sale of paints, varnishes, solvents, and hazardous chemicals.
21. Personal and business service organizations which engage in dry cleaning, industrial laundering, motorized equipment rental, funeral services (excluding those connected to a municipal sewerage system with industrial pre-treatment), photographic processing operations (excluding those connected to a municipal sewerage system with industrial pre-treatment), and furniture stripping and finishing.
22. Laboratory facilities which engage in biological or chemical research or testing with the exception of those facilities associated with the testing of a public or private water supply or with photographic processing from radiological examination, or those which are connected to a municipal sewerage system with industrial pre-treatment.

VIII. REGULATED USES

The following uses may be permitted in the Groundwater Protection District subject to certain conditions. Regulated uses require the granting of a Conditional Use Permit by the Planning Board/designee and are subject to a greater standard of protection than those uses that are otherwise permitted within the underlying district.

A. Regulated uses must:
1. Be a use that is permitted in the underlying district either by right or by Special Exception
2. Be a use that is not listed as a Prohibited Use in Section VII of this Ordinance
3. Use and/or install best management practices (BMPs) as required under state administrative rule, Best Management Practices for Groundwater Protection, Env-Wq 401.

B. Regulated uses include:
1. Any use that is a Permitted Use in Section VI of this ordinance which has (or will have upon completion of construction) a total impervious surface area of 2,500 square feet or greater, or which results in an impervious area of 15% or greater of the parcel's area.

2. Any use which involves the storage, handling, and use of regulated substances in quantities exceeding 100 gallons of liquid or 800 pounds of dry weight at any one time. This shall include an approved Spill Prevention, Control, and Countermeasure (SPCC) plan in accordance with Article X of these regulations.

C. The applicant shall submit a completed Conditional Use Permit application to the Planning Board certifying that all applicable requirements specified within Articles IX and X, have been met prior to the issuance of the Building Permit. In the event that a Building Permit is not required for the regulated use, the applicant shall submit a Conditional Use Permit application to the Planning Board or its designee for review and approval.

IX. PERFORMANCE STANDARDS

A. No floor drains, dry wells (except those permitted by state regulations), or other infiltration devices that discharge waste water into the ground shall be installed.

B. Storage of Regulated Substances shall be as follows:

1. Regulated substances shall be stored in an enclosed structure or under a roof which minimizes storm water entry.
2. All structures used to store regulated substances shall be protected from storm water run-off? and groundwater intrusion and must be at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside of the sanitary protective radius of wells used by public water systems. The floor of the area in which the material is being stored shall be coated to protect the surface of the floor from deterioration due to spillage of any such materials.
3. Regulated substances shall be stored in an area that is secured against intrusion from unauthorized people or animals.
4. Regulated substances shall be stored in their original containers with proper labels including contents and warnings. In the event that the original container is not available, or if the regulated substance is a waste product, an alternate container may be used but shall be properly labeled with information that would otherwise be included on the original container.
5. Outdoor storage is permitted if all of the above conditions are met (with the exception of IX.1) and if stored in a secondary containment with a storage capacity of 110% containment.

C. Storage of Fertilizers, Compost, and Animal Manure shall be stored in accordance with Best Management Practices for Agriculture in New Hampshire, NH Dept. of Agriculture, Markets, and Food, July 2008, and any subsequent revisions.

D. All inactive wells on the property (those wells that are 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.

E. Excavation and blasting activities must be conducted in a manner that minimizes groundwater contamination, adverse impacts to hydrology, and the dewatering of drinking water supply wells. The use of best management practices must? be included in these activities (see Env-wq 401 Best Management Practices for Groundwater Protection).

F. The refueling, washing, and maintenance of motor vehicles used as part of any permitted/regulated activities shall be conducted out of the groundwater protection area wherever possible. Otherwise, such refueling or maintenance shall be conducted on an impervious surface with appropriate containment area. Spill response material shall be readily available and easily accessible.

G. In addition to the above standards, the following performance standards are required and must be submitted for all activities involving Regulated Uses:

Storm Water Management Plan that meets the minimum requirements set forth in the most current New Hampshire Storm Water Manual, and/or uses accepted innovative practices for the treatment and control of storm water. The plan must identify

a. Location of storage or transfer of regulated substances and/or other potential sources of pollution, as well as structural pollution control methods or non-structural practices that minimize the release of regulated substances into the storm water or discharge to the ground.
b. Storm water discharge setbacks between public and private water supply wells and storm water practices that meet setbacks in the Innovative Land Use Planning Techniques, Section 2.1 Permanent Storm Water Management.
c. A stipulation that expansion or redevelopment activities shall require an amended storm water plan and may not infiltrate storm water through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05 (American Society of Testing and Materials-Environmental Assessment)
d. Must maintain at least four feet vertical distance between the bottom of the storm water practice and the average seasonal high water table as determined by a qualified professional.

X. SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN (SPCC)

In addition to the requirements set forth in Section IX Performance Standards, any Regulated Use that includes the use of regulated substances shall submit a Spill Prevention, Control and Countermeasure Plan to the Planning Board/designee. SPCC plans completed to meet state or federal requirements may be submitted provided they reflect the application before the Planning Board. The Planning Board /designee shall then make a determination as to the effectiveness of the plan to prevent, contain, or mitigate releases of regulated substances into the environment in the event of a catastrophic occurrence. The Planning Board/designee may retain the services of a third-party consultant to assist in reviewing any plan presented, the cost of which the applicant will reimburse. The plan shall include the following:

A. A detailed description of the facility, storage area of regulated substances, and type and amount of each regulated substance shall be submitted. A map acceptable to the Planning Board/designee showing the layout of the facility and storage area as well as nearby surface water and wellhead protection areas must be included.

B. A list of facility contact information, including phone numbers, for all those who will be accountable for emergency response, and all appropriate federal, state and local agencies that must be notified in the event of a catastrophic occurrence.

C. A prediction of the direction of the flow of any regulated substance and potential quantity that could be released into the environment. A description of the proposed materials and equipment that would be used to divert, capture or absorb any regulated substance must be also submitted.

XI. PRE-EXISTING NONCONFORMING USES

A. All uses that previously existed prior to the adoption of these regulations, and which do not conform to these regulations, shall be permitted to continue as the same use and capacity at the time of adoption so long as the use does not pose a threat to the public health, safety or welfare, or otherwise constitute a nuisance. Any pre-existing nonconforming use must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules.

B. Change of Use
Any change of use of a non- conformity will require a Conditional Use Plan and a Spill Control and Countermeasure Plan, approved by the Planning Board/designee.

C. Expansion of Structure or Intensity of Use
Any expansion/change of structure or change of intensity involving a non-conforming Regulated use requires a Conditional Use Permit to be submitted and approved by the Planning Board/designee.

XII. EXEMPTIONS

The following uses are exempt from all or some of the requirements of this ordinance as noted herein:

1. Private residences are exempt from Article IX, Performance Standards.

2. Any business, including home occupations, where regulated substances are stored in containers of not more than 5 gallons are exempt from Performance Standards, Section B.

3. Storage of heating fuels for on-site use or fuels for emergency electric generation are exempt from Performance Standards, Section B.4 provided that storage tanks are kept indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place.

4. Storage of motor fuel in tanks attached to vehicles with permanent fuel lines are exempt from Performance Standards, Section B.

5. Storage and use of office supplies is exempt from Performance Standards, Section B.

6. The temporary storage of construction materials and equipment on a site where they are to be used is exempt from Performance Standards, Section B until the project is completed.

7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI (NH Statutes-Agriculture, Horticulture and Animal Husbandry) are exempt from all provisions of this ordinance.

8. [remove italics at #8] Household hazardous waste collection projects regulated under Env-Wm 401.03 (b)(1) and 501.01 (b) (NH Code of Administrative Rules-Hazardous Wastes) are exempt from the Performance Standards , Section B of this ordinance.

9. Underground and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Article XIII of this Ordinance.

XIII. INSPECTIONS AND MAINTENANCE

1. The Board of Selectmen/designee may perform routine inspections to verify compliance with Performance Standards or inspections initiated by a complaint of a potential violation. Prior notice will be given to the property owner and/or occupant for compliance inspections.

2. All commercial properties within the Groundwater Protection District using or storing regulated substances in containers having the capacity to hold more than five gallons are subject to inspections in accordance with this section unless the facility is exempt under section XII of these regulations.

3. The Board of Selectmen may charge the property owner or commercial occupant a fee, a schedule of which shall be developed by the Board of Selectmen, for routine inspections.

4. A detailed description of the maintenance of structures and storm water management devices for any use requiring approval by the Planning Board/designee shall be filed with the Planning Board prior to the issuance of a certificate of occupancy or within 30 days of completion of the proposal. Such narrative shall include specifications, frequency, and responsible party (including contact information). A copy shall also be filed at the Registry of Deeds for Hillsborough County and shall include a statement that the requirement of maintenance of the structures and storm water management devices shall run with the land. Costs of said filing shall be borne by the applicant.

XIV. ENFORCEMENT

Any violation of the requirements established in this ordinance is subject to the enforcement procedures and penalties set forth in RSA 676 (Administrative and Enforcement Procedures) or RSA 485-C (NH Safe Drinking Water Act).

XV. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS
Where both the State and the Town have existing requirements, the more stringent shall be used.

XVI. SAVING CLAUSE

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

XVII. EFFECTIVE DATE
This ordinance shall be effective upon the adoption by the municipal governing body.

Summary of Best Management Practices for Groundwater Protection Rules:

Storage

- Store regulated substances on an impervious surface.
- Secure storage areas against unauthorized entry.
- Label regulated containers* clearly and visibly.
- Inspect storage areas weekly.
- Cover regulated containers in outside storage areas.
- Keep regulated containers that are stored outside more than 50 feet from surface water and storm drains, 75 feet from private wells, and up to 400 feet from public wells.
- Secondary containment is required for regulated containers stored outside, except for on-premise use heating fuel tanks, or aboveground or underground storage tanks otherwise regulated.

Handling

- Keep regulated containers closed and sealed.
- Place drip pans under spigots, valves, and pumps.
- Have spill control and containment equipment readily available in all work areas.
- Use funnels and drip pans when transferring regulated substances; perform transfers over impervious surface.

Release Response Information

- Post information on what to do in the event of a spill.

Floor Drains and Work Sinks

- Cannot discharge into or onto the ground.

*Regulated container means any device in which a regulated substance is stored, transported, treated, disposed of, or otherwise handled, with a capacity of five gallons or more. The term does not include fuel tanks attached to and supplying fuel to a motor vehicle.

For more information on best management practices for groundwater protection visit the
DES Drinking Water Source Protection webpage at
http://des.nh.gov/organization/divisions/water/dwgb/dwspp/index.htm, or contact the
NH Department of Environmental Services at (603) 271-2947 or (603) 271-0688.

Disclaimer: Statutory information contained in this fact sheet is current as of February 2, 2007. Statutory or regulatory changes that may occur after February 2, 2007, may cause part or all of the information to be invalid. If there are any questions concerning the status of the information, please contact DES at (603) 271-3644.

SECTION XIV. ENFORCEMENT

Upon any well founded information that this Ordinance is being violated, the Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in Superior Court or by any other appropriate legal action.

SECTION XV. BOARD OF ADJUSTMENT

The Board of Adjustment shall consist of five (5) regular members and at least three (3) alternate members, all to be appointed by the Moderator after the adoption of this amendment, as the terms of the present members expire.

A. Powers of the Board:

The Board of Adjustment is hereby authorized and empowered to adopt such rules of organization and procedure as are necessary for the efficient administration and enforcement of this Ordinance. In addition, the Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any decision made by the Building Inspector in the enforcement of this Ordinance.

2. To hear and decide special exceptions to the terms of the Ordinance upon which the Board is required to pass under the Ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.

4. Any other power authorized to a Board of Adjustment by virtue of Chapter 31, Sections 60 - 89, NH Revised Statutes Annotated, 1955, as amended.

B. Appeals to the Board of Adjustment:

May be taken by any person aggrieved or by an officer, department, board or bureau of the Town affected by any decision of the Building Inspector. Such appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing with the Building Inspector from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

C. Notice of Hearing:

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

D. Appeals to the Superior Court:

Within twenty (20) days after any decision of the Board of Adjustment, any party to the proceedings or any person directly affected thereby may apply for rehearing. The Board of Adjustment shall grant or deny the same within ten (10) days. Within thirty (30) days after the final decision of the Board of Adjustment, an appeal may be taken to the Superior Court by any person aggrieved by the decision.

E. Conditions:

In hearing all appeals and special exceptions under this Ordinance, the Board of Adjustment shall take into consideration the following:

1. Location, character and natural features.

2. Fencing and screening.

3. Landscaping, topography and natural drainage.

4. Vehicular access, circulation and parking.

5. Pedestrian circulation.

6. Signs and lighting.

7. All potential nuisances.

In granting appeals and special exceptions under this Section, the Board of Adjustment may impose such conditions, as it deems necessary in furtherance of the intent and purpose of this Ordinance.

F. Planning Board Report:

Before granting any special exception or variance, the Board of Adjustment shall refer the application to the Planning Board for a report. The Planning Board's report shall be considered informational in character and may take into consideration the effect of the special exception or variance proposal upon the character of the neighborhood or any other pertinent data in respect to the Master Plan for the Town.

G. Exemption:

All variances and special exceptions granted by the Board of Adjustment shall be valid for a period of two (2) years after the date of the decision of the Board of Adjustment; provided, however, that once substantial compliance with said decision has occurred or substantial completion of the improvements allowed by said decision has occurred, the rights of the owner or his successor in interest shall vest and no subsequent changes in the subdivision regulations or zoning ordinances shall operate to affect such decision. In the event that at the expiration of such two (2) year period, substantial completion of the improvements allowed by that decision have not been undertaken, the decision shall be null and void and the owner must reapply to the Board of Adjustment for the variance or special exception.

SECTION XVI. AMENDMENTS

This Ordinance may be amended from time to time by the voters of the Town of Greenfield, in Town Meeting convened for that purpose pursuant to the provisions and procedures set out in the New Hampshire Revised Statutes Annotated (RSA), Chapter 657:3-5, as amended.

SECTION XVII. BUILDING CONSTRUCTION

[Adopted 2009; Amended 2010]

A. Adoption – Title

Pursuant to RSA 674;51, the town of Greenfield adopts the enforcement of the State Building Code as set forth in RSA 155-A; continues the appointed position of Building Inspector, hereinafter known as the Code Enforcement Officer to enforce the State Building Code; authorizes the Code Enforcement Officer to review and determine compliance of building plans, issue building permits, inspect the work authorized by the building permits, issue appropriate use occupancy certificates, permit the Board of Selectmen to charge reasonable fees for such service, and exercise other enforcement action as authorized by RSA Chapter 676. These regulations shall be known and cited as the "Building Ordinance of the town of Greenfield,, New Hampshire," and referred to herein as the "Code". The Code shall be construed to provide minimum requirements for the health, safety and general welfare insofar as they are dependent upon building construction.

B. Declaration of Purpose:

The purpose of this code is to establish uniform rules and regulations for the construction of buildings and structures within the corporate limits of the Town of Greenfield. This Code is not intended, nor shall it be construed, to create a duty on the part of the Town of Greenfield or its officials, employees or agents, to protect the health, safety, or economic interest of any person or entity, and no person or entity shall have the right to rely on this Code, or any action taken on not taken hereunder, as a basis to assert any claim for any loss, damage or expense against the Town, its officials, employees or agents.

C. Effect on other legislation:

No provisions of the Town Zoning Ordinance or any other legal statute pertaining to the location, use or construction of buildings shall be nullified by the provisions of this Code.

D. Administration:

The provisions of this Code and its requirements will be enforced by the Code Enforcement Officer. In the absence of the Code Enforcement Officer, the Board of Selectmen shall perform his/her duties. The applicant for a permit shall be responsible for meeting the minimum requirements of the State Building Code and the Town of Greenfield shall not be held liable for any failure on the part of the Contractor or Applicant to comply with the provisions of the State Building Code as provided for in RSA 155-A:2.

E. Term of permit:

A permit under which no work is started within six (6) months after issuance will expire by limitation. If an Excavation has been wholly or partially completed or the foundation walls have been erected and the project is terminated, the parties granted the permit would be required to bring the excavation back to grade within six (6) months after the date of the permit. Failure to carry construction beyond first-floor flooring within six (6) months or to complete exterior structural details as specified in filed plans and specifications within twelve (12) months after the start of work will be considered evidence of termination of the project for which the permit was issued. A building permit shall expire two (2) years after the date issued. If any work has not been completed which is covered by the original permit, a new permit shall be required unless the Code Enforcement Officer has previously approved a schedule for construction which runs past the expiration date of the original permit but in no instance will a permit term exceed two (2) years and six (6) months.

F. Standards:

It is required by this Code that all buildings and structures, including manufactured homes that are erected, enlarged, altered, repaired substantially, moved, demolished, or change the occupancy of a building or structure shall comply with the following requirements:

1. State Building Code, as set forth in RSA 155-A.

2. Certificate of Occupancy: The Code Enforcement Officer shall not issue a certificate of occupancy until the applicant has satisfied the Code Officer that all of the work has been completed in compliance with the Code, the septic system meets the requirements of the New Hampshire Department of Environmental Services Subsurface Bureau and local regulations, and the driveway ordinance has been met.

SECTION XVIII. PENALTY

An person, persons, firm or corporation convicted of violating any of the provisions of this Ordinance shall be subject to a fine of not more than one hundred dollars ($100.00) for each day such violation may exist after formal written notification by the Town that a violation exists.

SECTION XIX. SAVING CLAUSE

The invalidity of any provision of this Ordinance shall not effect the validity of any other provision. If any lot size, frontage, or any other restriction within this Ordinance is declared invalid, then the restriction that will apply to that particular item will be that of the next most restrictive district.

SECTION XX. WHEN EFFECTIVE

This Ordinance shall take effect upon its passage.