

Chapter 150

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Chapter 150
ZONING ORDINANCE

[HISTORY: Adopted by the Town Meeting of the Town of Sandwich 3-11-1969; last amended 3-12-2024. Subsequent major adoptions and amendments noted where applicable. A full history of changes to the Ordinance available in Town Hall.]

ARTICLE I
General Provisions

§ 150-1. Authority.

Pursuant to the authority vested in the voters of Sandwich by provisions of Section 674:16, New Hampshire Revised Statutes Annotated (RSA), 1983 Recodification, the Town of Sandwich adopts by ballot on March 12, 1996, the following Zoning and Land Use Regulations for the Town of Sandwich.

§ 150-2. Title.

This ordinance shall be known and cited as the "Zoning Ordinance of the Town of Sandwich, NH," and it includes the following previously enacted ordinances and regulations: Zoning Ordinance, Districting Ordinance, Wetlands Conservation District Ordinance, Steep Slopes Regulations and the Building Code Ordinance.

§ 150-3. Applicability; when effective.

This ordinance shall pertain to all land within the boundaries of the Town of Sandwich and shall be in effect from the time of adoption by the voters of Sandwich.

§ 150-4. Purpose.

It is the purpose of this ordinance to establish regulations for the Town of Sandwich, as designated by RSA 674:17:

- A. To lessen congestion in the streets;
- B. To secure safety from fires, panic and other dangers;
- C. To promote health and the general welfare;
- D. To provide adequate light and air;
- E. To prevent the overcrowding of land;
- F. To avoid undue concentration of population;
- G. To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;

- H. To assure proper use of natural resources and other public requirements; and as granted by RSA 674:21 through 674:22:
 - (1) To provide innovative land use controls; and
 - (2) To regulate and control the timing of development at an orderly and reasonable rate. This ordinance reflects the wishes of the citizenry as expressed through the ballot and through the comprehensive Master Plan. A principal ingredient of this ordinance is the effort to preserve the scenic beauty and healthfulness of the Town through particular attention to land use in the vicinity of lakes, ponds, streams, Wetlands and Steep Slopes, to preserve the natural beauty of the land within view of the lakes and ponds, and to preserve for recreation and wildlife habitat forests, Wetlands and wild lands. Because of the uniqueness of some Wetlands, and the importance of water sources and quality to the well-being of the Town, the minimum distances specified in this ordinance may exceed the minimum distances specified in state statutes.
- I. To encourage the preservation of agricultural lands and buildings; and [Added 3-9-2004]
- J. To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum setback requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA Chapter 477. This ordinance may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems. [Added 3-9-2004]

§ 150-5. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

ABUTTER — Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. (RSA 672:3)

ACCESSORY DWELLING UNIT (ATTACHED) — An Attached Accessory Dwelling Unit, is a complete dwelling unit that is contained within or attached to and inseparable from the principal single-family dwelling on the lot. The net living area of an Attached Accessory Dwelling Unit shall not exceed the greater of 50 percent of the net living area of the principal single-family dwelling or 1,000 square feet, but in no case shall it exceed 1,500 square feet. [Amended 3-12-24]

ACCESSORY DWELLING UNIT (DETACHED) — A Detached Accessory Dwelling

Unit is a complete dwelling unit that is detached from a single-family dwelling but in which the title is inseparable from the principal single-family dwelling on the lot. The net living area of a Detached Accessory Dwelling Unit shall not exceed the greater of 50 percent of the net living area of the principal single-family dwelling or 1,000 square feet, but in no case shall it exceed 1,500 square feet. A Detached Accessory Dwelling Unit must meet all other requirements as defined in §150-7.A. of this ordinance. [Amended 3-12-24]

ACCESSORY STRUCTURE — A structure subordinate and customarily incidental to the principal building on, or principal use of, the same lot. [Amended 3-11-08]

ADDITION — A structure added to the original structure at some time after the completion of the original, which creates an extension or increase in floor area or height of a building or structure. Access to the addition must be directly through a wall common to both the original structure and the addition. Multiple access points are permitted.

AGRICULTURAL EXCAVATION — Excavation of earth by the owner of the land to be used on the owner's land exclusively for agricultural use. [Added 3-14-17]

AGRICULTURAL USE — Land used for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry. [Added 3-14-17]

ANTENNA — Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth. [Amended 03-08-16]

ANTENNA ARRAY — A collection of antennas attached to a mount to send and receive radio signals.

APPLICANT — The registered owner(s) of the site or authorized agent.

APPROVAL — The recognition by the Board, certified by written endorsement on the plat, that the subdivision application and plat submission meet the requirements of these Regulations, granted at a duly called meeting of the Board.

AQUIFER — A geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

AREA OF SPECIAL FLOOD HAZARD — The land in the Floodplain within the Town of Sandwich subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A and AE.

AVERAGE TREE CANOPY HEIGHT — An average height found by inventorying the height above ground level (AGL) of all trees with a circumference of 15 inches or more at a point 4 feet from the ground over 20 feet in height for a defined area of one 125 feet.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in

any given year.

BASEMENT — Any area of the building having its floor sub-grade (below ground level) on all sides.

BIOSOLIDS — Sewage sludge that has undergone treatment and meets federal and state standards for reuse. [Amended 3-12-24]
(https://www.neiwpcc.org/neiwpcc_docs/biosampleguide/biosampleguide_web.pdf)

BOARD — The Planning Board of the Town of Sandwich, New Hampshire, established under the provisions of RSA Chapter 673.

BOATHOUSE — A structure, all or partially located over water, for wet storage of boats and incidentally for dry storage of boats and related equipment used for no other purpose.

BUILDABLE AREA — The net area after excluding Wetlands, rights-of-way and areas with slopes exceeding 25%.

BUILDING — See “STRUCTURE.”

BUNKHOUSE / SLEEPING CABIN — An accessory residential structure with sleeping quarters for temporary use by guests or employees of the owner of the principal use on the lot. A bunkhouse may have sanitary facilities but shall not contain cooking facilities. [Amended 3-12-24]

CAMPSITE — A campsite is a parcel of land in a recreational Campground or Camping Park which is rented for the placement of a tent, recreational vehicle, or a camping cabin for overnight use.

CAMPGROUND — An organized recreational camping area which the owner or owner’s agent manages and rents for tents, pop-up campers, camping cabins and light-weight recreational vehicles for temporary guests in the Rural Residential District.

CAMPING PARK — An organized recreational camping area providing sites for recreational vehicles, motor homes, and camping cabins for temporary use and operated as a commercial retail business in the Commercial Zoning District.

CAMPING CABIN — A structure no greater than 200 square feet of living space, including porches and decks, permitted in Campgrounds and Camping Parks, having only outside hookups for water and electricity.

CARRIER — A company that provides personal wireless services, also sometimes referred to as a “provider.”

CELL TOWER – see Telecommunications Facilities

CLASS I HIGHWAY — As defined in RSA 229:5I. [Added 3-9-2004]

CLASS II HIGHWAY — As defined in RSA 229:5II. [Added 3-9-2004]

CLASS III HIGHWAY — As defined in RSA 229:5III. [Added 3-9-2004]

CLASS IV HIGHWAY — As defined in RSA 229:5, IV.

CLASS V HIGHWAY — As defined in RSA 229:5, VI.

CLASS VI HIGHWAY — As defined in RSA 229:5, VII

CLUSTER RESIDENTIAL DEVELOPMENT — A form of residential subdivision that permits single-unit housing units to be grouped on sites or lots with dimensions reduced from conventional sizes, provided the density of the tract as a whole shall not be greater than the density allowed by single-unit zoning under existing regulations, and the remaining land area is devoted to common open space.

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.

COMMERCIAL — The sale, lease, processing, or manufacturing of products and/or goods or the provision of services for consideration and profit. [Added 3-12-24]

COMMERCIAL EXCAVATION — Excavation of earth intended for commerce, this may also include Excavation that is strictly conducted for the purpose of alteration, renovation, improvement, or construction to the property on which the Excavation takes place. Any commercially useful earth material leaving the property for whatever reason is considered to be a commercial operation. [Added 3-14-17]

COMMERCIALLY USEFUL — The amount of excavated earth deemed by the regulator to be commercially useful which has been determined to be 1,000 cubic yards or more. [Added 3-14-17]

COMMON OPEN SPACE — Land within or related to a cluster or Multiple-Unit Residential Development, not individually owned, which is designed and intended for the common use or enjoyment of the residents, or the public. Common open space may not be further subdivided.

COMPOSITE LAND AREA — A land area or lot which is comprised of both unrestricted land and slopes from 15% to 25%.

CONDOMINIUM — Any development of real property, or interest therein, that comes under the requirements of RSA Chapter 356-B, and which includes the vesting of individual interests in common areas in unit owners. A condominium development shall be considered a subdivision of land.

CONTIGUOUS AREA — An unbroken land area not intersected by a Wetland, permanent

stream, or slopes in excess of 25%.

CONTIGUOUS — Land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town. (Excavation Regulations). [Added 3-14-17]

DECK and PATIO — A permanent assemblage of elements made of wood, steel, concrete, or other building materials affixed to a site, the purpose of which is to accommodate outdoor living areas, and may not have walls, roof, other covering or shelter. It may contain railings and stairs. [Added 3-14-17]

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, Excavation or drilling operation or storage of equipment or materials.

DIMENSION STONE — Rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined in the Earth definition. [Added 3-14-17]

DRIVEWAY — An area located on a lot, tract or parcel of land built for access to a garage or off-street parking space, serving not more than two lots or sites.

DWELLING — A building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families. [Amended 3-12-24]

DWELLING, SINGLE-FAMILY — A structure used and occupied exclusively for residential purposes and containing only one dwelling unit. [Added 3-12-24]

DWELLING, TWO-FAMILY — A structure used and occupied exclusively for residential purposes and containing two dwelling units. [Added 3-12-24]

DWELLING UNIT — Any room or rooms connected and providing complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation. [Added 3-12-24]

EARTH — Sand, gravel, rock, top soil, loam or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock. [Added 3-14-17]

EASEMENT — A grant or reservation by the owner of land for the use of all or a portion of such by others, including the public, for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement. The usage of the word “easement” for land platting purposes in these regulations means that such easement area is included within the dimensions and areas of the lots or parcels through which the easement may run and is not to be separated therefrom as in the case of a right-of-way. [Added 3-9-2004]

ENGINEER — The designated duly registered professional civil or sanitary engineer, as required by the New Hampshire Licensing Laws.

ENVIRONMENTAL ASSESSMENT (EA) — A document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

ENVIRONMENTAL IMPACT STUDY — A formal investigation of effects that might result from a proposed utilization of designated Steep Slopes for permitted uses, to be made by qualified professionals acceptable to the Planning Board.

EQUIPMENT SHELTER — An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which is housed equipment for personal wireless service facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as “base transceiver stations.

EXCAVATING — Extracting earth from a site that is in a natural state, or a site that is reclaimed or naturally reclaimed, by any method, such as dredging, blasting, digging out and removing, or forming a cavity or a hole in any land area. Excavating includes excavate. [Added 3-14-17]

EXCAVATION — A land area which is used, or has been used, for the commercial taking of earth, including all slopes. [Added 3-14-17]

EXCAVATION AREA — The area within an Excavation site where Excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area. [Added 3-14-17]

EXCAVATION SITE — Any area of contiguous land in common ownership upon which Excavation takes place. [Added 3-14-17]

EXISTING EXCAVATION — Any Excavation, as described in RSA 155-E:2, I, which lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979 and had submitted the report as required by RSA 155-E:2, I, (d). [Added 3-14-17]

EXPANSION — Excavation and disturbance of earth beyond the limits as shown on the plan as approved by the regulator. [Added 3-14-17]

FEMA – The Federal Emergency Management Agency.

FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

FLOOD INSURANCE RATE MAP (FIRM) — The official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Sandwich.

FLOOD INSURANCE STUDY — (FIS) An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see definition of “Flooding”). The areas designated as Zone A on the Flood Insurance Rate Map of Sandwich issued by the Federal Emergency Management Agency.

FLOOD-PROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD-PRONE AREAS — The areas designated as Zone A on the Flood Insurance Rate Map of Sandwich, issued January 17, 1986, by the Federal Emergency Management Agency.

FLOODWAY — See “REGULATORY FLOODWAY.”

FOOTPRINT — The exterior dimensions of a structure, including any permanent extensions such as balconies, decks (attached or unattached), steps, overhangs and chimneys.

GASOLINE STATION — That portion of a property where petroleum products are received by tank vessel, or tank vehicle and distributed for the purposes of retail sale of petroleum products including, but not limited to: gasoline, kerosene, and diesel fuel.

GROUNDWATER — Subsurface water that occurs beneath the water table in soils and geologic formations.

GUYED TOWER — A tower that is secured to the ground or other surface by diagonal cables for lateral support.

HEIGHT — The height above ground level (AGL) from the natural grade of a structure or footprint to the highest point of a structure. [Amended 03-08-16]

HIGH-INTENSITY SOIL SURVEY (HISS) — Mapping of a tract according to standards established by the Society of Soil Scientists of Northern New England.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

HOMEOWNERS ASSOCIATION — A private nonprofit association which is organized by the developer, in which individual owners share common interests in open space and/or facilities, and are in charge of preserving, maintaining and managing the common property. The association is responsible for enforcing certain covenants and restrictions.

IMPERVIOUS — Not readily permitting the infiltration of water.

IMPERVIOUS SURFACE — A surface through which regulated contaminants cannot pass when spilled. For purposes of this part, the term includes concrete and asphalt unless unsealed cracks or holes are present, but does not include earthen, wooden, or gravel surfaces or other surfaces that could react with or dissolve when in contact with the substances stored on them. [Amended 3-12-24]

INCIDENTAL EXCAVATION — Excavation of earth which has been granted an exception from an Excavation permit by the regulator. [Added 3-14-17]

JUNKYARD — An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.

KITCHEN — A space designed or equipped for the purpose of cooking and preparation of food. [Added 3-8-2005]

LATTICE TOWER — A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.

LIVING SPACE — A space designed, adapted, or equipped for living, sleeping, eating, cooking, bathing, washing and sanitation purposes. [Added 3-14-23]

LOT — A parcel of land or any part thereof capable of being occupied by at least one principal dwelling unit or use and accessory structures or uses incidental thereto, and designated on a plat to be filed with the Register of Deeds as a separate lot. For the purpose of these regulations, a lot shall have boundaries identical with those recorded with the Register of Deeds.

LOT SIZE — The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for right-of-way or street purposes, and any area on which construction is prohibited (Slopes in excess of 25% and Wetlands).

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

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

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURED HOUSING — Any and all forms of modular, unitized or prefabricated housing, as well as Mobile Homes, which are brought to and assembled on a building site, placed on a foundation and tied into all conventional and necessary utility systems and which are intended to be used as permanent dwelling units. Manufactured housing does not include housing which is fully constructed on the site.

MAST — A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MERGER — The creation, for record purposes, of one lot and one tax bill as the result of common ownership of adjacent lots. Resubdivision of the resulting lot requires subdivision

application and approval.

METEOROLOGICAL TOWER (met tower) — Includes the tower, base plate, anchors, guy wires and hardware, anemometers, 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 resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a Small Wind Energy System.

MINOR TOPOGRAPHICAL ADJUSTMENT — A one-time removal of earth from the site of less than 1,000 cubic yards that is exclusively necessary to change the physical configuration of the land for a specified use or situation. (Added 3-14-17]

MOBILE HOME — A vehicle other than a camping vehicle, designed for residential occupancy and capable of movement on highways as a trailer or self-propelled vehicle when properly assembled and arranged for this purpose. A Mobile Home shall continue to be considered as such even if partially disassembled, enlarged, mounted on foundations, permanently attached to service facilities, or attached to a permanent structure.

MODIFICATION TO SMALL WIND SYSTEMS — 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.

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.

MOUNT — The structure or surface upon which antennas are mounted, including the following five types of mounts:

- (1) Roof-mounted: mounted on the roof of a building.
- (2) Side-mounted: mounted on the side of a building.
- (3) Ground-mounted: mounted on the ground.
- (4) Structure-mounted: mounted on a structure other than a building.
- (5) Tree-mounted: mounted on a tree. Tree mounts are limited to wireless fidelity and commercial mobile radio services. [Added 3-11-08]

MULTIPLE-UNIT DWELLING OR DEVELOPMENTS — Apartment buildings or complexes of three or more dwelling units, condominium buildings or complexes of three or more dwelling units established under RSA 356-B, and planned-unit developments such as, but not limited to, cluster developments. [Amended 3-12-24]

MULTIPLE-UNIT LAND — Land owned by one owner or held in common by unit

owners, including that upon which all buildings, improvements and other structures are built, and that which is held as open space.

MULTIPLE-UNIT STRUCTURES — Residential apartment buildings or complexes of three or more dwelling units, condominium units or complexes of three or more dwelling units, nonresidential multiple-unit developments, or a mix of residential and non-residential units. [Amended 3-12-24]

NAVIGABLE STREAM — A stream or river into which a canoe can be launched.

NEW CONSTRUCTION — Any new building or addition whose fair market value equals or exceeds the sum of \$2,000.

NEW CONSTRUCTION WITHIN THE FLOODPLAIN DISTRICT — For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For Floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a Floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NONRESIDENTIAL DEVELOPMENT — All development of buildings, structures or land except dwellings.

NORMAL LANDSCAPING — The on-site alteration and contouring of the land exclusively devoted to improving the functional utility and planting of the grounds. [Added 3-14-17]

ONE-HUNDRED-YEAR (100-YEAR) FLOOD — See “BASE FLOOD.”

OUTDOOR STORAGE — Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

OVERLAY DISTRICT — A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.

PARKING SPACE — A space with a minimum of 200 square feet adequate for the parking of vehicles.

PATIO — See definition for DECK and PATIO. [Added 3-14-17]

PERFORMANCE SECURITY — The term “Performance Security” shall mean any of the following:

- (1) A performance bond issued by an insurance or surety company admitted in the State of New Hampshire (“bond”);

- (2) An irrevocable letter of credit with an automatic call provision issued by the state or national bank with banking offices located within the State of New Hampshire (“LOC”); or
- (3) Cash in United States currency held in by escrow by a financial institution approved by the Planning Board (“cash bond”); provided, further, whenever a Performance Bond is required pursuant to this Zoning Code or any regulations promulgated thereunder, the Performance Bond must be in such form, substance, and content as is expressly approved by the Planning Board and its attorney. [Added 3-13-12]

PETROLEUM BULK PLANT OR TERMINAL — That portion of the property where petroleum products are received by tank vessel or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, tank vehicle, portable tank, or container.

PLANNING BOARD — The Planning Board of the Town of Sandwich, established under the provisions of RSA Chapter 673.

PLAT — A map, plan, drawing or chart on which the applicant's plan is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Carroll County.

PRINCIPAL STRUCTURE — A structure in which the primary use of the lot the building is located on is conducted, excluding telecommunications facilities. This includes principal dwellings, churches, schools, and buildings for professional, commercial, industrial or municipal uses. [Amended 3-12-24]

PRINCIPAL DWELLING – The primary dwelling on a lot used for residential purposes. [Amended 3-12-24]

PROFESSIONAL OFFICE — A building or portion of a building wherein services are performed involving administrative, professional, or clerical services, or offering services to the general public. Examples of such uses could include, but are not limited to, real estate office, doctor’s office, hairdresser, surveyor. [Added 03-10-15]

PUBLIC WATER SYSTEM — A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system: (a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities); (b) Obtains all of its water from, but is not owned or operated by, a public water system; and (c) Does not sell water to any person. (RSA 485:1-a. XV.) [Amended 3-12-24]

RADIO FREQUENCY (RF) ENGINEER — An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) — The emissions from Telecommunications Facilities. [Amended 03-08-16]

RECLAMATION — The restoration of an Excavation site to an acceptable standard as determined and approved by the regulator. [Added 3-14-17]

RECREATIONAL VEHICLE — A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATED SUBSTANCE — Any of the following, excluding substances used for the treatment of drinking water or wastewater at New Hampshire Department of Environmental Services-approved facilities: (1) Oil as defined in RSA 146-A:2, III; (2) Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to RSA 485-C:6; and (3) Any substance listed in 40 CFR 302, 7-1-05 edition. [Amended 3-12-24]

REGULATOR — The Planning Board of the Town of Sandwich. [Added 3-14-17]

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

RESPIRE CENTER — A building, consisting primarily of dwelling units, or sleeping rooms with common sanitary facilities and common dining facilities, and including offices, meeting rooms, or other such spaces necessary for group activities that are provided exclusively for the residents of the center, who need assistance to recover from physical and emotional conditions. [Added 3-11-08]

RETAIL BUSINESS — A shop or store which offers the sale of goods and / or services and may include activities to produce those products sold in the retail business. [Added 03-10-15]

RIGHT-OF-WAY — A strip of land used for a street, road, crosswalk, water main, sanitary or storm sewer main, or for other special use, including public use. The usage of the term “right-of-way” for land platting purposes in this ordinance shall mean that every right-of-way hereafter established and shown on a record plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and not to be included within the dimensions

of other such lots or parcels. No subdivision or subdivided lots shall be approved unless access is provided by street rights-of-way having, as a minimum, the dimensions referred to in § 170-25 of the Subdivision Regulations. [Added 3-9-2004]

RIVERINE — Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROAD — Includes street, avenue, boulevard, road, land, alley, viaduct, highway, freeway, and other ways. Road shall mean all state, town Class VI and VI roads and private roads. [Added 3-11-2014]

ROADWAY — The finished road surface in the right-of-way. [Added 3-9-2004]

SANITARY FACILITY — Any one or combination of toilets, urinals, sinks, bathtubs or showers together with the room(s) or space(s) in which they are contained. [Added 3-11-08]

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 Env-Dw 302 (for community water systems); Env-Dw 405.14 and 406.12, design standards for small community and non-community public water systems, respectively. The radius shall be 150 feet. [Amended 3-12-24]

SEASONAL HIGH WATER TABLE —The depth from the mineral soil surface to the upper most soil horizon that contains 2 percent or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Civil or Environmental Engineer or other qualified professional approved by the Planning Board or the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for at least a period of seven consecutive days. [Amended 3-12-24]

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 container holding regulated-substances. Secondary containment areas must be covered if regulated substances are stored outside.

SECURITY BARRIER — A wall, fence, or berm sufficient to restrict an area from unauthorized entry or trespass.

SEPARATION — The distance between one carrier's array of antennas and another carrier's array.

SEPTAGE — Material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste and any other sludge. (RSA 485-A:2, IX-a). The term includes solids and other material removed from septage lagoons, waste from portable toilets and Type III marine sanitation devices, and grease trap waste that has been co-mingled with wastewater. [Amended 3-12-24]

SHADOW FLICKER — 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.

SLUDGE — The solid or semisolid material produced by water and wastewater treatment processes, excluding domestic septage; provided, however, sludge which is disposed of at solid waste facilities permitted by the department shall be considered solid waste and regulated under RSA 149-M. (RSA 485-A:2, XI-a) [Amended 3-12-24]

SLUDGE MONOFILL — A landfill or trench in which sewage sludge and/or septage is the only type of solid waste placed.

SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

SNOW DUMP— For the purposes of this ordinance, a location where snow which is cleared from roadways and/or motor vehicle parking areas is placed for disposal.

SPECIAL FLOOD HAZARD AREA — See “area of special flood hazard.”

SPECIMEN TREE — Any tree with a diameter at breast height (DBH) of 24 inches or greater.

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

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS — Facilities which are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying, or processing excavated earth materials. [Added 3-14-17]

STEEP SLOPES — Any area where the slope of the terrain exceeds 15%. Slopes in excess of 25% may not be included in the area used to satisfy the minimum lot size requirement. Isolated occurrences of Steep Slopes totaling less than 15,000 square feet in area may be disregarded in determining lot area. [Amended 3-9-2004, 3-14-2006]

STRATIFIED-DRIFT AQUIFER — A geologic formation of predominantly well-sorted

sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

STREET — Relates to and includes “street,” “avenue,” “boulevard,” “road,” “lane,” “alley,” “viaduct,” “highway,” “freeway,” public or other ways, including access to subdivisions and subdivided lots. [Added 3-9-2004]

STRUCTURE — An assemblage of elements made of wood, steel, concrete or other building materials, affixed to a permanent site and designed to support, enclose or protect humans, livestock, machinery or materials. For Floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [Amended 03-08-16]

STUDIO — Spaces used by artists and artisans such as photographers, painters, sculptors, or jewelers for the creation of their products or the teaching of their skills. Studios may also contain a small area devoted to the display and sale of the products produced. [Added 03-10-15]

SUBDIVIDER — The registered owner(s) or authorized agent of the registered owner(s) of the subdivision.

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

SUBSTANTIAL DAMAGE WITHIN THE FLOODPLAIN DISTRICT — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 % of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any improvement or repair (of a structure), whose fair market value equals or exceeds the sum of \$3,000.

SUBSTANTIAL IMPROVEMENT WITHIN THE FLOODPLAIN DISTRICT — Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be (a) the appraised value of the structure prior to the start of the initial repair or improvement, or (b) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health,

sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

SURFACE WATER — Streams, lakes, and ponds, including marshes, water-courses and other bodies of water, natural or artificial.

SURVEYOR — A land surveyor duly licensed as required by the New Hampshire Licensing Laws.

SYSTEM HEIGHT, SMALL WIND ENERGY SYSTEM — The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

TELECOMMUNICATIONS FACILITIES — Any structure, antenna, tower, or other device which provides licensed commercial mobile wireless services, cellular telephone services, specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications services (PCS), paging, and similar services marked in the general public and as defined in the Telecommunications Act of 1996, 47-U.S.C. section 332(c)(7)(c)(ii).

TOWER, TELECOMMUNICATION FACILITY — Any structure within a fenced area that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term also includes commercial radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

TOWER, SMALL WIND ENERGY SYSTEM — The monopole, guyed monopole or lattice structure that supports a wind generator.

TOWER HEIGHT, SMALL WIND ENERGY SYSTEM — The height above grade of the fixed portion of the tower excluding the wind generator.

UNIT — A portion of the property designated and intended for individual ownership and use.

UNLICENSED VEHICLES — Vehicles that are not registered or inspected or fit for use on a public way.

UNRESTRICTED AREA — The net area after excluding Wetlands, rights-of-way and areas with slopes of 15% or greater.

VIOLATION, FLOODPLAIN DISTRICT — The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER BODIES — All land areas that are seasonally or permanently inundated with water, specifically, the deep water part of lakes and ponds below the “Reference Line” as defined by RSA 483-B:4 XVII, and the area of channelized, flowing water below the “Ordinary High Water Mark” (OHWM) of rivers and streams, as defined by RSA 483-B:4 XI-a.

WATER SURFACE ELEVATION — The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the Floodplains of riverine areas.

WELLHEAD PROTECTION AREA — The surface and subsurface area surrounding a water well or wellfield supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield; as defined in RSA 485-C:2. [Amended 3-12-24]

WETLANDS — Those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [Amended 03-08-16]

WIND GENERATOR — The blades and associated mechanical and electrical conversion components mounted on the top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

WIRELESS FIDELITY — All wireless communication equipment operating under IEEE 802.11 standards (Wi-Fi). [Added 3-11-08]

ARTICLE II

Districts and District Regulations

§ 150-6. Districts.

- A. For the purposes of this ordinance, the area of the Town of Sandwich is hereby divided into the following districts:

District Designation	Title
RR	Rural/Residential Zoning District
VD	Village Zoning District
CD	Commercial Zoning District
SH	Shoreland Overlay District
SK	Skyline Overlay District
HD	Historic Overlay District
GP	Groundwater Protection Overlay District

- B. The boundaries of these districts are established as shown on the Zoning Map of the Town of Sandwich, except District SK, which map is hereby declared to be a part of this ordinance.¹ The Skyline District, District SK, is shown on the Town of Sandwich Steep Slopes Map, which map is hereby declared to be a part of this ordinance.

§ 150-7. Permitted structures and uses.

The following structures and uses and no other, except as provided elsewhere in this ordinance, shall be permitted in the designated districts. For special exceptions to permitted structures and uses in all districts see § 150-105.

- A. Rural/Residential-District RR.
- (1) Single-family dwelling, two-family dwelling, conversion of an existing single-family dwelling to a two-family dwelling, cluster residential, multiple-unit residential, mobile homes and manufactured housing dwellings. [Amended 3-12-24]
 - (2) Rural/Residential accessory structures such as private garages, bunkhouse / sleeping cabins, enclosures or partial enclosures for the housing or storage of farm equipment, pets, livestock, merchandise, property or firewood. Bunkhouse / sleeping cabins must comply with the setback regulations for principal dwellings. [Amended 3-12-24]
 - (3) Home occupations. Home occupations shall be permitted on residential premises provided they do not materially harm or affect the residential or rural quality of the area and which do not involve commercial impacts detectable at the property boundary. The following criteria shall apply:

¹ Editor's Note: The Zoning and Steep Slopes maps are on file in the Selectmen's office.

- (a) There shall be no more than two non-resident employees; and
 - (b) There shall be no more than an average of two customer/client visits per day; and
 - (c) There shall be no more than an average of two deliveries/pick-ups per day; and
 - (d) There shall be adequate off-street parking for customers, owners, and employees; and
 - (e) There shall be no visible changes to the property and buildings other than a sign which complies with the requirements of Article VI of the Zoning Ordinance; and
 - (f) The business shall not use outside business related lighting or produce odors, refuse, or waste which could be construed as offensive to abutters; and
 - (g) The business shall be conducted on the applicant's home premises. [Amended 3-11-2014]
- (4) Home-Based Business. A Home Occupation which does not comply with §150-7, A (3) shall be considered a Home-Based Business which shall be permitted upon site plan application review and approval by the Planning Board. [Added 3-11-2014]
 - (5) Day care within the home of a child-care provider; up to six full-time preschool children and three part-time school-age children.
 - (6) Agriculture uses, including all recognized forms of farming, truck gardening, silviculture, livestock raising, tree, shrub, plant or flower nurseries and roadside stands for the sale of produce grown primarily on the premises.
 - (7) Recreational uses consistent with the preservation of open spaces and natural resources, and which do not materially harm or affect the residential or rural quality of the area.
 - (8) Gravel pits complying with the Sandwich Excavation Regulations.
 - (9) Churches, parks, playgrounds, public and private schools, non-home-based child day care, respite center, and municipal buildings. [Amended 3-9-2004 and 3-11-08]
 - (10) Commercial cable TV reception equipment for Town franchised cable television systems, including necessary tower(s), antenna, associated reception equipment, transmission lines, building(s), and Telecommunications Facilities. [Amended 03-08-16]

(11) Attached Accessory Dwelling Units and Detached Accessory Dwelling Units [Added 03-10-15, Amended 3-12-24] — The purpose is to allow additional housing opportunities and flexibility in household arrangements while maintaining aesthetics and residential use compatible with homes in the neighborhood, subject to the following conditions:

- (a) No more than one Attached Accessory Dwelling Unit or one Detached Accessory Dwelling Unit, will be allowed in, attached to, or detached from a single-family dwelling.
- (b) The title of the principal dwelling unit and the Attached Accessory Dwelling Unit or Detached Accessory Dwelling Unit shall be inseparable.
- (c) The owner of the property shall occupy either the principal dwelling unit or the Attached Accessory Dwelling Unit or the Detached Accessory Dwelling Unit as a primary residence or be exclusively occupied by the owner of the property..
- (d) The lot must conform to the district’s minimum lot size.
- (e) A Detached Accessory Dwelling Unit may be no further than 300 feet from the principal dwelling unit.
- (f) A Detached Accessory Dwelling Unit shall meet the setbacks required in Section 150-13 for principal dwellings.
- (g) The existing, replacement, or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the Accessory Dwelling Unit or Detached Accessory Dwelling Unit.
- (h) A principal dwelling unit and a Detached Accessory Dwelling Unit shall share a common driveway access.
- (i) Adequate off-street parking shall be provided for the Attached Accessory Dwelling Unit or Detached Accessory Dwelling Unit.
- (j) An interior door shall be provided between the principal dwelling unit and an Attached Accessory Dwelling Unit. [Added 3-14-17]
- (k) An Attached Accessory Dwelling Unit or Detached Accessory Dwelling Unit shall not be permitted on a lot where more than one dwelling unit currently exists.

(12) Camping is allowed in developed Campgrounds, as described in Article VII.

B. Village Zoning District - District VD [Added 03-10-15]

(1) Permitted uses.

- (a) All uses permitted in District RR except gravel pits, Mobile Homes, and ground mounted Telecommunications Facilities [Amended 03-08-16]

- (b) Respite Centers may be permitted by special exception.
- (c) Attached Accessory Dwelling Units or Detached Accessory Dwelling Units are permitted on any lot which meets minimum lot size of 1.0 acre provided the conditions set forth in §150-7(A)(11) are met.
- (d) Connections to the Sewer System in the Sewer District for any Attached Accessory Dwelling Unit or Detached Accessory Dwelling Unit must be approved by the Sewer Commission.

C. Commercial Zoning District - District CD

(1) Permitted uses.

- (a) All uses permitted in District RR. [Amended 3-9-2004]
- (b) Retail stores, sales rooms and stands, Multiple-Unit Nonresidential Developments.
- (c) Light industry such as mail order houses, electronics/electrical assembly, vehicle dealerships, machine tool operations, etc. [Amended 3-14-23]
- (d) Retail service establishments such as restaurants, laundries, cleaners, car washes, etc.
- (e) Professional offices, studios, banks, motels, rooming houses, etc.
- (f) Camping is allowed in developed Camping Parks, as described in Article VII.

(2) District regulations.

- (a) All uses within the district shall have a wooded buffer zone of not less than 200 feet between the center line of the public way and the business buildings, parking lot or storage area.
- (b) The coverage of each lot used for commercial purposes, including buildings, parking areas, driveways, and any other impervious surfaces, shall not exceed 50% of the lot.

D. Shoreland Overlay District - District SH

(1) Permitted uses.

- (a) Residential single-family dwelling units.
- (b) Residential accessory structures such as Attached Accessory Dwelling Units, private garages, bunkhouse / sleeping cabins, enclosures or partial enclosures for the housing or storage of pets, merchandise, property or firewood. Bunkhouse / sleeping cabins and attached accessory dwelling units must comply with the setback regulations for principal dwellings. [Amended 03-10-15, 3-14-23, 3-12-24]
- (c) Beaches, parks and boat access areas owned by the Town of Sandwich or

which otherwise provide legally guaranteed, noncommercial access and use by the residents and taxpayers of the Town of Sandwich or the general public. Privately owned, noncommercial beaches, parks and boat access shall be permitted.

- (d) Home occupations or professional practices carried on by a resident of the premises, entirely on the premises, employing not more than the equivalent of four full-time employees (exclusive of the residents), provided such use is secondary to the use of the premises for dwelling purposes, and provided such use does not materially harm or affect the residential or rural quality of the area.

(2) District regulations.

- (a) Lakefront lots within the Shoreland Overlay District, used for the purpose of granting deeded rights or access to a lake for residential dwellings, regardless of the location of such dwellings, shall have not less than 320 feet of shore frontage, measured on a straight line, for the first dwelling having the right of access, and 50 feet of additional shore frontage for each additional dwelling. Also, for each dwelling having a right of access, and located more than one-half mile from the shoreline, one parking space shall be provided.
- (b) No more than 50% of the basal area of trees shall be cut or otherwise felled, within a twenty-year period, leaving a well distributed stand within 150 feet of a great pond, or within 50 feet of a navigable river or a public highway right-of-way. Stumps and their root systems which are located within 50 feet of a great pond or navigable river shall be left intact in the ground.
- (c) New structures within the protected shoreland shall be designed and constructed to prevent the release of surface run-off across exposed soils. All new driveways and parking lots shall be constructed of natural porous materials.
- (d) Dug-in boathouses and dug-in boat slips are not permitted in these districts. Existing boathouses may not be converted to use as dwellings.
- (e) No herbicides, pesticides or fertilizer (except lime and wood ash) shall be used within 250 feet of the high-water mark.
- (f) The establishment or expansion of salt storage yards, automobile junkyards and solid or hazardous waste facilities shall be prohibited. Installation of underground fuel storage tanks is prohibited.

(3) Prohibited Structures.

- (a) Ground-mounted Telecommunications Facilities shall not be allowed in the Shoreland Overlay District. [Added 03-08-16]

- (b) Detached Accessory Dwelling Units shall not be allowed in the Shoreland Overlay District.

E. Skyline Overlay District - District SK.

- (1) Permitted Structures
 - (a) Agriculture and silviculture as permitted in § 150-51B (1) and § 150-51B(2).
 - (b) Recreation as permitted in § 150-51B(4) and § 150-51B(5).
- (2) Prohibited Structures. No structures, including ground-mounted Telecommunication Facilities. [Amended 03-08-16]

F. Historic Overlay District - District HD

- (1) All uses permitted in District RR except Mobile Homes, Manufactured Housing, commercial cable TV tower(s)/antenna(e) and gravel pits.
- (2) The uses permitted in an Historic District will be such as to preserve and safeguard the historic heritage of the Town of Sandwich. Primary consideration shall be given to those buildings and features that reflect elements of the Town's cultural, social, economic, political and architectural history. Similar consideration shall be given to the conservation of property values, the fostering of civic beauty, strengthening of the local economy (including the establishment of retail businesses, professional offices, craft shops, and the like) and to the promotion of the district for the education, pleasure and welfare of the community. It shall be the function of the Town's Historic District Commission to develop a policy for the achievement of the district's purposes in accordance with applicable state laws and through the authority vested by the Town of Sandwich.
- (3) Within the Historic District overlay area, the Historic District Commission shall have the power to accept, review and act upon all applications for building permits within its boundaries. Such power of review and approval or disapproval shall be limited to those considerations which affect the relationship of the applicant's proposal to its surroundings, to the location and arrangement of structures, to the architectural treatment of the exterior features and finish of structures, and the compatibility of land uses within the districts as they may be deemed to affect the character and integrity of said districts to achieve the purposes of the Historic District. In carrying out the foregoing duties, and in its relations with other Town authorities, the Historic District Commission shall act in consonance with the provisions of RSA 674:45 through 674:50. [Amended 3-9-2004 and relocated from § 150-105 D, 03-10-15]

G. Groundwater Protection Overlay District - District GP.

- (1) Permitted Uses: Refer to Zoning Ordinance § 150-117
- (2) Prohibited Uses: Refer to Zoning Ordinance § 150-118

- (3) Conditional Uses: Refer to Zoning Ordinance § 150-119

§ 150-8. Nonconforming uses.

The following shall apply to nonconforming uses with reference to the establishment of the above districts. These provisions shall not apply elsewhere in this ordinance unless specifically cited.

- A. Continuance of nonconforming uses. Any ongoing use of land or buildings which constituted a legal or grandfathered use on March 13, 1990, shall be allowed to continue.
- B. Change. Any nonconforming use shall not be enlarged or changed to another nonconforming use.
- C. Discontinuance. When any nonconforming use of land or buildings has been discontinued for one year, the land and buildings shall thereafter be used only in conformity with this ordinance.

§ 150-9. Zoning Map.

The districts are shown on the Zoning Map of the Town of Sandwich² as follows:

- A. Rural\Residential Zoning District (RR). All lands other than those lying within Village and Commercial Districts. [Amended 03-10-15]
- B. Village Zoning District (VD). All lands within 500 feet on either side of the center line of these roads: Wentworth Hill Road northerly from Wentworth Hill Cemetery to Squam Lake Road; Squam Lake Road northeasterly from Great Rock Road to Grove Street; Grove Street easterly from Mt. Israel Road to Church Street; Church Street easterly from Grove Street to Maple Street; Maple Street northeasterly from Main Street to Elm Hill Road; Skinner Street westerly from Grove Street to Burleigh Brook (Creamery Brook). The above points of intersection closest to the center of the village will mark the outside boundary of the Village District. [Added 03-10-15]
- C. Commercial Zoning District (CD). All lands lying easterly within 2,000 feet of the center line of Whittier Highway (Route 25) from the Moultonboro-Sandwich boundary to Weed Brook; all of Lot #36, Property Tax Map R-2 on the old Whittier Highway and new Whittier Highway; and all lands lying northerly within 2,000 feet of the center line of Whittier Highway from the Tamworth-Sandwich boundary to Meadow Brook.
- D. Shoreland Overlay District (SH). All land within 600 feet of these lakes and ponds: Squam, Red Hill, Bearcamp, Little's, Dinsmore, Kusumpe, Intervale and Barville.
- E. Groundwater Protection Overlay District (GP). An overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the Stratified-drift Aquifers in Sandwich as defined in the Geohydrology and Water

² Editor's Note: The Zoning Map is on file in the Selectmen's office.

Quality of Stratified-Drift Aquifers in the Saco and Ossipee River Basins, east-central New Hampshire, Plate 2 (USGS 1995). Also to include the most current Wellhead Protection Areas approved by NH Department of Environmental Services or Sandwich Planning Board. [Added 03-10-15]

ARTICLE III

General Provisions Applicable to the Rural/Residential and Commercial Zoning Districts

Please refer to Article XVIII for General Provisions applicable specifically to the Village Zoning District. [Added 03-10-15]

§ 150-10. Lot area.

- A. The minimum lot size permitted shall be 100,000 square feet (approx. 2.29 acres) of unrestricted area, except that if 60% or more of the unrestricted area comprises land where the slope of the terrain is 15% or greater, the minimum lot area shall be 260,000 square feet (approx. 5.96 acres) of buildable area contiguous to, and including the site of the structure. [Amended 3-14-23, 3-12-24]
- (1) In the case of Multiple-Unit Structures, the minimum lot size permitted shall be 175,000 square feet (approx. 4.01 acres) of unrestricted area, except that if 60% or more of the unrestricted area comprises land where the slope of the terrain is 15% or greater, the minimum lot area shall be 455,000 square feet (approx. 10.44 acres) of buildable area. [Amended 3-14-23, 3-12-24]
 - (2) No more than one principal structure shall be allowed on a lot regardless of the size of the lot. Minimum lot sizes for cluster developments are specified in Article IV. [Amended 3-12-24]
 - (3) No more than one dwelling is permitted on a lot unless specifically permitted pursuant to this ordinance. [Added 3-11-08]
- B. Exceptions to permitted lot size and road frontage on a public or private way. Lots of record as of March 11, 1969, which do not meet the minimum lot size requirements and/or frontage requirement on a public or private way, may not be built on until given a special exception by the Board of Adjustment. See also § 150-105. The Board of Adjustment shall determine that all structures, septic systems, etc. will conform to current setback requirements and that building on the lot will not be detrimental to public health or in violation of the purpose of this ordinance as expressed in § 150-4.

§ 150-11. Lot frontage.

When any boundary of a lot is the shore of a lake or pond, or the shore of a navigable stream, the minimum frontage on the water of that boundary shall be not less than 320 feet measured on a straight line. Lots which front on a public or private way shall be required to have not less than 160 feet of frontage. This does not apply to a lot which is the only lot at the end of a street or right-of-way. Existing land-locked lots or lots with limited or road access less than 160' shall be allowed to have not less than 50 feet of frontage. Minimum frontage for Multiple-Unit property containing Multiple-Unit Structures or Nonresidential Developments may be required by the Planning Board to exceed 160 feet, depending upon the number of units and individual building layouts and configurations. [Amended 3-10-15]

§ 150-12. Building height.

No building shall be constructed with an overall height exceeding 32 feet above the average ground level at the building foundations. This provision shall not apply to church steeples, chimneys, cupolas, silos, barns and home antennas or similar slender, normally unoccupied, structures.

§ 150-13. Setbacks.

- A. Septic tanks and leach fields.
 - (1) Setback from high-water mark of any lake, pond, stream or Wetland: 75 feet unless the New Hampshire Department of Environmental Services requires a greater setback. (A holding tank may replace an existing septic system which is not in compliance with this setback if the New Hampshire Department of Environmental Services so allows.)
 - (2) Setback from side or back lines: 25 feet.
 - (3) Setback from edge of right-of-way: 25 feet.
 - (4) The toe of a leach field slope shall not be less than 10 feet from the property line or right-of-way. (See Special provisions in § 150-54 A, B and C.)
- B. Private water wells. Water wells serving individual residences shall be located a minimum of 75 feet from septic system leach fields, septic tanks, and property lines. However, protective well radii may be reduced to a minimum of 50 feet where conditions comply with NH Code of Administrative Rules, Part We 602 and Env-ws 1008.
- C. Principal Structures, Detached Accessory Dwelling Units and Bunkhouse/ Sleeping Cabin [Amended 3-10-15, 3-12-24]
 - (1) Setback from center line of any road or street: 75 feet.
 - (2) Setback from any lot side or back lines or edge of right-of-way: 50 feet.
 - (3) Setback from high-water mark of any lake, pond, stream or Wetland: 100 feet.
 - (4) Decks and Patios attached to a Principal Dwelling shall meet the setback requirements for an accessory structure. Decks and Patios attached to a Principal Dwelling and not conforming to Principal Structure setbacks may not be enclosed with roof or wall components at a later date. [Added 3-14-17, 3-12-24]
- D. Accessory structures.
 - (1) Setback from high-water mark of any lake, pond, stream or Wetland:
 - (a) If structure is waste-producing: 100 feet.
 - (b) If structure is not waste-producing: 50 feet.
 - (2) Setback from any side or back lines: 25 feet.
 - (3) Setback from any road center line: 40 feet.

- (4) Setback from the edge of any right-of-way: 15 feet.
- (5) Any accessory structure may be converted to contain a Detached Accessory Dwelling Unit only if the structure meets the setbacks required in § 150-13 (C) for Detached Accessory Dwelling Units. [Amended 3-12-24]

E. Expansion/Creation of nonconforming structures.

- (1) Structures legally established, but not conforming to present setback requirements, may be expanded in size, provided the setbacks to the expanded structure are not less than the nonconforming setbacks to the original structure. Such expansion is not allowed in Shoreland Overlay Districts except by special exception in § 150-105 F.
- (2) Nonconforming dwellings as of March 5, 1974, may be demolished and reconstructed on the same footprint. There is an exception in the Shoreland Overlay District, where buildings within 100 feet of reference line (high-water mark) may not be intentionally demolished and reconstructed. Such dwellings may be expanded in size with the conditions specified in § 150-13 E (1). (See also § 150-105 F.)
- (3) When handicapped access ramps are required, they are exempt from setback requirements.

F. Attached garages. A garage may be attached to a dwelling which existed prior to March 12, 1997, as long as the garage meets the requirements for an accessory structure and is not used to expand the living space. [Amended 3-14-23]

§ 150-14. Multiple-Unit Structures and commercial building location.

Building locations shall meet all standards established in § 150-13. Additional standards are set forth in § 150-7 C.

§ 150-15. Site plan requirements.

Site plans must be submitted for development, change or expansion of all nonresidential uses, for all Cluster Residential Development, and for Multiple-Unit Residential Development. See § 150-28 and § 150-32. The Planning Board shall, as established by the Site Plan Review Regulations of Sandwich,³ assure that the site usage is compatible with the objectives of the Town as expressed in its Master Plan. [Amended 3-12-24]

§ 150-16. Damage.

Any building suffering extensive and obvious structural damage by fire, wind, collapse or other casualty, or neglect, shall be repaired or completely removed within one year of notice. Removal shall include removal of all debris, and either the filling of Excavations to ground level, or guarding them in a manner satisfactory to the Selectmen by covers, fences

3. Editor's Note: See Ch. 160, Site Plan Review Regulations.

or other means.

§ 150-17. Use of vehicles as dwellings.

No bus, truck, trailer, or any other vehicle, or the body thereof, not originally designed and built for use as a dwelling or camp shall be used for such purposes.

§ 150-18. Parking facilities.

Parking facilities shall be provided for all permitted uses, and in all instances, off the street and outside of the public right-of-way.

- A. Residential parking. Each residential dwelling unit or manufactured home shall be provided with at least two indoor or outdoor parking spaces of at least 200 square feet each.
- B. Other parking. Commercial and industrial uses shall be provided with parking space as established in the Site Plan Review Regulations of the Town of Sandwich.⁴

§ 150-19. Parking and storage of unlicensed (not registered or inspected) vehicles.

On any lot, in any district, no more than two unlicensed (not registered or inspected) motor vehicles shall be parked or stored except in authorized auto sales areas, enclosed buildings or approved junkyards unless, however, the unlicensed (not registered or inspected) motor vehicles are special, such as homemade or factory customized competition machines, in which case no more than two such unlicensed (not registered or inspected) special motor vehicles shall be parked or stored except out of sight from adjacent property or from a public or private way, and may be subject to RSA 236:91-III. This does not pertain to farm vehicles or other vehicles which are in active use that do not require license plates. [Amended 3-14-23]

§ 150-20. Approval for driveway or street access.

Driveway or street access onto any roadway will have a maximum width of 50 feet and a minimum width of 18 feet for street access and 10 feet for driveway access. Street and driveway access widths will be measured at their intersection with the roadway traveled way. A street access or driveway may be flared beyond a width of 50 feet at its junction with a roadway to accommodate the turning radius of vehicles using the access. All access points will comply with the provisions of the Sandwich Subdivision Regulations.⁵

- A. NHDOT approval. Access proposed within the limits of Class I or III highways or a state-maintained portion of a Class II highway requires conceptual approval from the NHDOT.
- B. Road Agent approval. Access proposed within the limits of a Town or private road requires a permit approved by the Road Agent of the Town of Sandwich and signed

⁴ Editor's Note: See Ch. 160, Site Plan Review, § 160-7A(3).

⁵ Editor's Note: See Ch. 170, Subdivision Regulations.

by the Selectmen or the Compliance Officer.

- C. Lots Served by Roads, Streets, and Driveways: A road or street may serve more than one lot; a driveway may serve no more than two lots. [Added 03-11-2014]

§ 150-21. Compliance with state law.

All buildings, structures and uses shall comply in all respects with pertinent state laws.

§ 150-22. Boundary line adjustments.

Boundary line adjustments are considered to be subdivisions and applications must be in compliance with the Subdivision Regulations of Sandwich.⁶

6. Editor's Note: See Ch. 170, Subdivision Regulations.

ARTICLE IV

Cluster Residential Development

§ 150-23. Purpose.

Cluster development is an option which: permits greater flexibility in design; discourages development sprawls; provides a more efficient use of land in harmony with the land's natural characteristics; and preserves more usable open space, agricultural land, tree cover, recreational areas or scenic vistas.

§ 150-24. Permitted uses.

Cluster Residential Development shall consist of single-family dwellings, accessory uses and home occupations as established in § 150-7A. [Amended 3-12-24]

§ 150-25. Permitted density.

The maximum number of dwelling units permitted in a cluster development shall be determined by dividing the total area of buildable land in the tract by the minimum lot size established for a single-family dwelling in § 150-10. [Amended 3-12-24]

§ 150-26. Lot size.

The minimum lot area for individual building lots within the cluster development shall be determined by the Planning Board based on the circumstances of the development proposal, and in the interest of encouraging flexibility in site design and the preservation of open space.

§ 150-27. Common open space.

- A. The amount of common space in cluster developments is the amount saved by reduction in lot sizes, i.e. the difference between the minimum lot size for a single-family dwelling (§ 150-10) and the lot area negotiated in § 150-26. At least 25% of the cluster development shall be designated as permanent common open space exclusive of road rights-of-way and common parking areas.
- B. When the common open space is set aside for recreational purposes it must be usable and accessible. When open space is designated for preservation or conservation necessary covenants, deeds or other legal arrangements must be filed to ensure that the land will remain unimproved.

§ 150-28. Design Criteria.

Cluster Residential Developments, for the purposes of this ordinance, are to be considered subdivisions, and the Subdivision Regulations of Sandwich⁷ and the following special provisions shall apply:

⁷ Editor's Note: See Ch. 170, Subdivision Regulations.

- A. General. Approval of the Planning Board is required before any construction or site development can be undertaken on property intended for cluster development.
- B. Steep Slopes. Cluster development where Steep Slopes are involved shall be allowed only after a formal environmental impact study, made by qualified professionals, has been found acceptable by the Planning Board.
- C. Site plan review. Pursuant to RSA 674:43, the Planning Board is empowered to review and approve or disapprove site plans for the development of tracts for cluster development. Applications must be in compliance with the Site Plan Review Regulations of the Town of Sandwich.⁸

§ 150-29. Open space ownership.

The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer or subdivider, subject to the approval of the Planning Board. Type of ownership may include, but is not necessarily limited to the following:

- A. Homeowner or cooperative associations or organizations. Under this form of ownership all common open space, common areas or facilities within the development shall be permanently protected by covenants and restrictions and shall be conveyed by the property owner(s) to a homeowner's association or other legal entity under the laws of the State of New Hampshire.
- B. Shared, undivided interest by all property owners in the subdivision.
- C. Municipal ownership: subject to acceptance by the governing body of the municipality, based on a deed of conservation restrictions granted by the developer.

§ 150-30. Maintenance of open space.

The person(s) or entity identified in § 150-29 as having the right to ownership or control over open space shall be responsible for its continuing upkeep and proper maintenance.

⁸ Editor's Note: See Ch. 160, Site Plan Review Regulations.

ARTICLE V

Multiple-Unit Structures

§ 150-31. Special provisions.

Multiple-Unit Structures or nonresidential developments, for the purposes of this ordinance, are considered to be subdivisions, and the Subdivision Regulations of Sandwich⁹ and the following special provisions shall apply:

- A. General. Approval of the Planning Board is required before any construction, remodeling or site development can be undertaken on property intended for Multiple-Unit Structures.
- B. Land ownership. All buildings, improvements and other structures, built or to be built in connection with Multiple-Unit Structures, shall be located on and owned by one owner or held in common by unit owners.
- C. Lot size. The minimum lot size shall be established in § 150-10.
- D. Unit density. The minimum area per unit shall be specified in § 150-10.
- E. Units per building. No Multiple-Unit building will contain more than five units. [Amended 3-9-10]
- F. Steep Slopes. Multiple-Unit Structures where Steep Slopes are involved shall be considered only after a formal environmental impact study, made by a qualified soil technician, has been found acceptable by the Planning Board.

§ 150-32. Site plan review for Multiple-Unit Structures.

Pursuant to RSA 674:43, the Planning Board shall review and approve or disapprove site plans for the development of tracts for Multiple-Unit Structures. Applications shall comply with the Site Plan Review Regulations of the Town of Sandwich.¹⁰ [Amended 3-12-24]

⁹ Editor's Note: See Ch. 170, Subdivision Regulations.

¹⁰ Editor's Note: See Ch. 160, Site Plan Review Regulations.

ARTICLE VI
Sign Regulations

§ 150-33. Purpose and intent.

This article is adopted for the regulation of signs within the Town of Sandwich and is based on the interests of promoting traffic safety, enabling emergency response, protecting property and scenic roads, supporting the local business community, and enhancing the rural and residential character of the Town. This article must be interpreted in a manner consistent with the First Amendment to the U.S. Constitution guarantee of free speech. If any provision of this article is found by a court to be invalid, such finding shall not affect the validity of other provisions of this article.

§ 150-34. Temporary signs.

- A. Temporary signs advertising an event shall be allowed for not more than 45 days before the event, the duration of the event, and shall be removed promptly after the event. The person or organization sponsoring said event shall be responsible for the set-up, maintenance, and removal of said sign(s).
- B. Temporary signs are not to exceed six square feet in area.
- C. Temporary signs may not be illuminated.
- D. Temporary signs which are not in compliance with this ordinance and which raise complaints by citizens or are deemed to be a nuisance by safety or road officials may be inspected by the Sandwich Selectmen or their designee who may issue an order to remove the sign within 7 days of receipt of the order or face fines of up to \$100 per day from that deadline.

§ 150-35. Permit for sign(s).

Temporary signs do not require a permit. Permanent signs in compliance with this ordinance are permitted by notification. Notification forms are available in the Selectmen's Office, Town Hall, or on the Sandwich Town website.

§ 150-36 Permanent signs.

- A. General Regulation Applying to Permanent Signs.
 - 1. Height and Setbacks. No sign shall be higher than 20 feet above the crown of the adjacent roadway. A sign shall be placed at least 25 feet from property sidelines.
 - 2. Out-of-town Businesses. No signs shall be permitted advertising any business not conducting operations in the Town of Sandwich.

B. Business signs.

Each business establishment, including home occupations and roadside stands, may exhibit no more than two main signs, each no larger than 32 square feet in area, and no more than three subsidiary signs, each no larger than 6 square feet in area. All business signs shall be located on the same premises as the business itself. Any business establishment selling gasoline may display the standard sign provided by its oil company, in addition to the other permitted signs.

C. Identification and direction signs.

1. Each non-business property shall be allowed one sign not larger than six square feet in area per public way frontage, or at each entrance to the property.
2. Identification and direction signs made up of individual panels, each panel no larger than 6 inches by 48 inches, may be erected at street or road intersections to direct the public to any property or business. No single property or business may erect more than one such panel at any single corner of an intersection. If such signs are erected on public property, permission must be obtained from the appropriate authority.

D. Exemption of Trespassing signs.

Trespassing signs are signs which regulate the use of private property. Trespassing signs are exempt from permit by notification. Trespassing signs shall be no larger than 6 square feet in area.

E. Flashing or moving signs; illumination, nuisances.

Flashing, moving or mechanical objects or signs shall not be allowed except at the Sandwich Fair. Signs may be lighted by continuous illumination only, and shall be so erected that the source of light is not visible outside the premises. For this purpose, the source of light shall include all transparent or translucent surfaces of arc lights, incandescent and fluorescent lamps, and lights producing illumination by electrical discharge in gases or vapors.

§ 150-37. Determination of sign area.

The area of all signs shall be measured within the maximum dimensions of the signs, not inclusive of supporting structures.

§ 150-38. Signs within Historic District.

Within District HD, Historic District Commission sign rules, where more restrictive, will supersede this ordinance.

§ 150-39 –

§ 150-40 Intentionally left blank

ARTICLE VII
Camping and Camping Area Regulations

§150-41. Purpose.

To allow reasonable use of private property in the context of the community values stated in the Sandwich Master Plan, providing both:

- A. Protection of the natural, historic and scenic environment, and
- B. Opportunity for economic growth consistent with the community's rural character.

This article takes particular care to safeguard the quality of all groundwater and surface waters in the Town of Sandwich. Campsites cannot be used as permanent dwellings or used to establish residency. To achieve these stated purposes, all Campgrounds and Camping Parks shall require Planning Board site plan review.

§ 150-42. Campsite, Campground and Camping Park, Camping Cabin, Recreational Vehicle defined.

See § 150-5. Definitions.

§ 150-43. Permitted uses.

The following are permitted uses:

- A. Temporary camping by the property owner, family and friends on an individual's private land is permitted in any zoning district, without charge or donation.
- B. Campgrounds may be permitted in the Rural Residential District subject to site plan review by the Planning Board and the following provisions:
 - (1) Campgrounds may have up to 7 campsites so long as the subject property has an aggregate total of at least one-half acre of unrestricted area per campsite.
 - (2) The management of the Campground shall make adequate provision for safe drinking water, for the control of outdoor fires, and for the disposal of sewage and solid waste, in accordance with Town and State laws and regulations. See Site Plan Review Regulations, 2019.
 - (3) Management will provide their emergency contact information to all customers.
 - (4) Campsites shall be set back from all property boundaries at least 200 feet and 100 feet from any Wetland or body of water.

- (5) Campsites may be used for tents, pop-up campers, Camping Cabins and recreational vehicles having a combined weight of under 10,000 pounds gross vehicle weight (GVWR).
- C. Camping Parks may be permitted in the Commercial Zoning District subject to site plan review by the Planning Board and the following provisions.
- (1) Camping Parks may contain not more than 20 campsites.
 - (2) The Camping Park shall have at least 20 acres of unrestricted land.
 - (3) The management of the Campground shall make adequate provision for safe drinking water, for the control of outdoor fires, and for the disposal of sewage and solid waste, in accordance with Town and State laws and regulations. See Site Plan Review Regulations, 2019.
 - (4) On-site management, 24 hours a day, seven days a week, shall be required.
 - (5) Campsites shall be set back from all property boundaries at least 200 feet and 100 feet from any Wetland or Body of Water.
 - (6) Camping Park campsites may be used by any recreational vehicle as defined in § 150-5 and Camping Cabins.
 - (7) Park models and year-round mobile or modular homes are prohibited.

§ 150-44. Further Considerations.

- A. A tent, camper, recreational vehicle or motor home may be used as a temporary dwelling on the building lot during the construction of a permanent dwelling. Prior to such use, permission shall be obtained from the Board of Selectmen, who shall ensure that adequate sanitary facilities exist on the site. Permission for use of such temporary dwelling shall be limited to a period of six months. Extensions may be granted only by the Board of Selectmen.
- B. Access privileges to Bearcamp Pond, Squam Lake, the Pot Hole, Beede Falls, and any other public beaches or water by Campground or Camping Park visitors are not allowed.
- C. Access to other surface waters, ponds, lakes and streams contiguous with the site shall be permitted in Site Plan Review with consideration of numbers of users, frontage, topography, and water quality.

- D. Current use land may not be utilized in meeting requirements for Campgrounds or Camping Parks.
- E. Removal of wheels or towing beds; construction of any permanent foundations; permanent attachment to water, septic or electric lines to any camping unit; or overwintering of recreational vehicles is prohibited.
- F. The length of consecutive rental periods is limited to 15 days in Campgrounds and 30 days in Camping Parks.
- G. Campsites cannot be used as permanent dwellings or used to establish residency.

§ 150-45. Special provisions.

The Columbus Day weekend activities of the Sandwich Fair and the camping activities at Mead Base are exempt from these regulations as they are grandfathered.

§ 150-46. Compliance with state and federal laws.

All uses described and permitted herein shall be subject to applicable town, state, or federal laws or regulations in effect at the time of official approval by the Board unless a stricter regulation is stated in these regulations.

ARTICLE VIII
Mobile Home Regulations

§ 150-47. Mobile Homes on individual lots.

No Mobile Homes shall be located for use as dwellings within the Village Zoning District, the Historic Overlay, or Shoreland Overlay Districts of Sandwich. Mobile Homes may be located for such use in the Rural/Residential and Commercial Zoning Districts of Sandwich if located in an organized Mobile Home park, or on individual lots if the general provisions outlined in Article III are satisfied, together with these additional conditions: [Amended 03-10-15]

- A. Foundations. A Mobile Home, when placed on an individual lot, shall be permanently mounted on an enclosed cinder block foundation or on a poured cement slab, in which case the area under the home shall not be open to view.
- B. Flood areas. In flood-prone areas, Mobile Homes shall be anchored as specified in Article XII.

§ 150-48. Mobile Home parks.

Mobile Home parks shall be permitted in the Rural/Residential and Commercial Districts if the following provisions are satisfied:

- A. The Mobile Home park shall consist of not less than four sites for Mobile Homes.
- B. The park shall have a wooded buffer zone of not less than 200 feet between the center line of the public way and the location of any Mobile Home, parking or storage area. No Mobile Home shall be located within 50 feet of the property side or back lines.
- C. The park entrance street, and the driveway to each site shall be designed to assure adequate access for fire apparatus and other emergency equipment.
- D. Each home site shall be provided with a hard surface platform for the foundation of the home, and an indoor or outdoor parking area of 400 square feet for parking two automobiles.
- E. Suitable provision shall be made at each site for connecting the home to electric, water and sewer facilities.
- F. Community water and sewerage systems that satisfy all state and Town laws and regulations shall be provided and operated by the management of the park.
- G. Minimum lot size and unit density for a Mobile Home park shall be as specified for Multiple-Unit Developments in § 150-10. The common open space shall be designed as an integral part of the development and used for recreation, conservation or park purposes for the owners and the occupants of the lots in the park.
- H. Grading within the park shall be limited to that required for proper drainage, streets and driveways, home and facility sites.

- I. In flood-prone areas Mobile Homes shall be anchored as specified in Article XII, §150-71 C (1) and § 150-77 B (3).

ARTICLE IX
Wetland Protection

§ 150-49. Purpose.

In keeping with the purpose stated in Article I, these provisions are to protect the public health, safety and general welfare by guiding and controlling the use of land areas that have been found to be subjected to high water tables for extended periods of time. More specifically, this article is to:

- A. Prevent the development on naturally occurring Wetlands of structures and land uses that will contribute to pollution of surface and ground waters by sewage or toxic substances.
- B. Prevent the destruction or significant change of natural Wetlands that provide flood protection.
- C. Protect unique and unusual natural areas.
- D. Protect wildlife habitats and maintain ecological balances.
- E. Ensure potential water supplies by protecting existing water-bearing strata (aquifers) and their recharge areas.
- F. Forestall expenditure of municipal funds for purposes of providing and/or maintaining essential services and utilities that might be required as a result of misuse or abuse of Wetlands.

§ 150-50. Wetlands and Water Bodies defined. [Amended 3-11-08]

- A. Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [Amended 3-11-08]
- B. Water Bodies: All land areas that are seasonally or permanently inundated with water, specifically, the deep water part of lakes and ponds below the “Reference Line” as defined by RSA 483-B:4 XVII, and the area of channelized, flowing water below the “Ordinary High Water Mark” (OHWM) of rivers and streams, as defined by RSA 483-B:4 XI-a. [Amended 3-11-08]

§ 150-51. Permitted uses.

- A. Permitted uses are those that:
 - (1) Do not require the erection or construction of any structures or buildings;
 - (2) Will not alter the natural surface configuration by the addition of fill or by dredging; and

- (3) Are otherwise permitted by this Sandwich Zoning Ordinance.
- B. Regardless of the criteria set forth in paragraph A, the following uses are specifically permitted: [Amended 3-08-11]
- (1) Forestry or tree farming, using the best management practices to protect streams and standing water from pollution and sedimentation.
 - (2) Agriculture according to recommended soil conservation practices, including protection of Wetlands from pollution by fertilizers, pesticides and herbicides.
 - (3) Wildlife refuges.
 - (4) Parks, conservation areas, and nature trails.
 - (5) Recreational pursuits consistent with the intents of this ordinance.
 - (6) Open spaces as permitted or required by the Subdivision Regulations¹¹ and this ordinance of the Town of Sandwich.
 - (7) Streets, roads, rights-of-way, driveways or easements, including power lines and pipe lines and water impoundments, when approved by the NHDES Wetlands Bureau. [Added 3-9-2004]

§ 150-52. Determination of applicability.

Where on-site inspection by the Planning Board, or by the Selectmen, indicates that an area not designated as a Wetland meets the criteria of § 150-50, or that an area has been incorrectly designated as a Wetland, the Planning Board or Selectmen shall make a final determination only after an on-site examination or other suitable research by the Sandwich Conservation Commission or by a certified soil or Wetland scientist, paid for by the landowner or developer. Evidence for this determination shall be accepted only in written form from said technicians to the Planning Board or Selectmen. [Amended 3-11-08]

§ 150-53. Compliance with state and federal laws.

All uses, practices, or activities relating to the lands herein described, whether specified or not, shall comply in all respects with applicable state and/or federal laws pertaining thereto, including regulations of governing or advisory agencies relating to agriculture, conservation, environmental protection, forestry, mining, public health, recreation, utilities, and water resources. State dredge and fill permits are required for all dredge and/or fill operations, and for the erection or floating of all docks, floats and rafts. Such permits, as determined by state law, shall be filed with the Town Clerk. Where any provision of this ordinance is in conflict with state law or other local ordinance, the more stringent provision shall apply. [Amended 3-11-08]

11. Editor's Note: See Ch. 170, Subdivision Regulations.

§ 150-54. Special provisions.

- A. Sewage systems proximity to Wetlands and Water Bodies. [Amended 3-11-08]
- (1) Setback from high-water mark of any lake, pond, stream or Wetland: 75 feet unless the New Hampshire Department of Environmental Services requires a greater setback.
 - (2) A sealed septic tank may replace an existing septic tank, provided that an alarm shall be installed if the system uses a pumping station.
 - (3) Note that no NH DES permit is required to replace a septic tank of the same size or larger in the same location as long as the existing leach field is operational. [Amended 03-10-15]
- B. Dwelling proximity to Wetlands and Water Bodies. No dwelling or other structures of a waste-generating nature may be constructed or enlarged to be within 100 feet of any Wetland or Water Body, except as defined in § 150-13 and in § 150-54 C. [Amended 3-11-08]
- C. Replacement of nonconforming septic systems. When new septic systems are installed on properties where there is a dwelling to be served existent prior to March 14, 2000, and the existing dwelling is less than the required 100-foot setback from the high-water mark of any Water Body or Wetland, the following provision is allowed: [Amended 3-11-08]
- (1) The septic tank may be installed not less than 75 feet from the high-water mark of any Water Body or Wetland, under the following conditions:
 - (a) A pump, if used, is contained in a sealed tank.
 - (b) An alarm is used if the system uses a pump tank.
 - (c) Septic tank and leach field must be at least 75 feet from the high-water mark of any Water Body or Wetland, unless the New Hampshire Department of Environmental Services requires a greater setback.
- D. Limitation. Occurrences of Wetlands totaling less than 15,000 square feet in area, not in direct surface contact with Water Bodies may be disregarded in computing unrestricted and buildable areas and in determining setback requirements, except for leach fields, if the ruling Board determines that such areas do not interfere with the health and safety of the community. However, such areas must be shown on plats.
- E. Appraisal of Wetlands for tax purposes. All Wetlands shall be appraised for tax purposes at their full and true value in money, based on their market value as undevelopable land required to remain in open space.

§ 150-55. Special Exceptions. [Amended 3-9-2004 and 3-11-08]

Special Exceptions to the restrictions of permitted uses of Wetlands and Water Bodies may be granted by the Board of Adjustment after proper public notice and public hearing(s), for purposes hereinafter described:

- A. In cases of dwellings which have no sewage system and which existed prior to January 1, 1997, and if no new system can be constructed that meets the Town of Sandwich setback requirements, the State of New Hampshire setback standards may be substituted for those of the Town of Sandwich.

§ 150-56. Prime Wetlands.

Specific Wetlands evaluated by the Sandwich Conservation Commission according to the provisions of RSA 482-A:15 and accepted by the Sandwich Planning Board and the voters of the Town of Sandwich shall be designated as Prime Wetlands. [Amended 3-11-08]

- A. Definition. Prime Wetlands must have at least 50% very poorly drained soils, unique or outstanding flora and fauna, and a significant role hydrologically in the watershed. They may also have historical, archeological, scientific, educational, recreational, geological or aesthetic significance, unusual size, unspoiled character and unusual fragility. [Amended 3-11-08]
- B. Prime Wetlands, as identified on the 1985 Prime Wetlands Maps of Sandwich, NH, and as described in the 1985 Prime Wetlands Evaluation, Sandwich, NH are:

<u>Name</u>	<u>Lot Numbers</u>	<u>Number of Acres</u>
Metcalf Road/Squam Lake Wetlands	Nos. 4, 8 and 14	18
Red Hill River Wetland Complex	Nos. 38 -- 42 and 44	160
Miles, Bragg and Taylor Pond Bogs	Nos. 99 — 101	32.5
Atwood Brook	No. 102	103.5
Bearcamp Pond Wetland	No. 105	89
Bearcamp River, east of Bearcamp Pond Road [Amended 3-14-19]	No. 106	36
Red Hill Pond Wetland	No. 107	355
Meadow Brook	No. 115	66.5

ARTICLE X
Steep Slope Protection

§ 150-57. Purpose.

In keeping with the purpose stated in Article I and inasmuch as a great portion of the Town of Sandwich occupies land that slopes in excess of 15%, and the nature of the soils is such that these slopes render the land exceptionally vulnerable to erosion and attendant problems of water pollution and sedimentation, potentially affecting not only an individual landowner's property but that of abutters and ultimately the community, the Town of Sandwich deems it necessary and proper to regulate certain practices upon, and uses of, such lands to preserve our common heritage and protect the health and well-being of all the inhabitants.

§ 150-58. Steep Slopes defined.

Steep Slopes are defined as those areas having slopes of 15% or greater, as delineated by the U.S. Department of Agriculture Soil Conservation Service in the Soil Survey of Carroll County, New Hampshire, issued December 1977, as revised. These areas are shown on the Sandwich Steep Slopes Map on file at the Town Hall in Center Sandwich, NH, which shall be determinative of whether or not land is in a Steep Slope Area. [Amended 3-14-2006]

§ 150-59. Permitted uses.

The following are permitted uses in Steep Slope areas:

- A. Principal Dwellings, single-family dwellings, two-family dwellings, and multiple-unit dwellings are permitted on lots as specified in § 150-10. Regarding lot size, isolated occurrences of Steep Slopes totaling less than 15,000 square feet in area may be disregarded when computing the unrestricted and buildable areas if it is the determination of the Planning Board that such areas do not interfere with the health and welfare of the community. [Amended 3-12-24]

Slopes less than 15% are not considered Steep Slopes by the Planning Board. Construction in Steep Slope areas greater than 15% slopes and greater than 15,000 square feet must make application to the Planning Board for a Steep Slopes Permit before undertaking construction. No building construction shall be permitted on slopes over 25%. [Amended 3-14-2017]

- B. Agriculture and silviculture and logging. Agriculture and silviculture may be practiced on designated Steep Slopes if conducted in manners consistent with optimum soil conservation practices, as determined by the Carroll County Conservation Service, the County Forester, or other interested state or federal agencies. Logging will be permitted, subject to the provisions of RSA 485-A:12 through 15 and RSA Chapter 483, or other applicable statutes, to control soil erosion, water pollution, or other long-term damage to the area operated or downhill from it, including recommended practices such as filter strips, removal of slash from stream beds, proper skid and truck roads, proper closure of unmaintained roads and the like. [Amended 3-9-2004]

- C. Recreation. Recreational pursuits, such as hiking, hunting, skiing, and others that do not tend to alter the natural surface configuration or vegetative cover, shall be permitted at the pleasure of the landowner or his agent. Off-the-road recreational wheeled vehicle courses may be permitted, provided an environmental impact study report is furnished and is deemed favorable by the Planning Board, with interim and final soil and water control and stabilization plans that are acceptable to the Board.
- D. Mining and Excavation. Surface and tunnel mining, including Excavation of sand and gravel and rock quarrying, shall be permitted, provided such proposed operations receive an environmental impact study report that is deemed favorable by the Planning Board. Such operations must also apply for and be issued an Excavation permit from the Town. In the case of disturbance, removal or relocation of large quantities of earth or rock as in mining, sand/gravel/rock quarrying or the like, a plan for runoff, erosion, water pollution and sedimentation control and soil reclamation and stabilization must be submitted to and approved by the Planning Board as specified in the Excavation Regulations of the Town of Sandwich. Other requirements, inspection and compliance as established in RSA Chapter 155-E are specified in the Excavation Regulations of the Town of Sandwich.

§ 150-60. Determination of applicability.

Where it is alleged that an area in question has been inadequately delineated on a lot survey by a licensed surveyor, the Planning Board shall determine whether the regulations apply. The Planning Board shall make its judgment upon review of a survey delineating slopes over 15% and greater than 15,000 square feet based on five-foot contours. The Planning Board reserves the right to request further information or additional surveys by a third party pursuant to RSA. [Amended March, 2007] [Amended 3-14-17]

§ 150-61. Compliance with state and federal laws.

All uses described and permitted herein shall be subject to applicable Town, state, or federal laws or regulations in effect at the time of official approval by the Board unless a stricter regulation is stated in these regulations.

§ 150-62. Permitting process for use of Steep Slopes.

In addition to such other permits as may be required in § 150-59, work on Steep Slopes requires issuance of a Steep Slopes permit by the Planning Board, as detailed in this section.

- A. Application for Steep Slopes permit. Whenever the owner or lessee of land designated as a Steep Slope proposes to alter the nature of that land by building thereon, excavating, or establishing temporary or permanent roads (excepting roads created for the sole purpose of harvesting timber, creating wastewater or sewage disposal systems, installing utilities, creating ponds, diverting watercourses or the like) the person or corporate representative shall make application in writing to the Planning Board for a Steep Slopes permit, outlining the proposal, including plans for interim protection and ultimate reclamation of land where this is deemed necessary, for stabilization to protect soil and water resources on all affected lands whether of

the applicant or others. The written application, together with an operation plan and layout, conforming to the specifications hereinafter described, shall be filed with either the Secretary or Chairman of the Planning Board or the Clerk of the Board of Selectmen at the Town office 24 days prior to the regular monthly meeting of the Planning Board. The application shall be accompanied by a fee established by the Board. [Amended 3-14-2006] [Amended 3-14-17]

- B. Operation plan. A written plan must be submitted describing the operation, construction details and procedures for interim protection measures and final reclamation of disturbed areas. It shall include the following:
- (1) Project description.
 - (2) Existing site conditions (current use, topography, stormwater patterns, soils and Wetlands).
 - (3) Proposed development.
 - (4) Critical areas.
 - (5) Structural measures for erosion and sedimentation control (silt fences, rip-rap, culverts, drainage ditches, drainage aprons, drainage sumps, erosion control fabric, mulch and netting, treatment aprons, storm water diversion, dust control and slope stability).
 - (6) Temporary nonstructural measures.
 - (7) Permanent nonstructural measures (seed mixture).
 - (8) Schedule, including expected terminal date and, if it is to be undertaken in stages, the time limits of each stage; including also an outline of winter and spring measures.
 - (9) Maintenance (silt fences, slope stability, hay bale dams, mulch and netting, dust control, ditch and slope protection, temporary seeding, permanent grassed areas, removal of temporary measures).
 - (10) If deemed necessary, the Planning Board may require an environmental impact study as defined in § 150-5 and other professional reports addressing specific issues.
- C. Layout requirements. The layout submitted with the permit application shall comply with the plat requirements specified by the Subdivision Regulations of Sandwich¹² and to include topographic contours at five-foot increments. [Amended 3-14-17] In addition, the layout shall show the boundaries of the proposed operation within the property lines, the location and size of proposed buildings and other areas where the existing vegetative cover would be disturbed. It shall also show the location of all measures taken by the operation plan.

¹² Editor's Note: See Ch. 170, Subdivision Regulations.

- D. Requirement of Performance Security. (See § 150-5 Definitions.) Performance Security may be required in an amount sufficient to ensure no cost to the Town for stabilization measures to prevent water or soil damage, including inspection or consultation fees, in the event of abandonment or deferment of the project. Work shall be completed within two years of approval of the plan. The Board shall inspect the work upon notification of completion of site stabilization pursuant to the approved operations plan. The Performance Security shall not be discharged before one year after compliance with the operations plan has been verified by the Board and subject to a final approved inspection by the Board. In addition, a deed restriction may be attached to the property requiring proper yearly maintenance of changes to the Steep Slopes area. [Amended 3-13-12] [Amended 3-14-17]
- E. Board action. The Board shall begin formal consideration of the proposal within 30 days after formal acceptance of the completed application and shall act to approve, conditionally approve or disapprove within 90 days of formal acceptance. The Board will not grant final approval until all required permits by other governmental agencies have been obtained by the applicant.
- F. Costs. All costs pertaining to the consideration of an application, including consultants' fees, on-site inspections, environmental impact studies, notification of interested persons and other costs, shall be borne by the applicant and paid prior to the Board's final action.

§ 150-63. Additional application requirements for subdivisions.

Applicants for subdivision of lands designated as Steep Slopes are subject to all sections of Article X, Steep Slope Protection. In addition, they shall file with the Planning Board pursuant to the current Subdivision Regulations¹³ an environmental impact study when deemed necessary by the Planning Board. It is further required that the plat submitted shall delineate topography with contour intervals of five feet as determined from actual field survey or air photographic survey with ground control.

§ 150-64. Town liability.

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

¹³ Editor's Note: See Ch. 170, Subdivision Regulations, Article VII, Steep Slope Areas.

ARTICLE XI

Building Code Provisions

§ 150-65. General provisions.

- A. Jurisdiction. This ordinance shall pertain to all areas within the boundaries of the Town of Sandwich except that certain provisions shall be confined to those areas designated as being flood-prone in accordance with the provisions of the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1975.
- B. Administration. The Selectmen of the Town of Sandwich shall administer this portion of the ordinance with the assistance of a Compliance Officer, appointed by the Board of Selectmen. Building permit applications and associated permits and fees are the responsibility of the Selectmen's Office. [Amended 3-14-17]
- C. Building permits. A building permit and inspection by the Compliance Officer [Amended 3-14-17] shall be required when:
- (1) Any new building footprint is to be created, or there is expansion of an existing building footprint, or when an existing structure is moved; or
 - (2) Construction, improvement, or alteration of a septic system or components of a septic system; or [Amended 3-14-17]
 - (3) A new well is to be created; or
 - (4) There is development in a flood hazard area, in accordance with § 150-71.
- D. Permit by Notification. A Permit by Notification, without inspection by the Compliance Officer, shall be required for any construction, renovation, or alteration which does not change an existing footprint. Certain minor projects and minor property maintenance may be exempt from the Permit by Notification process as noted in the Building Permit Procedures. [Added 3-14-17]
- E. Penalties. In addition to those penalties cited in the Subdivision Regulations¹⁴ and the Site Plan Review Regulations¹⁵ of the Town of Sandwich, the following penalties may be imposed:
- (1) General. Failure to obtain a building permit will result in a fine as designated in § 150-103.
 - (2) Flood-prone areas. In those areas designated as being flood-prone the building of any new structure, or the substantial improvement of an existing structure, prior to obtaining a building permit and specific approval of the Compliance Officer, shall be cause for the imposition of a fine of \$1,000 and enjoinder or removal of such construction by the Town's Board of Selectmen. [Amended 3-14-17]

¹⁴ Editor's Note: See Ch. 170, Subdivision Regulations.

¹⁵ Editor's Note: See Ch. 160, Site Plan Review Regulations.

§ 150-66. Compliance Officer. [Amended 03-08-16]

- A. Qualifications. The Compliance Officer shall be qualified to review and judge the adequacy of building plans submitted in applications for building or improvement permits, including those in areas designated as being flood-prone.
- B. Selection. The Compliance Officer shall be selected by the Board of Selectmen. This selection may be made on a case basis or on a calendar basis as appropriate and as determined by the Board of Selectmen.
- C. Compensation. Compensation of the Compliance Officer shall be as agreed upon by the Board of Selectmen and the Compliance Officer.
- D. Duties. When designated by the Selectman as their agent, a Compliance Officer shall perform review and inspection duties for all new construction outlined in Articles XI, XII, and XIII.

§ 150-67. Procedures.

Application for building permits shall be made as follows:

- A. Non-flood areas: Applications shall be made directly to the Board of Selectmen.
- B. Flood-prone areas: Applications shall be accompanied by sufficiently detailed plans to permit adequate review by the Compliance Officer and the Planning Board. These plans and applications are submitted to the Board of Selectmen, who, in turn, will forward them to the Compliance Officer and the Planning Board for review and decision. Decisions are provided by the Planning Board at regularly scheduled meetings of this Board.

§ 150-68. Fees.

- A. Non-flood areas. The applicant shall pay to the Selectmen, with the application for such building permit or notice of intent, such fee as the Selectmen shall determine.
- B. Flood-prone areas. There is a minimum fee of \$25 payable by the applicant for the review and issuance of building permits for construction or improvements in areas designated as being flood-prone. This fee will be increased as necessary to meet any additional expenses required by complexity or the use of expert consultants. Fees are payable to the Town of Sandwich and collected by the Board of Selectmen.

ARTICLE XII

Floodplain Management

[Amended 3-12-2013]

§ 150-69. Application.

Certain areas of the Town of Sandwich, New Hampshire are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Sandwich, New Hampshire has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the County of Carroll, NH" dated March 19, 2013 together with the associated Flood Insurance Rate Maps dated March 19, 2013, which are declared to be part of this ordinance and are hereby incorporated by reference.

§ 150-70. Definitions. See §150-5.

§ 150-71. Permits required.

All proposed development in any special flood hazard areas shall require the Compliance Officer to certify that all permits required by state or federal agencies having jurisdiction have been secured and to issue town building permits as appropriate and required.

- A. Presentation of permits. The Compliance Officer shall review proposed developments to verify that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. The applicant shall certify to the Compliance Officer that all applicable permits have been secured.
- B. Compliance Officer duties. The Compliance Officer shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.
- C. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be:

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

§ 150-72. (Reserved for future use.)

§ 150-73. Water and sewerage requirements.

Where new and replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas the applicant shall provide the Compliance Officer with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

§ 150-74. Certification of flood-proofing.

The Compliance Officer shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in Zones A or AE, and include whether or not such structures contain a basement. If the structure has been flood-proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood-proofed must be included. This information must be furnished by the applicant.

§ 150-75. (Reserved for future use.)

§ 150-76. Riverine and floodway situations.

- A. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Compliance Officer, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Compliance Officer, including notice of all scheduled hearings before the Wetlands Bureau.
- B. Within the altered or relocated portion or any watercourse, the applicant shall submit to the Compliance Officer certification provided by a registered professional engineer assuring that the flood-carrying capacity of the watercourse has been maintained.

- C. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.
- D. Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- E. The Compliance Officer shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meets the following floodway requirement:
 - “No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

§ 150-77. Determination of 100-year flood elevation.

- A. In special flood hazard areas the Compliance Officer shall determine the 100-year flood elevation in the following order of precedence according to the data available.
 - (1) In Zone AE, refer to the elevation data provided in the community’s Flood Insurance Study and accompanying FIRM.
 - (2) In Zone A the Compliance Officer shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).
- B. The Compliance Officer's 100-year flood elevation determination will be used as criteria for requiring in Zone A that:
 - (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level;
 - (2) All new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:
 - (a) Be flood-proofed so that below the 100-year flood elevation the structure is watertight, with walls substantially impermeable to the passage of water;

- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
- (3) All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- (4) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, providing the enclosed areas meet the following requirements:
- (a) The enclosed area is unfinished or flood-resistant, usable solely for parking of vehicles, building access or storage;
 - (b) The area is not a basement;
 - (c) The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (5) Recreational vehicles placed on sites within Zones A and AE shall either:
- (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c)(6) of Section 60.3 of the National Flood Insurance Program Regulations.
 - (d) A recreational vehicle is ready for highway use if it is on its wheels or

jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

§ 150-78. Variances and appeals.

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

ARTICLE XIII
Telecommunication Facilities
(For definitions, see § 150-5.)
[Replaced 03-08-16]

§ 150-79. Authority.

By the authority granted under RSA 674:16 and 674:21 and procedurally under the guidance of 675:1, II, and pursuant to RSA Chapter 12-K, this section regulates wireless communications facilities.

§ 150-80. Purpose and intent.

This ordinance is enacted in order to establish general guidelines for the siting of telecommunication towers and antennas and to enhance and fulfill the following goals:

- A. Preserve the authority of the Town of Sandwich to regulate and to provide for opportunities for the siting of Telecommunications Facilities while ensuring that telecommunications providers' service remains effective and efficient.
- B. Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to:
 - (1) Impacts on aesthetics,
 - (2) Impacts on viewscapes,
 - (3) Impacts on environmentally sensitive areas,
 - (4) Impacts to historically significant locations,
 - (5) Impacts on flight corridors,
 - (6) Reduction in property values, and
 - (7) Health and safety concerns.
- C. Provide for co-location and minimal impact siting options through an assessment of:
 - (1) Technology,
 - (2) Current locational options,
 - (3) Future location availability,
 - (4) Innovative siting techniques, and
 - (5) Siting possibilities beyond the geographic boundaries of the Town of Sandwich.
- D. Permit the construction of new towers only:
 - (1) Where all other reasonable alternatives have been exhausted, and
 - (2) To encourage the owners and users of towers and antennas to configure them in a manner that minimizes visual impacts of said structures.

- E. Require antenna co-location on existing tower structures through cooperation and agreements between providers.
- F. Provide for documentation of scheduling of recurring maintenance and safety inspections for all Telecommunications Facilities and appurtenances.
- G. Provide for the demolition and removal of abandoned facilities. Provide a procedure for the Town of Sandwich to remove abandoned towers to provide for the health and safety of citizens.
- H. Provide for the removal or upgrade of technologically outmoded facilities.

§ 150-81. Location.

Telecommunication Facilities shall be allowed in all zoning and overlay districts with the exception of ground mounted facilities in the Village Zoning District, Shoreland Overlay District, and Skyline Overlay District, subject to receipt of all town permits.

§ 150-82. Telecommunication Facilities procedural requirements. [Amended 3-14-23]

- A. Proposed construction of new Telecommunications Facilities.
An application for construction of any new Telecommunications Facilities shall be approved by the Planning Board. Public hearing requirements as outlined in the Site Review Regulations shall apply. The following application requirements shall be provided:
 - (1) A scaled plan in accordance with Site Review Regulations shall be submitted including the following additional information; a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent land uses (up to two hundred feet away), and any other information deemed necessary by the Planning Board.
 - (2) Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RFD) exposure guidelines, and FAA regulations on tower lighting requirements.
 - (3) The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEAP) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an environmental Impact Statement (IS) is required under the FCC rules and NEAP, submission of the EA or IS to the Planning Board prior to the beginning of the federal 30-day comment period, and the Town’s site review process, shall become part of the application requirements.

- (4) Each applicant for an antenna and/or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of the Town and those within two miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority provided, however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. The applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence shall consist of one or more of the following:
- (a) Adequate evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
 - (b) Adequate evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.
 - (c) Adequate evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) Adequate evidence that applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) Adequate evidence that fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) Adequate evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.
- (5) The applicant proposing to build a new tower shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunication providers. All agreements shall outline a procedure requiring all disputes on terms and conditions of co-location be submitted to a recognized commercial arbitration

board for their review. The arbitration board's decision shall become final and binding. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town, and grounds for a denial.

- (6) The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for Alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4(g).
- (7) Each applicant for a tower, monopole, or alternative structure shall submit a design certified by a competent engineer that the structure has been engineered to accommodate the maximum number and type of all compatible telecommunication media antennae, but in no event shall the applicant provide fewer than three additional co-locations from three additional providers. This provision may be modified based on visual or aesthetic impacts.

§ 150-83. Performance Standards.

The uses listed in this section are deemed to be permitted uses, and at the discretion of the Planning Board, may require further review under this Chapter in accordance with Chapter 160, Site Review Regulations, and all other applicable ordinances and regulations of the Town of Sandwich.

- A. Principal or secondary use. Telecommunications Facilities shall be considered a secondary use of a property regardless of existing uses and shall not be considered a principal or accessory structure. A different existing use or an existing structure shall not preclude the installation of an antenna or tower on such lot.
- B. Height requirements.
New tower construction – no more than 20 feet above average tree canopy height.
Co-location on existing tower and antennas – current height plus 15% (not to exceed an additional 20 feet).

The height requirements and limitations outlined above shall preempt all other height regulations as required by the Town of Sandwich Zoning Ordinance, and shall apply only to Telecommunications Facilities. The Planning Board may waive the height limitations only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no increase in adverse impact) and the increased height would provide a greater opportunity for co-location provided that:

- (1) The granting of the approval for a telecommunications facility will not be detrimental to the public safety, health or welfare or injurious to other property, and will promote the public interest.

- (2) A written narrative identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:
 - (a) Topography and other site features,
 - (b) Availability of alternative site locations,
 - (c) Property location as relates to required coverage area, and
 - (d) Size/magnitude of project and availability of co-location.
- (3) Necessary federal approvals and/or recommendations have been received.

C. Setbacks and separation. The following setbacks and separation requirements shall apply only to Telecommunications Facilities, and shall supersede all other such standards found elsewhere in this Chapter or other applicable Town ordinances and regulations.

- (1) Telecommunication Facilities shall be set back a distance equal to 150% of the height of the tower or 125' from any boundary line, or other principal use structure located on the property the tower is sited upon, whichever is greater. This provision may be waived by the Planning Board provided the intent of this Chapter remains intact.
- (2) Tower guys, and all other accessory facilities shall conform with the minimum setback requirement of the zoning district in which said facilities and appurtenances are located.

D. Security fencing. Towers shall be enclosed by appropriate security fencing not less than six feet in height, and shall be equipped with an appropriate anti-climbing device.

E. Landscaping.

- (1) Towers shall be landscaped with a buffer of suitable vegetation that effectively screens the view of the tower compound from abutting residential property. The minimum standard buffer shall consist of a landscaped strip ten feet wide outside the perimeter of the fenced tower compound. Existing (natural) vegetation is preferred.
- (2) The requirement for landscaped screening may be reduced, increased, or waived entirely by the Planning Board in locations where the visual impact of the tower compound to abutting residential uses is deemed to be lesser or greater.
- (3) Existing mature tree growth and natural land forms present on the site shall be preserved to the maximum extent possible for the service life of the facility.

Natural growth on the site may be deemed a sufficient buffer on large, remote, wooded lots. The Planning Board may require mapping of the buffer.

- F. Aesthetics and lighting. The guidelines in this subsection shall govern the location of all towers, and the installation of all antennas. However, the Planning Board may waive those requirements only if it determines that the goals of this Chapter are served thereby.
- (1) Towers shall either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and previously developed environment. These buildings and facilities shall also be subject to all other Chapter 160 Site Review Regulations requirements.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - (5) Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.
- G. Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with this Chapter, of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.
- H. Building Codes – safety standards. To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with

standards contained in applicable state Building Codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within thirty days, such action shall constitute an abandonment and grounds for the removal, in accordance with this Chapter, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

- I. Certification of safety standards and continued need. The owner of a tower or antenna shall provide an annual certification to the Planning Board verifying compliance with Building Codes and safety standards. The certification shall also verify that the structure is still needed for the operation of the owners' network. Said certification shall be submitted to the Planning Board prior to December 31st of each year. Any owner who has failed to submit an annual certification shall be notified of the violation. A 30-day extension for submission of a certification may be approved at the discretion of the Planning Board. After notification of a violation by the Planning Board subsequent failure to submit an annual certification shall constitute abandonment and be grounds for removal in accordance with § 150-83).

§ 150-84. Exemptions.

- A. Town use. Antennas or towers owned, performing Town functions, or otherwise controlled by the Town shall be exempt from the requirements of this telecommunications facility Ordinance. This exemption shall only be available if a license or lease authorizing such antenna or tower has been approved by the Board of Selectmen, and the Board of Selectmen elects, subject to RSA's, to seek said exemption.
- B. Amateur radio. This section shall not govern any tower, or the installation of any antenna that is owned and operated by a federally-licensed amateur radio station operator and the tower or antenna is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16,IV.
- C. Citizen band radios. This section shall not govern the installation of any antenna that is used for the exclusive purpose of facilitating the use of a Citizen Band Radio, except any towers in this section shall be limited to 70 feet in height.
- D. Receive-only and Repeater antennas. This section shall not govern any tower, or the installation of any antenna that is used exclusively for receive-only and repeater antennas, except any towers in this section shall be limited to 70 feet in height. [Amended 03-08-2022]

- E. Essential services and public utilities. Henceforth, from the date of adoption of this ordinance, Telecommunications Facilities shall not be considered as infrastructure, essential services, or public utilities.

Siting for Telecommunications Facilities shall be considered a use of land, and is addressed by this ordinance.

§ 150-85. Performance Security.

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with § 150-86.

The Performance Security shall be consistent with the provisions of the definition of Performance Security in the Sandwich Zoning Ordinance. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

§150-86. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of twelve months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Board of Selectmen notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing notice per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within ninety days, the Town may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

§ 150-87. [Deleted 3-14-23]

§ 150-88 through § 150-96 Intentionally left blank.

ARTICLE XIV
Administration, Amendment, Enforcement and Penalty

§ 150-97. Administration.

This Zoning Ordinance shall be administered by the Board of Selectmen. Where additions, replacements or improvements to septic systems are involved, permits shall be required from both Water Supply and Pollution Control Division, NH Department of Environmental Services, and the Town, regardless of the cost thereof. The Selectmen shall also be notified of the change in use of any building or premises.

§ 150-98. Inspection.

The Board of Selectmen or Compliance Officer shall have freedom of access at reasonable hours for inspection purposes.

§ 150-99. Permit period.

Work must commence no later than six months from the time of issuance of the permit.

§ 150-100. Amendment.

This ordinance, in accordance with RSA 675:3 and 675:4, may be amended only by majority vote of the voters of the Town of Sandwich on an official ballot. Such amendment may be proposed by the Planning Board, the Board of Selectmen, or may be initiated by petition of not less than 25 voters. However proposed, at least two public hearings must be held on each amendment before submission to the decision of the voters.

§ 150-101. Appeal.

Appeals by any person affected by a decision of an administrative officer involving the construction, interpretation or application of the terms of the Zoning Ordinance shall be made to the Board of Adjustment. An administrative officer includes any official or board who has responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and may include a Compliance Officer, board of selectmen, or other official or board with such responsibility. [Amended 03-14-23]

§ 150-102. Enforcement.

- A. Upon a determination by the Board of Selectmen that a violation of these regulations has occurred, the Selectmen may institute appropriate action or proceedings to prevent, restrain, abate, or correct such unlawful action [Amended 03-10-15]
- B. Performance Security. (See Chapter § 150-5 Definitions)

The Planning Board may require the applicant to post a Performance Security (§ 150-5 Definitions). The Planning Board may require, at the applicant's expense, a review of the submitted plans by an independent State of NH registered professional engineer

to develop a cost estimate for the Performance Security. The purpose(s) of such review will be to assist the Planning Board in setting the amount of the Performance Security, and to ensure that the application adequately addresses all issues related to the Town's interests (as defined by Town of Sandwich ordinances and regulations). The Planning Board, with advice from Town's counsel, shall work with the engineer to reach approval of the engineer's cost estimate before the Applicant obtains the Performance Security. The Performance Security shall not be released until the Planning Board is satisfied that the project plan has been accomplished and is satisfied that all conditions of the site plan approval and any other pertinent zoning ordinance, subdivision regulation and building regulation requirements have been met, except that the Board of Selectmen shall have the authority to release Performance Security posted for road improvements, after review and comment by the Planning Board. [Added 3-13-12]

§ 150-103. Penalties. [Amended 3-9-2004]

Any person, firm, or corporation that violates any of the provisions of these regulations shall be punishable by a fine of not more than \$275 for each day that such violation continues, in accordance with the provisions of RSA 676:17.

ARTICLE XV
Variations and Special Exceptions

§ 150-104. Variations.

The Board of Adjustment may, upon appeal in specific cases, authorize a variance from the terms of this 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.

The Board shall require that a letter of denial or cease and desist order has been issued with respect to the requested variance by any other Town authority of competent jurisdiction before the application for a variance can be accepted as complete.

The granting of such a variance will conform with the requirements stipulated in RSA 674:33 as amended or revised. Pursuant to RSA 674:33 I-a, variations approved by the Board of Adjustment shall be valid if exercised within two years of the date of final approval. [Amended 03-11-2014]

§ 150-105. Special exceptions. [Amended 3-14-23]

- A. The Board of Adjustment shall hear and decide special exceptions to the terms of the ordinance regarding permitted uses in the Rural/Residential, Village Zoning District, Historic Overlay District, and Shoreland Overlay Districts pursuant to RSA 674:33, provided special exceptions as permitted uses are in conformity with the standards specified herein. The proposed use shall not cause any hazard to health, property, or property values through fire, traffic, unsanitary conditions, or through excessive noise, vibration, odor, glare or other nuisances. In acting on such exceptions, the Board [of Adjustment] shall take into account the general purpose and intent of this ordinance to preserve community values.

Before granting a special exception, the Board of Adjustment shall determine that the foregoing requirements are met. Additionally the Board shall determine:

- (1) The site is appropriate for the proposed use or structure;
- (2) The proposal is not injurious or detrimental to the neighborhood;
- (3) There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic; and
- (4) Adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure.

The Board may approve or deny, for reason, a special exception application. In approving a special exception, the Board may impose such additional conditions as

it finds reasonable and appropriate to safeguard the neighborhood or otherwise serve the purpose of the Ordinance. [Amended 3-08-11]

- B. Application. Applications for such a special exception shall be accompanied by duplicate plans showing the location of all buildings, parking areas, traffic access, and circulation drives, open spaces, landscaping, lighting, and other pertinent information that may be necessary to determine that the proposed use meets the requirements, spirit and intent of this ordinance.
- C. Expiration of permit. A permit for a special exception to permitted uses shall expire if such use shall cease for more than one year.
- D. Village Zoning District [Added 03-10-15]. Within the Village Zoning District, which includes the Historic Overlay District, special exceptions may be granted for the following uses: inns, retail stores, restaurants, professional offices, studios, respite centers, banks, auto repair shops, nursing homes, and conversions of an existing structure to mixed or multi-use and / or commercial use. The Board of Adjustment shall hear and decide special exceptions within all districts.

Special exceptions within the Village Zoning District may be granted for additions or expansions to nonconforming structures when the additions or expansions comply with current setback requirements, or:

- (1) Are no taller than the highest roofline of the existing structure; and
 - (2) Involve no more than a 50% increase in the square foot area of the first floor of the existing structure, not including porches, decks, chimneys, etc. within any ten-year period; and
 - (3) Meet all other setback requirements.
 - (4) The property must be served by a state and Town approved septic system or the Town Sewer System and not be in conflict with § 150-130 A or Article IX, § 150-54A of this ordinance.
- E. Rural/Residential Zoning District. Special exceptions may be granted for the following uses within the Rural/Residential District: auto service and repair shops, sawmills, inns, retail stores, restaurants, business and professional offices and studios. Common carrier wireless exchange access services are only permitted in the Rural/Residential District pursuant to issuance of a special exception and site plan review approval. [Amended 3-9-2004 & 3-11-08]
 - F. Shoreland Overlay District.
 - (1) The Board of Adjustment shall hear and decide special exceptions to the terms of this ordinance regarding setbacks in the Shoreland Overlay District pursuant to RSA 674:33, provided special exceptions as to permitted setbacks are in conformity with the requirements listed herein.
 - (2) Special exceptions within the Shoreland Overlay District may be granted for additions or expansions to nonconforming structures when the additions or

expansions comply with current setback requirements, or:

- (a) Are no closer than the existing nonconforming structure to the high-water line; and
- (b) Are no taller than the highest roofline of the existing structure; and
- (c) Involve no more than a 50% increase in the square foot area of the first floor of the existing structure, not including porches, decks, chimneys, etc. within any ten-year period; and
- (d) Meet all other setback requirements.
- (e) The property must be served by a state- and Town-approved septic system and not be in conflict with § 150-7 D(2)(c) or § 150-54 of this ordinance.

ARTICLE XVI
Small Wind Energy Systems
[Added 3-9-10]

§ 150-106. Purpose.

This Small Wind Energy Systems ordinance is enacted in accordance with RSA 674:672-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate Small Wind Energy Systems 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.

§ 150-107. Definitions. See § 150-5.

§ 150-108. Application and site plan requirements.

- A. Building permit: Small Wind Energy Systems and meteorological towers are an accessory use permitted in all zoning districts where structures of any sort are allowed, except within the Village Zoning District and the Historic Overlay District, where Small Wind Energy Systems and meteorological towers are hereby prohibited. No Small Wind Energy System shall be erected, constructed, or installed without first undergoing a site plan review and receiving a building permit. A site plan review and building permit shall be required for any physical modification to an existing Small Wind Energy System. Meteorological towers that receive a building permit shall be permitted on a temporary basis not to exceed three years from the date the building permit was issued.
- B. Abutter and regional notification: In accordance with RSA 674:66, the applicant shall notify all abutters by certified mail upon application for a site plan review. During the site plan review the application shall be reviewed for regional impacts per RSA 36:55. If the application is determined to have regional impacts, the Planning Board shall follow the procedures set forth in RSA 36:57, IV.

§ 150-109. Installation standards.

- A. Setbacks. Setbacks shall be measured from the center of the tower to property line, public roads, or nearest point on the foundation of an occupied building.
 - (1) Setback from occupied building on participating landowner property: none.
 - (2) Setback from occupied building on abutting property: 150% times system height.

- (3) Setback from property lines of abutting property and utility lines: 120% times system height.
 - (4) Setback from public roads: 150% times system height.
 - (5) Guy wires used to support the tower are exempt from the Small Wind Energy System setback requirements.
- B. Tower. The maximum allowed tower height is 150 feet.
 - C. Sound Level. The Small Wind Energy System shall not exceed 55 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.
 - 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. Aviation. The Small Wind Energy System shall be built to comply with all applicable Federal Aviation Administration regulations and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
 - G. Access. The tower shall be designed and installed so as not to 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.

§ 150-110. Abandonment.

At such time that a Small Wind Energy System is scheduled to be abandoned or discontinued, the owner will notify the Selectmen by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Upon abandonment or discontinuation of use, the owner shall physically remove the Small Wind Energy System within 90 days from that date. The period may be extended at the request of the owner at the discretion of the Selectmen. “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 of below-grade foundation may remain in its same condition at the initiation of abandonment.

In the event that an owner 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 the 12 months of inoperability, the selectmen 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 selectmen 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 selectmen shall withdraw the Notice of Abandonment and notify the owner of the withdrawal. If the owner fails to respond to the notice of Abandonment or if, after review by the selectmen, it is determined that the Small Wind Energy System has been abandoned or discontinued, the owner shall remove the wind generator and tower at the owner's 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 selectmen may pursue legal action to have the Small Wind Energy System removed at the owner's expense.

§ 150-111. 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.

ARTICLE XVII
Groundwater Protection Overlay Ordinance
[Amended 3-12-24]

§ 150-112. Authority.

The Town of Sandwich hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, as an Innovative Land Use Control pursuant to RSA 674:21. This ordinance shall be administered, including the granting of conditional permits, by the Planning Board.

§ 150-113. Purpose.

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

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

See Article XVII. § 150-116 for applicability to preexisting uses.

§ 150-114. Definitions. See § 150-5

§ 150-115. Groundwater Protection Overlay District.

The Groundwater Protection Overlay District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the Stratified-drift Aquifers in Sandwich as defined in the Geohydrology and Water Quality of Stratified-Drift Aquifers in the Saco and Ossipee River Basins, east-central New Hampshire, Plate 2, (USGS 1995). Also to include the most current Wellhead Protection Areas approved by NH Department of Environmental Services or Sandwich Planning Board.

District Boundary Disputes: If the location of the Groundwater Protection Overlay District in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through application for determination to the Planning Board. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district with respect to their individual parcel(s) of land should be located.

Upon application for determination, the Planning Board may engage a professional engineer or geologist as specified in NH Safe Drinking Water Act, Env-Dw 301 and 302, at the expense of the owner(s) for the cost of the investigation. Based on evidence and findings, the Planning Board may adjust the boundary of the Groundwater Protection

Overlay District or reduce or expand the designation area to more correctly define the location and the extent of the aquifer on a site-specific, case by case basis.

§ 150-116. Applicability.

This ordinance applies to all uses in the Groundwater Protection Overlay District, except for those uses exempt under § 150-121.

Preexisting uses not specifically exempt shall comply with § 150-120, Performance Standards, § 150-120 A thru G. In addition, preexisting conditional uses shall comply with Performance Standard § 150-120 H(3).

§ 150-117. Permitted uses.

All uses permitted by right or allowed by special exception in the underlying district that are also located within the Groundwater Protection Overlay District remain permitted by right or special exception, as applicable, unless they are Prohibited Uses under this ordinance.

Uses identified as Conditional Uses under this ordinance also require a Conditional Use Permit (See 150-119). In the instance that both a special exception and a conditional use permit are required, the special exception shall be approved prior to the conditional use permit.

All uses must comply with the Performance Standards unless specifically exempt under § 150-121.

See § 150-116 for applicability to preexisting uses.

§ 150-118. Prohibited uses.

The following uses are prohibited in the Groundwater Protection Overlay District:

- A. The development or operation of a solid waste landfill.
- B. The outdoor storage of road salt or other deicing chemicals in bulk.
- C. The development or operation of a junkyard.
- D. The development or operation of a snow dump.
- E. The development or operation of a wastewater or septage lagoon.
- F. The development or operation of a petroleum bulk plant or terminal.
- G. The development or operation of gasoline stations.
- H. The development or operation of sludge monofills (i.e., landfill) and septage lagoons.
- I. Storage of animal manure unless covered or contained in accordance with the specifications of the Manual of Best Management Practices for Agriculture in New

Hampshire, (July 2011, or later) or additional practices required by the United States Natural Resources Conservation Service.

- J. Facilities that generate, treat, store, or dispose of hazardous waste subject to NH Requirements for Hazardous Waste Generators, Env-Hw 500-900 except for:
 - (1) Household hazardous waste centers and events regulated under Env-Hw 401.03(b)(1) and Env-Hw 501.01(b); and
 - (2) Water remediation treatment works approved by NH DES for the treatment of contaminated ground or surface waters.
- K. Storage of regulated substances in greater than household quantities (> 5 gallons), unless in a free-standing container within a building or above ground with covered secondary containment adequate to contain 110% of the largest container's total storage capacity.
- L. Storage of fertilizers for commercial use, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff.
- M. Non-sanitary treatment works which discharge to the ground and that are subject to Env-Wq 402, except the following:
 - a. the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - b. treatment works approved by NHDES designed for the treatment of contaminated groundwater.
- N. Land application of biosolids, septic or sludge.

§ 150-119. Conditional uses.

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

- A. Storage, handling, and use of regulated substances in quantities exceeding 55 gallons or -660 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with § 150-120 H (c), is approved by the Sandwich Board of Selectmen, or their designated agent.
- B. Any use that will render impervious more than 15% of any lot.
- C. In granting a conditional use permit:
 - (1) The Planning Board must determine that the proposed use is not a prohibited use.
 - (2) The proposed conditional uses must comply with the Performance Standards in § 150-120 as well as all applicable local, state and federal requirements.
 - (3) The Planning Board may, at its discretion, require a performance or other surety bond, in an amount and with conditions satisfactory to the Board, to ensure completion of construction of any facilities required for compliance with the Performance Standards.

- D. The Planning Board may require that the applicant provide data or reports prepared by a NH licensed professional geologist or engineer to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires at the expense of the applicant to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria.

§ 150-120. Performance Standards.

The following Performance Standards apply to all uses in the Groundwater Protection Overlay District unless exempt under § 150-121:

- A. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food June 2011, and any subsequent revisions.
- B. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.
- C. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner.
- D. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 125 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems.
- E. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s).
- F. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another.
- G. Prior to any land disturbing activities, all inactive or abandoned wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.
- (H. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells).
- (I. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter.)
- J. In addition, applicants for conditional uses shall:

- (1) Develop and submit a stormwater management and pollution prevention plan that shall include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators. (US EPA 2009)
The plan shall demonstrate that the use will:
 - (a) Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post-Construction) Stormwater Management, (NHDES, 2008 or later edition)
 - (b) Demonstrate that stormwater systems are designed to treat expected contaminants sufficiently in order to ensure that groundwater quality will not be degraded and result in violation of Ambient Groundwater Quality Standards (Env-Ws 410.05) at the property boundary.
 - (c) Stipulate that expansion or redevelopment activities shall require an amended stormwater plan.
 - (d) Not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with American Society for Testing and Materials, (ASTM) E 1527-05, also referred to as All Appropriate Inquiry (AAI).
 - (e) To the extent practicable, maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.
- (2) For any use that will render impervious more than 15% of any lot, a stormwater management plan shall also be consistent with the New Hampshire Stormwater Manual Volumes 1-3, December 2008, NH Department of Environmental Services. The Planning Board, at its discretion, may waive this requirement if it determines that there is no chance that stormwater from the proposed use and/or development will affect surface or groundwater on or off the property.
- (3) For any use of regulated substances, a spill control and countermeasure (SPCC) plan shall be submitted to the Board of Selectmen, or their designated agent, who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. The SPCC plan shall include:
 - (a) A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
 - (b) Contact list and phone numbers for the current facility response coordinator(s), cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
 - (c) A list of all regulated substances in use and locations of use and storage.

- (d) A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.
- (e) A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
- (f) List of positions within the facility that require training to respond to spills of regulated substances.
- (g) Prevention protocols that are to be followed after an event to limit future large releases of any regulated substance.

§ 150-121. Exemptions.

The following uses are exempt from the specified provisions of this ordinance provided they comply with all other applicable local, state, and federal requirements:

- A. Any private residence is exempt from the Performance Standards set forth in § 150-120.
- B. A mobile fuel tank specifically manufactured for the purpose of being transported from site to site for the sole purpose of fueling motor vehicles and/or equipment, provided fuel transfers are conducted over an impervious area and utilize portable spill containment equipment with trained personnel present during transfers. Said tank, transportation and fueling shall comply with all other applicable Regulations.
- C. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks (except for liquid propane) are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard § 150-120 C.
- D. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards § 150-120 C, D, E, and F.
- E. Storage and use of office supplies is exempt from Performance Standards § 150-120 C, D, E, and F.
- F. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards § 150-120 C, D, E, and F if the construction materials are incorporated within the site development project within twelve months of their deposit on the site.
- G. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance.
- H. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Hw 401.03(b)(1) and 501.01(b) are exempt from Performance Standards § 150-120 C, D, E and F.

- I. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under § 150-123 of this ordinance.
- J. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from Article VI, Performance Standards, sections E through H;)

§ 150-122. Relationship between state and local requirements.

Whenever a provision of this ordinance differs from any and all requirements imposed by the State of New Hampshire, or by some other town ordinance, the provision which imposes the greater restriction or higher standard shall govern.

§ 150-123. Maintenance and inspection.

- A. For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards, shall be recorded at the Registry of Deeds for Carroll County so as to run with the land on which such structures are located. The description so prepared shall comply with the requirements of RSA 478:4-a.
- B. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Board of Selectmen, or their designated agent at reasonable times with prior notice to the landowner.
- C. All properties within the Groundwater Protection Overlay District known to the Board of Selectmen, or their designated agent, as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this ordinance under § 150-121, shall be subject to inspections under § 150-123.
- D. The Board of Selectmen may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Board of Selectmen as provided for in RSA 41-9:a.

§ 150-124. Enforcement procedures and penalties

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

§ 150125. 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.

§ 150126. Effective Date.

This amended ordinance shall be effective upon adoption by the voters of Sandwich, March, 2011.

ARTICLE XVIII
Village Zoning District General Provisions
[Added 03-10-15]

§ 150-126. Purpose – Village Zoning District.

Center Sandwich is located at the convergence of several primary roads that pass through Sandwich and represents the center of social and economic activity in town. Owing to its greater number and concentration of buildings and its mix of residential, retail, and government and institutional uses, Center Sandwich is generally regarded as the activity center of the entire community.

A viable village needs to have a concentration of buildings, contain a mix of land uses, and most importantly, serve as a focal point for the community. Village Zoning District requirements more accurately reflect the dimensional characteristics currently and historically found in the village center. They provide the detailed regulatory guidance needed to retain the compact character of the village. Valuing the unique circumstances of the village leads Sandwich to adopt a specific village zoning district.

§ 150-127. Lot area

- A. The minimum lot size permitted shall be 43,560 square feet (one acre) of unrestricted area.
- (1) In the case of Multiple-Unit Structures, the minimum lot size permitted shall be 100,000 square feet of unrestricted area.
 - (2) No more than one Principal Dwelling and one Accessory Dwelling Unit shall be allowed on any existing or newly subdivided lot provided the lot is at least one acre in size, except that the minimum lot size for cluster developments shall be determined under Article IV. [Amended 3-12-24]
 - (3) No more than one principal dwelling and one accessory dwelling unit is permitted on a lot unless specifically permitted pursuant to this ordinance.
 - (4) Structures on a lot one acre or less shall have a footprint no greater than 4,000 square feet.
 - (5) Structures on a lot greater than one acre shall have a footprint no greater than 7,000 square feet.
 - (6) Lot coverage shall be no greater than 50% or 15,000 square feet of impervious surface including gravel driveways and parking areas, excepting wells and septic systems, whichever is smaller.

- B. Exceptions to permitted lot size and road frontage on a public or private way. Lots of record which do not meet the minimum lot size requirements and/or frontage requirement on a public or private way, may not be built on until given a special exception by the Board of Adjustment. See also § 150-105. The Board of Adjustment shall determine that all structures, septic systems, or development will conform to current setback requirements and that building on the lot will not be detrimental to public health or in violation of the purpose of this ordinance as expressed in § 150-4.

§ 150-128. Lot frontage.

Lots which front on a public or private way shall be required to have not less than 80 feet of frontage. This does not apply to a lot which is the only lot at the end of a street or right-of-way. Minimum frontage for Multiple-Unit property containing Multiple-Unit Structures or Nonresidential Developments may be required by the Planning Board to exceed 80 feet, to a maximum of 160 feet depending upon the number of units and individual building layouts and configurations.

§ 150-129. Building height.

No building shall be constructed with an overall height exceeding 32 feet above the average ground level at the building foundations. This provision shall not apply to church steeples, chimneys, cupolas, silos, barns and home antennas or similar slender, normally unoccupied, structures.

§ 150-130. Setbacks.

- A. Septic tanks and leach fields.
 - (1) Setback from high-water mark of any lake, pond, stream or Wetland: 75 feet, unless the New Hampshire Department of Environmental Services requires a greater setback.
 - (2) Setback from side or back lines: 25 feet.
 - (3) Setback from edge of right-of-way: 25 feet.
 - (4) The toe of a leach field slope shall not be less than 10 feet from the property line or right-of-way. (See special provisions in § 150-54.)
- B. Private water wells. Water wells serving individual residences shall be located a minimum of 75 feet from septic system leach fields, septic tanks, and property lines. However, protective well radii may be reduced to a minimum of 50 feet where conditions comply with NH Code of Administrative Rules, Part We 602 and Env-ws 1008.
 - (1) Replacement wells. The Selectmen, or their designee, after consultation with the Health Officer, may immediately issue a building permit to repair or replace a water source. If the location of a replacement well cannot practically meet

the requirements of this ordinance, the permit may be issued without a variance. The Selectmen or their designee shall attempt to have the new well site come as close as possible to the ordinance requirements.

- C. Principal Structures, Detached Accessory Dwelling Units, and Bunkhouses / Sleeping Cabins [Amended 3-12-24]
 - (1) Setback from center line of any road or street: 35 feet.
 - (2) Setback from any lot side or back lines or edge of right-of-way: 15 feet.
 - (3) Setback from high-water mark of any lake, pond, stream or Wetland: 100 feet.
- D. Accessory structures.
 - (1) Setback from high-water mark of any lake, pond, stream or Wetland:
 - (a) If structure is waste-producing: 100 feet.
 - (b) If structure is not waste-producing: 50 feet.
 - (2) Setback from any side or back lines: 10 feet.
 - (3) Setback from any road center line: 35 feet.
 - (4) Setback from the edge of any right-of-way: 15 feet.
- E. Expansion/Creation of nonconforming structures.
 - (1) Structures legally established, but not conforming to present setback requirements, may be expanded in size, provided the setbacks to the expanded structure are not less than the nonconforming setbacks to the original structure.
 - (2) Nonconforming principal dwellings as of March 5, 1974, may be demolished and reconstructed on the same footprint within one year.
 - (3) When handicapped access ramps are required, they are exempt from setback requirements.
- F. Attached garages. A garage may be attached to a principal dwelling which existed prior to March 12, 1997, as long as the garage meets the requirements for an accessory structure and is not used to expand the dwelling space.

§ 150-131. Multiple-Unit Structures and commercial building location.

Building locations shall meet all standards established in § 150-130.

§ 150-132. Site plan requirements.

Site plans must be submitted for development, change or expansion of all nonresidential uses, for all Cluster Residential Development, and for Multiple-Unit Residential Development of more than two units. See § 150-28 and § 150-32. The Planning Board shall, as established by the Site Plan Review Regulations of Sandwich, assure that the site usage is compatible with the objectives of the Town as expressed in its Master Plan.

Authority for Sandwich Zoning Ordinance, Chapter 150.

New Hampshire Revised Statutes, Title LXIV, Planning and Zoning, Chapter 676, Administrative and Enforcement Procedures, Section 676:17, Fines and 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 RSA 676:17.

Zoning Map, Town of Sandwich