

Town of Hart's Location Land Use Ordinances

Selectmen

Mark Dindorf

Karen Capone

Richard Garabedian

Town Clerk
Marion Varney
603.374.2436

Complete Land Use Ordinances, with amendment as adopted at Town Meeting
on March 10, 2009.

Ed Butler, Chair, Planning Board

LAND USE ORDINANCE

Preamble

This revision of the land ordinances is for the purpose of properly conserving and utilizing the lands and waters of Hart's Location, promoting the health, safety, prosperity, and general welfare of the community, providing for efficient and economical administration of town affairs, and preserving the rural character of Hart's Location, as set forth in the Master Plan adopted May 2001. The following ordinance is hereby enacted by authority conferred by New Hampshire RSA 674:16&17, as amended.

The invalidity of any provision of this ordinance as adjudged by a court of competent jurisdiction shall not effect the validity of the ordinance as a whole or any part or provision.

This ordinance has been adopted by regular Town Meeting on March 12, 2002. These ordinances reapproved with amendments at Town Meeting of March 11, 2003.

It may be amended by majority vote of any legal town meeting.

Article I Zoning District

1: For the purpose of this ordinance the entire town of Hart's Location is zoned as a rural and residential district.

2. Town Commercial and Non-conforming properties: This includes the Notchland Inn, Crawford Notch General Store & Campground, King's Ice Cream Shop, Pasquaney Camp, Aloha Camp, and the SubSig Outing Club. These enterprises are allowed to prosper and grow within the framework and character as they presently exist, and may not diversify into other non-related businesses. If they are discontinued or abandoned for more than six years, then any subsequent use of the land or buildings shall convert to residential status.

Amendment adopted at Town Meeting, March 9, 2004: "... *prosper and grow within the framework and character as they presently exist...*" is clarified to mean that non-conforming uses in existence as of March 11th, 2003 may expand onto existing lots that directly abut the lots upon which the non-conforming use exists, if the lot up on which the non-conforming use exists and the abutting lot(s) are owned in common as of March 11, 2003 and continue without interruption in common ownership.

Article II General Provisions

1. Land Use: No land or water in Hart's Location may be used consistently for any activity that may be obnoxious or offensive due to the production of dust, odor, smoke, refuse matter, fumes, noise, light, vibration or other conditions that are detrimental or injurious to the comfort, peace, enjoyment, health or safety of the community or lending to its disturbance. Construction activities and routine maintenance are acceptable.
2. Storage: No land or water in Hart's Location may be used for land fill, as a junk yard or storage place for unregistered vehicles, unusable machinery, scrap materials or any other articles, the accumulation of which is detrimental or injurious to the neighborhood. Land fill is permitted provided that said land fill is not in conflict with rules and regulations of NH Water Supply and Pollution Control Commission or other agency of the State of NH; the materials used must be clean and solid.
3. Signs: Total area of signs for commercial properties in Hart's Location, which must be placed only at the site of the enterprise, must not exceed 64 sq. ft., including both sides; no one sign may exceed 32 sq. ft. No more than two signs are allowed for commercial properties and internal, flashing, neon, or moving lights are not permitted on any signs. Home businesses may have one sign on the property where the business is conducted, not to exceed 3 sq. ft. per side, or a total of 6 sq. ft.. A permit must be obtained from the selectmen for any permanent sign. No other signs may be placed on land or in water in Hart's Location except for highway, safety or regulatory purposes.
4. Ruins: No ruins from fires or other causes, or unsafe structures, shall be left indefinitely on Hart's Location property as per RSA 155-B, "Hazardous and Dilapidated Buildings". Within two years such ruins or unoccupied structures shall be repaired, rebuilt, replaced, or removed and the land on which they stood shall be refilled and leveled to clear level ground. The owner(s) shall be responsible for this action. At the end of the two years, the town may take action, and then attach a lien on the land to cover the cost of such action.
5. Single Residences: no multi unit buildings will be permitted; an "in-law" section is acceptable. This implies no rental to more than one family at a time except as provided below.

6. Commercial Properties: Additions or separate new buildings are permitted providing they are constructed in a manner to maintain and enhance the present character of the existing buildings on the property. Multiunit buildings for residences are not permitted unless for purposes of providing workforce housing pursuant to RSA 674:59 (SB 342)

6.1 The planning board is authorized to issue a conditional use permit accompanied by such conditions as necessary to ensure the health, safety and welfare of the community. These conditions may include but shall not be limited to density, minimum lot size, setbacks, building size, number of units per building, access and storm water management.

7. Sanitary Systems: All sanitary systems, wells, community water supply systems, and sewers, shall be constructed and maintained in accordance with standards set and enforced by the NH Dept. of Health and the NH Water Supply and Pollution Control Commission, whichever is more restrictive.

8. Home Businesses: Home businesses are permitted, if there are minimal indications of such a business from a town or state road, other than the sign, as noted in the above ordinance, II.3. See also Article IV, #1 regarding need for permit.

9. "Grandfather" Regulations:

- a. If a non-conforming building, structure, or land use exists when this ordinance is enacted, the same may be continued as long as it is not injurious to the neighborhood.
- b. Any lawful lot, which complies at the time of recording with minimum area, frontage, width, or depth regulations of any land use ordinance in effect in the town, may thereafter be built upon for residential use. Any proposed structure to be located on such a lot must conform with the minimum requirements of front, side and rear setbacks, and to all other requirements such as septic and water regulations in effect at the time of obtaining a permit.
- c. If a non-conforming building or structure, standing previous to this ordinance, is destroyed by fire or natural disaster, to more than 75% of its replacement cost at the time of destruction, it shall not be reconstructed except in accordance with this ordinance. The

Board of Adjustment may permit reconstruction, as it was, if this is not injurious to the neighborhood; reconstruction must occur within 2 years.

Article III Specific Provisions

1. Plot Requirements:

- a. No land in Hart's Location of lesser area than 2.5 acres may be used as habitation. There must be at least a 150 foot frontage on any highway, road, private road, or right of way.
- b. No buildings or outbuilding may be closer than 25 feet to any property line, or closer than 75 feet from the center line of a road or 25 feet from the edge of a right-of-way, whichever is greater. In no instance shall any dwelling or structure be over 2.5 stories or 40 feet in height, whichever is less. All utility wires shall enter the building from the rear or underground. A tree buffer is required, so as to minimize building exposure to the road. A plot plan must be submitted with the application for a building permit.
- c. Exterior lights should be constructed so that direct or reflected light is minimally visible beyond the area to be illuminated.
- d. No new structure designed for habitation may be located within 25 feet of another such structure.

2. Subdivision: Any piece of land subdivided into two or more lots for dwellings shall be utilized in accordance with the subdivision regulations adopted by the town of Hart's Location in 1976.(See Appendix A)

3. Movable Units: Travel trailers, as a residence, and storage trailers may not be located in Hart's location for more than 30 days except with special exception granted by the Zoning Board of Adjustment, upon finding that the same will not be detrimental or injurious to the neighborhood. Bonafide camp grounds, camping areas and manufactured homes on permanent foundations are excluded.

Article IV Permits and Enforcement

1. Permits: After passage of this ordinance, it shall be unlawful to erect or relocate any building or structure, or alter the bulk of any building, or put any land or water area of Hart's Location to any use substantially different from its use on the date of passage of this ordinance, without first obtaining a building or land use permit from the board of selectmen. Note, in some cases a septic permit must be obtained from the State before a

building permit can be granted. No permit is required for remodeling for which the building use is not changed and the existing outer walls are not to be altered.

2. Construction reference: The official reference for building construction is the IBC and IRC Building codes.

3. Enforcement: The board of selectmen has the authority and duty to inspect ongoing construction for permit compliance, and to enforce all ordinances, by any legal action available or necessary. Noncompliance of any ordinance may result in a fine of up to \$275 per violation per day, beginning from the time of receipt of written notice of the violation(s).

Article V Board of Adjustment

1. The board of selectmen shall appoint an appeal board consisting of five persons to serve as a board of adjustment, with powers as specified in section 12, chapter 31, NH Revised Statutes Annotated 1955.2. The board shall hold public hearings on all cases properly before it, and shall give reasonable public notice thereof, and reasonable notice by mail to all owners of property within 200 feet of the exterior boundaries of the property involved. The board may first refer to the planning board for review and recommendations.

Article VI Pet Control

It is unlawful for the owner of any dog or other animal to allow said animal to run at large, except when accompanied by the owner or custodian.

Article VII Wetlands and Flood Plains

The regulations of the Wetlands and Flood Plains Ordinance of the Soil Conservation Service of the U.S. Department of Agriculture, 1977, are in effect. See Appendix B.

Article VIII Wireless Service Facilities

The wireless service facilities ordinance adopted May 2001 is in effect. See appendix C.

Article IX Variance Guidelines

The Planning Board may grant a variance from these ordinances, if all the following conditions are met:

1. The proposed use is an allowable use.
2. Special circumstances exist which are peculiar to the property in question and denial will deprive the owner reasonable use of his property.
3. No decrease in value of surrounding properties would result.
4. The requested variance is the minimum variance which allows for reasonable use of the property.