DANVILLE, NEW HAMPSHIRE

ZONING ORDINANCE

Effective: March 8, 2016

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DANVILLE, N.H. ZONING ORDINANCE

ARTICLE I

Preamble

Pursuant to authority conferred by Chapter 31, Sections 60-89, New Hampshire Revised Statutes Annotated, 1955, and for the purpose of promoting the health, safety and welfare of the inhabitants, and preserving the values and charm now attached to the Town, the following ordinances are hereby adopted by the Town of Danville, New Hampshire, in the Town Meeting convened.

New commercial, business or industrial enterprises shall be encouraged, provided that such commercial business or industrial enterprises will in no way be harmful to the general welfare of the community.

ARTICLE II

Definitions

A. ABUTTER

Any person or municipality whose property adjoins or is directly across the street or stream from the land, area, locale, place, or site under consideration by the local use board, or whose land is affected by a proposal. "Abutter" shall also include holders of conservation, preservation and preservation/agricultural restrictions as defined in RSA 477:45, as well as a manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration as defined in RSA 672:3. ***Amended 3/11/2003***

B. ACCESSORY BUILDING

A building subordinate to the main building on the lot and used for purposes customarily incidental to those of the main building.

C. AGRICULTURE

Operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, short rotation tree fiber farming as defined in RSA 79:1,VI.

D. CHURCH

A building or structure, or groups or buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

E. COMMERCIAL MOTOR VEHICLE ***Added 3/11/2008***

A self-propelled or towed vehicle used on a Class I through V highway in commerce principally to transport passengers or cargo, if the vehicle:

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or

2. Is designed or used to transport more than eight (8) passengers (including the driver) for compensation; or

3. Is designed or used to transport more than fifteen (15) passengers, including the driver, and is not used to transport passengers for compensation; or

4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S. C 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, Subtitle B, Chapter I, Subchapter C., has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater; or

5. Requires a Commercial Drivers License as specified by the Commercial Motor Vehicle Safety Act (1986, as amended), as specified by Title 49 of the Code of Federal Regulations, as required by the State of New Hampshire or as required by the state of registration of the vehicle.

The following vehicles shall not be considered commercial motor vehicles:

1. Farm vehicles owned and operated by the farmer within one hundred fifty (150) miles radius of the farm;

2. Emergency vehicles of a Fire Department;

3. Military vehicles operated by military personnel; or

4. Recreational vehicles.

"Commercial Motor Vehicle" and "Commercial Vehicle" are used interchangeably in this Ordinance and are considered to have the same definition.

F. DWELLING

Any legal home of record in the Town of Danville, used exclusively for residential occupancy.

G. EXCAVATION

(NOUN) A land area which is used, or has been used, for the commercial taking of earth, including all slopes.

(VERB) The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

H. FARM

Any land or buildings or structures on or in which agriculture and farming operations are carried on and shall include the residence or residences of owners, occupants, or employees located on such land.

I. FRONTAGE ***Amended 3/11/2008***

The distance along the lot line dividing a lot from either:

1. A public highway, excepting limited access highways as defined by RSA 230:44 and Class VI Highways; or

2. A street shown on an approved and recorded subdivision plat.

J. FRONT YARD

A space extending for the full width of a lot between any building and the front lot line and measured perpendicular to the building at the closets point to the front lot line.

K. HOME OCCUPATION

Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit or other buildings on the resident's property.

L. HOME PRODUCE

Includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident, including such articles as are manufactured or altered by members of the household of the bonafide resident of any property.

M. HOSPITAL

An institution providing primary health services and medical or surgical care to people, including related facilities, medical offices, and staff residences.

N. JUNK

Any old metals, old bottles, or other solid textile mill waste, unfinished cloth, or other textile mill yarns, old paper products, old rubber products, old plastic products, used parts and materials or motor vehicles and other secondhand or waste articles, the accumulation of which is detrimental or injurious to the neighborhood.

O. LOCAL GOVERNING BODY

The Danville Board of Selectmen

P. LOT LINE, FRONT ***Added 3/11/2008***

The lot line separating a lot from a street right-of-way from which legal access to the lot may be obtained (i.e., Frontage).

Q. LOT LINE, REAR ***Added 3/11/2008***

The lot line opposite and most distant from the Front Lot Line(s).

R. LOT LINE, SIDE ***Added 3/11/2008***

Any lot line other than the front or rear lot line.

S. LOT OF RECORD

Land designated as a separate and distinct parcel in a legally recorded deed and plan filed in the records of Rockingham County Registry of Deeds.

T. MOBILE HOME/MANUFACTURED HOUSING

Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet (8') or more in width and forty body feet (40') or more in length, or when erected on site, is three hundred twenty square feet (320 ft^2) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein.

U. MOBILE HOME PARK/MANUFACTURED HOUSING PARK

Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate two or more manufactured houses. Nothing herein shall be construed to apply to premises used solely for storage or display of manufactured housing.

V. MULTIPLE-UNIT DWELLING

A building containing two (2) or more dwelling units, including units that are located one over the other to include garden apartments. ***Amended 3/13/2001***

W. MUNICIPALITY OR MUNICIPAL

Includes and related to the Town of Danville.

X. NON-CONFORMING BUILDING OR STRUCTURE

A non-conforming building or structure is a building or structure which, in whole or in part, does not conform to the regulations of the district in which the building or structure is located.

Y. NON-CONFORMING USE

A non-conforming use is a use of any building, structure, or land which does not conform to the use regulations of the district in which such use exists.

Z. PLANNING BOARD

The Planning Board of Danville as established by RSA 673.

AA. PERMANENT STRUCTURE

A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water with the intention of maintaining said structure indefinitely. Class I through Class V roadways and driveways shall not be considered permanent structures. Commercial paved parking areas shall be considered permanent structures. Fences and stone walls in the Residential/Agricultural Zone shall not be considered permanent structures. ***Amended 3/2002 and 3/11/2014***

BB. PRE-SITE BUILT HOUSING ***Amended 3/1992***

As used in these ordinances, “pre-site built housing” means any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United Stated Department of Housing Development minimum property standards and local building codes for installation, or assembly and installation, on the building site. For the purposes of these ordinances, “pre-site built housing” shall not include manufactured housing.

CC. RECREATIONAL VEHICLE/CAMPING TRAILER

Recreational vehicle means any of the following vehicles:

1. A motor home or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle or permanently towable. ***Amended 3/14/2000***

2. A pick-up camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

3. A recreational trailer, which is a vehicular, portable structure built on a single chassis, four hundred square feet (400 ft^2) or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal usage.

4. A tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

DD. RESIDENTIAL UNIT

One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of a single person or family maintaining a household.

EE. SCHOOLS

An educational institution approved by the New Hampshire State Board of Education as either a high school complying with RSA 194:23 (or its equivalent) or an elementary school as defined by RSA 189:25. ***Amended 3/14/2006***

FF. SELECTMEN

The Chief Executive Officers of Danville as defined by RSA 672:9.

GG. SIGNS

A sign is any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected images.

HH. STREET

Any vehicular way that (1) has been accepted or opened as, or otherwise has received the legal status of, a class V or better highway; (2) a street on a subdivision plat approved by the Planning Board; and (3) a street located and accepted by the local legislative body of the municipality, after submission to the Planning Board, and, in case of the Planning Board's disapproval, by the favorable vote required in RSA 674:40. The word "street" relates to and includes street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway, and other ways.

II. WETLANDS

Wetlands means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adopted for life in saturated soil conditions. ***Added 3/14/2006***

ARTICLE III

Zoning District and Boundaries

The Town of Danville is hereby divided into zoning districts designated as follows:

A. OFFICIAL ZONING MAP ***Added 3/11/2008***

The location of the following districts are delineated on the map entitled Official Zoning Map, Town of Danville, and as amended, shall hereinafter be referred to as the Official Zoning Map and shall be made part of this Ordinance. *[RSA 674:20]*

1. INTERPRETATION OF DISTRICT BOUNDARIES

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

a. Boundaries indicated as a street, utility line, and watercourse or other water body shall be construed to be the center line thereof.

b. Boundaries indicated as following approximately parallel to a street, utility line, and watercourse or other water body shall be construed to be parallel to the nearest line thereof, and the number placed on the Zoning Map between the boundary and such line shall be the distance in feet between them as measured at a right angle from such line.

c. Where a boundary apparently follows a property line, it shall be interpreted as such, even is such boundary should change as the result of survey. Such property line shall be interpreted as one existing at the time of enactment of this Ordinance.

d. Where a boundary is indicated as intersecting the center line of a street, utility line, and watercourse or other water body, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

e. In the case of uncertainty of the location of a district boundary, the Planning Board shall determine the location of said boundary. An aggrieved party may appeal this decision to the Zoning Board of Adjustment.

B. DANVILLE VILLAGE DISTRICT ***Added 3/11/2008***

The location of said District is delineated and named on the map entitled “Official Zoning Map, Town of Danville”.

C. HIGHWAY COMMERCIAL AND LIGHT INDUSTRIAL

That part of the Town of Danville comprising a strip of land 1,000 feet wide on each side of Route 111, measured from the centerline of Route 111, excluding existing streets, and extending from a line perpendicular to the centerline of Route 111 from the Hampstead town line to the Kingston town line and those properties so delineated as being zoned Highway Commercial and Light Industrial on the Official Zoning Map. ***Amended 3/11/2003 and 3/11/2008***

D. MOBILE HOMES/MANUFACTUED HOMES ***Amended 3/11/2008***

1. On only Back Road, so-called, not less than three hundred feet (300') in an easterly direction from Route 111A and not more than three thousand feet (3,000') in an easterly direction from Route 111A by measurement on said roads as they presently exist.

2. On only Long Pond Road, so-called, not less than three hundred feet (300') distance from Route 111A, nor more than four thousand feet (4,000') by measurement on said road as it presently exists.

E. HISTORIC DISTRICT

A part of the Town of Danville comprised of the following lots as they exist at the time of passage of this ordinance:

Tuckertown Road	Entire length and width from Main Street to Sandown line and all of its branches on town-owned land Records indicate this was the first official highway layout in 1766 by the Selectmen of Hawke Road designated by town vote as a closed road in 1954, a scenic (unpaved) road in 1973 and a Class A trail in 1963.
Lot 2-73	Contains Danville's Meeting House constructed in 1755. It is the oldest original construction meeting house in the State of New Hampshire; listed in the National Register of Historic Placed in 1982.
Lot 2-74	Contains the Old Meeting House Cemetery; burial sites of early families and their descendants, town dignitaries and officials dating to 1825.
Lots 1-68 & 69	On Main Street south of Tuckertown Road abutting the Mary Jane Sanborn Library, Lot; portion of a 25-acre parcel of James Towle, original settler. Caleb, Towle, a descendant of James Towle was a builder of the Meeting House, serviced on the First Parsonage Committee which acquired the parsonage lots and the parsonage house lot and helped retain Re. Page. He was a notable early town official. Town acquired the property by tax deed in 1995.
Lots 1-63 & 1-53	Two lots inherited by Mary Jane Sanborn, descendant of Lt. Jonathan Sanborn, and early settler, a builder of the Meeting House; Revolutionary War patriot and notable early town official who kept a diary used extensively to research the early history of Hawke; Lot 1-63, south of Tuckertown Road was left to the town in trust with wood-cutting to benefit the North Danville Library. Lot 1-53 north of Tuckertown Road, was left to the town in trust with

wood-cutting for the benefit of various historical and charitable purposes.

Lot 1-61 South of Tuckertown Road; owned by John Page descendent of original settler of Jabez Page, one of the builders of the Meeting House; Parcel sold by last descendant, Henrietta Peaslee in 1924 to a timber company. John Page, his daughter Juliette Peaslee and his granddaughter Henrietta Peaslee resided in this parsonage house next to the Meeting House during their lifetimes; Henrietta Peaslee, with others, formed the Old Meeting House Association in 1952; Town acquired the property by tax deed in 1927.

Lot 1-60 A town-owned lot commonly referred to as "The Brown Lot". The earliest known owner of the Brown lot was Humphrey Hook, a Town founder and a builder of Danville's Meeting House. Early deeds indicate Mr. Hook operated a sawmill on this land. The parcel was later owned by the Page/Peaslee family, whose family legacy and history in this area has been documented. This parcel was also owned by Lester and Alden D. Colby until they sold it to Francellus Brown in 1936. The Colby family's heritage is well-known in Danville. The parcel was acquired by the Town by tax deed in 1941. For reference see Rockingham Registry of Deeds; Book 0952, Page 0410 (Colby to Brown); Book 0983, Page 0219 (Tax Deed); and Book 3860, Page 1447 (Clarification document, Danville Selectmen). ***Amended 3/11/2003***

Lot 1-52 Accumulated lots owned or inherited by John Page, descendant or original settler and a Meeting House builder, Jabez Page; sold by the last Page descendant, Henrietta Peaslee to a timber company in 1958; acquired by Town by tax deed in 1933; designated "town forest" by vote of town in 1951. Estate inventory of John Page includes 19 acres of "Tucker Land". Thomas Page grandfather of John, was a Revolutionary War lieutenant; his estate inventory included 4 pews in the Old Meeting House.

Lot 1-49A and 1-49B ***(Amended 3/10/2015)*** **Parcel A:** Timber land known as "The Johnson land"; formerly owned by Page Collins, great-grandson of Thomas Page, Esq., and great-great-grandson of Jabez Page, original settler and a Meeting House builder; Town acquired property by tax deed in 1933.
Parcel B: Known as the "Merrill land" when acquired by Town by tax deed in 1933; owned by a John Page of Kingston in 1861.

Lots 1-54 & 1-57 One of two "Parsonage Land" lots established by the town after its incorporation in 1760. Two deeds were given to the town (50 acres and 5 acres) by Samuel Fifield, a Kingston Selectmen in exchange for a piece of land in Kingston that abutted Mr. Fifield's property in Kingston. This lot is identified on the tax books as "original lot #11". The Parsonage Lots were established in keeping with the English governmental requirement that community property to set aside to support the ministry. The building and repair of the first meeting house was made from lumber cut from the town forest. For more than two centuries receipts from the sale of wood have been deposited and used to support the ministry, repair the meeting house, the Parsonage until it became a private residence, and fences about the two cemeteries. Historical documents indicate that another requirement of English government was the building of a mill to provide lumber for the

homes of the new settlers. This lot contains an old road leading to the cellar hole of a mill on Lot 1-55. The mill site is approximately 1/8 of a mile down Tuckertown Road from the Meeting House. The lots have been referred to as “the town’s forest” for decades. Over the years researchers have informed the town that their research documents that these two lots comprise the oldest town first of its kind in America. The town placed a marker on the land in 1921 denote its significance.

ARTICLE IV

Permitted Uses and Restrictions

A. RESIDENTIAL/AGRICULTURAL ZONE

1. Principal Uses and Restrictions

a. Single or multiple unit dwellings, and accessory buildings, which meet applicable lot area, road frontage, and dwelling size requirements. ***Amended 3/12/2002***

b. Churches, parks, playgrounds, and Town buildings. ***Amended 3/13/2001***

c. Farms, farm uses, and customary farm occupations except that commercial piggeries and mink farms are prohibited.

d. Multiple-unit dwellings are allowed in this district under the following conditions:

1) Multiple unit dwellings are allowed provided that: ***Amended 3/1996***

a) Each dwelling will require a minimum lot or site size of two (2) acres per residential unit. In no case shall any structure contain more than four (4) residential units unless 60% of the residential units in the structure are workforce housing per RSA 674:58, in which case, five (5) residential unit structures shall be permitted unless stated otherwise elsewhere in this ordinance. In the case of workforce housing structures with five residential units, these units must remain as workforce housing per RSA 674:58 for a minimum of ten (10) years after receipt of an occupancy permit. ***Amended 3/14/2000, 3/12/2002, 3/11/2014***

b) Each lot of site shall have a minimum frontage requirements of two hundred feet (200') on a Class I through Class V highway provided, however; that non-conforming lots of record at the time of passage of this ordinance which have adequate area but do not have two hundred feet (200) of frontage may be used provided that the Planning Board finds that adequate access exists to such lots for all public safety equipment.

c) No dwelling unit shall be located within fifty feet (50') of abutting property lines nor closer than thirty feet (30') to existing or proposed roadways. The setback from the roadway shall be measured from the edge of the right-of-way, or, in the case of private roads without a right-of-way, the setback shall be measured from a point twenty five feet (25') from and perpendicular to the roadway centerline. ***Amended 3/13/2008 and 3/11/2014***

d) Off-street parking shall be provided for each dwelling unit at the minimum rate of two (2) parking spaces per unit plus one (1) visitor space for the duplex unit. The area shall be paved and provide adequate back-up radius (22 feet wide for 90 degree angle parking; 18 feet wide for 60 degree angle parking and 12 feet wide for 45 degree angle parking).

e) For developments in which real estate or improvements are to be regulated by an Association or owned in common by all or some of the land or unit owners in the development, a private non-profit corporation, association, or other non-profit legal entity established by the developer to manage and support the activities of the development is required. Membership in the said association shall be mandatory for property owners and made a required covenant in any deed issued or passed. It shall provide voting and use rights in the common area when applicable and may charge to cover expenses, which may include tax liability of the common area, recreational of utility facilities. Articles of Association, Deed Provisions for a Homeowner's Association, or any other legal entities providing for ownership of individual dwellings, common area, and auxiliary facilities and structures must be acceptable to and approved in writing by the Planning Board and by Town Counsel and any other municipal, county, state agency, body or department required by law to approve of the same. ***Amended 3/1996***

f) The dwelling units and lots shall conform to all other Danville Zoning Ordinances not specifically described in the foregoing.

2) Multiple-unit dwellings shall not exceed thirty feet (30') in height. The height shall be measured from the average elevation of the junction between the foundation and ground level. ***Amended 3/8/2016***

3) If, in the opinion of the approving authority, development of an area or lot as multi-unit is deemed unsuitable due to health, safety, or lack of sufficient protection from existing residences to allow harmonious development, the authority has the option to require conventional, single family development of that area.

4) Site Plan Review and approval shall be required for all multi-unit (also referred to as multi-family) development, excluding duplex units, as stated in Article VII, T. ***Amended 3/13/2007***

e. Single family dwellings shall not exceed thirty feet (30') in height. The height shall be measured from the average elevation of the junction between the foundation and ground level. ***Amended 3/8/2016***

2. Customary Home Occupations ***Amended 3/10/2009***

a. Customary home occupations are allowed in the Residential/Agricultural areas of Town by the granting of a Special Exception by the Zoning Board of Adjustment or, provided certain criteria are met, by approval of the Board of Selectmen.

b. For purposes of this ordinance, "customary home occupations" describe small business activities that the homeowner might engage in that take place primarily at the homeowner's residence (or, in the case of a service tradesman, take place primarily off-site at a customer's location) and that do not alter the principal use of the premises as a residence. Customary home occupation activities include, but are not necessarily limited to: day care facilities, service tradesman, dressmaking, letting of rooms (limited to no more than two rooms or persons), professional office preparation, sale of home baked goods and sale of farm goods raised on the premises.

c. The applicant must be a resident of the premises. If the applicant is not the owner, the applicant must present written evidence to the Board that permission has been received from the owner to run the home occupation activity.

d. Application to the Town for approval of a customary home occupation activity may not require a Special Exception hearing if all the criteria specified below are met as determined by the Board of Selectmen. If the applicant feels that he/she meets the below criteria, the applicant must meet with the Board of Selectmen at a regularly scheduled Selectmen's meeting and fill out the Home Business Registration form.

1) No employees will be used other than the homeowner (or permitted resident).

2) No customers, vendors or distributors will come to the premises.

3) No hazardous chemicals/materials will be used or stored on the premises.

4) No outside storage of equipment or materials associated with the home occupation will take place.

5) The home occupation will not generate unsightliness, noise, smells, fumes or other substances that would adversely affect the character or safety of the neighborhood.

6) No business signage will be used.

7) Home occupation is conducted solely in the dwelling unit or is conducted primarily off-site such as a service tradesman that provides his/her service away from the primary residence.

8) There is not more than one (1) commercial motor vehicle(see definition) associated with the business and said vehicle has no more than two (2) axles and a gross vehicle weight of not more than fifteen thousand (15,000) pounds.

All applicants not meeting the above criteria must apply for a Special Exception to the Board of Adjustment.

e. To grant the Special Exception, the Board of Adjustment must find that:

1) The accessory use shall require no more than one (1) on-site employee in addition to the owner(s) of the property.

2) Adequate off-street parking will be provided for the employee and potential customers.

3) Any changes made to the residential lot as a result of this accessory use that affect the external appearance of the property, the dwelling or any accessory building, shall be in keeping with generally accepted good residential architectural practices and styles and shall conform, in general, to the surrounding neighborhood's architecture. ***Amended 3/13/2001***

4) There will be no outside storage of equipment or materials associated with the home occupation nor will there be any hazardous chemicals used or stored on the premises.

5) There shall be no commercial motor vehicles (see definition) nor shall there be more than two non-commercial vehicles used in conjunction with the home occupation except that, where the business takes place primarily away from the primary residence, such as a service tradesman, the business owner may park no more than one commercial motor vehicle related to the business at his/her residence provided that:

a) There is adequate space for full off-street parking of the commercial motor vehicle;
b) The commercial motor vehicle is not parked on Town property, including street, parks, and rights-of-way;
c) The commercial motor vehicle is parked at least fifty feet (50") from any abutting property line and at least seventy-five (75') from any abutting residential structure;
d) The commercial motor vehicle is not repaired or maintained on the premises (unless required in order to move the vehicle from the premises);
e) The commercial motor vehicle is not left idling for more than ten (10) minutes nor is any equipment associated with the commercial motor vehicle (e.g., refrigeration units) left on for more than ten (10) minutes while on the premises;

f) Horns and/or sirens on the commercial motor vehicle are use only in emergency situations;
g) Advertising on the commercial motor vehicle is not used to violate the intent to the Town's signage restrictions;
h) Generators or other outdoor equipment are not utilized in conjunction with the commercial motor vehicle;
i) The commercial motor vehicle will enter and exit the roadway via an approved driveway;
j) The commercial motor vehicle is properly registered and inspected; and
k) Commercial motor vehicles used for the transport of hazardous materials, as defined by ARTICLE II.E.4, are prohibited.

6) The home occupation will not be detrimental to the residential neighborhood due to noise, traffic, hazards, or other disturbances and is in keeping with the purpose of this ordinance in promoting the health, welfare and safety of the area residents while preserving the values and charm of the Town.

3. Cluster/Open Space Development ***Added3/8/2005***

a. Authority

This section is enacted in accordance with the provisions of RSA 674:21.

b. Purpose

The purpose of this Cluster/Open Space Development ordinance is to encourage flexibility in the design and development of land, while promoting its most efficient use, as well as preserving natural features and open space.

c. Objectives

The objectives of this section and to which any such development must adhere, are to:

1) Preserve the natural beauty of existing rural roads, topography, and wooded areas and to provide usable open space for recreation in close proximity to dwelling units.

2) Encourage a less sprawling form of development, which makes more efficient use of land, requires shorter and more efficient networks of streets and utilities, and fosters consumption of rural and/or agricultural land.

3) Provide an efficient procedure, which can insure appropriate high quality design, site planning, and a high level of development amenities.

4) Avoid development of portions of sites, which have poor soil conditions, high water tables, are subject to flooding, or have excessively steep slopes.

5) Provide a variety of housing opportunities for a wide range of ages and needs.

d. Definitions

1) Cluster/Open Space Development: A purely residential development of a tract of land, where a number of housing units may be clustered or grouped on a site with dimensions, frontages and setbacks reduced from conventional sizes.

2) Common Space: Common space is that portion of the tract, exclusive of the area needed for streets and utilities and the individual dwelling units within the cluster subdivision, which shall be set aside for the benefit and enjoyment of the subdivision property owners. The area may contain accessory structures and improvements necessary and appropriate for the educational, recreational, cultural, social, or other non-commercial needs, as well as any utility services utilized by the owners of the common area, or may be open space as defined in this section. The common area may not consist principally of land difficult to utilize. Common space shall be owned and maintained by the Home Owner's Association.

3) Open Space: Land not built upon, which must be permanently kept in that condition. Walking trails shall be a permitted use within the open space.

4) Mandatory Home Owners Association: For developments in which real estate or improvements are to be owned in common by all or some of the land owners in the development, a private non-profit corporation, association, or other non-profit legal entity established by the developer shall be required to manage and support the activities of the Cluster/Open Space Development. Membership in the said association shall be mandatory for property owners and made a required covenant in any deed issued or passed. The Association shall provide voting and use rights of the common area when applicable and may charge to cover expenses, which may include tax liabilities of the common area, recreational or utility facilities. Articles of Association or Incorporation must be acceptable to the Planning Board and approved by Town Counsel and any other municipal, county, state agency, body or department required by law to approve the same.

5) Public Open Land: Land purchased by or given to the Town of Danville for parks, playgrounds, or any undeveloped open space generally with the intention of making it accessible for public use.

e. General Requirements

1) To insure the protection of pre-existing residences, in lieu of a proposed Cluster/Open Space Development, the Planning Board has the option to require conventional subdivision development for that area.

2) Minimum Tract Size: The tract, lot or parcel of a single or consolidated ownership at the time of application shall be:

   a) At least twelve (12) contiguous acres in a residential/agricultural zone.
   b) The primary access road entering the development shall have one hundred foot (100') contiguous frontage, fee simple interest on a Class I through Class V roadway, with a right-of-way that meets the standards set forth in the section of the then current Danville Subdivision Regulations titled 'Construction Standards,' plus a twenty five foot (25') vegetative buffer on each side. Internal roadways shall conform to Town street standards. Exception: Where the primary access road entering the development would be utilizing an existing right-of-way, the one hundred foot (100') contiguous frontage would not be required. ***Amended 3/13/2012 & 3/8/2016***

3) Permitted Use: Single family detached (1 unit), duplex (2 units), triplex (3 units), and quadplex (4 units). No structure shall exceed four (4) dwelling units.

4) Density: Building density is to be determined by the method below: ***Amended 3/14/2006 & 3/8/2016***

   Determine the acreage of usable tract area by taking the gross tract acreage and:

   a) Subtract the area of all easements, roadways and utilities.
   b) Subtract the area of all wetlands as defined by the Danville Wetlands Ordinance.
   c) Wetlands soils may be added to the usable tract as follows: The amount of wetlands soils to be added back must be equal to the smaller of either: the usable tract after subtracting a. and b. above; or the area of wetlands soils.
   d) Divide the usable tract area acreage by two (2) to determine the number of total dwelling units.

5) Setback and Buffers: Structures may be located in any manner on the site provided that the following dimensional standards are met:

a) External Setbacks:

i. Front setback. No structure or parking area shall be within one hundred fifty feet (150') of a public right-of-way.

ii. Side and rear setback. No structure or parking area shall be within one hundred feet (100') of any abutting property line.

b) Internal Setbacks:

i. No structures shall be within thirty feet (30') of a public or private road. The setback from the roadway shall be measured from the edge of the right-of-way. ***Amended 3/13/2008***

ii. Structures shall be at least thirty feet (30') apart on all sides.

c) Landscape Buffer:

i. A Cluster/Open Space Development shall have a twenty-five foot (25') landscape buffer to provide an adequate transition between abutting land uses and existing Town roads. Whenever possible, the natural vegetation shall be retained.

ii. The interior line of all landscape buffers shall be marked with markers specified by the Planning Board. The markers shall be placed on trees spaced every twenty five feet (25'). Height shall be six feet (6') above ground level. Where trees are not available, metal six foot (6') posts shall be used, driven two feet (2') into ground and markers mounted four feet (4') above ground level. ***Amended 3/14/2006***

6) Sewer and Water: The development may be served by common water and septic systems, the design and construction of which must be approved by State and local authorities. All pertinent federal, state and local regulations regarding the placement and construction of septic systems shall be applicable. The submitted plan shall include the design of alternative, back-up leach field areas.

Any on-site well shall have a protective radius as required by New Hampshire State Water Supply and Pollution Control Commission and any applicable Danville Town ordinances. Such a radius shall be wholly contained within the development property lines.

In no instance shall the town be required by provide public water or sewerage systems for the Cluster/Open Space Development.

No proposal involving community disposal systems shall be approved by the Planning Board until legal responsibility for ownership and maintenance is established.

7) Parking: Off-street parking, assessed by a driveway, must be provided for each individual unit. The area shall be paved and provide adequate backup radius with cars parked in the lot (18 feet for 60 degree angle parking and 12 feet for 45 degree angle parking). Two (2) parking spaces should be provided per unit, plus one (1) visitor's parking space for visitor vehicles per dwelling spaces. Access to all parking areas should be wide enough to provide easy two-way traffic flow.

8) Driveways: No driveway shall access more than three (3) single family or duplex structures, or two (2) triplex or quadplex structures. Dual access "looped" driveways may be required if deemed necessary by the Planning Board.

9) Protection of Common Land: For developments with property owned by more than one individual or entity, open space, common areas, common facilities, private roadways and other features within the Cluster/Open Space Development shall be protected by covenants running with the land and shall be conveyed by the property owners to a Home Owners Association, or, if mutually agreed upon, may be deeded to the Town, so as to guarantee the following:

a) The continued use of land for the intended purpose.
b) Continuity of proper maintenance for those portions of the development requiring maintenance.
c) The availability of funds required for such maintenance.
d) Recovery for loss sustained as a result of casualty, condemnation, or otherwise.
e) Membership and obligations of residents of the Cluster/Open space Development are outlined in covenants adopted by the Home Owners Association, tenancy-in-common, or similar form of ownership and are automatic upon conveyance of title or lease to single-dwelling units. Home Owners Association, tenancy-in-common or similar form of ownership shall include lien provisions and shall be subject to approval by the Attorney General's office. Such documents may also be subject to review and approval by the Planning Board.
f) The developer and/or owner shall also provide for adequate maintenance of such areas set aside for conservation, park or recreation. Such developer and/or owner shall provide for the insertion in all deeds, in an approved form (which may be approved by the Planning Board and/or Town Counsel), any and all safeguards and conditions.

10) Minimum Open space

a) The open space for all Cluster/Open Space Developments shall be separately set aside and not be less than twenty-five percent (25%) of the gross land area of the development. No more than fifty percent (50%) of the open space land shall contain wetland soils as defined by the Danville Wetlands Ordinance. The Planning Board reserves the right to determine the appropriateness of the layout of the open space.

b) Land previously excavated cannot be designated as open space unless two (2) years have passed following reclamation of the excavated area.

c) All open space shall be contiguous and shall provide for connected corridors of undeveloped land.

d) The open space shall have one hundred feet (100') of frontage on a Class I through Class V roadway.

e) All dry portions of the open space (i.e., those portions not designated as wetlands, poorly drained and very poorly drained soils per the Danville Zoning Ordinance) must be accessible by foot from a Class I through Class V roadway without having to cross wetlands.

f) All open space shall be owned by the Home Owner's Association, tenancy-in-common, or similar form of ownership.

g) The interior line of all open space shall be marked with markers specified by the Planning Board. The markers shall be placed on trees spaced every twenty-five feet (25'). Height shall be six feet (6') above ground level. Where trees are not available, metal six foot (6') posts shall be used, drive two feet (2') into ground and markers mounted four feet (4') above ground level. ***Amended 3/14/2006***

11) Minimum Common Space and Lot Size: For a Cluster/Open Space Development without interior lot lines, the common space need not be delineated on the plan. Its area shall be calculated as twenty thousand square feet (20,000 ft^2) per dwelling unit, excluding dwelling units and roads. For a Cluster/Open Space Development with interior lot lines, the square footage on the individual lots, excluding the dwelling unit on the lot, can be subtracted from the twenty thousand square feet (20,000 ft^2) to meet the common space requirement.

12) All utilities shall be underground. No waivers shall be permitted.

f. Non-Permitted Uses

A Cluster/Open Space Development is a purely residential development. No secondary use shall be permitted except as permitted in ARTICLE IV.A.2., Customary and Home Occupations, and any applicable association documents.

g. Procedures

1) Review Process: A Cluster/Open Space Development shall be treated as a subdivision for review and public hearing purposes, and shall also be subject to Site Plan Review regulations.

2) Legal Review: The legal review of the proposed development shall be conducted under the conditions delineated herein:

a) For developments in which real estate or improvements are to be regulated by an Association or owned in common by all or some of the land or unit owners in the development, a private non-profit corporation, association, or other non-profit legal entity established by the developer to manage and support the activities of the development is required. Membership in the said Association shall be mandatory for property owners and made a required covenant in any deed issued or passed. It shall provide voting and use rights in the common area when applicable and may charge to cover expenses, which may include tax liability of the common area, recreational or utility facilities. Article of Association, deed provisions for a Home Owner's Association, or any other legal entities providing for ownership of individual dwellings, common area, and auxiliary facilities and structures must be acceptable to and approved in writing by the Planning Board and by Town Counsel and any other municipal, county, state agency, body, or department required by law to approve the same.

b) The developer will submit a suitable legal instrument which, to the satisfaction of the Planning Board and/or Town Counsel, will ensure that such open space and/or common land will continue to be used for conservation, park or recreation, and shall not be disposed of by sale or otherwise, except to any organization established for the purpose of owning and maintaining such open space. This assurance shall be stipulated on the approved plan.

c) Such legal instruments shall also provide that the Town of Danville, its agents, servants and employees may, without liability, enter upon such land held for conservation, park or recreation and removed, or cause to be removed, anything, object or condition which may be deemed to be a nuisance or in the nature of a nuisance.

3) Performance Security: A performance bond or other acceptable security and other legal data shall be submitted as required by the Planning Board to ensure the completion of streets, buffers, and utilities in accordance with the accepted plans and Subdivision Regulations of the Town of Danville as adopted.

4) Layout: Building placement within the site will be reviewed and approved during Site Plan Review and/or Subdivision Plan Review, as appropriate.

4. Accessory Uses: Extended Family Accessory Living Unit. ***Added 3/8/2005***

a. The objectives of this ordinance are to:

1) Empower families with a tool to provide housing assistance to extended family members while affording all parties the necessary privacy and living arrangement conducive to harmonious habitation in a single-family residence.

2) Preserve the intent of single-family housing. This ordinance places strict physical limitations on size and access to the accessory living unit. It is intended that the accessory living unit will not be a wholly separate and self-sufficient living unit and, in fact, the occupants of the accessory living unit will have access to and use space in the principal living unit.

3) Protect the single family residential character of a neighborhood by ensuring that the accessory living unit is permitted only in an owner-occupied house and under such conditions as to protect the property values and the health, safety and welfare of the public.

b. The following restrictions shall apply to all Extended Family Accessory Living Units.

1) An Extended Family Accessory Living Unit shall be allowed in residential zones only by Special Exception from the Zoning Board of Adjustment. The specific Special Exception criteria that must be met are listed below in section c.

2) The single-family dwelling or the accessory living unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. An accessory living unit shall be recorded by deed addendum at the Rockingham County Registry of Deeds, indicating the conditions and limitations of the approval granted. The recording shall be conducted by the Town of Danville at the owner's expense.

3) Any and all construction shall be in accordance with the building standards of the Town of Danville in effect at the time of construction.

4) In accordance with the standards of the Town and the standards of the

5) In the event specific extended family member(s) vacate said unit, the Special Exception shall expire and any new occupancy shall require a new Special Exception permit application.

6) In the event the property is sold, the Special Exception shall expire.

c. To grant the Special Exception, the Zoning Board of Adjustment (ZBA) must find that:

1) The proposal meets the objectives outlined in ARTICLE IV.A.4.a, and restrictions as specified in ARTICLE IV.A.4.b. ***Added3/13/2007***

2) The applicant shall have presented to the ZBA a construction plan approved by the Building Inspector of the proposed accessory use with sufficient detail to enable the ZBA to determine adherence to the Special Exception criteria.

3) No more than one (1) accessory living unit shall be allowed per single-family dwelling. The accessory living unit shall be included in said single-family dwelling and shall not be permitted within detached accessory structures located on the same lot as the single-family dwelling.

4) The single family dwelling to which an accessory living unit has been added shall be owner-occupied.

5) The accessory living unit and any related changes to the property shall be designed so that the appearance remains that of a single family residence and is consistent with the single family character of other residences in the neighborhood. Any new entrances shall be located on the side or in the rear of the building.

6) The accessory living unit shall have a convenient and direct permanent, internal access to the principle dwelling unit without the necessity of going outside of the principle structure or through a garage.

7) The accessory living unit shall be no more than seven hundred square feet (700 ft^2) in size, shall be clearly an accessory living unit to the principle dwelling and shall consist of no more than one (1) bedroom.

8) The occupancy shall be limited to a specific extended family member(s) up to a maximum of two (2) occupants. For the purposes of this Ordinance, extended family is defined as parents (and their spouses), grandparents (and their spouses), children (and their spouses), grandchildren, sisters, brothers, and person under legal guardianship.

5. Senior Housing ***Added3/8/2005***

a. Purpose

The standards in this section have been established for the purpose of encouraging the construction of market rate senior housing developments (or the conversion of existing structures into market rate senior housing facilities), which are designed and constructed to meet the unique needs of senior citizens, while ensuring compliance with local planning standards, land use policies, good building design, and the requirements for the health, safety and general welfare of the inhabitants of Danville. Such developments shall not include assisted living and/or extended care facilities.

This ordinance does not allow affordable type of senior housing. A market rate senior housing development cannot be changed in the future to an affordable type of senior housing.

This ordinance has also been developed to incorporate open space development components for senior housing projects. The Town of Danville understands that importance of maintaining open space as a way of preserving rural character, protecting wildlife habitat and preserving important natural resource areas. In an effort to achieve these goals, this ordinance encourages the placement of senior housing units in relatively compact areas within the development site in order to leave large undeveloped areas free of negative development impacts.

The Town of Danville recognizes that one aspect of senior housing development is that the market rate housing built will continue to be put to this use in perpetuity, consistent with restrictive covenants and consistent with the provisions of state and federal law that permit housing units to be restricted by age.

Service and retail facilities to service the senior housing development will be considered on a case by case basis and subject to the approval of the Planning Board. Service and retail footprint shall be limited to twenty percent (20%) of the total (single floor) footprint of the combined senior housing dwelling units.

b. Definitions

1) Senior Housing Development: Market rate housing contained in a development intended for occupancy by people fifty-five (55) years of age or older with no children living with them at the time

of occupation and which features predominately small single dwelling units, apartments and/or condominiums.

2) Bedroom: A room with an interior door and a closet.

3) Common Space: Common space is that portion of the tract, exclusive of the area needed for streets and utilities and the individual dwelling units within the cluster subdivision, which shall be set aside for the benefits and enjoyment of the subdivision property owners. The area may contain accessory structures and improvements necessary and appropriate for the educations, recreational, cultural, social, or other non-commercial needs, as well as any utility services utilized by the owners of the common area, or may be open space as defined in this section. The common area may not consist principally of land difficult to utilize. Common space shall be owned and maintained by the Home Owner's Association.

4) Open Space: Land not built upon, which must be permanently kept in that condition. Walking trails shall be a permitted use within the open space.

c. General Requirements: All senior housing developments shall conform to the following standards:

1) Senior housing developments shall be permitted as an overly district thereby allowed anywhere in only the Residential zone in the Town of Danville. All senior housing developments shall occur on a parcel that is a minimum of twenty (20) acres in size and shall have at least one hundred feet (100') of frontage on a Class V road or better. The senior housing development (including parking lots and all permanent structures) shall have a buffer of at least one hundred fifty feet (150') from the property boundary. The interior line of all buffers shall be marked with markers specified by the Planning Board. The markers shall be placed on trees spaced every twenty-five feet (25'). Height shall be six feet (6') above ground level. Where trees are not available, metal six foot (6') posts shall be used, driven two feet (2') into ground and markers mounted four feet (4') above ground level. ***Amended 3/14/2006***

2) The total number of senior housing units contained in all senior housing developments created under this ordinance in the Town of Danville shall not exceed ten percent (10%) of the total dwelling units then existing at the time of application in the Town of Danville. *(Explanatory note: The 2000 U.S. Census details 1,479 dwelling units in the Town of Danville. Therefore, the total number of senior housing units allowed in Danville in 2000 was 148 units.)*

3) The maximum number of bedrooms allowed on a site shall be calculated as follows:

   a) Subtract very poorly and poorly drained soils, alluvial soils, and soils with slopes greater than twenty-five percent (25%) from the total parcel acreage.

   b) Subtract ten percent (10%) of the remaining land for roads and utilities.

   c) Multiply the resultant acreage by two (2) bedrooms to get the maximum number of units allowed on the site. However, the development is limited to a maximum of seventy-five (75) dwelling units, with a maximum of two (2) bedrooms each for a total of one hundred fifty (150) bedrooms.

   The allowed number of units shall be grouped together to maximize contiguous open space areas within the limits imposed by this ordinance and existing septic system siting requirements.

4) Dwelling units shall be specifically designed to provide housing for senior residents fifty-five (55) years old or older with no children living with them at the time of occupation. Units shall have a maximum of two (2) bedrooms, may not exceed thirty feet (30') in height, and may be either one or two stories. Buildings (containing multiple dwelling units) shall be separated by a minimum space of thirty feet (30'). This spatial relationship may be required to be larger if Planning Board review finds that this standard results in inadequate light and air between structures. No building shall exceed more than eight (8) individual dwelling units per structure. No individual dwelling unit shall be less than nine hundred square feet (900 ft^2) of living space for single bedroom units; twelve hundred square feet (1,200 ft^2) of living space for two-bedroom units; twelve hundred square feet (1,200 ft^2) of living space for a two-bedroom unit; and no single unit building shall be less than twelve hundred square feet (1,200 ft^2) in footprint. The height shall be measured from the average elevation of the junction between the foundation and ground level. ***Amended 3/8/2016***

5) Adequate on-site space shall be provided for off-street parking for two (2) vehicles per dwelling unit plus one (1) parking space for visitor vehicle per dwelling unit. Visitor parking is exclusive of any garage or driveway parking spaces.

6) Building massing and style shall be distinctly residential in character, drawing on historical design elements that are consistent with rural New England architecture. All such senior housing developments shall be designed and constructed to

compliment and harmonize with the surrounding areas, particularly with regard to the size and scale of the development and its prominence and visibility to the community generally and to surrounding neighborhoods in particular. The Planning Board retains the right to determine if these criteria are met.

7) Except as provided for by this Senior Housing ordinance, all such senior housing developments shall comply in all aspects with the Town of Danville's Zoning Ordinance, Site Plan Review Regulations and Subdivision Regulations.

8) Dwelling units may be owner-occupied or rented. However, all residents of all senior housing units shall be at least fifty-five (55) years of age or older without children living with them at the time of occupation.

9) The design and site layout of all such senior housing developments shall compliment and harmonize with the rural character of the Town of Danville, shall maximize the privacy of dwelling units and preserve the natural character of the land. The Planning Board retains the right to determine is these criteria are met.

10) All such senior housing developments shall make provision for pedestrian access (including amenities such as benches, street and path lighting, and crosswalks) within the development and, to the extent possible, to off-site community facilities/infrastructure.

11) Each development shall incorporate the construction of a common/community facility to be used for Home Owner's Association meetings or general community activities. This facility can be incorporated into one of the housing structures or it can be a stand-along building. For developments of less than twenty (20) dwelling units this community facility is encouraged but not required.

12) All such senior housing developments shall be landscaped to enhance their compatibility with surrounding areas, with emphasis given to the utilization of natural features wherever possible. The Planning Board shall require a plan developed by a landscape architect be prepared for each development and be submitted with the site plan drawings.

13) The perimeter of the areas of housing or mixed use to existing woods (if mixed use is approved by the Planning Board) shall be treated with a landscaped buffer zone of a minimum of twenty-five feet (25') which may consist in whole, or in part of existing natural grown vegetation (grass, limited number of tress, etc.).

14) The Planning Board shall require that all driveways or roads within the development, whether public or private, serving three (3) or more dwelling units, be built to Town standards.

15) The Planning Board retains the right to approve the specific road layout and design; structure layouts for the purpose of the health, safety; and welfare of the Town as well as for efficiency and aesthetic variety and quality of design.

16) The applicant shall demonstrate that all units have been designed to meet the needs and accessibility requirements of the senior as reflected in the HUD's Fair Housing Accessibility Guidelines.

17) All units shall be built in accordance with applicable federal, state and local building codes, including the Architectural Barrier Free Design Code for the State of New Hampshire and the New Hampshire Fire Safety Code.

18) Dwelling units and other buildings shall have fire alarm systems connected to an off-site alarm service and have an internal fire prevention sprinkler system installed.

19) The development shall have no interior lot lines.

20) All housing developments must have Site Plan Review and comply with Danville's Site Plan Review ordinance.

d. Common Land. In every senior housing development, common land shall be set aside and covenanted to be maintained permanently as common land. The required amount of open space for all senior housing developments shall be calculated as follows:

1) Not less than thirty-three percent (33%) of the gross upland area of the development shall be contiguous common land. Upland area is defined as all soils with slopes less than twenty-five percent (25%), and excludes poorly and very poorly drained soils, alluvial soils (subject to flooding), and water bodies. The Planning Board will review each proposal with an eye toward ensuring that the proposed common land areas are contiguous, disapproving proposals that carve the common land into small segments that do not achieve the goals defined in the Purpose Section above. At least ninety percent (90%) of the common land areas shall be contiguous and at least thirty-three percent (33%) of the upland area.

In calculating common land area, the following shall not be included: public or private streets and driveways, alluvial, very poorly and poorly drained soils, soils with slopes over twenty-five percent (25%), and parking lots.

2) Use of Common Land. Such common land shall be restricted to open space and recreational uses such as parks, swimming pools, tennis courts, golf courses, trails, the common meeting facility (found in Section B.11 above), or conservation. While the setbacks, from property lines are considered part of the common land, none of the above uses (except conservation) shall be allowed within the setback areas, not any other uses that would disturb the natural vegetation within these areas. These restrictions of the use of the common land (including the landscaped buffered area) shall be stated in the covenants running with the land. The interior line of all open space shall be marked with markers specified by the Planning Board. The markers shall be placed on trees spaced every twenty-five feet (25'). Height shall be six feet (6') above ground level. Where trees are not available, metal six foot (6') posts shall be used, driven two feet (2') into ground and markers mounted four feet (4') above ground level. ***Amended 3/14/2006***

3) Access to Common Land. Such common land shall have suitable access via trail, within the development (smooth, no steep inclines, etc.). The trail(s) shall be suitable for use by seniors, including wheel chairs.

4) Protection of Common Land. Common areas, common facilities, private roadways, and other features within the senior housing development shall be protected by covenants running with the land and shall be conveyed by the property owners to a Home Owner's Association so as to guarantee the following:

a) The continued use of land for the intended purposes.
b) Continuity of proper maintenance for those portions of the development requiring maintenance.
c) The availability of funds required for such maintenance by the Home Owner's Association (see D. below).
d) Recovery for loss sustained as a result of casualty, condemnation or otherwise.
e) Creation of a Home Owner's Association or tenancy-in-common or similar forms of ownership, with automatic membership and obligation of the owners of the senior housing development upon conveyance of title to dwelling units. Home Owner's Association, tenancy-in-common, or similar forms of ownership shall include lien provisions and shall be subject to review by Town Counsel and approval by the Planning Board. Any modifications shall require re-review and re-approval.

e. It shall be the responsibility of the developer/builder of each such senior housing development to establish a Home Owner's Association and to prepare and adopt appropriate Articles and By-Laws which are to be submitted in advance to the Planning Board and Town Counsel for their

review and approval. In preparing the Articles and By-Laws, particular consideration shall be given to accommodating the unique needs of senior citizens and to ensuring that residents of such developments are guaranteed adequate and appropriate services. The creation of a Home Owner's Association and the Articles and By-Laws shall be at the sole expense of the developer/builder and the costs of the review by the Planning Board and Town Counsel shall also be borne by the developer/builder. Any association formed for the purpose of senior housing must have stipulated in their By-Laws and Declaration of Covenants that the Association will, at all times, be in compliance with current Danville ordinances.

The Applicant/Owner shall incorporate a written Enforcement Mechanism satisfactory to the Planning Board and Town Counsel whereby on an annual basis, written age-based census of the existing occupants shall be provided to the Board of Selectmen. Upon any change in ownership or tenancy, the age of the new occupants shall be given to the Board of Selectmen within thirty (30) days of tenancy/ownership changes.

f. Mixed Use Component

Each senior housing development is permitted to incorporate retail and/or service facilities. The Planning Board retains the right to approve/disapprove that the proposed retail and/or service facilities are appropriate for the senior housing development. All proposals must comply with the Site Plan Regulations of the Town of Danville as well as building design criteria found in this ordinance. Any changes of commercial space and/or business must come before the Planning Board for Site Plan Review.

g. The Planning Board shall maintain and exercise the authority to approve or disapprove all proposed senior housing developments. The Planning Board shall act reasonably in exercising such discretionary authority but shall take into consideration such factors, for example, as, but not limited to: the health, safety and general welfare of the citizens of Danville; the aesthetic impact on immediately surrounding areas; whether the design is adequate to meet the unique needs of senior residents; whether the Articles and By-Laws operate to serve the unique needs of senior residents; the burdens created by additional demands on Town services; and whether the proposed development complies with the requirements of this Senior Housing Ordinance, as well as with the requirements of Danville's Zoning Ordinances, Subdivision and Site Plan Regulations.

h. Residency restrictions for residential projects approved under the Senior Housing Ordinance shall be accomplished by restrictions recorded in deeds, Condominium Declaration, and/or other documents recorded at the Rockingham County Registry of Deeds. All deeds and covenants shall be subject to review by Town Counsel at the sole expense of the developer/builder, and shall be approved by the Planning Board. Covenants shall expressly provide that they may be specifically enforced

by the Town, whether by injunctive relief or otherwise. Covenants shall be signed by the Planning Board, and shall contain language specifying that Planning Board approval is required for any subsequent changes to the covenants. Covenants shall expressly provide that they shall not be amended or modified, nor waivers granted there under, without the prior written approval of the Planning Board.

B. DANVILLE VILLAGE DISTRICT ***Added 3/11/2008***

1. District Objectives

a. Provide the opportunity for the integration of limited commercial, professional and service oriented business uses with those existing residential and civic uses situated along the Main Street corridor.

b. Recognize residential uses will continue to be an integral part of the Main Street corridor fabric.

c. Create a framework by which a diverse mixture of residential and non-residential uses within the District remains sustainable.

d. Encourage a complementary mix of residential and non-residential uses intended to support each other while affording employment opportunities and modest expansion of the Town's tax base.

e. Preserve valuable historical, cultural and natural features, which define the rural character of Danville's Main Street corridor.

1) Existing structures of historical significance, as may be recommended by the Heritage Commission, should be preserved and reused where possible.

f. Ensure permitted non-residential uses are compatible with continued residential uses in the Village District.

2. Permitted Uses

a. Single unit dwellings and accessory buildings. No more than one (1) principle residential dwelling unit per lot shall be permitted.

b. Farms, farm uses and customary farm occupations other than commercial piggeries and mink farms.

c. Customary/Home Occupations, subject to the provisions of Article IV – Section A.2.

d. Accessory Uses: Extended Family Accessory Living Unit, subject to the provisions of Article IV – Section A.4.

The following uses are permitted subject to Site Plan Review and approved by the Planning Board:

e. Section Housing, subject to the provisions of Article IV – Section A.5.

f. Multiple-unit dwellings excluding duplex units, subject to the provisions of Article IV – Section A.1(d). ***Amended 3/11/2014***

g. Retail sales establishments.

h. Professional office and studios.

i. Medical and dental offices and related health care facilities.

j. Banks and other financial institutions.

k. Personal service establishments.

l. Restaurants, bakeries and cafes.

m. Funeral homes.

n. Fraternal membership clubs.

o. Inns and Bed & Breakfast establishments.

p. Churches and other places of worship.

q. Educational and day care facilities for children and adults.

r. Nursing homes, elderly congregate care and assisted living facilities.

s. Governmental uses of land and buildings.

t. Animal hospitals, boarding and breeding kennels.

3. Restrictions and Special Provisions **amended 3/13/2012**

a. Outdoor storage and/or display of non-agricultural goods, products, materials, and equipment shall be prohibited. Outdoor storage and display may be permitted by the Planning Board with non-residential site plan approval if deemed in keeping with the stated District objectives.

b. The maximum gross first floor area of any single building located on any single parcel shall not exceed three percent (3%) of the gross lot area within the District. In no case shall the first floor area of any single building exceed six thousand five hundred thirty-four square feet (6,534 ft^2). The maximum gross floor area of all buildings situated on any single parcel shall not exceed six percent (6%) of the gross lot area within the District.

c. Two or more permitted uses may be allowed on a single lot or within a single structure. However, in no case shall a non-residential use occur on the same lot as a multi-unit dwelling.

d. Dimensional Requirements

1) All buildings shall be setback a minimum of fifteen feet (15') from lot lines other than the front lot line; and shall have a setback of thirty feet (30') from the front lot line, except in cases where the average front lot line setback of existing properties within five hundred feet (500') in both directions, along and on the same side of the street is less. In such cases the required minimum front lot line setback may be taken as that average distance.

2) No building height shall exceed 2.5 stories or thirty-five feet (35'). The height shall be measured from the average elevation of the junction between the foundation and ground level. Amended 3/8/2016

3) Minimum lot area shall be two (2) acres.

4) Minimum lot frontage shall be two hundred feet (200').

e. Within fifty feet (50') of a right-of-way, all parking shall be located to the side and/or rear of all existing or proposed buildings.

f. A change of use to existing principle or accessory structures shall be allowed and shall also comply with all of the provisions of Article VII.S – Fire Protection, as applicable. A change of use may require Site Plan Review in accordance with Article VII.T.

g. No materials defined as hazardous under 49 U.S.C. 5103 will be used or stored on the premise.

h. Applicants shall demonstrate that historic structures and features are maintained and preserved to the extent possible and reasonable, as determined by the Planning Board in consultation with the Heritage Commission.

i. Within this zone, commercial parking areas shall be permitted in the area adjacent to the abutting property line provided that said commercial parking area abuts commercial property, whether or not developed, and access to the abutting commercial property is provided from the parking area. For this purpose, abutting residential properties, even if within an area zoned for commercial development, shall be considered residential properties, not commercial properties. ***Added 3/10/2015***

4. Special Use Permits for Non-conforming Structures and Lots.

Pursuant to the authority granted by RSA 674:21, Innovative Land Use Controls, the Planning Board shall be authorized to permit a change of use to property that is non-conforming as dimensional requirements, provided the following criteria are met:

a. That the proposed use, in the opinion of the Planning Board, can adequately and safety be accommodated on the property.

b. That adequate landscaping, buffering, and fencing is provided as necessary to minimize impacts on adjoining properties.

c. That adequate and safe access can be provided to the property.

C. HIGHWAY COMMERCIAL AND LIGHT INDUSTRIAL ZONE

1. Permitted Uses

a. Any business use such as: retail sales establishments, professional offices and studios, hospitals, medical and dental offices and related health care facilities, Continuing Care Retirement Communities (CCRCs), banks and other financial institutions, personal service establishments, restaurants with or without drive-through windows, bakeries and cafes, funeral homes, fraternal membership clubs, Inns and Bed & Breakfast establishments, governmental uses of land and buildings, automotive filling – service stations, automotive repair shops, and animal hospital and boarding and breeding kennels. ***Amended 3/11/2008 and 3/11/2014***

b. Any business, such as: public garages; repair shops; sales agencies for automobiles, boats, farms industrial and construction equipment. ***Amended 3/9/2004***

c. Establishments for the sale or storage or furniture; plumbing supplies; construction supplies; and building materials.

d. Greenhouses; nurseries; and boarding kennels. ***Amended 3/11/2003***

e. Shops for the use of carpenters, cabinet makers, electricians, painters, upholsterers, and plumbers. ***Amended 3/12/2002***

f. Plants for the manufacturing of electrical or electronic devices, appliances, apparatus or supplies, medical, dental, or drafting instruments, optical goods, watches, or other precision instruments.

g. Research, experimental or testing laboratories of a non-hazardous nature.

2. Restrictions and Special Provisions

a. Minimum lot area shall be two (2) acres with two hundred (200) feet frontage on Route 111 or a Class I through Class V highway.

b. Buildings shall be at least fifty (50) feet from any public street. The setback from the roadway shall be measured from the edge of the right-of-way. ***Amended 3/11/2008***

c. Site Plan Review and approval shall be required for each business as stated in ARTICLE VII, T. ***Amended 3/13/2007***

d. No Highway Commercial and Light Industrial Zone usage shall be combined on a lot with an existing residential use. Lots with existing residential uses shall be permitted to establish customary/home occupations under the provisions of customary/home occupations in the Residential/Agricultural Zone, except as specifically provided in this Ordinance, residential and non-residential uses shall not be combined on the same lot. ***Added 3/13/2007***

e. Residential structures are not permitted in this zone***.*** ***Added 3/11/2014***

f. Within this zone, commercial parking areas shall be permitted in the area adjacent to the abutting property line provided that said commercial parking area abuts commercial property, whether or not developed, and access to the abutting commercial property is provided from the parking area. For this purpose, abutting residential properties, even if within an area zoned for commercial development, shall be considered residential properties, not commercial properties. ***Added 3/10/2015***

D. MOBILE HOMES/MANUFACTUED HOMES

1. Permitted Uses

a. Any use permitted in the Residential/Agricultural Zone under the same provisions shall apply to this zone.

b. Mobile homes.

2. Restrictions and Special Provisions

a. Mobile home parks must comply with all requirements of ARTICLE V, Section A.

b. Mobile homes must comply with all requirements of ARTICLES VI and VIII.

c. All mobile homes are to be supported in accordance with the manufacturer's recommendation. All trailers will be skirted using a material acceptable to the Building Inspector.

d. Mobile homes shall not be placed on a lot until a permit and approval of the location on the lot has been obtained from the issuing authority. A temporary permit may be granted for a six (6) month period to locate a

mobile home on a lot without a permanent foundation subject to provisions of ARTICLE VI, if a dwelling house is to be erected on the lot and a building permit has been issued for the house. Reissuing the permit is at the discretion of the issuing authority.

ARTICLE V

Supplemental Regulations

A. DEFINITIONS

1. Common Space: Common space is that portion of the tract, exclusive of the area needed for street and utilities and the individual dwelling units within the subdivision, which shall be set aside for the benefit and enjoyment of the subdivision property owners. The area may contain accessory structures and improvements necessary and appropriate for the educational, recreational, cultural, social, or other non-commercial needs, as well as any utility services utilized by the owners of the common area, or may be open space as defined in this section. The common area may not consist principally of land difficult to utilize. ***Amended 3/1996***

2. Open Space: Land not built upon, which must be permanently kept in that condition. Land designed as open space shall be deemed to have a conservation restriction placed on the land as defined in RSA 477:45,I., which shall run with the land. ***Amended 3/1996***

B. MOBILE HOME PARKS

Mobile home parks may be located in the Town provided that:

1. Setback and Buffers: Structures may be located in any manner on the site provided that the following dimensional standards are met:

   a. External Setbacks:

      1) Front setback. No structure or parking area shall be within one hundred fifty feet (150') of a public right-of-way. The setback from the roadway shall be measured from the edge of the right-of-way. ***Amended 3/11/2008***

      2) Side and rear setback. No structure or parking area shall be within one hundred feet (100') of any abutting property line.

   b. Internal Setbacks:

      1) Front setback thirty feet (30') from edge of internal roadway. The setback from the roadway shall be measured from the edge of the right-of-way. ***Amended 3/11/2008***

      2) Structures shall be at least thirty feet (30') apart on all sides.

   c. Landscape Buffer:

A Mobile Home Park shall have a twenty-five foot (25') landscape buffer to provide an adequate transition between abutting land uses and existing Town roads. Whenever possible, the natural vegetation shall be retained.

2. A mobile home park permit is obtained from the issuing authority of the Town.

3. Plans and specifications are submitted to and approved by the Board of Selectmen and the New Hampshire Department of Environmental Services in accordance with the provisions of Revised Statutes Annotated (RSA) 485-A:38. ***Amended 3/10/2015***

4. One (1) acre lots are provided for each mobile home with a minimum frontage of one hundred and fifty feet (150') on the roadway. Provided further, however, that the Planning Board may approve the subdivision of land within an existing mobile home park to allow alternative development subject to the following: ***Amended 3/1996***

   a. That all other provisions of this Article are met.

   b. That the total land area of the mobile home park shall contain at least one (1) acre of land for each mobile home. Determine the acreage of usable tract area by taking the gross tract acreage and:

      1) Subtract the area of all easements, roadways and utilities.

      2) Subtract the area of all wetlands as defined by the Danville Wetlands ordinance.

      3) Wetlands soils may be added to the usable tract as follows. The amount of wetlands soils to be added back must be equal to the smaller of either: the usable tract after subtracting 1. and 2. above; or the area of wetlands soils.

      4) Divide the usable tract area by one (1) to determine the number of total dwelling units.

   c. The mobile home must be located within a ten thousand square feet (10,000 ft^2) area of contiguous upland soil. ***Amended 3/9/2004***

   d. That each mobile home be placed on a lot with minimum frontage of fifty feet (50') on a roadway.

   e. Minimum Open Space: The open space for all alternative mobile home developments shall not be less than twenty-five percent (25%) of the gross land area of the development. ***(Amended March 1996)*** No more than fifty percent (50%) of the open space land shall contain wetland soils as defined by the Danville Wetlands ordinance. The Planning Board reserves the right to determine the appropriateness of the layout of the open space.

f. That the restrictions to be placed on the land to ensure that the open space be forever kept open be approved by the Planning Board as to content and form.

g. That all restrictions on the development of the open space land be plainly indicated on the subdivision mylar to be recorded in the Rockingham County Registry of Deeds.

h. Minimum Common Space and Lot Size: For an alternative mobile home development without interior lot lines, the common space need not be delineated on the plan. Its area shall be calculated as ten thousand square feet (10,000 ft^2) per dwelling unit, excluding dwelling units and roads. For an alternative mobile home development with interior lot lines, the square footage of the individual lots, excluding the dwelling units on the lot, can be subtracted from ten thousand square feet (10,000 ft^2) to meet the common space requirement. ***Amended 3/1996***

5. The operations conform with all of the sanitary laws and regulations of the State Department of Health as to water supply and disposal of waste.

6. A roadway into the park is constructed with an overall width of the roadbed of forty feet (40') and with the travel portion to be constructed of gravel as specified by the Selectmen or Road Agent, and of a minimum width of twenty feet (20') and a minimum depth of twelve inches (12") of gravel.

7. A bond(s) to assure performance of the requirements is given to the Town through its Selectmen.

8. A certificate of occupancy is obtained from the Board of Selectmen before a mobile home is placed on any lot in the park.

9. Floor area of mobile home in said parks to have a minimum of three hundred and twenty square feet (320 ft^2) of floor area excluding additions with a minimum of one hundred and fifty square feet (150 ft^2) per occupant.

C. CAMPING TRAILERS OR RECREATIONAL VEHICLES

1. Camping, utility trailers and recreational vehicles may be stored or parking on the owner's premises anywhere in Town provided that the appearance is not detrimental or offensive as determined by the Selectmen. Such units may not be occupied as a dwelling.

2. Camping, travel trailers or recreational vehicles shall be allowed to exist in trailer parks year round, as long as, the units are hooked up to power, sewer and water facilities. Units used in the winter shall be equipped with an "Artic Package" or the equivalent. ***Amended 3/8/2005***

D. NEW STREETS

"No new street shall be accepted unless it meets the standards set forth in the section of the then current Danville Subdivision Regulations, titled 'Construction Standards for Proposed Streets and Improvements.'"

E. NONCONFORMING USE

1. When any existing non-conforming use of land or buildings has been abandoned for one (1) year, the land and buildings shall thereafter be used only in conformity to this Ordinance.

2. Any building and use of any building or land which was in full compliance with all those ordinances and regulations in effect immediately prior to the adoption of this Article shall be permitted to the extent previously permitted. All change, extension or use of a building shall be subject to ARTICLE III, unless a variance is granted by the Board of Adjustment which includes findings, in addition to those elsewhere specified, that the building, its size and the use is in harmony with the character of the neighborhood. The Board of Adjustment need not make a finding of unnecessary hardship as to dimensional requirements of the land.

3. No motor vehicle and machinery junk yard may continue as a non-conforming use for more than one (1) year after the effective date of this Ordinance, except that a motor vehicle and machinery junk yard may continue as a non-conforming use if, within that period, it is maintained in accordance with the standards set and enforced by RSA 236:111-129 as amended, and in accordance with the standards required by the Town Board of Selectmen.

4. In the event of loss due to a catastrophe or fire of a building that was a non-conforming use, a structure may be built of equal size within one (1) year on any part of the same lot provided it meets other existing town ordinances. Additional time may be provided at the discretion of the Board of Selectmen.

F. USE REGULATION

Any building, structure or land shall not be used for any purpose in any manner other than as permitted in the district in which it is located. Any use not specifically allowed in this Ordinance shall be deemed prohibited.

G. EXCAVATION ***Amended 3/1997***

<u>General</u>

Excavation and/or removal of Earth as defined by RSA 155-E:1,I that is incidental to the lawful construction or alteration of a building or structure or the lawful construction or alteration of a parking lot or way including a driveway on a portion of the premises where removal occurs, or that is incidental to an agricultural or tree growing activities, normal landscaping or minor topographical adjustment or other excavation permitted by RSA 155-E:2,III & IV shall not require a permit.

The applicant shall be required to pay all reasonable costs or fees for special investigative studies and the review of documents, which are particular to the application, in addition to administrative and notification fees as required by the Board.

The proposed excavation will be conducted to a depth not greater than three feet (3') above the seasonal high-water mark, unless the applicant can demonstrate the excavation will not adversely affect water quality and is subject to verification by an independent engineer at the applicant's expense. ***Amended 3/13/2001***

A formal application with all applicable State approvals must be submitted by the applicant to the Regulators for their review. The Regulators will determine if the application is complete according to the requirements of RSA 155-E, the Town of Danville Excavation Regulations, and any other applicable Danville Zoning Regulations. ***Amended 3/13/2001***

H. FLOODPLAIN DEVELOPMENT ORDINANCE

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Danville Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Danville Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs of 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.

The following regulations in this ordinance shall apply to all lands designated as special Flood Hazard Areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Rockingham County, NH" dated May 17, 2005, or as amended, together with the Flood Insurance Rate Map panels numbered: 360E, 370E, 378E, 379E and 390E, dated May 17, 2005, or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference. ***Amended 3/12/2002; 3/8/2005***

1. <u>Definition of Terms</u>:

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by, the provisions of any other ordinance of the Town of Danville.

"Area of Special Flood Hazard" is the land in the floodplain within the Town of Danville subject to a one-percent (1%) or greater possibility of flooding in any given year. The area is designated as Zone A on the FIRM. ***Amended 3/12/2002***

"Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

"Basement" means any area of a building having its floor subgrade on all sides.

"Building" – see "structure".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. the overflow of inland or tidal waters.

b. the unusual and rapid accumulation or runoff of surface waters from any source.

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Flood Insurance Rate Map" (FIRM) means an 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 Danville. ***Added 3/14/2000***

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/ repair facilities but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
"Historic Structure" means any structure that is:

a. 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;

b. 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;

c. Individually listed on a state inventory of historic placed in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1) By an approved state program as determined by the Secretary of the Interior, or

2) Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means 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 an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means 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" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Town's Flood Insurance Rate Maps. ***Amended 3/12/2002***

"100-year flood" – see "base flood".

"Recreation Vehicle: (1) built on a single chassis; (2) four hundred square feet (400 ft^2) or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily **not** for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use." ***Added 3/12/2002***

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. ***Amended 3/12/2002***

"Special flood hazard area" means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on the Flood Insurance Rate Maps as Zone A. ***Amended 3/12/2002***

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Start of Construction" includes substantial improvements, 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 site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of 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 part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) 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 which have incurred substantial damage, regardless of actual repair work performed. The term does not; however, include any improvement of a structure required to comply with existing health, sanitary, or safety codes 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".

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplain.

2. General Requirements

a. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

1) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

2) be constructed with materials resistant to flood damage,

3) be constructed by methods and practices that minimize flood damages,

4) be 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.

b. Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these 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.

c. For all new or substantially improve structures located in special flood hazard areas, the applicant shall furnish the following information to the Building Inspector:

1) the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.

2) if the structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the structure was flood proofed.

3) any certification of flood proofing.

The Building Inspector shall maintain this information for public inspection, and shall furnish such information upon request. ***Amended 3/14/2000***

d. The Building Inspector shall not grant a building permit until the applicant certifies 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.

e. 1) In riverine situation, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Department of Environmental Services and submit copies of such notification to the Conservation Commission (CC), in addition to the copies required by the RSA 483-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the CC, including notice of all scheduled hearings before the Wetlands Board (and notice of local wetlands hearings). ***Amended 3/14/2000; 3/12/2002***

2) The applicant shall submit to the Building Inspector and Conservation Commission certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained. ***Amended 3/14/2000***

3) The Building Inspector and Conservation Commission 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 meet the following floodway requirement. ***Amended 3/14/2000***

"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."

f. 1) In unnumbered A zones the Building Inspector 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).

2) The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in zone A that:

a) all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;

b) that all new construction or substantial improvements of non-residential 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:

i. be flooded proofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

iii. 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;

c) 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 100 year flood elevation; 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;

d) for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following

requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; and (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. 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 minimum of two (2) openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater. ***Amended 3/14/2000***

e) all recreational vehicles placed on sites with Zone A1-30, AH, and AE shall either (i) be on the site for fewer than one hundred eighty (180) consecutive days; (ii) be fully licensed and ready for highway use; or (iii) 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. ***Added 3/14/2000***

f) all recreational vehicles placed on sites within Zone A shall either (i) be on the site for fewer than one hundred eight (180) consecutive days; (ii) be fully licensed and ready for highway use; or (iii) 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. ***Added 3/12/2002***

3. Variances and Appeals

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

b. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33,I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:

1) that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

2) that is the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

3) that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator. ***Amended 3/12/2002***

d. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. ***Amended 3/12/2002***

I. JUNKYARDS ***Added 3/11/2008***

Junkyards, as defined by RSA 236:112, paragraph I., shall be prohibited throughout the Town of Danville.

J. COMMERICAL MOTOR VEHICLES ***Added 3/10/2009***

1. Parking of Commercial Motor Vehicles shall be prohibited in the Residential/Agricultural and Danville Village District zones except as specified below.

a. Parking of properly registered and inspected Commercial Motor Vehicles shall be permitted in the Residential/Agricultural and Danville Village District zones if associated with an approved Customary Home Occupation under the restriction of the Customary Home Occupation section of the Zoning Ordinance;

b. Parking of the properly registered and inspected Commercial Motor Vehicles shall be permitted in the Residential/Agricultural and Danville Village District on a short-term, temporary basis (under 4 hours) between the hours of 8AM and 7PM is associated with deliveries to the premises (e.g., UPS, FedEx, business deliveries);

c. Parking of the properly registered and inspected Commercial Motor Vehicles shall be permitted in the Residential/Agricultural and Danville Village District zones on a temporary basis by customers of a business permitted within these districts;

d. Parking of the properly registered and inspected Commercial Motor Vehicles shall be permitted in the Danville Village District if specifically approved during the Site Plan Approval of a business within the District in accordance with the specific details of that approval;

e. Parking of the properly registered and inspected Commercial Motor Vehicles shall be permitted in the Residential/Agricultural and Danville Village District if involved with ongoing, active construction or maintenance on the premises (e.g., law services, oil delivery, home construction, tow trucks, phone or cable company);

f. Parking of Commercial Motor Vehicles shall be permitted in the Residential/Agricultural and Danville Village District by the granting of a Special Exception by the Zoning Board of Adjustment. To grant the Special Exception, the Board of Adjustment must find that:

1) No more than one commercial motor vehicle will be parked on the property;

2) There is adequate space for full off-street parking of the commercial motor vehicle;

3) The commercial motor vehicle is not parked on Town property, including streets, parks and rights-of-way;

4) The commercial motor vehicle is parked at least fifty feet (50') from any abutting property line and at least seventy-five (75') from any abutting residential structure;

5) The commercial motor vehicle is not repaired or maintained on the premises (unless required in order to move the vehicle from the premises);

6) The commercial motor vehicle is not left idling for more than ten (10) minutes nor is any equipment associated with the commercial motor vehicle (e.g., refrigeration units) left on for more than ten (10) minutes while on the premises;

7) Horns and/or sirens on the commercial motor vehicle are used only in emergency situations;

8) Advertising on the commercial motor vehicle is not used to violate the intent of the Town's signage restrictions;

9) Generators or other outdoor equipment are not utilized in conjunction with the commercial motor vehicle;

10) The commercial motor vehicle will enter and exit the roadway via an approved driveway;

11) The commercial motor vehicle is property registered and inspected;

12) Commercial motor vehicles used for the transport of hazardous materials, as defined by ARTICLE II.E.4, are prohibited; and

13) The parking of the commercial motor vehicle will not be detrimental to the residential neighborhood due to noise, traffic, hazardous or other disturbances and is in keeping with the purpose of this ordinance in promoting the health, welfare and safety of the area residents while preserving the values and charm of the Town.

g. Parking of Commercial Motor Vehicle(s) shall be permitted in the Residential/Agricultural and Danville Village District if associated with a usage in place prior to the passage of this ordinance provided that the parking of a commercial motor vehicle(s) on the premises existed in a legal manner prior to the passage of this ordinance.

ARTICLE VI

Lot and Yard Requirements

A. MINIMUM LOT SIZE

Except as provided elsewhere in this Ordinance, the minimum lot size shall be two (2) acres, and the minimum frontage requirements shall be two hundred feet (200') on a Class I through Class V highway. The dwelling unit must be located on a contiguous upland soil area of at least one-half (½) acre. A lot that does not meet these requirements shall be considered a non-conforming lot. Within the Mobile Home/Manufactured Home zone, the full frontage required must be on the roads specifically stated in the description of that zone specified in ARTICLE III.D, or roads within an approved mobile home park. ***Amended 3/9/2004; 3/13/2007***

B. LOCATION OF BUILDING ON LOT

Except as provided elsewhere in this ordinance, no building, mobile home or permanent structure shall be located nearer than fifteen feet (15') to an abutter's property line and thirty feet (30') from the edge of the right of way, or a distance no nearer the front property line than the average distance of existing properties for five hundred feet (500') in either direction along, and on the same side of said street, whichever is lesser. The setback from the roadway shall be measured from the edge of the right-of-way.
Amended 3/14/2000, 3/11/2008, and 3/11/2014

C. NUMBER OF RESIDENTIAL BUILDINGS PER LOT

No more than one (1) dwelling unit may be placed on a lot except as specifically provided in this Ordinance.

D. LOTS ON CLASS VI HIGHWAYS

Landowner(s) of a lot of record fronting on a Class VI highway, which otherwise meets the minimum lot size and frontage requirements, may obtain a permit for a single residential building only by the following procedure:

1. The applicant must apply to the Selectmen for the building permit.

2. The Selectmen must request that the Planning Board review and comment on the application.

3. The Selectmen must then either grant or deny the issuance of the building permit for the erection of the residence on said Class VI highway.

4. The applicant shall agree that the Town neither assumes responsibility for the maintenance of said Class VI highway nor liability for any damages resulting from the use thereof.

5. The applicant shall agree to waive any rights to Town services or School District transportation services, including, but not limited to: road service, plowing, rubbish collection, and school bus service except at the nearest Town road or State highway.

6. Prior to the issuance of the building permit, the applicant shall produce evidence that notice of the limits of the Town's responsibility and liability have been recorded in the County Registry of Deeds.

7. Whenever a building permit for a single residential dwelling on a Class VI highway is denied, the applicant may pursue the appellate remedies outlined in New Hampshire Revised Statutes Annotated, Chapter 674:41, II as amended.

E. FRONTAGE EXCEPTION FOR LARGER LOTS

Notwithstanding the above provision, a lot of record in existence at the time of the passage of this Article, said lot consisting of five (5) acres or more in size with frontage on a Class I through V highway of two hundred fifty feet (250') to four hundred feet (400'), may be subdivided into not more than two lots, if granted a special exception by the Board of Adjustment, provided that the Board find that the following conditions have been met:

1. One of the two lots which will result from the subdivision will have not less than two hundred feet (200') frontage on a Class I through Class V highway.

2. The lot with less than two hundred feet (200') frontage, hereafter referred to as the back lot, shall be such that any axis through the center of the proposed building site will be at least two hundred fifty feet (250') long between the boundaries of the lot.

3. The front lot shall contain at least two (2) acres; the back lot, at least three (3) acres.

ARTICLE VII

General Provisions

The following provisions shall apply throughout the Town:

A. FIRE RUINS

No owner or occupant of land in any district shall permit fire or other ruins to be left, but within one year shall remove or refill the same to clear ground level or shall repair, rebuilt, or replace the structure.

B. NUISANCE PROVISION

Any use that may be obnoxious or injurious by reason of production, emission or odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health, or safety of the community or lending to its disturbance or annoyance is prohibited. No chemical waste dump site shall be established in the Town of Danville unless first reviewed and approved by a special committee consisting of the Town Selectmen, two members of the Planning Board and two members of the Conservation Commission. ***Amended 3/10/2015***

C. SANITARY PROTECTION REQUIREMENTS

1. No cesspools, septic tank or sewerage disposal area shall be constructed or maintained less than seventy-five feet (75') from the edge of a public water body; from a well, or from a dwelling other than that to which it is appurtenant.

2. No waste waters or sewerage shall be permitted to run free into a public water body or be discharged in any way offensive to detrimental to the health of others. All such waste shall be conveyed away underground through use of an accepted sanitary system or in such was that it will not be offensive or detrimental to health.

3. All dwellings and sanitary systems shall be constructed and maintained in accordance with standards set and enforced by the New Hampshire State Department of Health and the New Hampshire Pollution Commission.

4. All percolation tests for proposed septic systems must be witnessed and certified by the Health Officer prior to State approval. All plans and revisions of plans for proposed septic systems must be approved by the Town Health Department with a copy of said plan being retained by the Health Department. A fee, as set by the Selectmen, will be charged for all Health Officer Inspections.

5. The land application/land filling/stockpiling of sewage sludge, the placement of sewage sludge on the ground surface, or the firing of sewage sludge in a sewage sludge incinerator in the Town of Danville is prohibited. The above-described uses will as be prohibited for ash generated during the firing of sewage sludge in

a sewage sludge incinerator, or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. ***Amended 3/14/2000***

6. a. The protective well radius shall be contained wholly within the boundaries of any lot created and also shall be contained wholly within the boundaries of an existing lot of record to the extent possible. ***Added 3/1998***

   b. Owners of abutting lots may agree to overlap their respective protective well radii from their mutual benefit. For full recognition, any such agreement shall be shown by cross-agreement and shall be duly executed and recorded in the Rockingham County Registry of Deeds. ***Added 3/1998***

D. SIGNS ***Amended 3/14/2006***

1. The following types of signs shall be permitted: Town, State and Federal Highway directional and regulatory signs; historic signs; signs related to the sale or lease of the premises; signs related to the profession of home occupation of the occupant; and signs related to the sale of goods sold on the premises.

2. No sign shall be placed so as to obstruct a clear view of any roadway/highway, including private roadways and patrol parking areas.

3. Signage shall be constructed and adequately maintained such that it does not pose a health or safety hazard nor shall it be offensive or detrimental to the existing neighborhood, as determined by the Selectmen.

4. Electronic signs of any type shall be prohibited throughout the Town of Danville. This prohibition includes, but is not limited to: moving, fluttering, or flashing signage.

5. No signage shall exceed twenty feet (20') in height.

6. Temporary and/or portable signage shall not exceed four square feet (4 ft^2) and shall be permitted for no more than seven (7) days in a calendar month. "For Sale/Lease/Rent" signage and political campaign signage shall be exempt from this provision.

7. No sign or group of signs shall exceed four square feet (4 ft^2) in a Residential/Agricultural zone or Mobile Home/Manufactured Home zone. One such sign shall be allowed in the Residential/Agricultural zone or Mobile Home/Manufactured Home zone.

8. Within the Highway Commercial and Light Industrial zone and the Danville Village District, the following provisions shall apply; ***Amended 3/13/2008***

   a. Except as noted elsewhere in this Ordinance, no sign or groups of signs shall exceed twenty-five square feet (25 ft^2). One such sign shall be

permitted per commercial and/or retail unit. Except as noted elsewhere in this Ordinance, no other signage shall be permitted.

b. Multiple unit commercial developments shall substitute a single sign for all units in the development instead of individual signage for each unit. This signage for the development shall not exceed twenty feet (20') in height and ten feet (10') in width, and, in no case, shall the sign exceed twenty-five square feet (25 ft^2) per commercial and/or retail unit. One such sign shall be permitted for each Class I through V highway upon which the commercial/retail development has an entrance. Except as noted elsewhere in this Ordinance, no other signage shall be permitted.

c. Directional, regulatory and similar signage (e.g., parking, no-parking, entrance, exit, drive-through, shopping car return) shall be permitted in unlimited quantity provided that each sign does not exceed one square foot (1 ft^2) and contains no advertising. Such signage shall be permitted in addition to other signage specified in this Ordinance.

d. Signage that is mounted flush with the face of the commercial and/or retail building may be permitted and shall be in addition to any other signage specified in this Ordinance. The size of such signage within the Highway Commercial and Light Industrial zone shall not exceed twenty-five percent (25%) of the size of the face of the structure upon which the signage is placed and shall not extend beyond the face of the structure. The size of the signage within the Danville Village District shall not exceed ten square feet (10 ft^2) and shall not extend beyond the face of the structure. Roof mounted signs are not permitted. ***Amended 3/13/2008***

E. WATER, HEALTH AND SAFETY PROVISIONS

No structure shall be erected or fill placed within marshy, wet or seasonally flooded areas within the Town which will reduce the natural seasonal high water storage capacity, interfere with the natural flow of water courses or risk the health and safety of present or future residents of the Town. All new construction shall require a building permit review. All building permit applications filed with the Building Inspector(s), will be reviewed by a Permit Site Evaluation Committee consisting of a Building Inspector, Road Agent and/or Town Engineer, Conservation Commission member, Health Officer and a Planning Board member. This committee will determine if the proposed location falls within an area which will reduce the natural seasonal high water storage capacity or interfere with the natural flow of any flood or proposed construction or fill must be at an elevation above the mean seasonal high water mark.

F. BUILDING CODE

The minimum standards for all construction within the Town of Danville shall be in accordance with the State of NH building, energy, mechanical, plumbing, residential, electrical, fire and amendments of these codes as set by the New Hampshire State Building Code Review Board and documented in the State Building Code Manuals Rules, Bcr 300 through Bcr 308. Minimum construction standards for Manufactured Housing shall conform to the United States Department of Housing and Urban

Development Regulation Part 3280-Manufactured Home Construction and Safety Standards latest edition. ***Amended 3/13/2007 and 3/11/2014***

G. BUILDING SIZE

Every residential unit, mobile home and park model shall have a minimum of one hundred fifty square feet (150 ft^2) of living space per occupant provided that each:

a. Single family residential unit, excluding additions, shall have a ground floor area of not less than seven hundred twenty square feet (720 ft^2).
b. Multiple-unit dwelling, built in the traditional construction method (side by side), excluding additions - Each unit within the multiple-unit dwelling shall have a ground floor area of not less than seven hundred twenty square feet (720 ft^2).
c. Multiple-unit dwelling, built in the garden style construction method (over and under), excluding additions - Each unit within the multiple-unit dwelling (first floor unit and second floor unit) shall have a floor area of not less than seven hundred twenty square feet (720 ft^2). No third floor units are allowed.
d. Mobile home, (including so-called park models) excluding additions, shall have a floor area of not less than three hundred twenty square feet (320 ft^2). ***Amended 3/11/2014***

H. EGRESS

All dwelling units must have two means of egress to the outside.

I. DRIVEWAY PERMITS ***Amended 3/1993***

A driveway permit must be obtained from the Danville Road Agent before a building permit can be issued. In issuing the permit, the Road Agent will take the following into consideration:

1. A driveway grade that will allow the driver to bring the vehicle to a complete stop before entering the roadway and will permit a safe and controlled entry onto the roadway in all seasons of the year. Driveway grades in excess of ten percent (10%) need the approval of the Danville Building Site Review Committee.

2. The location of the driveway must provide adequate safe sight distances in both directions.

3. Water runoff from the driveway will not overload the roadway drainage system.

4. Adequate drainage fixtures for the driveway are installed.

J. SEPTIC SYSTEMS

All dwelling renovation involving the addition of one or more bedrooms or the winterization of summer camps or cottages for year-round occupancy will require a redesign and/or expansion of the existing septic system in accordance with standards set by the New Hampshire State Department of Health and the New Hampshire Pollution Commission. Building permits will be issued only after notice has been given that the State has approved the septic system redesign and/or expansion plan.

K. FIRE INSPECTION

Prior to issuing an occupancy permit for any new and/or modified building, said building shall undergo and pass a fire inspection to be conducted by the Fire Inspector or his agent. Each inspection performed will require the owner to pay an inspection fee as set by the Selectmen.

L. FIRE AND SMOKE DETECTORS

All new residential construction and mobile homes shall have smoke and carbon monoxide detectors that conform to State of NH Fire code Standards. ***Amended 3/11/2014***

M. SAFETY INSPECTIONS

All new inspections of wood burning stoves, fireplaces or other contrivances and their related equipment must undergo and pass a Fire Safety Inspection to insure the proper and safe installation of the equipment prior to their use. This inspection will be performed by the Fire Inspector or his agent. A fee, as set by the Selectmen, will be charged for the inspection and for every return visit required for re-inspection.

N. ELECTRICAL INSPECTIONS

Prior to installation of new and/or modified electrical installations in new or existing dwellings, an Electrical Permit shall be obtained from the Building or Electrical Inspector. Prior to use of any such installation, an inspection will be performed by the Electrical Inspector to insure adherence to all safety standards and codes. A fee, as set by the Selectmen, will be charged for all electrical inspections.

O. OCCUPANCY PERMITS

Prior to occupancy of any new house, mobile home, or dwelling rebuilt after a fire within the Town, the proposed occupancy is required to apply for and receive an occupancy permit from the Building Inspector(s) of the Town of Danville.

P. POOLS

All in-ground pools within the Town of Danville will meet the requirements of the State of New Hampshire Pool Safety Regulations. All in-ground pools shall be considered permanent structures. All above ground pools with a depth of greater than three feet (3') and any axis or diameter greater than ten feet (10') shall be considered a permanent structure. All applicable setbacks shall apply. Permanent pools shall have a minimum four foot (4') high fence and lockable gate(s) to ensure public safety. ***Amended 3/12/2002***

Q. HOUSE NUMBERING

The numbering system in use by the Danville Fire Department will be adopted as the officials Town system for all purposes. Before occupied or an occupancy permit is issued, the house number must be placed on the building unless the building is out of

sight of the street and then it must be placed at the driveway entrance to residence or building. Numbers must be four inches (4") or larger.

R. PLUMBING INSPECTIONS

Prior to installation of new and/or modified plumbing installations in new or existing dwellings, a Plumbing Permit shall be obtained from the Building or Plumbing Inspector. Prior to use of any such installation, an inspection will be performed by the Plumbing Inspector to insure adherence to all safety and codes. A fee, as set by the Selectmen, will be charged for all plumbing inspections.

S. FIRE PROTECTION ***Added 3/08/2005***

1. All construction planned to be built, initially occupied, or delivered after April 1, 2005, within the Town of Danville shall install or be covered by an existing fire protection system per the specifications listed in this section of the Zoning Ordinance. Detached sheds and other similar outbuildings shall be exempt from this provision. Residential garages that are detached to the residence, open attached porches, carports and similar structures shall also be exempt from this provision. ***Amended 3/14/2006***

2. All addition or remodeling projects, approved after April 1, 2005, within the Town of Danville that increases the size of the structure by fifty percent (50%) or greater shall install or be covered by an existing fire protection system per the specifications listed in this section of the zoning ordinance. ***Amended 3/14/2006***

3. Any construction exempted from Fire Protection Standards per Federal or State laws or regulation shall be exempt from this ordinance. The developer and/or owner shall be responsible for providing documentation to the Town of Danville supporting such an exemption prior to construction, deliver, or initial occupancy. However, an exception from the installation of sprinkler systems shall not exempt the developer from installing a fire suppression water source or other alternative fire suppression system. ***Amended 3/14/2006***

4. Fire Protection Specifications

   The Fire Protection System shall be either a Sprinkler System, a Fire Suppression Water Source (Cistern) or an alternative proposed by the developer and/or owner that shall conform to one of the following three paragraphs, as applicable:

   a. Sprinkler Systems – Option 1 ***(Amended 3/11/2014)***

      1) ***(Removed 3/11/2014)***

      2) ***(Removed 3/11/2014)***

      3) ***(Removed 3/11/2014)***

      4) ***(Removed 3/11/2014)***

5) ***(Removed 3/11/2014)***

6) ***(Removed 3/11/2014)***

7) ***(Removed 3/11/2014)***

8) ***(Removed 3/11/2014)***

9) Sprinkler Systems for Commercial buildings ***(Amended 3/11/2014)***

a) All commercial development with square footage over 2000 sq ft, even if subdivided to smaller units, must be protected throughout by an approved automatic sprinkler system in compliance with the requirements of NFPA-13 and maintained according to NFPA-25.
b) All commercial development with square footage over 2000 sq ft, even if subdivided to smaller units, will be protected with a monitored Fire Alarm system in compliance with the requirements of NFPA-72.
c) All commercial occupancies shall have a Knox High Security Master Key Retention System approved by the Fire Chief or his designee**.**

b. Fire Suppression Water Source (Cisterns) – Option 2

1) Cistern(s) are required for any new development and/or subdivision of three (3) or more dwelling units after 04/01/2005. The Cistern(s) shall be an artificial underground water storage facility of at least 30,000 gallons of usable fire protection water supply per cistern.

2) The location, design, and provisions for ownership, maintenance, and all season access to the cistern(s) and supporting facilities shall be approved by the Fire Chief, or his/her designee, and shall conform to the following specifications.

a) Response time from the Safety Complex (206 Main Street, Danville, NH) to the nearest cistern within the development shall conform to the current edition of NFPA 1720.
b) The minimum cistern capacity is to be 30,000 gallons.
c) Underground storage tank(s) shall be constructed from one of the following materials:
i) Polyethylene
ii) Fiberglass
d) The suction piping system is to be capable of delivering a minimum of 1,000 gallons per minutes for three quarters of the cistern capacity. (Velocity and friction losses plus static head may not exceed sixteen feet (16’).)

e) The design of the cistern is to be submitted to the Planning Board and Fire Chief or his/her designee for approval prior to construction. All plans must be signed and stamped by a professional structural engineer registered in the State of New Hampshire.

f) Each cistern must be sited to the particular location by a registered professional engineer and approved by the Planning Board and Fire Chief or his/her designee.

g) The entire cistern is to be rated for H-20 highway loading.

h) The cistern must be designed so that it will not float when empty.

i) All suction and fill pipe is to be ASTM Schedule 40 galvanized steel. All vent piping is to be ASTM Schedule 40 PVC with glued joints.

j) All PVC piping is to have glued joints.

k) The final suction connection is to be six inch (6") National Hose male thread. It must be capped with a hydrant cap, chain and have removable strainer.

l) The filler pipe is to have a four inch (4") Stortz Coupling with a 90 degree elbow, cap, chain and removable strainer.

m) A twenty inch (20") I.D manway to grade level shall be installed. Manway will have a bolted cover with a lockable three inch (3") water level inspection fitting on the manway cover.

n) The entire cistern is to be completed and inspected by the town engineer at the developers cost before any backfilling is done. The tank may then be backfilled but not covered for a four week leak test.

o) The completed cistern shall be guaranteed for one (1) year from the date of acceptance by the town. This guarantee includes watertightness of the tank and all appurtenances associated with the operation of the cistern. The completed cistern will be inspected for compliance by the Fire Chief or his/her designee prior to the release of the maintenance bond, and a report to that effect will be submitted to the Town.

p) All backfill material shall be screened gravel with no stones larger than 1½ inches and shall be compacted to 95% of maximum, ASTM 1557.

Bedding for the cistern shall be a minimum of twelve inches (12") of ¾ to 1½ inch crushed, washed stone, compacted. No other fill shall be allowed under this stone.

Backfill over tank shall be:

i) four feet (4') of fill; or

ii) the top and highest two feet (2') of the sides of the cistern shall be insulated with a vermin resistant

foam insulations, minimum two inches (2”) thick, and two feet (2’) of fill.

All backfill shall extend eight feet (8’) beyond the edge of the cistern, then maximum 3:1 slope, loamed and seeded.

Backfilling to be witnessed by the Town Engineer at the developers cost.

q) The filler pipe is to be thirty six inches (36”) above finished grade.

r) The suction pipe connection is to be twenty to twenty four inches (20-24”) above the level of the fire truck wheels when the cistern is in use.

s) six inch (6”) galvanized steel heavy wall concrete filled pipe bollards are to be placed two feet (2’) off each side and twelve inches (12”) in front of the suction pipe for the protection of the pipe. These bollards shall be set in concrete four feet (4’) below ground level and shall extend ten inches (10”) above the suction pipe.

t) After backfilling, the tank is to be protected by large stones.

u) The bottom of suction pipe to pumper connection vertical distance must not exceed fourteen feet (14’).

v) Pitch of shoulder and vehicle pad from edge of pavement to pumper connection must be 1-6% downgrade.

w) Shoulder and vehicle pad must be of sufficient length to permit convenient access to suction connection when pumper is set at 45 degrees to road.

x) All construction, backfill, and grading materials are to be in accordance with proper construction practices and acceptable to the Planning Board in accordance with the approved design.

y) All horizontal suction piping must slope slightly uphill (1-3%) towards the pumper connection.

z) Installer is responsible for completely filing cistern until accepted by the Fire Department. This includes refilling after each flow test until acceptance.

aa) Any and all required easements for maintenance and use shall be properly noted and recorded.

3) A cistern shall be located within two thousand two hundred (2,200’) feet of every dwelling unit within the subdivision and within two thousand two hundred (2,200’) feet from any commercial unit, as measured along the lines of the streets.

4) It is the responsibility of the subdivider to bear the cost of any equipment, apparatus, construction, and/or 1st filling of water in the cistern(s) which may be incurred as a result of this ordinance. All land areas and equipment or apparatus may, upon completion, installation, and inspection (at developers cost) by Fire

Department and Town Engineer of such equipment and apparatus, be offered for transfer to the Town of Danville.

5) The responsibility for proper installation and testing is that of the builder/owner. The Danville Fire Chief, or his/her designee, shall be given 48 hour notice and must witness and approve a test of the system.

c. Alternative Fire Protection Systems – Option 3

Alternative Fire Protection Systems/Alternative may be proposed provided that they meet all of the following requirements. Acceptance of an alternative proposal shall be at the discretion of the Town of Danville as specified in the following paragraphs.

1) The proposed Fire Protection Systems/Alternative must meet all applicable NFPA, Federal, and State standards.

2) In the <u>unanimous</u> written opinion of the Danville Fire Wards and fire Chief, the proposed Fire Protection Systems/Alternative provides greater overall protection to the structure and any current or future occupants.

3) In the <u>unanimous</u> written opinion of the Danville Fire Wards and Fire Chief, the proposed Fire Protection Systems/Alternative is not detrimental to public safety, health or welfare, or injurious to other property and promotes the public interest.

4) If subject to subdivision and/or site plan review, the proposed Fire Protection System/Alternate shall be acceptable to the Town of Danville Planning Board. The Planning Board shall be under no obligation to accept alternative proposals.

T. SITE PLAN REVIEW ***Added 3/13/2007***

1. All applicants for multi-unit/multi-family residential development (excluding duplex units) and all applicants for commercial/retail/industrial development (including expansion of existing multi-unit/multi-family or commercial/retail/industrial development) shall apply to the Planning Board for Site Plan Review in accordance with the requirements as provided for in the Town of Danville Site Plan Review Regulations, as amended. ***Amended 3/11/2014***

2. Commercial/Retail/Industrial development that has a change of use (e.g., change in business type, change from residential to non-residential use), change of ownership, or in the case of commercial/retail/industrial rental property, a change in renter, shall apply to the Planning Board for Site Plan Review in accordance with the requirements as provided for in the Town of Danville Site Plan Review Regulations, as amended. In accordance with the Site Plan Review Regulations, the Planning Board shall determine whether a full or minor review is required. If a minor review is indicated due to a change of use, ownership, or

renter, the applicant shall follow the process contained in the Regulations and shall specifically address the portions of the Site Plan Review Regulations appropriate for the change(s) proposed. At a minimum, the applicant shall addresse traffic, driveway and pedestrian access, parking, lighting, signage, restrooms, waste disposal, wheelchair access, nuisance, and public health and safety (including fire protection). If a full review is indicated, the applicant shall follow the process contained in the Regulations and shall address all of the sections contained herein.

U. STONE WALLS AND FENCES ***Added 3/12/2013***

Stone walls and fences are private property and are not permanent structures. Therefore there shall be no regulation or review of them for rebuilding, removal or permanent placement except as included in the provisions of RSA 472:6 and as noted elsewhere in the ordinance.

ARTICLE VIII

Wetlands Conservation District

A. AUTHORITY AND PURPOSE

By the authority granted in N.H. RSA 674:16-17 and 674:20-21, and in the interest of public health, safety and general welfare, the Danville Wetlands Conservation District is hereby enacted to regulate the uses of lands subject to standing water or extended periods of high water table:

1. To control the development of structures and land-uses on naturally occurring wetland.

2. To prevent the destruction of natural wetlands which provide wildlife habitat, flood protection, groundwater recharge, pollution abatement, and the augmentation of stream flow during dry periods, and which are important for such other reasons as those cited in RSA 483. ***Amended 3/10/2015***

3. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities which arise because of unwise use of wetlands.

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

5. To preserve and enhance those aesthetic values associated with wetlands of this Town.

B. ADMINISTRATION

1. The enforcement of this Article shall be the duty of the Board of Selectmen and the Board is hereby given the power and authority.

2. The Selectmen shall establish rules and procedures for the application of this Article to all proposed uses other than proposed subdivisions. The Planning Board shall establish appropriate rules and procedures for proposed subdivisions.

C. DISTRICT BOUNDARIES

1. The Danville Wetlands Conservation District is defined as those areas of the Town that contain marches, ponds, bogs, swamps, lakes, as well as the soils that are defined as poorly or very poorly drained by the National Cooperative Soil Survey conducted by the USDA Soil Conservation Service.

2. The District is herein defined is shown on a map designated as the “Town of Danville Wetlands Conservation District Map” and is a part of the official Zoning Map of the Town of Danville. Additional soils survey data prepared by a soil scientist approved by the Rockingham County Conservation District or the New

Hampshire State Conservation Committee may be substituted for the Wetlands Conservation District map in determining the exact location of wetland boundaries.

For a detailed explanation of soil types, refer to "Soils Information for Resource Planning, Danville, New Hampshire," on file with the Town Clerk and the Soil Conservation Service in Exeter, N.H.

D. PERMITTED USES

1. Poorly Drained Soils: Permitted uses in areas of poorly drained soil, are as follows:

   a. Any use otherwise permitted by the Zoning Ordinance and State and Federal laws that does not involve the erection of a structure or that does not alter the surface configuration of the land by the addition of fill or by dredging except as a common treatment associated with a permitted use such as agriculture. A buffer zone of at least seventy-five feet (75') shall be maintained between such an area and construction of a permanent structure or waste water treatment system. A buffer zone of at least seventy-five feet (75') shall be maintained between such an area and an area of excavation (as described in ARTICLE V.G.).

   b. Agricultural, including grazing, hay production, truck gardening and silage production provided that such use is shown not to cause significant increases in surface or groundwater contamination by pesticides or other toxic hazardous substances and that such use will not cause or contribute to soil erosion.

   c. Forestry and tree farming.

   d. Wildlife habitat development and management.

   e. Recreation uses consistent with the purpose and intent of this article as defined in Section A.

   f. Conservation areas and nature trails.

   g. Water impoundment and the construction of well water supplies.

2. Very Poorly Drained Soils: Permitted uses in areas containing very poorly drained soils, marshes, bogs, open water and major streams are as follows:

   a. Uses specified under Section D.1 (a. through g.) shall be permitted except that no alteration of the surface configuration of the land, and no use which results in the erection of a structure, except as provided for in Section D.2(b) below, shall be permitted. A buffer zone of at least 75 feet shall be maintained between such an area and construction of a permanent structure or waste treatment system.

b. The construction of fences, footbridges, catwalks and wharves only is permitted, provided: (1) said structures are constructed on posts or pilings so as to permit the unobstructed flow of water; and (2) the natural contour of the wetland is preserved.

E. GENERAL PROVISIONS

1. Boundary Appeals: In the event that the Building Inspector, Conservation Commission or Planning Board questions the validity of the boundaries of a wetland area on a specific parcel of land, or upon the written petition of the owner or any abutter of said property to the Selectmen, the Board may call upon the services of a soil scientist approved by the Rockingham County Conservation District or the NH State Conservation Committee to examine said area and report his finding to the Selectmen for their determination of the boundary. The cost of such appeal shall be borne by the petitioner.

2. Lot Size Determination: Areas designated as having poorly drained soils or very poorly drained soils or a combination or poorly drained soils and very poorly drained soils may be used to fulfill up to fifty percent (50%) of the minimum lot size required by the applicable section of this zoning ordinance, provided that the non-wetland area (i.e., the area that contains no poorly drained and no very poorly drained soil) is sufficient in size and configuration to accommodate adequately, allowing for all applicable setbacks and buffer zones, buildings consistent with the allowed uses of the zoning district in which the lot lines and all required utilities such as sewage disposal and water supply, including primary and auxiliary leach field locations.

3. Conflicting Provisions: In the event that the provisions of the Wetlands Conservation District are found to conflict with other provisions of the Danville Zoning Ordinance, the more restrictive shall apply.

F. CONDITIONAL USES

1. A Conditional Use Permit may be granted by the Selectmen (RSA 674:21,II) for the construction of roads and other access ways, and for pipelines, powerlines, and other transmission lines provided that all of the following conditions are found to exist:

a. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District.

b. Design and construction methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original grade and condition.

c. No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible.

d. Economic advantage alone is not reason for proposed construction.

2. Prior to the granting of a Conditional Use Permit under this Section, the applicant shall agree to submit a performance security to the Board of Selectmen. The Security shall be submitted in a form and amount, with surety and conditions satisfactory to the Selectmen and approved by the Town Counsel to ensure that the construction has been carried out in accordance with the approved design. The Security shall be submitted and approved prior to issuance of any permit authorizing construction.

3. The Selectmen, with the concurrence of the Conservation Commission, may require the applicant to submit an environmental impact assessment when necessary to evaluate an application made under this Section. The cost of this assessment shall be borne by the applicant. The Selectmen may also assess the applicant reasonable fees to cover the costs of other special investigative studies and for the review of documents required by particular applications.

4. Any proposal submitted under this section shall be reviewed by the Planning Board prior to final consideration by the Selectmen. In such a case, the Planning Board shall set forth its comments on the proposal in writing and the Selectmen shall, to the extent that the Planning Board's comments are not directly incorporated into its decision, set forth its findings and decision on the Planning Board's comments. **Added 3/10/2009**

G. SPECIAL EXCEPTION FOR NON-CONFORMING LOTS

Upon application to the Board of Adjustment, a special exception shall be granted to permit the erection of a structure within the Wetlands Conservation District on vacant lots provided that all of the following conditions are found to exist:

1. The lot upon which an exception is sought was an official lot of record, as recorded in the Rockingham County Registry of Deeds, prior to the date on which this amendment was posted and published in the Town.

2. The use for which the exception is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District.

3. Due to the provisions of the Wetlands Conservation District, no reasonable and economically viable use of the lot can be made without the exception.

4. The design and construction of the proposed use will, to the extent practical, be consistent with the purpose and intent of this Article.

5. The proposed use conforms with all other applicable ordinances and regulations of the Town of Danville.

6. The proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reason.

The Board of Adjustment may themselves, or on petition from the Building Inspector, Conservation Commission or abutters, hire a qualified consultant or consultants to prepare such studies as are necessary to determine whether the conditions set forth above have been met. The cost of such studies shall be borne by the applicant.

H. EXEMPTION FOR RESIDENTIAL STRUCTURES

Notwithstanding other provisions of this Article, the construction of additions and extensions to one and two-family dwellings shall be permitted within the Wetlands Conservation District provided that: (1) the dwelling lawfully existed prior to the effective date of this Article; and (2) that the proposed construction conforms with all other applicable ordinances and regulations of the Town of Danville.

ARTICLE IX

Administration

A. ENFORCEMENT

1. The enforcement of this Ordinance shall be the duty of the Board of Selectmen and the Board is hereby given this power and authority.

2. After passage of this Ordinance it shall be unlawful to erect any structure or building, or alter the bulk of any building, or relocate any building without first obtaining a building permit from the Board of Selectmen or Building Inspector.

3. The Board of Selectmen shall appoint a Building Inspector, an Electrical Inspector and a Plumbing Inspector.

   a. Building permit fees will be set by the Board of Selectmen. No building permit shall be required for construction costing five hundred dollars ($500.00) or less. The permit fee shall include the cost of the inspection except that an additional fee, as set by the Board of Selectmen, shall be charged where re-inspection is required to a revision or rejection.

   b. The electrical and plumbing permit fees will be set by the Selectmen. The permit fee shall include the cost of the inspection except that an additional fee, as set by the Selectmen, shall be charged where re-inspection is required due to a revision or rejection.

4. Upon any well-founded information that this Ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any legal action.

5. All building permits will become null and void if construction work is not started within six (6) months of date of issuance, or, if after six (6) months, substantial progress is not obtained.

B. BOARD OF ADJUSTMENT

1. Appointing Authority: The Board of Selectmen shall appoint a Board of Adjustment.

2. Board of Adjustment: The Town Meeting authorizes the Selectmen to appoint a Board of Adjustment, which may, in appropriate cases be subject to appropriate conditions and safeguards, make special exceptions to the terms of the Ordinance in harmony with general or specific rules therein contained.

3. Members of the Board; Term, Vacancies: The Board of Adjustment shall consist of five (5) members. On the date of the expiration of the terms of the present members of any Board of Adjustment, the appointing authority shall appoint one member for a term of one year; one members for a term of two years; one

member for a term of three years; and one member for a term of four years; and one member for a term of five years. Said members shall be removable by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term.

4. Meetings of the Board, etc.: The Board shall adopt rules in accordance with the provisions of the Ordinances. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Said Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

5. Appeals to the Board: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken.

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

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

8. Powers of the Board: The Board of Adjustment shall have the following powers:

   a. To hear and decided appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement hereof or of any Ordinance adopted pursuant thereto.

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

   c. To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will 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.

d. In exercising the above-mentioned powers, such Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from any may make such order of decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

e. The concurring vote of three members of the board shall be necessary to reverse any action of such administrative officials, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance, or to effect any variation in such Ordinance.

9. Disqualification of Board Member: No member of the Board of Adjustment shall site upon the hearing of any question which the Board is to decide in a judicial capacity who would be disqualified from any cause, except exemption from service and knowledge of the facts involved, gained in the performance of his officials duties, to act as a juror upon the trial of the same matter in any action at law. If a member shall be disqualified to unable to act in any particular case pending before the Board, the appointing authority, upon application of the Board, shall appoint a member to act in his place upon said case.

10. Appeals to Court: Any person aggrieved by any decision of the Board of Adjustment, or any decision of the legislative body of such municipality in regard to its plan of zoning, or any taxpayer, or any officer, department board or bureau of the municipality, may apply to the Superior Court, within thirty (30) days after the action complained of has been recorded, by a sworn petition, setting forth that such decision is illegal or unreasonable, in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable.

11. Appeals to the Court; Procedure: The court shall direct the record in the matter appealed from to be laid before it, hear the evidence and make such order approving, modifying or setting aside the decision appealed from as justice may require, and may make a new order as a substitute for the order of the Board. The filing of the petition shall not stay proceedings upon the decision appealed from, but the court may, on application, notice to the Board, and on cause shown, grant a restraining order.

12. Appeals to Court; Certifying Record: An order of court to send up the record may be compiled with by filing either the original papers or duly certified copies thereof, or of such portions thereof as the order may specify together with a certified statement of such other facts as show the grounds of the action appealed from.

13. Appeals to Court; Hearing, etc.: The court may take evidence or appoint a referee to take such evidence as it may direct and report the same with his findings of face and conclusions of law.

14. Appeals to Court; Costs: Costs shall not be allowed against the Board unless it shall appear to the Court that it acted in gross negligence, or in bad faith, or with malice in making the decision appealed from.

15. Speedy Hearing: All proceedings under this subdivision shall be entitled to a speedy hearing.

C. REMEDIES FOR VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation hereof, or any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies may institute any appropriate action or proceedings to prevent such unlawful action to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure or land, or any illegal act or use in or about such premises. This shall include the commencement of work requiring a permit and/or approval prior to obtaining that permit and/or approval. ***Amended 3/11/2014***

ARTICLE X

Additional Provisions

A. CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

B. AMENDMENTS

This Ordinance may be amended in accordance with state statutes.

C. PENALTY ***Amended 3/2/2002 and 3/13/2007***

Any person who violates any of the provisions of the Danville Zoning Ordinance or other Danville Land Use Regulations or any specification of any application, plat or plan approved by, or any requirements or condition of a permit or decision issued by, any Danville Land use officials or Land Use Board, shall be guilty of a misdemeanor, if a natural person, or guilty of a felony, if any other person; and subject to a civil penalty to two hundred seventy-five dollars ($275.00) for the first offense and five hundred fifty dollars ($550.00) for subsequent offenses for each day that such violation receives written notice from the municipality that the violator is in violation, whichever is earlier.

D. SAVING CLAUSE

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

ARTICLE XI

Growth Management and Land Use Control

A. AUTHORITY

This Section is enacted in accordance with both RSA 674:21 and 674:22.

B. PURPOSES

The purposes of this section of the Zoning Ordinance are as follows:

1. Promote the development of an economically sound and environmentally stable community which considers and balances regional development needs.

2. Determine, monitor, evaluate, and establish a rate of residential growth in the town that does not unreasonably interfere with the Town's capacity for planned, orderly, and reasonable expansion of its services to accommodate such growth.

3. Provide a temporary mechanism to allow for phased development of residential projects to manage the impact on municipal services.

4. Provide a temporary mechanism when municipal services are strained or overloaded to reduce the rate of residential growth to allow the Town time to correct any deficiencies that have developed.

5. Protect the health, safety, convenience, and general welfare of the Town's residents.

C. FINDINGS

Based upon information extracted from publications and reports of the United State Census, The New Hampshire Office of State Planning, and the Timberlane Regional School District, and the Rockingham Planning Commission, the Town of Danville hereby finds that:

1. Danville's average annual growth rate of 3.3% in the 1990-95 period is over 4 times the state average of 0.7%; over 4 times the Rockingham County average of 0.7%; almost twice the 1.75% rate for the four town surrounding Danville, and more than the 2.0% rate for the four town in the Timberlane School District for the same period.

2. Similar growth rate comparisons exist for the 1980-1994 periods between Danville and these other areas.

3. The NH Office of State Planning projects that Danville's growth rate will be higher than these other comparison areas over the next twenty years, and any five year increment of this time. In addition, the NH Office of State Planning growth

estimates for Danville are known to be low given that the town has already exceeded the state population projected for the year 2000.

4. Danville's average annual growth rate of housing units of 2.7% for the 1980-1993 period is almost double the state average of 3.6%/yr and the Rockingham County average of 3.9%/yr for the same time period, as well as being well above both the four towns surrounding Danville and the Timberland towns (4.8%).

5. Danville's 1995 equalized property tax rate of $27.77 is above the state average of $25.10; the Rockingham County average of $23.89; and the Timberland town average of $25.32. The equalized property tax rate for the 4 towns surrounding Danville is $28.02, but this number includes the tax rate for Sandown which has recently imposed a growth ordinance. These rate reflect Danville's equalized valuation per pupil of $215.746 being below all comparison areas.

6. The five year projection of school enrollments indicates that insufficient classroom space exists at Danville's elementary school as well as the Timberlane Regional Middle and High Schools.

7. The number of dwelling building permits (both single family and multi-family) has been 70, 44, and 73 in 1993, 1994 and 1995, respectively. In 1996, 88 building permits had been issued through mid-November with a projection of close to 100 being issued by year's end. This out paces the building permit provision of all surround communities.

8. In addition, there are significant capital expenditures being anticipated by the Town and the School District in the next 6 years. These are more fully detailed in the Town of Danville Capital Improvements Program and the School District's Capital Improvement Plan.

9. According to the US Census, Danville is estimated to have grown by 92.261% between 1980 and 1990, whereas the seven surrounding communities (including the member communities of the Timberlane Regional School District), Atkinson, Brentwood, Fremont, Hampstead, Kingston, Plaistow, and Sandown have grown by an average of 54.54%, Rockingham County averaged 28.2% and the State of New Hampshire average 20.5% during the same period.

10. Information provided by the Timberlane Regional School District, shows that Danville's portion of the school population has increased an average over the period from 1993-94enrollment year to the 1996-97 enrollment year of 5.33% per year. Atkinson, Plaistow and Sandown, the remaining communities in the Timberlane school district, average a yearly growth of 2.24% for the same period.

11. The increase in enrollment for the period of enrollment year 1995-1996 to enrollment year 1996-1997 for the Town of Danville was 15.98%. Atkinson, Plaistow and Sandown, the remaining communities in the Timberlane school district, average a yearly growth of 2.47% for the same period.

12. Further information provided by the Timberlane Regional School District computes the realistic building capacity for the Danville Elementary school at 282

students, enrollment for the enrollment year 1996-1997 is 283 students or 100.3% of realistic capacity, the projected enrollments for the enrollment year 1998-1999 is 349, or 123.7% of realistic capacity. The Timberlane Regional School District lists the Timberlane Regional High School, which also receives Danville students, as having a realistic capacity of 1,038 students. Enrollment for the year 1996-1997 is 1,014 students which is 97.7% of realistic capacity, the projected enrollment for the year 1997-1998 is 1,051 students which is 101.3% of realistic capacity, and the projected enrollment for the year 1998-1999 is 1,105 students, or 106.5% of realistic capacity.

13. Danville town departments have experienced a significant increase in requested services. From 1990 through 1995, the Danville Police Department has experienced a 106% increase in the number of phone calls (from 923 to 1,901). The Danville Fire Department has observed a 48% increase in the number of yearly incidents (from 143 to 211). The Danville Library has experienced a 100% increase in book circulation (from 5,329 to 10,652) during the time frame from 1992 through 1995.

D. INDICATORS OF GROWTH IMPACT

The Town hereby determines that the presence of the following conditions constitutes an indicator of growth impact. An indicator of growth impact occurs when:

1. The average annual percent increase in building permits for dwelling units in Danville for the past five years exceeds the same average of the surrounding communities.

2. The average annual percent population growth in the Town of Danville as reported by the Office of State Planning exceeds the same average of the surrounding communities.

3. The number of students enrolled or projected for the coming year for any public school in Danville's School District (Danville Elementary School, Timberlane Regional Middle School, or Timberlane Regional High School) exceeds 85 percent of its stated realistic capacity as defined by the Timberlane Regional School District.

4. The annual full value tax rate of Danville as reported by the New Hampshire Department of Revenue Administration exceeds the average rate of the combined seven surrounding communities of Rockingham County for the reporting year. ***Amended 3/12/2002***

5. The number of dwelling units of all projects combined, for which approval is being sought from the Board, at any time of reporting, if approved could result in the conditions defined by 1, 2, 3, or 4 above.

6. The number of public students enrolled or projected for the coming 5 years for each school in the town's School System (Danville Elementary School, Timberlane Regional Middle School, or Timberlane Regional High School)

exceeds 100 percent of its state realistic capacity as defined by the Timberlane Regional School District.

7. The annual capital expenditures including debt service and capital outlay for combined municipal and school department expenditures exceeds 20 percent of the total municipal and school department expenditures combined.

E. PLANNING BOARD MONITORING

It is the responsibility of the Planning Board to monitor growth in Danville and to report on the following.

1. Annual Dwelling Unit Count: The Planning Board will be February 15 of each year report on the total number of dwelling units existing at the end of its previous calendar year. Existing units means all those units previously constructed and occupied plus those units constructed and from which Certificates of Occupancy were issued in the reporting year.

2. Semi-Annual Reporting: The Planning Board by July 20 and January 20 (of the next year) will report on the number of building permits and Certificates of Occupancy issued for the previous six months for all dwelling units. In the same report, the Planning Board shall report of the status, as appropriate, of any phasing requirements or permit limitations in force in the reporting period.

3. Notice of Growth Impact: The Planning Board may at any time issue a Notice of Growth Impact, if it has determined that any of the conditions in Section D exist. Said Notice would include a statement of whether those conditions could result in either section F Phasing or Section G Permit Limitations.

4. Periodic Reporting: The Planning Board may at any time it thinks it is appropriate or necessary, issue written reports on the status of growth activity in the Town covering such topics as the number of dwelling units or lots being proposed for approval, or for which building permit are being sought, the condition and capacity of any municipal or school facility, the tax burden existing or anticipated on the Town's residents and/or any other topic affecting or related to the growth or finances of the Town.

Pursuant to the monitoring in E.1, E.2, E.3 or E.4, the Planning Board shall make appropriate findings of face, recommendations for action, or take actions provided for in this Article of the Zoning Ordinance as a result of its monitoring and reporting responsibilities.

F. PHASING OF DEVELOPMENTS

If the Planning Board, through its monitoring, finds that indicator D.1, D.2, D.3, D.4 or D.5 has occurred, than the Planning Board may at its discretion issue a Notice of Growth Impact in conformance with section E.3 to the Board of Selectmen, the Building Inspector, and the general public by posting a notice in the Town Hall. The phasing of future residential developments, as provided in RSA 674:21, is to prevent a strain on

municipal services and therefore, to provide for orderly growth in Town. Phasing may be implemented as provide below:

1. Phasing Required. The Planning Board may require the phasing of a development for a period up to five years for a project which is proposed to have 30 dwelling units (lots) or less. For a project larger than 30 units or lots, the Planning Board may require a longer period of phasing based on the size of the project and the potential impact of the number of type of units on the municipal services of the Town. The Planning Board shall make appropriate findings of face to substantiate the need for required phasing.
2. Effect of Phasing. Once a phasing plan has been approved by the Planning Board, the project shall not be affected by any permit limitations subsequently enacted under the provisions of Section H.4 of this Ordinance, provided that they developer secures permits for and begins substantial construction on the project on the units in each yearly phase. In the event that substantial construction is not undertaken in any yearly phase, then the vesting of that phase shall be forfeited and the developer shall be subject to any limitation imposed by H.4. For the purpose of this Section, substantial construction shall mean either (1) all dwelling units in that phase are constructed to a weather tight condition; or (2) 50 percent of all dwelling units in that phase are completed and a Certificate of Occupancy has been given.

3. Termination of Phasing. The above constraints shall be removed if either (1) the Ordinance expires under the provision of Section I; or (2) the Planning Board determines in its section E monitoring procedures that phasing is no longer necessary.

G. LIMITING THE ISSUANCE OF PERMTS

If the Planning Board finds through its monitoring in accordance with section D above, that either indicators D.1, D.2, D.3, D.4, or D.5, plus one or more of indicators D.6 or D.7 has occurred, then the Planning Board may at its discretion issue a Notice of Growth Impact in conformance with section E.3 to the Board of Selectmen, the Building Inspector, and the general public by posting a notice in the Town Hall.

1. Interim Permit Limitations. Once a Notice of Growth Impact is issued, then no residential building permits shall be approved by the Building Inspector until after the hearing in section H is held and until after the Planning Board has set the number of permits delineated in section H. The Planning Board has set the number of permits within 45 days of the Notice of Growth Impact being issued.

H. PROCEDURES FOR PHASING AND PERMIT LIMITATIONS

Once a Notice of Growth Impact pursuant to section E.3, has been issued, then the following procedures will be observed:

1. Planning Board Findings. The Planning Board will issue appropriate findings of fact to accompany any Notice of Growth Impact issued pursuant to E.3.

2. Public Hearing. Prior to invoking section F, Phasing or section G, Permit Limitation the Issuance of Permits, the Planning Board shall hold a public hearing with ten day notice to seek input from the general public.

3. Determination of Action. After a public hearing described in Section H.2, the Planning Board shall deliberate and decided whether (1) phasing should be invoked; (2) permit limitations should be imposed; or (3) other appropriate action, and issue its decisions. Any decision will be issued within 45 days of the Notice of Growth Impact.

4. Permit Limitations. The following provisions shall apply:

   a. The Planning Board as part of its decisions may specify what limitations are necessary in the issuance of permits for residential units up until and during any corrective action is taken by the Town and/or School District. In determining the number of permits to be issued, the Planning Board shall consider the severity of the municipal service burden, the amount of capacity remaining in the service, and the amount of time needed to correct the service problem. After determining those facts, the Planning Board shall set the number of dwelling unit permits that can reasonably be issued on an annual basis.

      In determining the number of permits available for lots subject to this Growth Control Ordinance, the Planning Board will take into consideration the number of permits issued for lots which are not subject to this Ordinance. In no case will the number of permits available for lots subject to this Ordinance be less than 50% of a figure developed by the Planning Board which takes into consideration the Town of Danville's average growth rate in the preceding five years and the published percentage increases in dwelling units as published by the Office of State Planning for the surrounding communities.

   b. After the public hearing, the Planning Board shall set the number of permits to be issued for the one year period following enactment of the limit or such other shorter period as may be desirable. At the end of the year of such other shorter period, the Planning Board shall hold a hearing to determine if the permit limitation should be removed or altered. After making findings of fact, the Planning Board may (i) extend the permit limitation, (ii) alter the permit limitation, or (iii) remove the permit limitation.

5. Phasing. The Planning Board as part of its decision may require phasing in accordance with the provisions of section F, Phasing.

6. Equitable Distribution. In order to insure equitable distribution of available permits, no individual, partnership, corporation, or other entity or its related or affiliated entities or in the case of individuals their relatives or persons associated in business may receive more than 10 percent of the permits or permits for eight units, whichever is less, available during the limitation period. This restriction may be waived or modified if, at the end of the limitation period, not all available permits have been applied for.

a. The Building Inspector shall consult with the Planning Board, and the Planning board shall devise an administrative procedure necessary to insure equitable distribution of available dwelling unit permits under guidelines expressed above.

b. No application for a building permit will be accepted from any person who, in an attempt to avoid the building permit limitation of this Ordinance, has failed to pay fair consideration as defined by RSA 545:3 or any other person or entity who has the purpose of evasion of the limitations of this Section D, of this Ordinance.

I. SUNSET

This ordinance shall expire at the Annual Town Meeting in 2002, unless re-adopted at that meeting. The Planning Board shall make recommendations as to the necessity and desirability of re-adopting this Ordinance prior to said Annual Town Meeting.

ARTICLE XII

Telecommunications Facility Ordinance

A. AUTHORITY

This ordinance is adopted by the Town of Danville in accordance with the authority as granted in New Hampshire Revised Statutes Annotated 674:16 and 674:21 and procedurally under the guidance of 675:1, II.

B. PURPOSE AND GOALS

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

1. Preserve the authority of Danville to regulate and to provide for reasonable opportunity for the siting of telecommunications facilities, by enhancing the ability of providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

2. Reduce adverse impacts such facilities may create, including, but not limited to: impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values.

3. Provide for co-location and minimal impact siting options through as assessment of technology, current locational options, future available locations, innovating siting techniques, and siting possibilities beyond the political jurisdiction of the Town.

4. Permit the construction of new towers only where all reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

5. Require cooperation and co-location, to the highest extent possible, between competitors in order to reduce cumulative negative impacts upon Danville.

6. Provide constant maintenance and safety inspections for any and all facilities.

7. Provide for the removal of abandoned facilities that are no longer inspected for safety concerns and Code compliance. Provide a mechanism for Danville to remove theses abandoned towers to protect the citizens form imminent harm and danger.

8. Provide for the removal or upgrade of facilities that are technologically outdated.

C. DEFINITIONS

1. Alternative tower structure

   Innovative siting techniques that shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

2. Antenna

   Shall mean any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

3. FAA

   An acronym that shall mean the Federal Aviation Administration.

4. FCC

   An acronym that shall mean the Federal Communications Commission.

5. Height

   Shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

6. Planning Board or Board

   Shall mean the Town of Danville Planning Board and the regulator of this ordinance.

7. Pre-existing towers and antennas

   Shall mean any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. Shall also mean any tower or antenna lawfully constructed in accordance with this ordinance that predates an application currently before the Board.

8. Telecommunications Facilities

   Shall mean any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communication service (PCS), and common carrier wireless exchange access services.

9. Tower

Shall mean any structure 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 includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

D. SITING STANDARDS

1. General

The uses listed in this section are deemed to be permitted uses that may require further review under this ordinance in accordance with Section G, CONDITIONAL USE PERMITS. However, all such uses must comply with other applicable ordinances and regulations of Danville (including Site Plan Review). The following tables represent the siting standards for the listed uses as delineated by the districts in which they are located in Danville.

a. Principal or Secondary Use.

Subject to this Ordinance, an applicant who successfully obtains permission to site under this ordinance the Zoning Ordinance as a second and permitted use may construct telecommunications facilities in addition to the existing permitted use. Antennas and towers may be considered either principal or secondary uses. A different existing use or an existing structure on the same lot shall not preclude the installation whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.

2. Use Districts

	New Tower Construction[1]	Co-location on Pre-existing Tower[2]	Co-location on Existing Structures[3]
Highway Commercial & Light Industrial District	PCU	P	P
All other Zoning Districts	X	P	PCU

P = Permitted Use without Conditional Use Permit
PCU = Permitted Use with Conditional Use Permit

1 An Antenna may be located on a tower, newly constructed, under this Ordinance.
2 An antenna may be located on a pre-existing tower, constructed prior to the adoption of this ordinance.
3 An Antenna may be located on other existing structures with certain limitation (See §D.3, below).

X = Prohibited

3. Height Requirements

These requirements and limitations shall preempt all other height limitations as required by the Danville Zoning Ordinance and shall apply only to telecommunications facilities. These height requirements may be waived through the Conditional Use Permit process only if the intent of the Ordinance is preserved (e.g., where a 200' tower would not increase adverse impacts, but provide a greater opportunity for co-location) in accordance with § H, Waivers.

	New Tower Construction	Co-location on Pre-existing Tower	Co-location on Existing Structures
Highway Commercial and Light Industrial District	180'	Current Height + 15%	Current Height + 30'
Commercial/Retail and Service District	N/A	Current Height	Current Height + 30'
All other Zoning Districts	N/A	N/A	N/A

E. APPLICABILITY

1. Public Property.

Antennas or towers located on property owned, leased, or otherwise controlled by the Town may be exempt from some or all of the requirements of this ordinance provided that such antennas or towers will enhance public safety by permitting use and, if necessary, allocating space for Town Public Safety Equipment. This exemption shall be available if a license or lease authorizing such antenna or tower has been approved by the governing body of the Town of Danville and the governing body elects, subject to state law and local ordinance, to seek the full or partial exemption from this Ordinance. ***Amended 3/10/2015***

2. Amateur Radio; Receive-Only Antennas.

This ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. This application adopts the provisions and limitations as references in RSA 674:16,IV.

3. Essential Services & Public Utilities.

Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunication facilities is a use of land, and is addressed by this Article.

F. CONSTRUCTION PERFORMANCE REQUIREMENTS

1. Aesthetic and Lighting.

The guidelines in this subsection (1), shall govern the location of all towers, and the installation of all antennas. However, the Planning Board may waive these requirements, in accordance with §H, Waivers, only if it determines that the goals of this ordinance are served thereby.

a. Towers shall either maintain a galvanized steel finisher, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.
b. At a tower site, the design of the 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 built environment. These buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.

c. 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, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. 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.

e. Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

2. 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 ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) 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 § J, of the tower or antenna, as abandoned, at the owners expense through the execution of the posted security.

3. 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 local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended form 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 30 days, such action shall constitute an abandonment and grounds for the removal, in accordance with §J, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

4. Additional Requirements for Telecommunications Facilities

These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

a. Setbacks and Separation.

1) Towers must be set back a distance equal to 125% of the height of the tower from any off-site residential structure.

2) Tower, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

3) Towers over 90 feet in height shall not be located within one-quarter mile of any existing tower that is over 90 feet in height.

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

c. Landscaping.

1) Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Natural vegetation is preferred.

2) In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived entirely.

3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

G. CONDITIONAL USE PERMITS

1. General

All applicants under this ordinance shall apply to the Planning Board for Site Plan Review, in accordance with the requirements as provided for in the Town's Site Plan Review Regulations. In addition, applications under this ordinance shall also be required to submit the information provided for in this Section.

2. Issuance of Conditional Use Permits

In granting the Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, and preserve the intent of this Ordinance.

a. Procedure on application.

1) Noticing of abutters shall be in accordance with the Town of Danville Site Plan Review Regulations.

2) Additional notification shall be required to be given to any other New Hampshire municipality within a twenty (20) mile radius. This notification shall include sending a letter to the governing body of the municipality within the twenty (20) mile radius detailing the pending action on the application and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within the twenty (20) mile radius, stating the specifics of the application, the pending action and the date of the next public hearing on the application. Such notice shall be published not less than seven (7) days nor more than twenty-one (21) days prior to the public hearing date as required by RSA 240:12-J. ***Added 3/13/2001***

b. Decisions.

Possible decisions rendered by the Planning Board, include Approval, Approval with Conditions, or Denial. All decisions shall be rendered in writing and a Denial shall be in writing and based upon substantial evidence contained in the written record.

c. Factors Considered in Granting Decisions.

1) Height of proposed tower or other structure.

2) Proximity of tower to residential development or zones.

3) Nature of uses on adjacent and nearby properties.

4) Surrounding topography.

5) Surrounding tree coverage and foliage.

6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

7) Proposed ingress and egress to the site.

8) Availability of suitable existing towers and other structures as discussed in § G,3,c.

9) Visual impacts on viewsheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.

10) Availability of alternative tower structures and alternative siting locations.

3. Information Required.

Each applicant requesting a Conditional Use Permit under this ordinance shall submit a scaled plan in accordance with the Site Plan Review Regulations and further information including: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses (up to 200' away), and any other information deemed necessary by the Planning Board to assess compliance with this ordinance. Furthermore, the applicant shall submit the following prior to any approval by the Board:

a. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

b. 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 (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIA to the Board prior to the beginning of the federal 30 day comment period, and the Town process, shall become part of the application requirements.

c. 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 or 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 or approvals or conditional use permits 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.

If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:

1) Substantial 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.

2) Substantial Evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.

3) Substantial Evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4) Substantial 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.

5) Substantial Evidence that the 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.

6) Substantial Evidence that the applicant can demonstrate other limiting factors that render existing towers and structure unsuitable.

d. 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.

Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of Danville, and grounds for a Denial.

e. 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 676:4(g).

H. WAIVERS

1. General

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to theses regulations. The purpose of granting waivers under provisions of these regulations shall be to ensure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that *all* of the following apply:

a. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

b. The waiver will not, in any manner, vary the provisions of the Danville Zoning Ordinance, Danville Master Plan, or Official Map.

c. Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.

d. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:

1) Topography and other Site features;

2) Availability of alternative site locations;

3) Geographic location of property; and

4) Size/magnitude of project being evaluated and availability of co-location.

2. Conditions

In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

3. Procedures

A petition for any such waiver shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the ground for the waiver and all of the facts relied upon by the applicant. Failure to submit petition in writing shall require an automatic denial.

I. BONDING AND SECURITY AND INSURANCE

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 in abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with § J, Bonding and surety shall be consistent with the provision in the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

J. REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 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 user cease using the tower.

ARTICLE XIII

Historic District Ordinance

PREFACE

Danville's Historic District contains the nucleus of the town's earliest settlement as it evolves from the holdings of the King of England in colonial New England. It is a living memorial to those early settlers who harnessed the wilderness to establish their own republic. It is a visual reminder of their hardships and successes. Their commitment to establishing an orderly and beneficial community is evident in the existence of the meeting-house, the burial grounds, the parsonage land to support the ministry, and the roads and trails that wove through the community. This is where they worshiped, governed their town, and buried their dead. The town's first minister was housed here and preached here. The existence of such a nucleus today is rare, is historically significant to the town's heritage, and contributes greatly to the fabric of Danville's uniqueness as a town. It is the intent and purpose of this Article, and the responsibility of the Heritage Commission in administering its provisions, to ensure that this area is preserved and protected for the appreciation and enjoyment by present residents and visitors and future generations.

Danville was known as the Parish of Hawke until a name change was voted in 1836.

Situated in the District on Main Street is the town's first meeting-house, built in 1755, by twenty-seven citizens to serve the settlement's need for religious, social and political purposes. The building was constructed privately and later donated to the town. Today it is recognized as the oldest original construction meeting-house in New Hampshire. The building has been registered with the National Register of Historic Placed since 1982. A New Hampshire state historical marker was erected in from of the building in 1996.

A burial ground, dating to 1740 and containing the remains of the town's earliest settlers, leaders and officials, is located across the street north of the Meeting-house (one tenth of a mile). Located next to the burial ground is the "Parsonage Land", community land set off soon after the town separated from Kingston. It was an indispensable condition to the license for settlement that a learned and faithful minister should be provided to dispense the Word of Life. Proceeds from the sale of timber on the parsonage land were used to support the minister. To this day this parcel of land is identified and referred to in Danville as "the Parsonage Land". A second public burial ground was established adjacent to the meeting house, with burials dating back to 1825.

Perpendicular to the meeting house and extending westward to the Sandown town line is Tuckertown Road, laid out in 1766 by Hawke's selectmen. History documents that in these times people did not scatter wide upon large plantations, but collected in town and villages, with their farms layout out around them. To secure constant attendance at meeting, and to prevent danger from Indians by scattering, the General Court of the colonies ordained that no dwelling house should be located more than mile from the meeting-house. Records and maps confirm the settlers of Hawke relied on this distance issue in their petition to the General Court as justification to being separate from Kingston. Once the parish of Hawke was approved, a village known as "Tuckertown" sprang up along Tuckertown road over the ensuing twenty years. Sadly, the village was devastated by deaths from a smallpox plague during the winter of 1781-

1782. Danville's first and only permanent minister, the Rev. John Page, tended to the ill in Tuckertown, contracted the plague himself and perished in Tuckertown. His body was drawn out from Tuckertown by sled to be buried in the old burial ground on Main Street.

The information of towns in colonial New England was promoted not only by the dread of, and danger from, Indians, but also by the demand for churches and schools. Sandown was establishing itself as a daughter town of Kingston about the same time as Hawke. Tuckertown Road provided a link between the two towns, as well as a means for Sandown residents to access the new meeting-house in Hawke. Its large size implies that Hawke's meeting-house was built to also accommodate residents of other communities in close proximity. Twenty families from Fremont were granted permission to attend church in Hawke after petitioning the General Court. Unfortunately, the petition was granted one month after Rev. John Page died in 1781.

A tavern once stood at the corner of Main Street and Tuckertown Road and its cellar hole still exists. Such a tavern location was quite common in colonial times. Historical annals document that many a town meeting was called to order in the meeting-house only to be later adjourned to the closest tavern, where the town's business was completed with the warmth of spirits and fireplaces.

Tuckertown was abandoned after the plague. Although it was used for timber and farm animals, no residences were ever established in the Tuckertown area again. Today, cellar holes, stonewalls, fields and forests line Tuckertown Road on both sides from at least a mile—a reminder of the homesteads of those early settlers who struggled to carve a home in the wilderness and establish this community. The townspeople have voted numerous times to preserve Tuckertown Road; it has been designated closed, scenic and a Class A trail. The nature, appearance, width and general ambiance of Tuckertown Road provides an aesthetic link of 18th century Tuckertown.

Today most of the lands which comprised the original nucleus of Hawke are town-owned and as such provide a nostalgic and historic glimpse for residents and visitors alike into the center of Danville's town origins.

A. HISTORIC DISTRICTS

1. <u>Authority</u>

As historic district or districts shall be superimposed upon the other districts established in this zoning ordinance. The regulations, exemptions and procedures of Section XIII. B., HISTORIC DISTRICT REGULATIONS shall apply, in addition to the regulations of the underlying district and other applicable local ordinances. Procedures for the designation of the local historic district shall be in conformance with RSA 674:46, and other applicable statutory requirements.

2. <u>Purposes</u>

The purposes of this ordinance are to:

a. safeguard the heritage of Danville by providing for the protection of the structures, structural remains and areas representing significant elements of its cultural, social, economic and architectural history;

b. enhance the visual character of the municipality by encouraging and regulating the compatibility of new construction within the historic district to reflect or respect established architectural traditions;

c. foster public appreciation of, and civic pride in, the beauty of the town and the accomplishments of its past;

d. strengthen the economy of the town by protecting and enhancing the attractiveness of the community to residents, tourists, and visitors;

e. enhance property values within the town be preserving and protecting the town's character and rural setting; and

f. promote the use of structures, area and sites within the historic district for the education, pleasure, prosperity and general welfare of the community.

3. Boundaries

a. The areas and boundaries of the historic district are documented in Article III, Paragraph F., "Zoning District and Boundaries" of the Danville Zoning Ordinance and on maps which are hereby designated as the Historic District Map of the Town of Danville and made a part of this Ordinance and the Official Zoning Map of the Town of Danville, together with all future amendments. The official map shall remain on file with the Town Clerk.

b. This ordinance shall apply only to properties which are owned by the Town of Danville. This ordinance shall also apply to any property within the district transferred by the Town of Danville to any person or entity subsequent to adoption.

4. Uses Permitted

Uses permitted in the historic district are the same as those set forth in the Danville Zoning Ordinance provisions for the district, except that within the historic district no buildings, structures or sites shall be altered, constructed, reconstructed, restored, relocated or removed as set forth in Section XIII, B.8,. of the Ordinance unless a Certificate of Approval has been issued by the Danville Heritage Commission. Exceptions are noted in Section XIII, B.9.

B. HISTORIC DISTRICT REGULATIONS

1. Authority

Pursuant to a 1995 Legislative change in RSA 676:46-a, the Town of Danville, New Hampshire, established a Heritage Commission in 1996, and pursuant to

RSA 674:44-b,III and RSA 674:46-a,V, has granted authority to the Heritage Commission to administer Historic Districts within the Town of Danville. Pursuant to RSA 674:46, the local legislative body, has by this ordinance, established an historic district or districts, sites or locales within the boundaries of the Town of Danville.

2. Definitions

"Building" means any combination of materials, whether portable, movable, or fixed, having a roof and enclosed with walls, built to form a structure for the shelter or persons, animals or property.

"Character" character is what gives a community its identity. It is part imagery, part memory and gathered time, part attitude. Character is found in whatever gives resonance to a place, whatever references the way life has been and is, whatever identifies the community, its history, its resources.

"Compatible" means that the structure in question would be similar in size and scale and be constructed of visually compatible materials. Incompatible infill and additions undermine the historical and architectural integrity of the buildings and the neighborhoods in general.

"Excavation" as used in this Article means digging of any type with respect to construction, reconstruction rehabilitation, restoration, soil removal, and any mining of earth, such as graveling and other associated activities (i.e., blasting, screening, hauling, rock crushing).

"Historic" means well-known or important. Something obscure and unknown may be historical but is called historic only if its importance is publicly recognized.

"Historical" means anything that reveals something about the history of a place over time. This "history" begins before a place was settled and continues to the present moment. It is not limited to "important" people or events; it includes the lives of "ordinary" people doing ordinary things -- the people and things that collectively contribute to the experiences and development of a place.

"Local Land Use Board" means a planning board, historic district commission, heritage commission, building inspector, building code board of appeals, or zoning board of adjustment established by the local legislative body.

"Local Legislative Body" means the town meeting.

"Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property, generally focuses upon ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

"Reconstruction" means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape,

building, structure, or object for the purpose of replicating its appearance at a specified period of time and in its historic location.

"Rehabilitation" means the act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

"Site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

"Structure" means any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law. The term shall not include any man-made stone markers, tombstones, crypts, or other decorative monuments allowed for by vote of the town, or authorized by the town cemetery trustees, any private cemetery association of any private cemetery within the district.

3. Administration

The Danville Heritage Commission shall administer the Historic District within the Town of Danville in accordance with the authority granted to the Commission pursuant to RSA 674:44-b,III and RSA 674:46 by vote of the local legislative body in 1996.

4. Conduct of Business

The conduct of business of the Danville Heritage commission, including, but not limited to: meetings, membership, terms of office, vacancies and removal of members, officers and quorums shall be in accordance with the Procedures adopted by the Commission which have been duly recorded with the Town Clerk. Public notification and public hearings of the Commission's actions shall be in conformance with RSA 91-A, 675:7 and other applicable statutory requirements. ***Amended 3/10/2015***

5. Powers and Duties of the Commission

In accordance with RSA 674:46, the Heritage Commission shall have the powers and duties to:

a. maintain a system for the survey and inventory of historic properties. This survey will be the system for comprehensive historical resources planning with the Town of Danville;

b. establish rules and regulations for the conduct of business which are consistent with the purposes of this Article, and in conformance with RSA 673, RSA 676 and RSA 677, and in accordance with RSA 95-A;

c. approve or disapprove, in whole or in part, applications for Certificates of Approval for which a permit is required under Section B.8,. and file said Certificate of Approval or Notice of Disapproval with the building inspector following the Commission's findings;

d. request reports and recommendations from municipal departments and agencies and from other organizations and sources which may have information or can provide advice pertinent to the application or the proposal's impact on the district;

e. retain professional consultants (with the approval of the Board of Selectmen) as may be necessary to carry out the purposes of this Article, subject to the availability of funds for this purpose;

f. act in an advisory role to other officials, agencies, departments, boards, commissions, and committees to the local government regarding the identification, protection and preservation of local historical resources;

g. act as liaison between the local government and individuals and organizations concerned with historic preservation;

h. work toward continuing education of citizens regarding historic preservation issues and concerns;

i. recommend and propose amendments and/or revisions of this Article and of the boundaries and limits of any historic district to the planning board; and

j. keep or cause to be kept accurate and complete records of each application, all of which shall be part of the public record.

6. Coordination between Boards

Any activity which may come before the Board of Selectmen, Conservation Commission or Planning Board related to Tuckertown Road and its branches on town land or land within the Historic District under the closed, scenic and trail designations or for any other purpose shall be discussed with the Heritage Commission as part of the decision-making process.

7. Scope of Review and Certificate of Approval

It is unlawful for the municipality or any person to excavate, construct, alter, repair, move or demolish any buildings, structure, site or improvement which lies within an historic district, area or place, without first obtaining a Certificate of Approval from the Heritage Commission in the manner prescribed in this Article. Exceptions are declared in Section XIII B.9.

8. Activities Requiring Review

For the purposes of this Article, the following activities within the Historic District shall be reviewed by the Heritage Commission:

a. Visual exterior alteration, major visual repair, sandblasting, abrasive cleaning, relocation, or removal or an existing or future building, structure or site;

b. Erection, alteration or removal of any exterior, visible feature of an existing or future building, permanent structure or site; and

c. Construction or installation of any structure which is not existing at the time of adoption of this ordinance.

1) Nothing in this ordinance shall be interpreted or construed to limit or interfere with new construction. The Commission shall be guided by the Review Criteria and Guidelines set forth in Section XIII B.11., of this Article. The Commission shall weigh the importance or unimportance of the impact of the requested activity on the character of the district. It may consider alternative designs and methods to accomplish the goal of protection of visual historic character. It is not the intent of this Article to require that new construction recreate historic design, but rather, that new construction be compatible with the visual historic character of the district. New construction should be designed and placed to cause the least loss of the scenic views within the historic district.

2) Visual buffers: Modern appurtenances to properties in the district – such as swimming pools, tennis courts, antennae, satellite dishes, trash dumpsters greater than 5 cubic yards and public recreation areas, except trails, shall be sited to minimize their visual impact and shall be screened or concealed so as not to be visible from a Class I through Class VI road.

d. Removal, reconstruction or repair of any existing stone walls.

e. Installation of fences or stone walls which are not existing at the time of adoption of this ordinance.

1) Fences shall be of appropriate height, materials and design as determined by the Heritage Commission.

f. Installation, construction, reconstruction or replacement of street lights, traffic controls, devices and signs, utility poles or other utility devices which would be visible.

1) Traffic signal poles and mounts shall be as unobtrusive as possible;

2) Street lights shall be designed to harmonize with their surroundings;

3) Meters shall not be placed on the primary façade of a building; and

4) Within the District with the exception of repair or replacement of an existing utility.

g. Installation and erection of any sign.

1) Signage shall be designed so as to integrate with the architectural, scenic and historic features of the buildings or sites on which they are placed.

h. Installation, alteration, construction, reconstruction or restoration or any street, driveway, road or trail.

1) Any request to pave or in any way improve any portion of Tuckertown Road and its branches on town land;

2) Asphalt driveways are allowed. Driveway consideration will include the topography of the site, the visual impact and the width. Driveways should not be unnecessarily wide or visually dominant; and

3) This will require Heritage Commission Review of routine maintenance of Tuckertown Road and its branches on town land.

i. Any activity regarding the use of Tuckertown Road and its branches on town land which may result in a change in the nature, appearance, width or general ambiance of the road and its branches on town land, or which may have a negative or adverse effect as determined by the Heritage Commission upon other properties, sites or structures within the historic district.

j. Installation of parking areas for uses other than single-family residential.

1) Parking areas should be located to the rear of a building where possible and/or be shielded from view along the public way with trees or hedges.

k. Any and all activities that would have a negative or adverse effect on existing building foundations of former structures on any site within the district.

l. Any form of excavation or earth removal and its associated activities (i.e., blasting, screening, hauling, rock crushing).

9. <u>Exceptions</u>

The Heritage Commission is not required to review the following activities:

a. Ordinary maintenance and repair of any architectural feature which does not involve removal or change in design, dimensions, materials or outer appearance of such feature.

b. Painting or repainting of buildings or structures in any color.

c. All interior renovations.

d. Excavation associated with burial sites and plots in the cemeteries within the district.

e. Any and all maintenance and replacement in kind of the public cemetery grounds, tombstones, gravesites, signs, storage sheds, stone walls, fences, gates and common areas of the public cemeteries within the District by the Cemetery Trustees of the Town of Danville, including grading and landscaping associated with the upkeep and maintenance of the cemetery grounds by the Trustees.

f. All wood-cutting activities and practices authorized by the Town which exist at the time of adoption of this ordinance on the Parsonage Lot (so-called), being Tax Lots #1-54 and #1-57.

g. All wood-cutting activities and forest management practices authorized by the Town which exists at the time of adoption of this ordinance in the Town Forest, so-called.

h. All wood-cutting activities and practices authorized by the Town which exist at the time of adoption of this ordinance on the Mary Jane Sanborn "Library Lot" (so-called), being Tax Lot #1-63.

i. All wood-cutting activities and practices authorized by the Town which exist at the time of adoption of this ordinance on the Mary Jane Sanborn "Forest Lot" (so-called), being Tax Lot #1-53.

j. Temporary structures or signs as allowed by the Board of Selectmen. Sign conditions such as duration of use, location, lighting, removal and similar matters may be recommended to the Board of Selectmen by the Heritage Commission.

k. Terraces or landscaping that does not change the grade level nor threatens the remains of a building foundation, burial area or other historical or archeological site.

10. Preliminary Consultation

Upon requires by a potential applicant for a preliminary consultation, the Commission may, at a regularly scheduled public hearing or other authorized time, convene into a preliminary consultation. The purpose of this session shall be to consider and comment on various design alternatives, issues and options for any project coming under this Article with the aim of providing guidance in

preparing an application for public hearing. No fees or formal public notice are required for a preliminary consultation. This stage shall not bind either the applicant or the Commission, nor shall time limits apply. More detailed discussion requires notification to abutters and the general public.

11. Review Criteria and Guidelines

In making a determination on an application, the Heritage Commission shall be guided by this Article and the technical standards issued by the United States Department of the Interior's Standards for Treatment of Historic Properties (36 CFR 68), paraphrased as follows:

a. the historical, architectural or cultural value of subject buildings, structures or landscapes and their relationship and contribution to the setting;

b. the compatibility of the exterior design, arrangement of elements, texture and materials proposed to be used in relationship to existing buildings or structures and their setting;

c. the scale and general size of new construction in relationship to existing surroundings, with consideration of such factors as height, width, street frontage, number of stories, roof type, façade openings (windows, doors, etc.) and architectural details;

d. other factors, including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights and/or landscaping which might affect the character of any building or structure within the district, and similar factors which relate to the setting for such structure or grouping of structures;

e. the impact that the applicant's proposal will have on the setting and the extent to which it will preserve and enhance the historical, architectural and cultural qualities of the district and community.

The Commission shall also be guided by the following standard, issued by the U.S. Secretary of the Interior:

a. A property shall be used as it was historically or be given a new use that required minimal changes to its distinctive materials, features, spaces, and spatial relationships.

b. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided.

c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.

d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

g. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

h. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

12. Review for Relocation or Removal of Historical Buildings

a. Buildings shall be retained on their present sites whenever possible. Relocation within the district shall be considered as an alternative to demolition. Removal from the district will be considered on an individual basis.

13. Application Procedure

a. An application must be submitted to the Heritage Commission for a Certificate of Approval for any work to be performed which is within the scope of this Article. Applications shall be available from the Town Clerk during normal business hours. Applications must be submitted to the Commission's clerk or chairperson a minimum of fifteen (15) days prior to the meeting at which the application will be considered for acceptance. ***Amended 3/12/2002***

b. There shall be no application fee. Notice to abutters and legal advertising shall be paid by the town if the applicant is a potential homeowner or the homeowner of a single-family residence. If the applicant is a business or commercial entity, the costs of notice to abutters and legal advertising shall be paid by the applicant.

c. The Commission shall, at the next regular meeting or within thirty (30) days following the delivery of the application, determine if a submitted application is complete according to the Commission's regulations and shall vote upon acceptance. If the application is not complete, then the Commission shall specify to the applicant those items that are missing. Upon determination by the Commission that a submitted application is complete according to the Commission's regulations, the Commission shall schedule a public hearing and shall act to approve, conditionally approve, or disapprove within forty-five (45) days from the date the Commission votes to accept the application, subject to extension or waiver by the applicant. ***Added 3/12/2002***

14. Information Required with Application

The applicant shall make written application to the Commission through the building inspector for a Certificate of Approval if a building permit is required. For all other activities application for a Certificate of Approval shall be made directly to the Commission. The application shall include:

a. the Commission's application form;

b. completed permit application form (if applicable); Amended 3/12/2002

c. a list of abutters and their addresses;

d. narrative description of the project;

e. reasonable visual materials, sketches or drawings or photographs to give the Commission a clear and certain understanding of the applicant's intention regarding the work contemplated.

The Commission may request, and the applicant shall supply at his/her cost, site plans, building plans, elevations, sketches, photographs or other information reasonably required by the Commission to make its determination of approval or disapproval.

15. Additional Information Required for Adequate Review

In reviewing the application package, the Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer and other administrative officials who may possess information concerning the impact of the proposal on the historic district. In furtherance of the review, the Commission may perform a site visit and solicit advice form professional, education or other

groups or persons as may be deemed necessary for making a reasonable decision. If the applicant is a potential homeowner or the homeowner of a single-family residence, costs incurred in connection with such additional information shall be borne by the town. The Board of Selectmen shall be notified for approval of expenditures before incurring any said costs. If the applicant is a business or commercial entity, the costs incurred in connection with such additional information shall be borne by the applicant. The business or commercial entity shall be notified before incurring any said costs.

16. Hearing and Notices

a. The Heritage Commission shall conduct a hearing on the application within thirty-five (35) days of the determination of a completed application package.

b. The Heritage Commission shall file a certificate of approval or a notice of decision pursuant to RSA 676:9 within forty-five (45) days after the application is accepted. ***Amended 3/12/2002 and 3/10/2015***

c. Failure to file the certificate of approval or notice of decision within the specified time shall constitute approval by the Commission.

d. Written notice of the Commission hearing date shall be given to each abutter by Registered Mail, postmarked at least fourteen (14) days before the hearing date, in cases involving relocation, new construction and/or substantial alteration. Notice shall include a brief description of the proposal.

e. The Commission shall provide notice of the hearing in accordance with procedures in RSA 91-A:2,II. Notice shall be given for the time and place of each public hearing at least 10 calendar days before the hearing and shall include a brief description of the proposal. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice shall be posted in at least 2 public places. ***Amended 3/10/2015***

f. To the extent practical, joint hearings will be held in the case of applications requiring hearings before other municipal boards.

17. Findings

At the conclusion of its review, the Heritage Commission shall issue in writing one of the following documents:

a. Certificate of Approval

1) If in the opinion of a majority or tie vote of the Heritage Commission members present and voting, the applicant's proposal meets the intent of this Article, then the Commission shall issue a Certificate of Approval together will any changes,

conditions and/or stipulations necessary to comply with the provisions of this Article, signed by the chairperson. In the event of a tie vote the Commission shall issue a Certificate of Approval.

2) After the issuance of this Certificate, the building inspector may issue a building, demolition or other permit for the approved project.

b. Notice of Disapproval

1) If in the opinion of the majority of the Heritage Commission members present and voting, the application does not meet the purposes of this Article, then the Commission shall issue a Notice of Disapproval in writing together with the reasons for such decision, signed by the chairperson of the Commission. The applicant has the right to appeal under Section XIII, B.19.

2) No building permit shall be issued under a certificate of approval has been filed with the building inspector; but, in the case of disapproval, notice of disapproval shall be binding upon the building inspector or other duly delegated authority, and no permit shall be issued.

3) If the applicant's proposal is denied, the applicant may make modifications to the proposed plans. These should be based on the Notice of Disapproval and the applicant shall have the right to reapply to the Commission with the modifications. Subsequent applications by unsuccessful applications shall be limited; unless the re-submitted application is materially different from its predecessor, the Commission may not lawfully consider the merits of the application. The burden of proving a material change shall lie on the applicant.

18. Notice and Filing of Decision

When the Heritage Commission votes to approve or disapprove an application or deny a motion for rehearing, the minutes of the meeting at which such vote was taken, including the written decision containing the reasons therefore, shall be placed on file in the Town Clerk's/Selectmen's office and shall be made available for public inspection within one hundred forty-four (144) hours of such vote. ***Amended 3/13/2001***

19. Appeals

Any person or persons jointly or severally aggrieved by a decision of the Heritage Commission shall have the right to appeal that decision to the Zoning Board of Adjustment in accordance with the provisions of RSA 677:17 and RSA 676:5.

20. Enforcement

In case of the violation of any ordinance or regulation made under the authority conferred by Chapter RSA 676, the Board of Selectmen, in addition to other remedies, may institute injunction, mandamus, abatement, or any other applicable action or proceedings to prevent or enjoin or abate or remove such violation.

21. Penalties

Violation of this historic district ordinance may be made punishable as provided by RSA 676:17.

22. Validity

If any section, clause, provision, portion or phrase of these Articles shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Article.

23. Amendments

This Article may be amended in accordance with state statutes.

24. Conflicting Provisions

a. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

b. Any provisions as set forth by this Ordinance shall not contradict or compromise criteria established by the National Register of Historic Places for maintenance of a registered structure or site.

c. Nothing is this ordinance shall be construed as repealing or modifying any private restrictions/covenants existing at the time of adoption of this ordinance placed upon property by covenant, deed or other private agreement, or any restrictive covenants running with the land to which the Town is a party, but shall be in addition thereto.

ARTICLE XIV
Amended 3/11/2014

Impact Fee Ordinance

A. APPLICABILITY AND PURPOSE

The following regulations shall govern the assessment of impact fees to new development for their proportionate demand on public capital facilities. These regulations are authorized by RSA 674:21,V, and other pertinent state law, as an innovative land use control.

The public facilities for which impact fees may be assessed in Danville include municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; public road systems and rights-of-way; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; public recreation facilities, not including public open space; water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; and storm water, drainage and flood control facilities.

The purpose of this Article is to:

1. Assist in the implementation of the Master Plan and Capital Improvements Program;

2. Enable the Town of Danville to assess an equitable share of the cost of public capital facilities to new development in proportion to its demand on capital facilities; and

3. Provide authority to the Planning Board to adopt appropriate methods to support proportionate impact fee assessments, and to provide for the administration thereof.

B. DEFINITIONS

1. Assessed property means any land or buildings comprising new development that are subject to an impact fee assessment under this article.

2. Assessment with respect to an impact fee means a notification issued by the Town of Danville, its Board of Selectmen, its Planning Board, or its Building Inspector, stating the amount of the impact fees due for an assessed property, and the schedule for its collection. Such notification may come as part of planning board approval in accordance with Section XIV.C.4 of this ordinance and does not require separate, written notification.

3. Collection with respect to an impact fee means the actual delivery of payment of the fee to the Town of Danville on behalf of an assessed property.

4. School District means the Timberlane Regional School District, of which Danville is a member municipality.

5. Fee payer means the applicant for the issuance of a building permit which could create new development.

6. New development, for the purpose of impact fee assessment, includes the following land use changes:

   a. The construction of any new dwelling unit; or

   b. Changes to an existing structure that would result in a net increase in the number of dwelling units; or

   c. Construction of a new commercial/industrial building or any net increase in the gross floor area of an existing commercial/industrial building; or

   d. The conversion of an existing use to another use that is determined by the Planning Board to result in a measurable net increase in the demand on the public capital facilities that are the subject of impact fee assessment; however,

   e. New development shall not include the replacement of an existing manufactured housing unit or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed.

7. Off-site improvements means highway, drainage, sewer and water upgrades or improvements that are necessitated by a development but which are located outside the boundaries of the property, as determined by the Planning Board during the course of subdivision plat or site plan approval.

C. IMPOSITION OF IMPACT FEES

1. The Planning Board is hereby authorized to assess impact fees in accordance with the standards set forth in this Article. The Planning Board shall have the authority to adopt regulations to implement the provisions of this Article and to delegate the administrative functions of impact fee assessment, collection and disbursement as necessary.

2. Impact fees may be assessed to new development to compensate the Town of Danville or the School District for the proportional share of capital facility costs associated with new development in Danville.

3. Any person or commercial entity who seeks a building permit for new development is hereby required to pay impact fees in accordance with the specific impact fee schedules adopted by the Planning Board, subject to the procedures and conditions established in this article.

4. Impact Fees are assessed at the time of Planning Board approval of a subdivision plat or site plan. Unless specifically stated otherwise at time of approval, the assessed amount shall be in accordance with the impact fee schedule in force at the time of approval.

D. COMPUTATION OF IMPACT FEE

1. The amount of each impact fee shall be assessed in accordance with written procedures or methodologies adopted and amended by the Planning Board for the purpose of capital facility impact fee assessment in Danville. These methodologies shall set forth the assumptions and formulas comprising the basis for impact fee assessment, and shall include documentation of the procedures and calculations used to establish impact fee schedules. Such documentation shall be available for public inspection in the municipal office of the Town of Danville.

2. Impact fees will not exceed the costs of:

   a. A share of the cost of planned public capital facilities, based on the proportionate demand on such facilities from new development; and/or

   b. Compensating the Town of Danville and/or the School District for a proportionate share of facility capacity that was provided in anticipation of new development.

3. The Planning Board may prepare, adopt, or amend studies, reports, or cost allocation procedures that are consistent with the above standards, and which define a basis for impact fee assessment for public capital facilities, and the impact fee assessment schedules thereof.

4. No methodology, cost allocation procedure, or other basis of assessment, nor related impact fee schedules, or changes in the basis of assessment or the fee schedules, shall become effective until it shall have been the subject of a public hearing before the Planning Board.

5. In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this Ordinance.

E. WAIVER OF IMPACT FEES

1. A person or commercial entity may request a full or partial waiver of

school facility impact fees for residential uses in which all or a portion of the units will be lawfully restricted to persons age 55 and over, and where such restriction will be maintained for a period of at least 20 years. School impact fees may, in the discretion of the Planning Board, be waived for those units within a development that are so restricted in a lawful manner that is satisfactory to the Planning Board.

2. A person or commercial entity may request from the Planning Board a full or partial waiver of impact fees for development approved for construction prior to the effective date of an impact fee schedule adopted under this article if such development is entitled to the five year exemption provided by RSA 674:39. This waiver shall not be applicable to phases of a development in which active and substantial development, building and construction has not yet occurred in the phase in the development is be constructed.

3. The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that involves a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the Board of Selectmen for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. Full or partial waivers of impact fees may not be based on the value of exactions for off-site improvements required by the Planning Board as a result of subdivision or site plan review, and which would be required of the developer regardless of the impact fee assessments authorized by this Article.

4. For development approved for construction (including conditional approval) prior to 1 April 2013 for which an agreement was reached in writing between the applicant and the Town of Danville regarding payment of fees associated with the impact of the development, said agreement shall remain in force and no additional impact fees shall be due unless permitted by the agreement.

F. APPEALS OF IMPACT FEE ASSESSMENT

1. If a fee payer elects to appeal the amount of the impact fee, the appeal shall be made to the Zoning Board of Adjustment. In support of such appeal, the fee payer shall prepare and submit to the Zoning Board of Adjustment an independent fee calculation or other relevant study for the new development activity which is proposed, if applicable. The independent study by the fee payer shall set forth the specific reasons for departing from the adopted schedules and methodologies of the Town. The Zoning Board of Adjustment shall review such study and render its decision. All costs incurred by the Town for the review of such study,

including consultant and counsel fees, shall be paid by the fee payer unless the Zoning Board of Adjustment determines a different allocation of costs.

2. The decision of the Zoning Board of Adjustment may be appealed to the Superior Court as provided by RSA 677:2-14.

G. ASSESSMENT AND COLLECTION OF IMPACT FEES

Assessment and collection of impact fees shall be governed by the following procedures:

1. Where subdivision or site plan approval is required for new development, impact fees shall be assessed at the time of Planning Board approval of a subdivision plat or site plan based on the impact fee schedules then in effect. The amount of such assessment shall be applicable to subsequent building construction within the approved subdivision or site plan for a period of five years from the date of Planning Board approval. Once this five-year period has expired, remaining construction for which no certificate of occupancy has been obtained shall be subject to the adopted fee schedule in force at the time of the certificate of occupancy application.

2. With the exception of those plats and site plans meeting the conditions in (1) above, and when no other Planning Board approval is required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit. The impact fee schedule in force at the time of the building permit application shall apply.

3. Unless an impact fee is inapplicable to a particular development, or where the fee has been waived by the Planning Board, no certificate of occupancy shall be issued for new development until the applicable impact fees have been assessed.

4. The Planning Board and fee payer may agree to another mutually acceptable schedule for payment. If an alternate schedule of payment is established, the Planning Board shall require the deposit of an irrevocable letter of credit or other acceptable performance and payment guarantee with the Town of Danville.

5. Impact Fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use.

H. ADMINISTRATION OF FUNDS COLLECTED

1. All funds collected shall be properly identified and promptly transferred for deposit into a separate impact fee accounts for each category of impact fee assessment. This impact fee accounts shall be non-lapsing special revenue fund accounts and under no circumstances shall such revenues

accrue to the General Fund.

2. The Town Treasurer shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership, tax map and lot reference number of properties for which fees have been paid under this Article for each building permit so affected for a period of at least nine (9) years from the date of receipt of the impact fee payment associated with the issuance of each permit.

3. Impact fees collected may be spent from time to time by order of the Board of Selectmen and shall be used solely for the reimbursement of the Town of Danville or the School District for the cost of the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs for which the impact fee was collected.

4. In the event that bonds or similar debt instruments have been or will be issued by the Town of Danville or the School District for capital improvements which are the subject of assessment, impact fees may be transferred for the payment of debt service on such bonds or similar debt instruments.

5. No later than sixty (60) days following the end of each fiscal year, the Town Treasurer shall make a report to the selectmen in accordance with RSA 674:21 paragraph V.I accounting for all impact fee transactions.

I. REFUND OF FEES PAID

1. The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest where:

   a. The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or

   b. The Town of Danville, or the School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate any of the non-impact fee share of related capital improvement costs thereby permitting the capital improvement of capital improvement plan for which the impact fee was collected to be commenced. If any capital improvement or capital improvement program for which an impact fee is collected has been commenced either prior to, or within six years from the date of the final collection of an impact fee, that impact fee payment shall be deemed to be encumbered and legally bound to be spent for said capital improvement or capital improvement program and shall not be refunded, even if it is not fully expended within the six year period.

2. The Board of Selectmen shall provide all owners of record who are due a

refund written notice of the amount due, including accrued interest, if any, and shall promptly cause said refund to be made.

3. Impact fees will be refunded to a party other than the current owner if, ninety (90) days prior to the date that an impact fee is due to be refunded, the Town of Danville is provided with documentation to prove that a party other than the current owner is the appropriate party to receive said refund and that the impact fee was specifically excluded from the sale and/or transfer to the current owner.

J. ADDITIONAL ASSESSMENTS

Payment of the impact fee under this article does not restrict the Town of Danville or the Planning Board to require the payment of exactions for off-site improvements for highway, drainage, sewer and water upgrades necessitated by the development, in accordance with the provisions of RSA 674:21,V(j), or other infrastructure and public capital facilities specifically benefiting the development as required by the subdivision or site plan review regulations, or as otherwise authorized by law.

K. PREMATURE AND SCATTERED DEVELOPMENT

Nothing in this article shall be construed so as to limit the existing authority of the Danville Planning Board to deny new proposed development which is scattered or premature, requires an excessive expenditure of public funds, or otherwise violates the Town of Danville Zoning Ordinance, or the Danville Planning Board Site Plan Review Regulations or Subdivision Regulations, or which may otherwise be lawfully denied.

L. REVIEW OF FEE SCHEDULE AND BASIS OF ASSESSMENT

The Impact Fee Assessment Schedules and the underlying methodologies establishing those schedules shall be reviewed annually by the Planning Board. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as may be available for the variables comprising the calculation of the fee. No change in the methodology or in the impact fee schedule shall become effective until it shall have been the subject of a public hearing before the Planning Board noticed in accordance with RSA 675:7, and approved by the Board of Selectmen. The methodology and the impact fee schedule shall not be modified more frequently than annually.

ARTICLE XV

When Effective

This Ordinance shall take effect upon its passage, although its provisions shall apply after posting of the first legal notice pursuant to New Hampshire Revised Statutes Annotated, 156:3-a.

APPENDIX A AND B
SUPPLEMENTARY PUBLIC INFORMATION
TO BE POSTED WITH
THE PROPOSED ORDINANCE
(Adopted December 10, 2015)

APPENDIX A:
IMPACT FEE SCHEDULE

2015 SCHOOL FACILITIES IMPACT FEE SCHEDULE FOR RESIDENTIAL NEW DEVELOPMENT IN DANVILLE

Public School Facilities – Impact Fees per Dwelling Unit

Type of Structure	Public School Facility Impact Fee per Unit
Single Family Detached	$4,933
Attached and 2+ Family Structure	$2,491
Manufactured Housing (Mobile Home)	$2,687

Source: School Impact Fee Update, Danville, New Hampshire, prepared for Town of Danville by BCM Planning, LLC September 29, 2015

APPENDIX B:

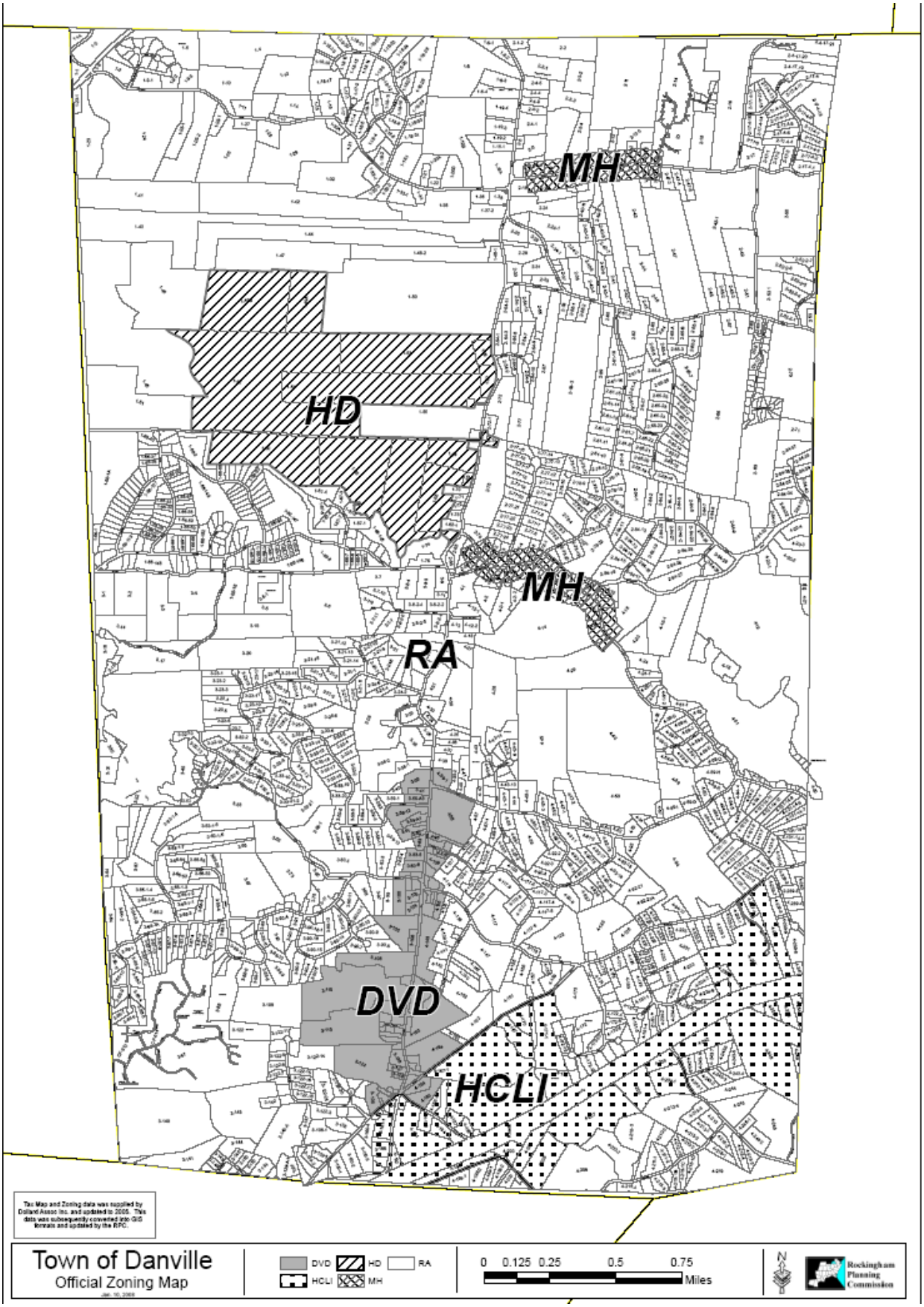
DESCRIPTION OF HOUSING UNIT TYPES

The three standard construction types for which impact fees have been calculated are based on U.S. Census classifications of housing units in 2013. The definitions of housing units by structure type are interpreted below for each category, based on the 1990 Census, "Definitions of Subject Characteristics". These definitions are paraphrased further below:

Type 1: Single Family Detached. This is a 1-unit structure detached from any other structure; that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family which contains a business is considered detached as long as the building has open space on all four sides. Mobile homes or trailers to which one or more permanent rooms have been added or built are also included.

Type 2: Attached and 2+ Family Structure. This is a multi-unit structure which has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes call townhouses), double houses, or houses attached to non-residential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

Type 3: Manufactured Housing (Mobile Home or Trailer). Mobile homes (manufactured housing), to which no permanent rooms have been added, should be assessed in this category.


MH
HD
MH
RA
DVD
HCLI
Tax Map and Zoning data was supplied by Dollard Assoc Inc. and updated to 2005. This data was subsequently converted into GIS formats and updated by the RPC.
Town of Danville
Official Zoning Map
DVD
HD
RA
HCLI
MH
0 0.125 0.25 0.5 0.75
Miles
N
Rockingham Planning Commission