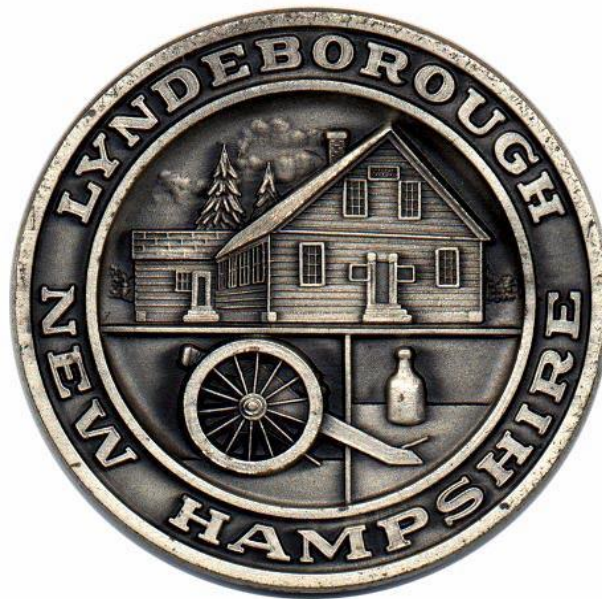


**TOWN OF LYNDEBOROUGH
NEW HAMPSHIRE**



ZONING ORDINANCE

**Recodified: March 10, 1998,
Amended: March 9, 1999; March 18, 2000; March 13, 2001; July 17, 2001;
March 12, 2002; March 9, 2004; March 8, 2005; March 14, 2006; March 13, 2007;
March 11, 2008; March 9, 2010; March 13, 2012; March 18, 2017; March 13, 2018;
March 16, 2019**

1
2
3
4 **TOWN OF LYNDEBOROUGH**
5 **ZONING ORDINANCE**
6
7

8 **100.00** **PURPOSE AND AUTHORITY**
9

10 This Ordinance is adopted pursuant to the authority granted by NH RSA 674:16
11 through 674:21, inclusive.

12
13 The purpose of this Ordinance is to promote the health, safety, and general welfare of
14 the residents by preserving the value of buildings; by encouraging the appropriate use
15 of land throughout the Town of Lyndeborough and by:

- 16
17 a. securing safety from fire, panic and other danger;
18 b. providing adequate light and air;
19 c. providing adequate area between buildings and rights-of-way;
20 d. preserving the rural character of the community;
21 e. promoting good design and arrangement of buildings and land uses;
22 f. facilitating the adequate provision of transportation, solid waste facilities,
23 septic facilities, water, schools, parks, child day care and housing
24 opportunities for all of its citizens;
25 g. wise and efficient expenditures of public funds; and
26 j. assuring proper use of natural resources and other public requirements.
27

28 **101.00** **Adoption and Amendments**
29

30 This Zoning Ordinance was originally adopted at a special Town Meeting on April
31 14, 1959 and recodified by the voters of the Town of Lyndeborough, New
32 Hampshire, by Official Town Meeting Ballot vote on March 10, 1998.

33
34 This ordinance may be amended by an official ballot vote of any legally constituted
35 Town Meeting provided public notice has been given, public hearings conducted and
36 adoption is made in accordance with NH RSA 675:2-5, as amended.
37

38 The Planning Board has the authority to assign such section numbers to the Zoning
39 Ordinance and Building Code as it may deem appropriate provided that no
40 substantive change to the Ordinance shall occur as a result of the renumbering.
41
42

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 43 **200.00** ***DEFINITIONS***
44
45 For the purpose of this ordinance, certain words, terms or phrases shall have the
46 meaning as stated in this section unless the context clearly indicates otherwise; and
47
48 a. words in the present tense include the future;
49 b. the singular includes the plural and the plural includes the singular; and
50 c. terms and words not defined in this ordinance shall have the meanings
51 understood in common usage and as defined in standard American
52 dictionaries.
53
- 54 **200.01** ***Abandonment.*** Where any non-conforming use of a building or structure is
55 discontinued for more than one year, or where a non-conforming use of land is
56 discontinued for a period of more than one year, or if the non-conforming use of the
57 land or building or structure is replaced with a conforming use or building or
58 structure, then the non-conforming use shall be deemed to be abandoned.
59
- 60 **200.02** ***Accessory Dwelling Unit.*** means a residential living unit that is within or attached to
61 a single-family dwelling, and that provides independent living facilities for one or
62 more persons, including provisions for sleeping, eating, cooking, and sanitation on
63 the same parcel of land as the principal dwelling unit it accompanies. (3/13/18)
64 (recodify 3/16/19)
65
- 66 **200.03** ***Accessory Building.*** A detached building located on the same lot as the principal
67 building or use which is customarily used for purposes incidental and subordinate to
68 those of the principal building.
69
- 70 **200.04** ***Accessory Use.*** Any use which is customary, incidental and subordinate to the
71 principal use of the structure or lot.
72
- 73 **200.05** ***Automobile Graveyard.*** Any lot or portion of a lot which is maintained, used, or
74 operated for storing, keeping, buying, or selling wrecked, scrapped, ruined,
75 dismantled or abandoned motor vehicles or motor vehicle parts. (3/9/99), (3/16/19)
76
- 77 **200.06** ***Automobile Service Station.*** Any building, land area or other premises, or portion
78 thereof used for the retail dispensing or sales of vehicular fuels; servicing and repair
79 of automobiles; and including as an accessory use the sale and installation of
80 lubricants, tires, batteries and similar vehicle accessories.
81
- 82 **200.07** ***Building.*** Any combination of materials, whether portable or fixed, having a roof or
83 cover which forms a shelter for persons, animals or property.
84
- 85 **200.08** ***Dwelling Unit.*** A single unit providing complete independent living facilities for one
86 or more persons with permanent provisions for living, sleeping, eating, cooking and
87 sanitation with a minimum of 600 square feet on a permanent foundation with a state
88 approved septic system and water supply.
89
- 90 **200.09** ***Single-Family Dwelling.*** A single building having one dwelling unit.
91
- 92 **200.10** ***Two-Family Dwelling.*** A single building containing two attached dwelling units.
93
- 94 **200.11** ***Frontage.*** The continuous length of a lot bordering on the public right-of-way.
95
- 96 **200.12** ***Home Businesses.*** A business that is incidental and subordinate to the use of the
97 building or lot for residential purposes in compliance with the criteria established for
98 home businesses in Section 1200.00. (3/13/18)
99

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 100 **200.13** **Junk.** Pursuant to NH RSA 236:91, old scrap copper, brass, rope, rags, batteries,
101 paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or
102 parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
103 (3/9/99)
104
- 105 **200.14** **Junk Yard.** Any lot or portion of a lot which is maintained, operated, or used for
106 storing, keeping, buying or selling junk, for the maintenance or operation of an
107 automobile recycling yard, and includes garbage dumps and sanitary fills. (3/9/99)
108
- 109 **200.15** **Lot or Parcel.** A single area of land defined by metes and bounds or boundary lines
110 as shown in a recorded deed or on a recorded plan.
111
- 112 **200.16** **Lot of Record.** Land designated as a separate and distinct parcel in a legally recorded
113 deed filed in the Hillsborough County Registry of Deeds.
114
- 115 **200.17** **Manufactured Housing.** Any structure, transportable in one or more sections,
116 which, in the traveling mode, is 8 body feet or more in width, and 40 body feet or
117 more in length, or when erected on site, is 320 square feet or more, and which is built
118 on a permanent chassis and designed to be used as a dwelling with a permanent
119 foundation when connected to required utilities, which include plumbing, heating and
120 electrical heating systems contained therein. Manufactured housing does not include
121 pre-site built housing. (3/9/99)
122
- 123 **200.18** **Nonconforming Building or Structure.** A building or structure which lawfully
124 existed prior to the adoption, revision or amendment of this ordinance but which fails
125 to conform to the current provisions of the ordinance. (3/9/99)
126
- 127 **200.19** **Nonconforming Lot.** A lot which lawfully existed prior to the adoption, revision or
128 amendment of this ordinance but which fails to conform to the current provisions of
129 the ordinance. (3/9/99)
130
- 131 **200.20** **Nonconforming Use.** A use which lawfully existed prior to the adoption, revision or
132 amendment of this ordinance but which fails to conform to the current provisions of
133 the ordinance.
134
- 135 **200.21** **Retail Store.** An establishment involved in selling goods or merchandise to the
136 general public for personal or household consumption and rendering services
137 incidental to the sale of such goods.
138
- 139 **200.22** **Pre-site Built Housing.** Any structure with a permanent foundation designed
140 primarily for residential occupancy which is wholly or in substantial part made,
141 fabricated, formed or assembled in off-site manufacturing facilities in conformance
142 with the United States Department of Housing and Urban Development minimum
143 standards and local building codes, for installation, or assembly and installation, on
144 the building site. Pre-site built housing does not include manufactured housing.
145 (3/9/99)
146
- 147 **200.23** **Recreational Vehicle.** A vehicular-type portable structure without permanent
148 foundation that can be towed, hauled, or driven for recreational use, including but not
149 limited to travel trailers, truck campers, camping trailers and self-propelled motor
150 homes. (3/9/99)
151
- 152 **200.24** **Public Right-of-Way.** All town, state and federal highways and the land on either
153 side as covered by statutes.
154
- 155 **200.25** **Seasonal Dwelling.** A dwelling unit that lacks one or more of the basic amenities or
156 utilities required for all-year or all-weather occupancy, such as hunting and fishing

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

157 camps but not including wheeled recreational vehicles. The dwelling unit may be
158 less than 600 square feet. The dwelling unit shall not be considered a permanent
159 residence.
160

161 **200.26** **Setback.** The minimum distance between two points as prescribed by this ordinance.
162

163 **200.27** **Sign.** A device or structure, freestanding or attached to a building or structure,
164 visible to the public from the exterior of a building which contains any combination
165 of lights, letters, words, objects, graphics, figures, designs, symbols, pictures, logos
166 or colors which are intended to advertise, identify, direct or convey a message to the
167 public or to attract attention to an object, person, institution, organization business or
168 service.
169

170 **200.28** **Structure.** A combination of materials assembled at a fixed location to give support
171 or shelter, including buildings, accessory buildings and accessory uses. (3/9/99)
172

173 **200.29** **Wetland.** Areas delineated as poorly or very poorly drained soils by the U.S.
174 Department of Agriculture, Soil Conservation Service, in the Soil Survey of
175 Hillsborough County New Hampshire, Western Part, dated October 1985, and the
176 Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1,
177 Environmental Laboratory, Department of the Army, 1987 in conjunction with the
178 Field Indicators for Identifying Hydric Soils in New England, New England
179 Interstate Water Pollution Control Commission, May 1995.
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211

212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229

300.00 DISTRICTS

The following districts are established for the purpose of promoting the health, safety and general welfare of the population; to implement the goals of the Lyndeborough Master Plan; to minimize the impact on the natural environment; to provide a variety of housing opportunities; to protect the value of residential property; to broaden the Town's tax base; to encourage the development of balanced and harmonious land uses of varying intensities; and to protect the character of the Town:

- a. Village District – V,
- b. Light Industrial District – LI,
- c. Rural Lands One – RL1,
- d. Rural Lands Two – RL2, and
- e. Rural Lands Three – RL3.

The boundaries and general locations of each district are depicted on the Lyndeborough Zoning Map on file in the Town Office.

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

230 **400.00 GENERAL PROVISIONS**

231

232 **401.00 Temporary Placement of Manufactured Home**

233

234 The Planning Board may grant a permit to temporarily locate a manufactured home
235 on the same lot as a permanent dwelling or building for a period of up to twelve (12)
236 months while a dwelling is being initially constructed or substantially reconstructed;
237 or any building is being reconstructed after damage by fire or other natural cause. In
238 cases of hardship, the Building Inspector may grant one six (6) month extension. At
239 the end of the twelve (12) month period or the extension, the manufactured home
240 must be removed from the lot. The intent of this section is to prohibit the creation of
241 an additional dwelling unit. The temporary manufactured home shall be serviced by
242 existing or new approved septic and water systems. Any violations of this section
243 shall be subject to the enforcement proceedings and penalties contained in Section
244 1500.00 Enforcement and Administration of this ordinance. (3/9/99)

245 **402.00 Alteration and Removal of Materials**

246

247 The commercial removal of loam, sand, gravel or other natural inorganic material
248 from any lot in any district is permitted upon site plan review and approval, and
249 receipt of an excavation permit from the Planning Board in accordance with the
250 Lyndeborough Site Plan Review Regulations Regarding Excavations.

251

252 **403.00 Sanitary Protection**

253

254 All sanitary systems shall be constructed and maintained in accordance with the
255 standards set and enforced by the New Hampshire Department of Environmental
256 Services Water Supply and Pollution Control Division and other Town of
257 Lyndeborough regulations.

258

259 **404.00 Exclusive Optional Method of Developing Large Tracts of Land (3/18/00) (3/16/19)**

260

261 As an exclusive optional method of development, not a required process of
262 subdivision, any lot of record may be subdivided in accordance with the following
263 criteria: (3/18/00) (3/16/19)

264

- 265 a. The average size of the subdivision lots shall not be less than 25 acres with a
266 minimum size of 10 acres.;
- 267 b. The lots shall be accessed by a private road constructed to meet the minimum
268 standards established in the *Town of Lyndeborough Street and Road*
269 *Standards*.
- 270 c. No further subdivisions would be permitted using roads existing as of
271 January 1, 1997 to meet zoning frontage requirements. Further subdivision
272 will require adequate frontage on a Class V or better highway constructed
273 after January 1, 1997, as required by the zoning ordinance in force at the time
274 of any further resubdivision. (3/18/00) (3/16/19)

275

276 **404.10 Conservation Lands (Adopted March 8, 2005)**

277

278 Conservation Lands is an optional method of subdivision pursuant to RSA 674:21
279 (“Innovative Land Use Controls”) and RSA 674:21-a. Conservation Lands is an
280 overlay district which allows a one-time-only subdivision of any parcel which is 60
281 acres or larger in any zoning district. Its primary purpose is to allow an expedited
282 subdivision process, where lots created are at least 30 acres in size and the lots will
283 remain in forestry and agricultural use in perpetuity with single-family residential use

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

the only allowed accessory use to forestry and agriculture. The following standards are the only requirements for subdivision approval:

- a. The minimum lot size of any lot created shall be at least 30 acres.
- b. Each lot shall have direct access to a public highway or a deeded easement to a public highway recorded in all future deeds. Wherever possible, lots shall have a common entrance onto a public highway. All highway entrances shall be shown on the plat and there shall be no more than one entrance for every 1000 feet of public highway.
- c. Pursuant to RSA 674:21-a, deed and plat restrictions shall indicate that there will be no further re-subdivision in perpetuity.
- d. The Planning Board shall approve or disapprove any subdivision created under this option not later than the Board's next meeting following acceptance by the Board of a plat to the above standards and with statutory notice to abutters. The plat shall meet the standards of Subdivision Section 510.00 (Plat Standards).
- e. Because there are no frontage requirements connected with this section, Section 404.10 shall be exempt from section 408.0 requirements as is section 404.00 ("Large Lot Subdivisions").

405.00 Driveways

All driveway entrances shall be constructed in conformance with the *Town of Lyndeborough Street and Road Standards* or the NH Department of Transportation regulations for any State maintained roads. Driveway entrances shall be consistent with the adjacent public road.

406.00 Use of Manufactured Housing, Pre-Site Built Housing and Recreational Vehicles

A dwelling unit may be constructed on-site, or may be manufactured housing or pre-site built housing. Under no circumstances shall a recreational vehicle be considered a dwelling unit. (3/9/99)

407.00 Junkyards and Automobile Graveyards

Junkyards and Automobile Graveyards are prohibited in all zoning districts in the Town of Lyndeborough. (3/9/99)

408.00 Soil-Based Zoning Requirements (Overlay District) (3/18/00) (3/16/19)

All lots in the Rural Lands One (RL1) or Light Industrial zoning districts with less than 5 acres shall require a minimum of 2 contiguous acres of "slight" and/or "moderate" limitations rated soils for septic tank absorption fields, as determined by the USDA Natural Resource Conservation Service criteria and published in Table 11 of the "Soil Survey of Hillsborough County, New Hampshire", issued October 1985. A Site specific soil survey conducted by a NH Certified Professional Soil Scientist may be required by the Planning Board to ensure that the requirements of this section are met. Contiguous shall mean any area undivided by wetland, ponding (seasonal or perennial) or seasonal or perennial drainage ways. Lots of record shall not be affected by this soil-based zoning for residential usage.

All lots in the Rural Lands One (*RLI*) or Light Industrial zoning districts with less than 500 foot frontage shall require a minimum of 2 contiguous acres of "slight" and or "moderate" limitations rated soils for septic tank absorption fields, as determined

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

338 by the USDA Natural Resource Conservation Service criteria and published in Table
339 11 of the “Soil Survey of Hillsborough county, New Hampshire”, issued October
340 1985. A Site specific soil survey conducted by a NH Certified Professional Soil
341 Scientist may be required by the Planning Board to ensure that the requirements of
342 this section are met. Contiguous shall mean any area undivided by wetland, ponding
343 (seasonal or perennial) or seasonal or perennial drainage ways. Lots of record shall
344 not be affected by this soil-based zoning for residential usage. (3/18/00) (3/16/19)
345

346 [Note of Clarification: This section 408.00 does not apply to the Village District,
347 section 500.00; Rural Lands 2, section 800.00; Rural Lands 3, section 900.00; or the
348 Large Tracts of Land, section 404.00.]
349

350 **409.00 Optional Acceptance by the Town of New Roads Created During Subdivisions)**
351 **(3/18/00)**
352

353 A road created to town standards for the purpose of road frontage requirements
354 during subdivision may or may not be accepted by the Town of Lyndeborough as a
355 public road. Subdivision approval may not be revoked for the sole reason of the road
356 created for road frontage not being accepted as a Class V road. If the town does not
357 accept the new road as a public road, the road will remain a private road and the
358 landowner(s) accept full responsibility for the road. (3/18/00)
359

360 **410.00 Fences**
361

362 Fences up to six (6) feet high do not require a building permit. Fences six (6) feet or
363 higher require a building permit. No fence shall exceed ten (10) feet in height. All
364 fences may be constructed within the setback up to one (1) foot of the property line.
365 (3/12/02)
366

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

367 **500.00** ***VILLAGE DISTRICT (V)***

368

369 The purpose of the Village District is to provide opportunities for mixed uses
370 commonly associated with a town center.

371

372 **500.01** ***District Boundaries.***

373

374 The Village District includes the portion of Lyndeborough delineated as follows:

375

376 Beginning at the stone monument located on the easterly side of NH Route 31 at the
377 point where it intersects the Lyndeborough-Wilton Town boundary, east along the
378 Town boundary to the western edge of the railroad right-of-way, north along the
379 railroad right-of-way to its point of intersection with Cross Road, east along Cider
380 Mill Road to its point of intersection with Cemetery Road, northwest along Cemetery
381 Road to its point of intersection with Putnam Hill Road, northwesterly along a
382 straight line to a point on Center Road one thousand (1,000) feet north of its
383 intersection with NH Route 31, south along the same line to its point of intersection
384 with Stoney Brook, south along Stoney Brook to the point where it intersects the
385 Lyndeborough-Wilton Town boundary, then east to the point of beginning.

386

387 **501.00** ***Permitted Uses. (AMENDED AND APPROVED 3/13/18)***

388

389 The following uses and their associated accessory uses are permitted in the Village
390 District subject to all other applicable provisions of this Ordinance and, excepting
391 single-family and agricultural uses, Site Plan Review and approval, as applicable, by
392 the Lyndeborough Planning Board.

393

- 394 a. Single family dwellings;
395 b. Retail stores;
396 c. Professional offices;
397 d. Personal Services;
398 e. Banks;
399 f. Municipal, government or postal offices and facilities;
400 g. Agricultural operations;
401 h. Home Businesses and Home Occupation in compliance with the
402 requirements of Section 1200.00 of these regulations;
403 i. Houses of worship;
404 j. Utility structures less than 200 square feet in area; and
405 k. Restaurants.

406

407 **502.00** ***Lot Requirements.***

408

409 **502.01** ***Area.*** Minimum lot size 2 contiguous acres of dry land undivided by wetland, pond
410 or drainage way.

411

412 **502.02** ***Frontage.*** Minimum 150 feet of continuous frontage.

413

414 **502.03** ***Setbacks.*** All structures must be set back a minimum of 35 feet from the front, side
415 and rear lot lines. No buildings requiring a building permit or associated uses,
416 including but not limited to swimming pools, antennas and satellite dishes, are
417 permitted in the setback.

418

419

420

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

421 **503.00** Special Exceptions.

422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473

The following uses may be permitted as special exceptions by the Zoning Board of Adjustment. **A** Site Plan Review and approval **will then be required** by the Planning Board. (3-13-18)

- a. Two family dwellings provided the following conditions can be met:
 - 1) minimum lot size 4 acres;
 - 2) minimum frontage 300 feet;
 - 3) a common road or street access serves both units;
 - 4) two off-street parking spaces shall be provided for each dwelling unit;
 - 5) Certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.

- b. Private schools including daycare centers.

- c. Automobile Service Stations

- d. Accessory Dwelling Units *(Deleted 3/13/18) (Recodify 3/16/19)*
 - 1) **An Accessory Dwelling Unit** shall be allowed as a matter of right by the Building Inspector pursuant to RSA 674:21 in all zoning districts that permit single family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single family dwelling without an accessory dwelling unit. Not more than one accessory dwelling unit for any single family shall be allowed.(3/13/18) (Recodify 3/16/19)

 - 2) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but shall not be required to remain unlocked. (3/13/18) (Recodify 3/16/19)

 - 3) Regulations applicable to single family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. Adequate parking to accommodate an accessory dwelling unit shall be provided. (3/13/18) (Recodify 3/16/19)

 - 4) The applicant for a building permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485A:38, but separate systems shall not be required for the principal and accessory dwelling units. (3/13/18) (Recodify 3/16/19)

 - 5) The owner must demonstrate that one of the units is his or her principal place of residence. (3/13/18) (Recodify 3/16/19)

 - 6) A familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit shall not be required. (3/13/18) (Recodify 3/16/19)

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 474 7) An accessory dwelling unit may be deemed a unit of workforce housing
475 for purposes of satisfying the town's obligation under RSA 674:59 if the unit
476 meets the criteria in RSA 674:58, IV for rental units. (3/13/18) (Recodify
477 3/16/19)
- 478
- 479 e. Personal service businesses including but not limited to service or repair of
480 jewelry, appliances or other personal or household items, photography
481 studios, beauty/barber shops and tailors.
- 482
- 483 f. Bed and Breakfasts providing the following conditions can be met:
- 484 1) the B&B is operated by the resident owner;
- 485 2) two (2) non-family employees are permitted on the premises;
- 486 3) no additions or changes shall be made to the residence that would make
487 it impractical to revert the building to purely residential;
- 488 4) two (2) off-street parking spaces shall be provided for the residents of the
489 B&B and one (1) off-street space shall be provided for each rental unit;
- 490 5) certification from the applicant and the Lyndeborough Health/Code
491 Enforcement Officer that any existing septic system or new system is
492 designed to support the increased load; and
- 493 6) the business shall be operated in accordance with all Town regulations,
494 state laws and licensing requirements.
- 495
- 496

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

497 **600.00** ***LIGHT INDUSTRIAL DISTRICT (LI)***
498

499 The purpose of the Light Industrial District is to provide employment opportunities
500 and broaden the tax base by establishing a location for light industrial development in
501 an area that does not conflict with surrounding land uses and that provides good
502 access to transportation facilities.
503

504 **600.01** ***District Boundaries.***
505

506 That portion of Lyndeborough which is bounded as follows: Beginning at the point
507 where Purgatory Brook joins the Lyndeborough Town boundary with Mont Vernon;
508 thence easterly along said boundary to its point of intersection with the
509 Lyndeborough Town Boundary with Milford; thence southerly along said boundary
510 to its point of intersection with Purgatory Road; thence southerly along Purgatory
511 Road to its point of intersection with the Lyndeborough Town boundary with
512 Milford, thence westerly along said boundary to Purgatory Brook; thence northerly
513 along Purgatory Brook to the place or point of beginning. The district shall also
514 encompass that area now or formerly known as “The Sawmill” including the land
515 designated as 228-015-000 of the official tax map of the Town of Lyndeborough and
516 bounded by NH Route 31 on the west and Winn Road on the east.
517

518 **601.00** **Permitted Uses. (3/16/19)**
519

520 The following uses and their associated accessory uses are permitted in the Light
521 Industrial District subject to all other applicable provisions of this Ordinance and Site
522 Plan Review and approval by the Lyndeborough Planning Board.
523

- 524 a. Light manufacturing;
- 525 b. Research and/or testing facilities;
- 526 c. Offices;
- 527 d. Newspaper and printing facilities;
- 528 e. Warehouses;
- 529 f. Retail stores;
- 530 g. Banks;
- 531 h. Personal service businesses including but not limited to service or repair of
532 jewelry, appliances or other personal or household items, photography
533 studios, beauty/barber shops and tailors.
- 534 i. Utility structures less than 200 square feet in area.
535

536 **602.00** **Lot Requirements.**
537

538 **602.01** **Area.** Minimum lot size 2 contiguous acres of dry land undivided by wetland, pond
539 or drainage way.
540

541 **602.02** **Frontage.** Minimum 250 feet of continuous frontage.
542

543 **602.03** **Setbacks.** All structures must be set back a minimum of 50 feet from the front, side
544 and rear lot lines. Parking areas shall be set back as follows:

- 545 a. No buildings or parking areas are permitted in the front setback or in any
546 setback which abuts a residential property.
- 547 b. Parking areas are permitted up to within ten (10) feet of the side or rear lot
548 line of a light industrial zoned parcel where it abuts another light industrial
549 zoned parcel.

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

550 c. Parking areas shared between two adjacent light industrial zoned parcels may
551 be developed up to the common side or rear lot line if all other conditions of
552 the district are met.

553

554 **603.00 Special Exceptions.**

555

556 The following uses may be permitted as special exceptions by the Zoning Board of
557 Adjustment. A Site Plan Review and approval **will then be required** by the Planning
558 Board. (3-12-02)

559

- 560 a. Vehicular sales and repair facilities;
561 b. Automobile service stations;
562 c. Contractor yards;
563 d. Public assembly halls and places of worship.

564

565

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 566 **700.00** ***RURAL LANDS ONE DISTRICT (RL1)***
567
568 The purpose of the Rural Lands 1 District is to provide for residential development at
569 higher densities than other areas while conserving the rural character of the Town,
570 maintaining natural resources and protecting the health and safety of residents.
571
- 572 **700.01** ***District Boundaries.***
573
574 The Rural Lands One district encompasses all land within the Town not included in
575 any other district designated in this Ordinance.
576
- 577 **701.00** **Permitted Uses. (Amended & Approved 3/18/17)**
578
579 The following uses and their associated accessory uses are permitted in the Rural
580 Lands One District subject to all other applicable provisions of this Ordinance and
581 Subdivision or Site Plan Review and approval by the Lyndeborough Planning Board
582 as applicable.
583
- 584 a. Single family dwellings;
 - 585 b. Seasonal dwellings such as hunting and fishing camps, but not including
586 wheeled recreational vehicles, and not to be considered as a permanent
587 residence;
 - 588 c. Agricultural operations;
 - 589 d. Forestry operations and management;
 - 590 e. Home Businesses and Home Occupation in compliance with the
591 requirements of Section 1200.00 of these regulations;
 - 592 f. Manufactured housing greater than 400 square feet in size on a masonry
593 foundation with skirting; and
 - 594 g. Outdoor recreation uses and facilities, including but not limited to golf
595 courses, cross-country ski areas, riding stables, but excluding campgrounds.
596 To include a provision that no use allowed under this section shall:
597 1) Adversely affect abutting property values; or
598 2) Result in increased noise beyond property lines over and above that
599 normally associated with residential uses allowed in the district; or
600 3) Be a health hazard; or
601 4) Be a nuisance to abutting properties; or
602 5) Uses allowed under this section will be subject to site plan review and
603 approved by the Planning Board. (3-13-01)
604
- 605 **702.00** **Lot Requirements.**
606
- 607 **702.01** **Area.** Minimum lot size 2 contiguous acres of dry land undivided by wetland, pond
608 or drainage way.
609
- 610 **702.02** **Frontage.** Minimum 250 feet of continuous frontage.
611
- 612 **702.03** **Setbacks.** For lots 5 acres or larger, all structures must be set back a minimum of 50
613 feet from the front, side and rear lot lines. For lots smaller than 5 acres, all structures
614 must be set back a minimum of 50 feet from the front lot line, and a minimum of 35
615 feet from the side and rear lot lines. No buildings or associated uses, including but
616 not limited to swimming pools, antennas and satellite dishes, are permitted in the
617 setback. (3-12-02)
618

619 **703.00 Special Exceptions.**

620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672

The following uses may be permitted as special exceptions by the Zoning Board of Adjustment. A Site Plan Review and approval **will then be required** by the Planning Board. (3-13-18)

- a. Two-family dwellings provided the following conditions can be met:
 - 1) minimum lot size 4 acres;
 - 2) minimum frontage 500 feet;
 - 3) a common road or street access serves both units;
 - 4) two off-street parking spaces shall be provided for each dwelling unit;
 - 5) Certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.

- b. Accessory Dwelling Units (*Deleted 3/13/18*) (*recodify 3/16/19*)
 - 1) **An Accessory Dwelling Unit** shall be allowed as a matter of right by the Building Inspector pursuant to RSA 674:21 in all zoning districts that permit single family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single family dwelling without an accessory dwelling unit. Not more than one accessory dwelling unit for any single family shall be allowed.(3/13/18) (Recodify 3/16/19)

 - 2) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but shall not be required to remain unlocked. (3/13/18) (Recodify 3/16/19)

 - 3) Regulations applicable to single family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. Adequate parking to accommodate an accessory dwelling unit shall be provided. (3/13/18) (Recodify 3/16/19)

 - 4) The applicant for a building permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485A:38, but separate systems shall not be required for the principal and accessory dwelling units. (3/13/18) (Recodify 3/16/19)

 - 6) The owner must demonstrate that one of the units is his or her principal place of residence. (3/13/18) (Recodify 3/16/19)

 - 7)

 - 6) A familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit shall not be required. (3/13/18) (Recodify 3/16/19)

 - 7) An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the town's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units. (3/13/18) (Recodify 3/16/19)

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

673
674
675
676
677
678
679
680
681
682
683
684
685
686
687

- c. Bed and Breakfasts providing the following conditions can be met:
- 1) the B&B is operated by the resident owner;
 - 2) two (2) nonfamily employees are permitted on the premises;
 - 3) no additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential;
 - 4) two (2) off-street parking spaces shall be provided for the residents of the B&B and one (1) off-street space shall be provided for each rental unit;
 - 5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load; and
 - 6) the business shall be operated in accordance with all Town regulations, state laws and licensing requirements.

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

688 **800.00** ***RURAL LANDS TWO DISTRICT (RL2)***

689

690

691

692

693

694

The purpose of the Rural Lands Two district is to provide an area for low density, rural residential development given the distances from the Town center, steep slopes, poor road conditions, difficulty of travel during certain seasons and septic system restrictions.

695 **800.01** ***District Boundaries.***

696

697

698

699

The Rural Lands Two district encompasses all lands at or above 1,000 feet but less than 1,500 feet in elevation as defined by the most recent USGS Topographic Map of the area.

700

701 **801.00** ***Permitted Uses. (AMENDED AND APPROVED 3-18-17)***

702

703

704

705

706

The following uses and their associated accessory uses are permitted in the Rural Lands Two District subject to all other applicable provisions of this Ordinance and Subdivision and Site Plan Review and approval by the Planning Board as applicable.

707

- a. Single family dwellings;
- b. Seasonal dwellings such as hunting and fishing camps, but not including wheeled recreational vehicles, and not to be considered as a permanent residence;
- c. Agricultural operations;
- d. Forestry operations and management;
- e. Outdoor recreation uses and facilities, including but not limited to golf courses, cross-country ski areas, riding stables, but excluding campgrounds.
To include a provision that no use allowed under this section shall:
 - 1) Adversely affect abutting property values; or
 - 2) Result in increased noise beyond property lines over and above that normally associated with residential uses allowed in the district; or
 - 3) Be a health hazard; or
 - 4) Be a nuisance to abutting properties; or
 - 5) Uses allowed under this section will be subject to site plan review and approved by the Planning Board. (3-13-01)
- f. Home Businesses and Home Occupation in compliance with the requirements of Section 1200.00 of these regulations.

708

709

710

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726 **802.00** ***Lot Requirements.***

727

728 **802.01** ***Area.*** Minimum lot size 5 acres, 2 contiguous acres of dry land undivided by wetland , pond or drainage way.

729

730

731 **802.02** ***Frontage.*** Minimum 500 feet of continuous frontage.

732

733 **802.03** ***Setbacks.*** All structures must be set back a minimum of 50 feet from the front, side and rear lot lines. No buildings or associated uses, including but not limited to swimming pools, antennas and satellite dishes, are permitted in the setback.

734

735

736

737

738

739

740

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

741 **803.00 Special Exceptions.**

742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793

The following uses may be permitted as special exceptions by the Zoning Board of Adjustment. A Site Plan Review and approval **will then be required** by the Planning Board. (3-13-18)

- a. Two-family dwellings provided the following conditions can be met:
 - 1) minimum lot size 10 acres;
 - 2) minimum 1,000 feet of continuous frontage;
 - 3) a common road or street access serves both units;
 - 4) two off-street parking spaces shall be provided for each dwelling unit; and
 - 5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load created by two families.

b. Accessory Dwelling Units *(Deleted 3/13/18) (Recodify 3/16/19)*

- 1) **An Accessory Dwelling Unit** shall be allowed as a matter of right by the Building Inspector pursuant to RSA 674:21 in all zoning districts that permit single family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single family dwelling without an accessory dwelling unit. Not more than one accessory dwelling unit for any single family shall be allowed.(3/13/18) (Recodify 3/16/19)
- 2) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but shall not be required to remain unlocked. (3/13/18) (Recodify 3/16/19)
- 3) Regulations applicable to single family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. Adequate parking to accommodate an accessory dwelling unit shall be provided. (3/13/18) (Recodify 3/16/19)
- 4) The applicant for a building permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485A:38, but separate systems shall not be required for the principal and accessory dwelling units. (3/13/18) (Recodify 3/16/19)
- 5) The owner must demonstrate that one of the units is his or her principal place of residence. (3/13/18) (Recodify 3/16/19)
- 6) A familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit shall not be required. (3/13/18) (Recodify 3/16/19)
- 7) An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the town's obligation under RSA 674:59 if the unit

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

794 meets the criteria in RSA 674:58, IV for rental units. (3/13/18) (Recodify
795 3/16/19)

796

797

c. Bed and Breakfasts providing the following conditions can be met:

798

799

1) the B&B is operated by the resident owner;

800

2) two (2) nonfamily employees are permitted on the premises;

801

3) no additions or changes shall be made to the residence that would make it impractical to revert the building to purely residential;

802

803

4) two (2) off-street parking spaces shall be provided for the residents of the B&B and one (1) off-street space shall be provided for each rental unit;

804

805

5) certification from the applicant and the Lyndeborough Health/Code Enforcement Officer that any existing septic system or new system is designed to support the increased load; and

806

807

808

6) the business shall be operated in accordance with all Town regulations, state laws and licensing requirements.

809

810

811

812

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

813 **900.00** ***RURAL LANDS THREE DISTRICT (RL3)***

814

815 The purpose of the Rural Lands Three District is to protect the most sensitive and
816 remote land from development. Poor road access, steep slopes, shallow depths to
817 bedrock and generally severe limitations for septic systems characterize the
818 undevelopable nature of land within this District.

819

820 **900.01** ***District Boundaries.***

821

822 The Rural Lands Three District encompasses all lands situated at or above 1,500 feet
823 in elevation as defined by the most recent USGS Topographic Map of the area.

824

825 **901.00** **Permitted Uses. (AMENDED AND APPROVED 3/18/17)**

826

827 The following uses and their associated accessory uses are permitted in the Rural
828 Lands Three District subject to all other applicable provisions of this Ordinance and
829 Subdivision or Site Plan Review and approval by the Lyndeborough Planning Board
830 as applicable:

831

832 a. Agricultural and farming operations;

833 b. Single family dwellings;

834 c. Seasonal dwellings such as hunting and fishing camps, but not including
835 wheeled recreational vehicles, and not to be considered as a permanent
836 residence;

837 d. Forestry operations and management;

838 e. Home Businesses and Home Occupation in compliance with the
839 requirements of Section 1200.00 of these regulations.

840 f. Outdoor recreation uses and facilities, including but not limited to golf
841 courses, cross-country ski areas, riding stables, but excluding campgrounds.

842 To include a provision that no use allowed under this section shall:

843 1) Adversely affect abutting property values; or

844 2) Result in increased noise beyond property lines over and above that
845 normally associated with residential uses allowed in the district; or

846 3) Be a health hazard; or

847 4) Be a nuisance to abutting properties; or

848 5) Uses allowed under this section will be subject to site plan review and
849 approved by the Planning Board. (3/13/01)

850

851 **902.00** **Lot Requirements.**

852

853 **902.01** **Area.** Minimum lot size 10 acres with a minimum of 2 acres contiguous dry land
854 undivided by wetland, pond or drainage way.

855

856 **902.02** **Frontage.** Minimum 500 feet of continuous frontage.

857

858 **902.03** **Setbacks.** All structures must be set back a minimum of 50 feet from the front, side
859 and rear lot lines.

860

861

862 **1000.00 WETLANDS DISTRICT**

863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914

The purpose of the Wetlands District is to guide the use of areas of land with extended periods of high water tables to:

- a. prevent development of structures and land uses on naturally occurring wetlands which would contribute to the pollution of surface and ground water by sewage;
- b. prevent the destruction of natural wetlands which provide flood protection, recharge groundwater supplies and augment stream flows during dry periods;
- c. prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands.

1000.01 District Boundaries.

The Wetland District encompasses all areas identified and delineated as poorly and very poorly drained soils by the U.S. Department of Agriculture, Soil Conservation Service, in the Soil Survey of Hillsborough County New Hampshire, Western Part, dated October 1985, and any areas delineated as wetlands on a site specific basis using the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987 in conjunction with the Field Indicators for Identifying Hydric Soils in New England, New England Interstate Water Pollution Control Commission, May 1995. The Wetland District is show on the Town of Lyndeborough Wetlands District Map on file with the Town Clerk and the Planning Board. In the event that an area is incorrectly designated as being poorly or very poorly drained soil on the Wetland District Map and evidence to that effect is satisfactorily presented to the Building Inspector, the restrictions in this section shall not apply. All on site wetland delineation shall be conducted by a certified soil scientist.

The Wetland District is an overlay district. In all cases where the Wetland District is superimposed over another district in the Town of Lyndeborough, the more restrictive regulations shall apply.

1001.00 Permitted Uses. (3/16/19)

Any of the following uses that require a permit by NH DES are also permitted by this Ordinance.

- a. Forestry operations and management in accordance with best management practices;
- b. Agriculture in accordance with agricultural best management practices;
- c. Water impoundments and wells;
- d. Drainage ways - streams, ditches or other paths of normal water runoff;
- e. Wildlife refuges;
- f. Parks and recreation uses consistent with the purpose and intent of this Ordinance;
- g. Conservation areas and nature trails; and
- h. Open space as permitted by the Subdivision Regulations and other sections of this Ordinance.

915 **1002.00 Special Exceptions.**

916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936

The following uses may be permitted as special exceptions by the Zoning Board of Adjustment. Prior to the granting of a special exception, the Zoning Board shall refer the application to the Planning Board, the Health Officer and the Conservation Commission for review and comment prior to the public hearing. Lack of response from any of these parties within 30 days implies consent to the application. Construction of any uses permitted by special exception shall minimize the detrimental impact of the use on the wetland.

- a. Streets, roads and other access ways;
- b. Utility right-of-way easements including power lines and pipelines if essential to the productive use of land not in the Wetland District;
- c. A use not otherwise permitted in the Wetland District, including the erection of a structure, dredging, draining or otherwise altering the configuration of the land, if it can be shown that the proposed use is not in conflict with the purpose and intent of this section and if the proposed use is otherwise permitted by the by the Zoning Ordinance. Proper evidence of this shall be submitted in writing to the Zoning Board and is subject to review by the Hillsborough County Conservation District to determine the effect of the proposed use on the wetlands in question.

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

937 **1100.00** ***PLANNED RESIDENTIAL DEVELOPMENT (PRD)****
938 **ALLOWED BY CONDITIONAL USE PERMIT**
939 **Adopted March 14, 2006 (3/16/19)**

941 **1101.00** **Purpose:**

942
943 To provide an alternative pattern of land development for single-family homes in the
944 Village District (V) and along a corridor 1,000 feet either side of State Route 31 in
945 Rural Lands One District (RL1). (3/16/19)

946
947 It is intended to encourage the preservation of open space and, at the same time,
948 provide for a greater variety of housing types and affordability, with similar densities
949 and more inclusive building permits than permitted elsewhere in the Zoning
950 Ordinance, without causing an increase to Town maintained roads. (3/16/19)

951
952 It is planned that in a PRD, the setbacks for dwelling units in a PRD in the Village
953 District shall be the same as required in Section 502.03 of the Lyndeborough Zoning
954 Ordinance. The setbacks for dwelling units in a PRD in Rural Lands One District
955 (RL1) shall be the same as required in Section 702.03 of the Lyndeborough Zoning
956 Ordinance except that no dwelling unit shall be less than 300 feet from Route 31 nor
957 more than 1,000 feet from Route 31. (3/16/19)

958
959 The dwelling units shall be constructed in clusters that are in harmony with
960 neighborhood developments and housing and with the natural surroundings. These
961 clusters shall not detract from the ecological and visual qualities of the environment,
962 or from the value of the neighborhood or Town. Every PRD unit shall be occupied by
963 an owner occupant who is at least 55 years of age or older and should add to the
964 variety of housing types in Lyndeborough to accommodate the Master Plan purposes.
965 The overall site design and amenities should enhance the quality of living for the
966 residents of the development and, in general, the neighborhood and Town. The
967 Planning Board shall determine whether the proposed PRD, namely the site plan or
968 layout, number, type and design of the proposed housing is suitable to the
969 neighborhood within which it is located and is consistent with the Master Plan and
970 reasonable growth objectives. (3/16/19)

971
972 **1102.00** **Conditions:**

973
974 An applicant for approval of a proposed PRD* shall make application to the Planning
975 Board in the same fashion as specified in the Subdivision regulations. In the course of
976 review of the proposal, the Board shall hear evidence presented by the applicant and
977 all those requiring notice and determine whether, in its judgment, the proposal meets
978 the objectives and purpose set forth above, in which event the Planning Board may
979 grant approval to the proposal, subject to reasonable conditions and limitations as it
980 shall deem appropriate. (3/16/19)

981
982 **1102.01** ***Minimum Net Tract Area.*** Planned Residential Developments may be permitted on
983 single or adjacent tracts of land, under one owner, or to be brought under one owner,
984 which have a net tract area* of no less than twenty (20) buildable acres. Irrespective
985 of the net tract area size, the PRD shall not contain more than twenty (20) dwelling
986 units. Net tract area shall mean the total area of the tract, or tracts, less the area of
987 wetlands, identified flood plains and areas of slope equal to or greater than 20%. To
988 maintain comparable densities, as calculated using existing Lyndeborough zoning
989 regulations, (as determined by soil based zoning section 408.00 of the zoning
990 ordinance) PRD septic systems are to be of the “shared- type”, located in the Open

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

991 Space on soils that are rated “slight to moderate” as spelled out in the Hillsborough
992 County West published soils survey. (3/16/19)

993
994 **1102.02** **Minimum Lot Size.** Individual lots created within the PRD shall be a minimum of
995 one (1) acre in size. While each PRD shall be subject to the Subdivision Regulations,
996 where there are differences between the PRD requirements and the Subdivision
997 Regulations, the requirements of the PRD shall prevail. All other regulations and
998 restrictions not specifically mentioned in this Ordinance shall be those governed by
999 the Zoning regulations in which the PRD is located.

1000
1001 **1102.03** **Permitted Uses.** There may be permitted in the PRD, single family detached
1002 dwelling units* of any type without regard to unit configuration. It is envisioned that
1003 the housing types, while having different internal configurations, will have an
1004 external appearance that complements and is in general harmony with the natural
1005 surroundings of the PRD. The maximum height of any dwelling structure shall be 25
1006 feet, exclusive of chimneys or cupolas, measured from the lowest adjacent exterior
1007 elevation. The maximum area of living space* is not to exceed 2000 square feet. At a
1008 minimum there shall be a fifty (50) foot set back* from the property line around the
1009 perimeter of the property. The lot frontage*, as measured at the edge of the road
1010 right-of-way, to be a minimum of 100 feet. Lot frontage on Cul-de-sac* turnarounds,
1011 as measured at the edge of the right-of-way, to be a minimum of 75 feet. Off-road
1012 parking space will be furnished to accommodate one (1) vehicle and have an area not
1013 less than 9 ft. X 18 ft. not including driveways or passage ways and have direct
1014 access to a private way. For the purpose of this Ordinance, the following definition
1015 will apply:

1016
1017 **“Single Family Detached Dwelling Unit—any building designed for and**
1018 **occupied by not more than one family and which is not attached to any other**
1019 **dwelling unit by any means.”**

1020
1021 The Planning Board shall determine the mix of housing types and these shall be
1022 determined at the Final Review and be noted on the Plat.

1023
1024 **1103.00** **Open Space:**

1025
1026 All land in the PRD which is not covered by dwellings, paved areas, service areas, or
1027 which is not set aside as private yards, patios or gardens for the residents shall be
1028 treated as open space*. The total of the open space shall be at least 50% of the total
1029 net area of the PRD tract. Such land shall have shape, character and location suitable
1030 to assure its use for park, recreation, conservation, or agricultural purposes
1031 (excluding farm livestock) by at least all the residents of the PRD.

1032
1033 Provisions shall be made for the open space to be held in common and equally, by all
1034 the Home Owners Association* members of the PRD. Such provisions shall further
1035 hold that all the open space shall be readily accessible to all residents the PRD and
1036 that such open space shall be retained in perpetuity for one or more of the following
1037 uses: conservation, agriculture, recreation or park. No building or construction of
1038 structures shall take place in the open space. Should the PRD plan call for shared
1039 wells* and or shared septic systems*, they may be constructed to State specifications
1040 in the open space, with permission of the Planning Board. Harvesting of trees in the
1041 open space is permitted if it is done in accordance with good forestry practice and
1042 with the permission of the Planning Board.

1043

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1044 **1103.01** **Density.** In a Planned Residential development bedroom density* shall be
1045 determined by the following method:

1046
1047 “Multiply the number of allowed dwelling units by two (2)”
1048 The result of this calculation shall be the number of bedrooms permitted in the entire
1049 development. The number of bedrooms permitted in any PRD shall be determined by
1050 the Planning Board to assure compliance with the PURPOSE of the PRD and shall
1051 not exceed the limit determined above. The number of bedrooms in each dwelling
1052 unit shall be noted on the final Plat and cannot be increased without permission from
1053 the Planning Board.

1054
1055 For the purpose of this ordinance, a bedroom may mean any room other than a
1056 kitchen, bathroom, or small utility room and must be located in the normal living
1057 space of the unit and not located in the basement, attic or garage. In review of the
1058 floor plan or plans, the planning Board, may deem the floor space shown on said plan
1059 or plans to constitute the number of bedrooms that can be built in that space. The
1060 Planning Board may designate a room not to be a bedroom if it deems that its use as a
1061 bedroom is unlikely in view of the layout of the unit, or in the overall character of the
1062 PRD.

1063
1064 **1103.02** **Architectural Design.** As a condition of final approval, the applicant must obtain the
1065 Planning Board’s approval of the external architectural design of the PRD to ensure
1066 that it complies with the goals of harmonious existence with the neighborhood and
1067 the environment, as stated in the PURPOSE. A buffer zone must be provided around
1068 the perimeter of the PRD, to a depth of 200 feet, by preserving the existing natural
1069 foliage and planting local species of trees and plants that will act as a screen from the
1070 surrounding neighborhoods.

1071
1072 **1103.03** **Limitation of the Subdivision.** No lot shown on the PRD plan for which a permit is
1073 granted under this Ordinance may be further subdivided, in perpetuity, and a note to
1074 that effect shall be placed on the Final Plan. No structure* within the subdivision can
1075 be within 500 feet of any public road.

1076
1077 **1103.04** **Roads.** Road(s) that service the PRD will be considered a private road(s) and the
1078 Planning Board shall require adequate covenants, restrictions and agreements,
1079 including a Home Owners Association guarantee that states the Town will have no
1080 liability or responsibility to maintain said road. All private roads must be constructed
1081 to meet or exceed Town standards. Furthermore, road(s) that connect with Town or
1082 State public roads must adhere to the intersection regulations of both or either of
1083 those bodies.

1084
1085 **1104.00** **Provided Services to Dwellings:**

1086
1087 Power: All power must be run under ground
1088 Phone: All communication lines must be run under ground.
1089 Water: Clean drinking water is to be supplied either from a municipal source, private
1090 source, community wells, or individual wells.
1091 Waste: Waste material will be managed *either* by municipal sewer or shared septic
1092 systems. All septic systems must meet Town and State regulations.

1093
1094 **1105.00** **Home (Unit) Owner’s Association:**

1095
1096 The applicant for the PRD must establish a Home or Unit Owners Association* as
1097 part of the application that adheres to the provisions of New Hampshire RSA 356-B

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1098 and creates with respect to the land a condominium with the condominium form of
1099 ownership. All Home Owners Association agreements must be reviewed by the
1100 Town of Lyndeborough's attorney and approved by the Planning Board prior to final
1101 approval of the application. Any amendments to the original agreement must be
1102 reviewed and approved by the Planning Board prior to implementation by the Home
1103 Owner's Association.

1104

1105 **1106.00 Bond:**

1106

1107 As a condition of final approval, the applicant must post a bond or other surety with
1108 the town treasurer in the amount \$20,000.00 per dwelling unit on each building
1109 permit in order to guarantee compliance with the permit. The bond will be released
1110 upon the completion of all dwelling units assigned to the permit.

1111

1112 **1107.00 Growth Ordinance:**

1113

1114 In the case of a PRD, the Growth Management Ordinance is modified to allow the
1115 applicant to construct a minimum of five (5) and a maximum of ten (10) dwelling
1116 units, under a single permit, in a given calendar year. The applicant will not be
1117 considered for another permit until the number of dwelling units, already under
1118 permit have been completed. Furthermore, the Planning Board will not approve more
1119 than one (1) PRD in any given calendar year.

1120

1121 **1108.00 Definitions:**

1122

1123 **1108.01 Accessory Building.** A detached building on the same lot with the primary building,
1124 the use of which is clearly incidental to that of the primary building or use of the
1125 land.

1126

1127 **1108.02 Building.** Any structure that has a roof and is intended to shelter people, animals or
1128 chattel.

1129

1130 **1108.03 Buffer.** An upland area immediately adjacent to a wetland or a body of water,
1131 usually specified by a setback distance from the edge, that serves to filter surface
1132 water flowing into the wet land or body of water.

1133

1134 **1108.04 Cul-de-Sac.** A road designed for the purpose of a vehicle turnaround.

1135

1136 **1108.05 Density.** The total number of bedrooms allowed per net track area .

1137

1138 **1108.06 Driveway.** A private from the private road traversing private property, ordinarily
1139 leading to a single residence.

1140

1141 **1108.07 Dwelling.** A structure that is designed or used as a place of residence for one family.

1142

1143 **1108.08 Dwelling Unit.** A structure or part of a structure used as a place of residence for one
1144 family.

1145

1146 **1108.09 Family.** One or more persons who live as a single housekeeping unit in a dwelling
1147 unit.

1148

1149 **1108.10 Frontage.** The continuous distance of any property line of a lot that abuts a private
1150 road approved by the Planning Board.

1151

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 1152 **1108.11** **Home Owners Association.** Dwelling unit owners, acting as a group in accordance
1153 with the Condominium Act, the Declaration and stated Bylaws.
1154
- 1155 **1108.12** **Living Space.** Those defined areas within the dwelling that conform to realty
1156 standards for normal living. They do not include basements, attics, garages, or out
1157 buildings.
1158
- 1159 **1108.13** **Lot.** A tract of land occupied or capable of being occupied by a building or use and
1160 by accessory uses, including the open space provided for in this Ordinance.
1161
- 1162 **1108.14** **Net Track Area.** Is the total usable area of a particular track of land.
1163
- 1164 **1108.15** **Open Space.** Is that area that is held in common by the members of the Home
1165 Owner's Association.
1166 **1108.16** **Private Road.** A road constructed to or exceeding the Town standards for Class V
1167 roads.
1168
- 1169 **1108.16** **PRD.** Is a Planned Residential Development of single-family dwelling units.
1170
- 1171 **1108.17** **Setback.** The minimum distance between two points as prescribed by this ordinance.
1172
- 1173 **1108.18** **Single Family detached Dwelling Unit.** Any building designed for and occupied by
1174 not more than one family and which is not attached to any other dwelling unit by any
1175 means.
1176
- 1177 **1108.19** **Shared Septic.** Septic systems that are shared by two or more dwelling units.
1178
- 1179 **1108.20** **Shared Wells.** Wells that are shared by two or more dwelling units.
1180
- 1181 **1108.21** **Structure.** A combination of materials assembled at a fixed location to give or
1182 shelter, including but not limited to, buildings, accessory buildings and accessory
1183 support uses.
1184
1185

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1186 **1200.00 HOME OCCUPATION AND HOME BUSINESS**
1187 *(AMENDED AND ADOPTED ON 3/18/17. DELETE 1200.00 SUBSECTION O)*
1188 *(AMENDED AND ADOPTED 3/13/18)*

1189 **A. General Requirements**

- 1190 1. Home Occupations and Home Businesses shall be conducted in accordance
1191 with all town, state and federal laws, regulations and licensing requirements.
1192 2. The business activity shall take place within a residence or an accessory
1193 building and must be incidental and secondary to the residential use of the
1194 dwelling unit.
1195 3. The business activity shall not change the character of the surrounding
1196 neighborhood, nor will it provide window displays or other characteristics
1197 associated with retail or commercial use.
1198 4. Signs may not exceed four square feet in surface area, may not be internally
1199 lit, and may not be placed within the town or state highway right of way.
1200 5. No noise, vibration, dust, smoke, electrical disturbances, odors, heat or glare,
1201 shall be produced by a Home Occupation or a Home Business, nor shall there
1202 be any discharge of hazardous material into the air, ground or surface water.
1203 6. Motor vehicles and equipment used for the Home Occupation or Home
1204 Business shall be parked or placed as inconspicuously as possible.
1205 7. Sufficient off-street parking shall be provided for any non-resident
1206 employees, customers and suppliers who may normally be expected to need
1207 parking spaces at one time. Where additional parking is required, the spaces
1208 shall not be located in the front yard or within the side or rear setbacks.
1209 Parking spaces shall be a minimum of 9 by 18 feet. On-street parking is
1210 prohibited.
1211 8. Traffic generated by the home business shall not create safety hazards or be
1212 substantially greater in volume than would normally be expected in the
1213 neighborhood.
1214 9. Whenever a Home Occupation or Home Business exceeds any requirement
1215 of this Ordinance, it must relocate into an appropriate zoning district and will
1216 be subject to Site Plan Review by the Planning Board.
1217 10. A Home Occupation or Home Business legally operating under the
1218 provisions of Section 1200 as amended in 2017 of the Zoning Ordinance on
1219 the date of the enactment of this Ordinance may continue unless and until the
1220 following:
1221 a. The occupation or business expands in size, scope or purpose.
1222 b. The ownership of the property is transferred.
1223
1224 o. *1200.00 Subsection o- Deleted. (3/18/17)*
1225

1226 **B. Home Occupation** *(Adopted 3/13/18)*

- 1227 1. A Home Occupation shall be permitted in all districts of the town as a matter
1228 of right. No Site Plan Review or Special Exception by the Zoning Board of
1229 Adjustment is required for a Home Occupation.
1230 2. The business activity shall occupy less than one-fourth of the floor area of
1231 the residence or an equivalent area in an accessory building.
1232 3. The business shall be carried on by the resident owner, the resident owner's
1233 family, a resident tenant, or a member of a resident tenant's family.
1234 4. The business may have no more than one non-resident employee.
1235 5. Exterior storage of materials and equipment is prohibited.
1236

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 1237 **C. Home Business** *(Adopted 3/13/18)*
1238 1. A Home Business shall be permitted in all districts of the town and is subject
1239 to Site Plan Review by the Planning Board. A formal application is required.
1240 2. The business activity shall occupy less than one-third of the floor area of the
1241 residence or an equivalent area in an accessory building
1242 3. The business shall be carried on by the resident owner, the resident owner's
1243 family, a resident tenant or a member of the resident tenant's family.
1244 4. The business may have no more than two non-resident employees.
1245 5. Exterior storage of materials and equipment must be screened from view
1246 from any public road or abutting property.
1247

- 1248 **D. Exclusion:**
1249 Food articles produced within a residence or on the surrounding property such as
1250 vegetables, fruit, maple syrup, etc. may be sold seasonally from roadside stands and
1251 are excluded from the requirements of this Ordinance.
1252

1253 ***1200.01 Rural Lands One, Two and Three Districts. (AMENDED AND APPROVED TO***
1254 ***DELETE SECTIONS 1200-01 a-e, 3/17/17)***
1255

- 1256 1201.00 *Exclusions.*
1257
1258 Food articles produced within a residence or on the surrounding property such as
1259 vegetables, fruit, maple syrup, etc. may be sold seasonally from roadside stands and
1260 are excluded from the requirements of this Ordinance.
1261

1262 ***1250.00 TELECOMMUNICATION FACILITIES (ADOPTED 3/10/98)***
1263

1264 In recognition of the requirements of the federal Telecommunications Act of 1996,
1265 this ordinance is designed and intended to balance the interests of the residents of
1266 Lyndeborough, telecommunications providers, and telecommunications customers in
1267 the siting of telecommunications facilities within the town of Lyndeborough so as to
1268 ensure coordinated development of communications infrastructure while preserving
1269 the health, safety and welfare of the Town and its residents. This ordinance
1270 establishes general guidelines for the siting of telecommunications towers and
1271 antennas to enhance and fulfill the following goals:
1272

- 1273 a. Preserve the authority of Lyndeborough to regulate and to provide for
1274 reasonable opportunity for the siting of telecommunications facilities, by
1275 enhancing the ability of providers of telecommunications services to provide
1276 such services to the community quickly, effectively, and efficiently;
1277
1278 b. Reduce adverse impacts such facilities may create, including, but not limited
1279 to, impacts on aesthetics, environmentally sensitive areas, historically
1280 significant locations, flight corridors, health and safety by injurious accidents
1281 to person and property, and prosperity through protection of property values;
1282
1283 c. Provide for co-location and minimal impact siting options through
1284 assessment of technology, current location options, future available locations,
1285 innovative siting techniques, and siting possibilities beyond the political
1286 jurisdiction of the Town;
1287
1288 d. Permit the construction of new towers only where all other reasonable
1289 opportunities have been exhausted, and to encourage the users of towers and

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 1290 antennas to configure them in a way that minimizes the adverse visual impact
1291 of the towers and antennas;
- 1292
- 1293 e. Require cooperation and co-location, to the highest extent possible, between
1294 competitors in order to reduce cumulative negative impacts upon the Town;
- 1295
- 1296 f. Provide constant maintenance and safety inspections for any and all
1297 facilities;
- 1298
- 1299 g. Provide for the removal of abandoned facilities that are no longer inspected
1300 for safety concerns and Building code compliance. Provide a mechanism for
1301 the Town to remove these abandoned towers to protect the citizens from
1302 imminent harm and danger; and
- 1303
- 1304 h. Provide for the removal or upgrade of facilities that are technologically
1305 outdated.
- 1306
- 1307 **1251.00 Definitions.**
- 1308
- 1309 **1251.01 Alternative Tower Structure.** Innovative siting techniques such as artificial trees,
1310 clock towers, bell towers, steeples, light poles, and similar alternative design
1311 mounting structures that camouflage or conceal the presence of antennas or towers.
- 1312
- 1313 **1251.02 Antenna.** Any exterior apparatus designed for telephonic, radio, television, personal
1314 communications service (PCS), pager network, or any other communications through
1315 the sending and/or receiving of electromagnetic waves of any bandwidth.
- 1316
- 1317 **1251.03 Co-location.** The use of an existing tower or an existing telecommunications facility,
1318 for multiple purposes or users.
- 1319
- 1320 **1251.04 Guy Wires.** A cable used to secure and steady a tower.
- 1321
- 1322 **1251.05 Height.** The distance measured from ground level to the highest point on the tower
1323 or other structure, including antennas.
- 1324
- 1325 **1251.06 Monopole.** Any tower consisting of a single pole, constructed without guy wires
1326 with ground anchors.
- 1327
- 1328 **1251.07 Pre-existing Towers and Antennas.** Any tower or antenna lawfully constructed or
1329 permitted prior to the adoption of this ordinance. Also, any tower or antenna
1330 lawfully constructed in accordance with this ordinance that predates an application
1331 currently before the Town.
- 1332
- 1333 **1251.08 Secondary Use.** A use of land or of a building or portion thereof which is unrelated
1334 to the principal use of the land or building.
- 1335
- 1336 **1251.09 Telecommunications Facilities.** Any structure, antenna, tower, or other device that
1337 provides commercial mobile wireless services, unlicensed wireless services, cellular
1338 phone services, specialized mobile radio communications (SMR), and personal
1339 communications services (PCS), and common carrier wireless exchange access
1340 services.
- 1341
- 1342 **1251.10 Tower.** A structure that is designed and constructed primarily for the purpose of
1343 supporting one or more antennas, including self-supporting lattice towers, guy towers

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1344 or monopole towers. The term includes radio and television transmission towers,
1345 microwave towers, common carrier towers, cellular telephone towers, alternative
1346 tower structures, and the like.

1347
1348 **1252.00 Applicability.**

1349
1350 **1252.01 Public Property.**

1351
1352 Antennas or towers located on property owned, leased, or otherwise controlled by the
1353 Town may be exempt from the requirements of this section, except that uses are only
1354 permitted in the zones and areas as delineated in Section 1253.02. This partial
1355 exemption shall be available if a license or lease authorizing the antenna or tower has
1356 been approved by the governing body and the governing body elects, subject to state
1357 law and local ordinance, to seek the partial exemption from this ordinance.

1358
1359 **1252.02 Essential Services and Public Utilities.**

1360
1361 Telecommunications facilities shall not be considered infrastructure, essential
1362 services, or public utilities, as defined or used elsewhere in the Town's ordinances
1363 and regulations. Siting for telecommunications facilities is a use of land, and is
1364 subject to the Town's zoning ordinance and all other applicable ordinances and
1365 regulations.

1366
1367 **1253.00 Siting Standards.**

1368
1369 **1253.01 General Provisions.**

1370
1371 The uses listed in this section are deemed to be permitted uses in the designated
1372 district in accordance with all other applicable ordinances and regulations of the
1373 Town including Site Plan Review and approval by the Lyndeborough Planning
1374 Board. In addition, all telecommunication facility applications will be technically
1375 verified by an independent Town Consultant at the applicant's expense.

1376
1377 a. Antennas and towers may be considered either principal or secondary uses.
1378 A different existing use or an existing structure on the same lot shall not
1379 preclude the installation of an antenna or tower on such lot.

1380
1381 b. For purposes of determining whether the installation of a tower or antenna
1382 complies with district development standards, the dimensions of the entire lot
1383 shall control, even though the antennas and towers may be located on leased
1384 parcels within such lots.

1385
1386 c. Towers that are constructed, and antennas that are installed, in accordance
1387 with the provisions of this ordinance, shall not be deemed to constitute the
1388 expansion of a nonconforming use or structure.

1389
1390 **1253.02 Districts Permitted.**

1391
1392 New tower construction and co-location of telecommunication facilities shall be
1393 permitted in the Light Industrial, Rural Lands One, Rural Lands Two and Rural
1394 Lands Three Districts subject to all applicable local, state and federal regulations and
1395 Site Plan Review and approval by the Planning Board.

1396
1397

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1398 **1253.03** **Height Requirements.**
1399
1400 Maximum tower heights for each district are defined in the Height Table in the Site
1401 Plan Review Regulations, however, towers shall only be constructed to the minimum
1402 height required to provide adequate service. In addition, towers requiring lighting
1403 shall not be permitted in any district. These requirements and limitations shall
1404 preempt all other height limitations as determined by the Zoning Ordinance and shall
1405 apply only to telecommunications facilities.
1406

1407 **1254.00** **Bonding, Security and Insurance.**
1408
1409 Recognizing the extremely hazardous situation presented by abandoned and
1410 unmonitored towers, the Planning Board shall set the form and amount of security
1411 that represents the cost for removal and disposal of abandoned towers in the event
1412 that the tower is abandoned and the tower owner is incapable and/or unwilling to
1413 remove the tower in accordance with Section 1255.00. Bonding and surety shall be
1414 consistent with the provisions in the Subdivision Regulations. Furthermore, the
1415 Planning Board shall require submission of proof of adequate insurance covering
1416 accident or damage.
1417

1418 **1255.00** **Removal of Abandoned Antennas and Towers.**
1419
1420 Any antenna or tower that is not operated for a continuous period of twelve (12)
1421 months shall be considered abandoned and hazardous to the public health and safety,
1422 unless the owner of the tower provides annual certification of structural integrity.
1423 The owner shall remove the abandoned structure within ninety (90) days of receipt of
1424 a declaration of abandonment from the Town.. A declaration of abandonment shall
1425 only be issued following a public hearing, noticed according to RSA 676:4, with
1426 notice to abutters and the last known owner/operator of the tower. If the abandoned
1427 tower is not removed within ninety (90) days, the Town may execute the security and
1428 have the tower removed. If there are two or more users of a single tower, this
1429 provision shall not become effective until all users cease using the tower.
1430

1431 **1260.00** **OFF-HIGHWAY RECREATIONAL VEHICLE (OHRV) FACILITIES**
1432 **ORDINANCE (Adopted March 9, 2004)**
1433

1434 These features are in keeping with the general welfare that the enabling statutes have
1435 empowered the Town to protect through the passage of Ordinances, including, but
1436 not limited to the following:

- 1437
- 1438 1) Ensuring that land use regulations result in developments that reflect
1439 Lyndeborough’s existing rural character;
 - 1440
 - 1441 2) Protecting the health, safety, welfare and property of Town residents and
1442 OHRV participants;
 - 1443
 - 1444 3) Ensuring that the rate, type, and location of OHRV Facilities development
1445 does not place an unreasonable burden on the Town’s financial ability to
1446 expand its public services;
 - 1447
 - 1448 4) Identifying preferred future land use patterns that shall, among other things,
1449 consider the capacity of the roadway system to accommodate additional
1450 traffic resulting from large-scale OHRV Facilities development and the
1451 physical and fiscal ability of the Town to provide public services, including

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 1452 emergency medical care and fire protection;
- 1453
- 1454 5) Protection against potential adverse environmental impacts such as soil
- 1455 erosion, water/air quality, noise pollution and wildlife disturbances;
- 1456
- 1457 6) Consider and guard against any adverse impact on property values caused by
- 1458 non-commercial OHRV Facilities development;
- 1459

1460 **1261.00 Specific Objectives:**

1461

1462 *The Town of Lyndeborough may regulate the operation of OHRV Facilities in the*

1463 *Town of Lyndeborough for the following purposes:*

1464

- 1465 1) To mitigate the impact of large-scale State-Sanctioned, non-commercial OHRV
- 1466 facilities developed in accordance with RSA 215-A and which are exempt from
- 1467 regulation by the Town of Lyndeborough’s Site Plan Review Ordinances.
- 1468
- 1469 2) To mitigate the impact from increased traffic on local roads, excessive noise,
- 1470 dust, pollution, reduction in neighboring property values or other effects that
- 1471 might detract from the rural characteristics outlined in the Sections “E” through
- 1472 “H” of the Lyndeborough Master Plan (Approved May 16, 2002), which address
- 1473 the need to preserve the environment in ways that are conducive to the
- 1474 preservation of plants, wildlife, views and other characteristics that define the
- 1475 rural character of Lyndeborough,
- 1476
- 1477 3) To determine appropriate hours of operation that mitigate noise, reduction of
- 1478 abutting property values and other disturbances that adversely affect the
- 1479 enjoyment of those properties,
- 1480
- 1481 4) To ensure that parking for OHRV Facilities is adequate and in keeping with the
- 1482 rural characteristics of the Town of Lyndeborough,
- 1483
- 1484 5) To ensure that picnic areas associated with OHRV Facilities are adequate and
- 1485 appropriately sited,
- 1486
- 1487 6) To Ensure that sanitation facilities associated with OHRV Facilities are adequate
- 1488 and appropriately sited, and
- 1489
- 1490 7) To ensure that designated access routes to OHRV Facilities are adequate and
- 1491 assure the safety of local residents and OHRV Facility participants.
- 1492
- 1493

1494 **Lyndeborough Off-Highway Recreational Vehicle (OHRV) Facility Ordinance and**

1495 **Regulations**

1496

1497 **1262.00 Authority:**

1498

1499 This Ordinance is promulgated by the Town of Lyndeborough Town Meeting as an

1500 amendment to the existing Zoning Ordinance, pursuant to the authority provided to

1501 said Town by *RSA 674:16 (Purposes of Zoning Ordinances) and 676:17 (Fines and*

1502 *Penalties)*.

1503

1504

1505

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

- 1506 **1263.00 Scope of Regulations:**
1507 *IT IS INTENDED THAT THIS ORDINANCE WILL APPLY TO ALL LARGE-SCALE, STATE-*
1508 *SANCTIONED, NON-COMMERCIAL (SEE DEFINITIONS) OHRV FACILITIES*
1509 *DEVELOPED IN ANY REGION OR DISTRICT WITHIN THE TOWN OF*
1510 *LYNDEBOROUGH.*
1511
- 1512 **1264.00 Definitions:**
1513
- 1514 **1264.01 Abutter.** Any person whose property adjoins or is directly across the street or stream
1515 from the land under consideration by the Board; and affected municipalities and the
1516 regional planning commission(s) in the event of developments having regional
1517 impact. If an abutting property is under condominium or other collective form of
1518 ownership, the officers of the collective or association as defined in RSA 356-B:3,
1519 XXIII, shall receive the formal notification. For purposes of receiving testimony
1520 only, and not for the purpose of notification, the term “abutter” shall include any
1521 person who is able to demonstrate that his/her land will be directly affected by the
1522 proposal under consideration.
1523
- 1524 **1264.02 Designee.** Person or organization designated by another to represent the landowner
1525 in an official capacity in an action, activity or before a regulatory board, Town or
1526 State authority.
1527
- 1528 **1264.03 Landowner.** Owner of land with tax payment responsibility for same.
1529
- 1530 **1264.04 Large-scale OHRV Recreational Facility.** A closed or limited access, non-
1531 commercial destination trail system open to the public for the express purpose of
1532 casual riding, racing, or other activities associated with OHRV use.
1533
- 1534 **1264.05 Noise.** Any sound that would travel beyond property lines and is over and above that
1535 normally associated with residential uses allowed in the district.
1536
- 1537 **1264.06 Operator.** Person or organization with primary responsibility for the operation,
1538 maintenance and oversight of an OHRV Facility.
1539
- 1540 **1264.07 Picnic Areas.** Areas located within an OHRV facility that is equipped with picnic
1541 tables, sanitation facilities or other amenities intended for use by participants to stop,
1542 rest, eat, or use sanitation facilities.
1543
- 1544 **1264.08 Pollution.** Excessive noise, fumes, dust, smoke, fuel or oil spills resulting from
1545 OHRV activities.
1546
- 1547 **1264.09 Sanitation Facilities.** Permanent rest rooms, portable toilets, portable wash rooms,
1548 out houses.
1549
- 1550 **1264.10 State-Sanctioned OHRV Facility.** A non-commercial OHRV trail system on public
1551 or private land which has been accepted into the State’s inventory of OHRV trails, is
1552 published in written materials and/or on the Internet as a trail open for public OHRV
1553 use, and for which no usage fee is charged.
1554
- 1555 **1264.11 OHRV.** All off-highway recreational vehicles as defined by RSA 215-1. **Such**
1556 **vehicles shall not include:**
1557 1) Devices typically operated by the handicapped which were not originally
1558 manufactured as trail bikes or ATVs;
1559 2) Lawnmowers, maintenance vehicles, construction and/or logging equipment;

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1560 3) Any emergency vehicles operated by or under the direction of the
1561 Lyndeborough Police, Fire and/or Emergency Management departments,
1562 along with similar vehicles of local, State or federal government agencies
1563 conducting similar activities.

1564

1565 **1265.00 Regulated Uses:**

1566

1567 In order to mitigate the negative impacts from noise, dust, fumes, pollution caused by
1568 fuel and oil emissions that result from the operation of a OHRV Facility, and to
1569 ensure the enjoyment of open land by landowners and OHRV participants,
1570 owners/operators of OHRV Facilities must adhere to the following minimum
1571 standards of operation:

1572

1573 **1265.01** Trails regulated by this ordinance will be used in accordance with the State of New
1574 Hampshire’s best management land use practices and will avoid all wetland areas.

1575

1576 **1265.02** A maximum of seventy-five (75) OHRVs may be allowed to operate on any OHRV
1577 non-commercial, State Sanctioned facility, located in the Town of Lyndeborough, at
1578 one time.

1579

1580 **1265.03** Hours of Operation for OHRV Facilities are from 9:00 am to one hour before sunset.
1581 This shall apply all 12 months of the year, including periods of complete or partial
1582 snow cover.

1583

1584 **1265.04** Speed limits shall be observed to assure the safety of participants and others. OHRV
1585 operators must post and enforce speed limits so that no person shall operate a OHRV
1586 at a speed greater than is reasonable and prudent under the existing conditions and
1587 without regard for actual and potential hazards. In all cases speed shall be controlled
1588 so that the operator will be able to avoid colliding with any person, animal, vehicle,
1589 or object.

1590

1591 1) Speed limits for OHRV Facilities within the boundaries of Lyndeborough
1592 shall be as follows:

1593

- 1594 a. 10 miles per hour within 150 feet of any house or property boundary;
- 1595 b. 10 miles per hour within any established rights-of-way or adjacent to
- 1596 town roads, highways, or other public ways;
- 1597 c. 10 miles per hours on any class IV, V, and VI highways or bridges
- 1598 designated as open for OHRV operation by the Town;
- 1599 d. 10 miles per hour at trail junctions or parking lots;
- 1600 e. 25 miles per hour on all other areas within the OHRV Facility.

1601

1602 **1265.05** Parking areas must be accessible from approved access roads, must have at least two
1603 (2) means of entry and egress and must also be easily accessible by Fire and
1604 Emergency Management personnel and their equipment. Ample area must be
1605 allowed for turning and maneuvering of OHRV tow vehicles, fire and emergency
1606 management vehicles at all times, including when the facility is at maximum site
1607 capacity. High intensity outdoor lighting whenever needed to assure the safety and
1608 welfare of OHRV participants is permitted only in parking areas. Parking area
1609 lighting and lights from vehicular traffic associated with this non-residential use shall
1610 be shielded or buffered to prevent off-site glare, sky-glow and light trespass.

1611

1612 **1265.06** Designated Refueling Areas, where all refueling must take place, must be available
1613 and identified for all OHRV Facility participants. Refueling areas must consist of a
 non-permeable fueling pad made of concrete or another non-permeable material.

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1614 Refueling areas must be available in adequate numbers to accommodate the facility
1615 at maximum site capacity and must be sited convenient to major trails, parking and
1616 picnic areas, and other likely fueling locations.
1617

1618 **1265.07** Picnic Areas must be located in areas that are accessible for fire and emergency
1619 management purposes as determined by the Lyndeborough Fire and Emergency
1620 Management Departments. The areas must not interfere with views or ridgelines and
1621 must be sited at least 1000 feet from abutting property boundaries.
1622

1623 **1265.08** Sanitation Facilities must be available at all picnic areas. Landscaping and plantings
1624 shall be used to screen sanitary facilities in open or prominent areas so as not to
1625 interfere with views, ridgelines or other vantage points and must be sited at least
1626 1000 feet from abutting property boundaries. Landscaping and plantings shall be
1627 compatible with native vegetation. Trees should be planted in random clusters, not in
1628 rows, to complement the appearance of natural tree stands. The height of trees at
1629 planting should be sufficient to completely obscure any sanitation facility on the site.
1630

1631 **1265.09** All roadways proposed for access to and from an OHRV recreational facility must be
1632 adequate to accommodate any increase in traffic resulting from the OHRV
1633 development and allow for safe passage for both local and related OHRV traffic.
1634 Costs for any road improvements required to bring an access road into compliance
1635 would be borne by the OHRV Facility Operator.
1636

1637 **1265.10** In accordance with state law RSA 215-A:6 (IX), OHRVs are prohibited from
1638 traveling on all roads, including, but not limited to, Class V and Class VI roads,
1639 unless otherwise approved by the Town of Lyndeborough.
1640

1641 **1266.00** *Conflicting Provisions:*
1642
1643 Where these regulations are in conflict with other local, state or federal ordinances or
1644 regulations, the provision that imposes the greater restriction or higher standard shall
1645 apply.
1646

1647 **1267.00** *ENFORCEMENT, FINES AND PENALTIES:*
1648
1649 *THE PROVISIONS OF THIS ORDINANCE SHALL BE ENFORCEABLE IN ACCORDANCE*
1650 *WITH SECTIONS 1503.00 AND 1504.00 OF THE LYNDEBOROUGH ZONING*
1651 *REGULATIONS.*
1652

1653 **1300.00** *NON-CONFORMING USES*
1654

1655 **1301.00** *Non-conforming Uses and Buildings:*
1656
1657 Any non-conforming uses of land or buildings may continue in their present use,
1658 except that any non-conforming use of land or building may not be:
1659

- 1660 1) changed to another non-conforming use;
- 1661 2) re-established after abandonment for one year;
- 1662 3) extended or enlarged;
- 1663 4) rebuilt after damage exceeding fifty (50) percent of its former market value.
1664
1665
1666

1667 **1302.00 Lots of Record:**

1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682

Where a lot of record at the time of the effective date of this Ordinance has less area and/or frontage than herein required in the District in which it is located:

- 1) The lot may be used for a single family dwelling if permitted in that district subject to New Hampshire Water Supply and Pollution Control Division approval and subject to all district regulations applicable to lots within the District wherein the lot is located with the exception of lot size and/or frontage.
- 2) The lot may be used for any non-residential use permitted in the District in which it is located subject to New Hampshire Water Supply and Pollution Control Division approval and subject to all district regulations applicable to lots within the District wherein the lot is located with the exception of lot size and/or frontage.

1683 **1303.00 Special Exceptions for Non-conforming Buildings. (3/10/98)**

1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697

Additions to existing residences or accessory buildings that lie wholly or in part within the lot setbacks designated for the zoning district may be permitted by Special Exception when no alternative is deemed reasonable by the Zoning Board of Adjustment, in accordance with any or all of the following:

- 1) the proposed addition will not be constructed in the setback area; or
- 2) the proposed addition will not be closer to the lot line than the most intrusive portion of the existing building; or
- 3) the proposed addition is necessary for the health or safety of the occupants of the building as determined by the Building Inspector at the time of permit application.

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1698 **1400.00 BOARD OF ADJUSTMENT (3/13/07)**

1699
1700
1701
1702
1703
1704
1705
1706
1707

The Zoning Board of Adjustment shall consist of five (5) elected members, whose duties shall conform to the provisions of Chapters 672-677 NH RSA. Members shall be elected for three (3) year terms as terms expire or vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

The ZBA may act upon appeals from administrative decisions, special exceptions to the Zoning Ordinance and variances from the Zoning Ordinance.

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1708 **1500.00 ENFORCEMENT AND ADMINISTRATION**

1709

1710 **1501.00 Board of Selectmen:**

1711

1712 It shall be the duty of the Board of Selectmen to enforce the provisions of this
1713 Zoning Ordinance.

1714

1715 **1502.00 Building Inspector:**

1716

1717 It shall be the duty of the Building Inspector to administer the provisions of this
1718 Zoning Ordinance.

1719

1720 The Building Inspector shall issue any and all building permits requested when such
1721 permits are in accordance with the provisions of this Ordinance.

1722

1723 **1503.00 Violations of the Ordinance:**

1724

1725 Upon any well founded information that this Ordinance is being violated, the Board
1726 of Selectmen shall take immediate steps to enforce the provisions of this Ordinance
1727 as provided in RSA 676:17 by taking the appropriate legal action and/or seeking an
1728 injunction in the Hillsborough County Superior Court.

1729

1730 **1504.00 Fines and Penalties:**

1731

1732 Any person, firm or corporation violating any of the provisions of this Ordinance, or
1733 Subdivision regulations adopted hereunder, or any provision or specification of any
1734 application, plat or plan approved by, or any requirement or condition of a permit or
1735 decision issued by the Board of Selectmen, Code Enforcement Officer or Land Use
1736 Board acting under its authority:

1737

1738 1) shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any
1739 other person;

1740

1741 2) shall be subject to a civil penalty not to exceed \$100.00 for each day that such
1742 violation is found to continue after the conviction date or after the date on
1743 which the violator received written notice from the Town of Lyndeborough
that he is in violation of any such Ordinance, whichever is earlier;

1744

1745 3) the Board of Selectmen or its designated agent, the Code Enforcement Officer,
1746 shall be further authorized to take whatever action against violators as may be
otherwise provided for in NH RSA 676:17, as may be amended.

1747

1748

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

1749 **1600.00 APPEALS**

1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761

Any person aggrieved from the decision of the Code Enforcement Officer may appeal to the Zoning Board of Adjustment (ZBA) provided that such appeal must be made in writing within thirty (30) days from the date of the order or decision complained of and submitted to the clerk of the Zoning Board of Adjustment. That such appeals may also be taken by any officer, department or bureau of the Town of Lyndeborough affected by any decision of the Code Enforcement Officer. The Code Enforcement Officer shall transmit forthwith to the Zoning Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken. The Zoning Board of Adjustment shall have the power to hear only those matters as set forth in RSA 674:33, as amended.

1762 **1700.00 CONFLICT AND SEVERABILITY**

1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779

If any section of this Ordinance is found to be in conflict with any other section of the Ordinance or with any local, state, or federal regulation, the more stringent standard shall apply. The invalidity, unconstitutionality or illegality of any Section or provision of this Ordinance or of any zoning district boundary shown on the zoning map shall not have any affect upon the validity, constitutionality or legality of any other Section, provision or zoning district boundary. (March 1994)

#230-18 (6-23-2000)

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

TABLE OF CONTENTS

	<u>Page</u>
100.00	PURPOSE AND AUTHORITY 1
101.00	Adoption and Amendments..... 1
200.00	DEFINITIONS..... 2
200.01	Abandonment 2
200.02	Accessory Dwelling Unit..... 2
200.03	Accessory Building..... 2
200.04	Accessory Use 2
200.05	Automobile Graveyard..... 2
200.06	Automobile Service Station 2
200.07	Building..... 2
200.08	Dwelling Unit..... 2
200.09	Single-Family Dwelling 2
200.10	Two-Family Dwelling 2
200.11	Frontage 2
200.12	Home Businesses..... 2
200.13	Junk..... 3
200.14	Junk Yard 3
200.15	Lot or Parcel..... 3
200.16	Lot of Record 3
200.17	Manufactured Housing 3
200.18	Nonconforming Building or Structure..... 3
200.19	Nonconforming Lot 3
200.20	Nonconforming Use 3
200.21	Retail Store 3
200.22	Pre-site Built Housing..... 3
200.23	Recreational Vehicle 3
200.24	Public Right-of-way 3
200.25	Seasonal Dwelling 3
200.26	Setback..... 4
200.27	Sign..... 4
200.28	Structure 4
200.29	Wetland..... 4
300.00	DISTRICTS 5
400.00	GENERAL PROVISIONS..... 6
401.00	Temporary Placement of Manufactured Home 6
402.00	Alteration and Removal of Materials 6
403.00	Sanitary Protection 6
404.00	Exclusive Optional Method of Developing Large Tracts of Land..... 6
	404.10 Conservation Lands..... 6
405.00	Driveways 7
406.00	Use of Manufactured House, Pre-Site Built Housing and Recreational Vehicles..... 7
407.00	Junkyards and Automobile Graveyards 7
408.00	Soil-Based Zoning Requirements (Overlay District) 7
409.00	Optional Acceptance by the Town of New Roads Created during Subdivisions..... 8
410.00	Fences..... 8

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

		<u>Page</u>
500.00	VILLAGE DISTRICT.....	9
	500.01 District Boundaries	9
	501.00 Permitted Uses	9
	502.00 Lot Requirements	9
	502.01 Area.....	9
	502.02 Frontage.....	9
	502.03 Setbacks.....	9
	503.00 Special Exceptions	10-11
600.00	LIGHT INDUSTRIAL DISTRICT (L1)	12
	600.01 District Boundaries	12
	601.00 Permitted Uses	12
	602.00 Lot Requirements	12
	602.01 Area.....	12
	602.02 Frontage.....	12
	602.03 Setbacks.....	12
	603.00 Special Exceptions	13
700.00	RURAL LANDS ONE DISTRICT (RL1)	14
	700.01 District Boundaries	14
	701.00 Permitted Uses	14
	702.00 Lot Requirements	14
	702.01 Area.....	14
	702.02 Frontage.....	14
	702.03 Setbacks.....	14
	703.00 Special Exceptions	15-16
800.00	RURAL LANDS TWO DISTRICT (RL2).....	17
	800.01 District Boundaries	17
	801.00 Permitted Uses	17
	802.00 Lot Requirements	17
	802.01 Area.....	17
	802.02 Frontage.....	17
	802.03 Setbacks.....	17
	803.00 Special Exceptions	18-19
900.00	RURAL LANDS THREE DISTRICT (RL3).....	20
	901.01 Business Boundaries.....	20
	901.00 Permitted Uses	20
	902.00 Lot Requirements	20
	902.01 Area.....	20
	902.02 Frontage.....	20
	902.03 Setbacks.....	20
1000.00	WETLANDS DISTRICT	21
	1000.01 District Boundaries	21
	1001.00 Permitted Uses	21
	1002.00 Special Exceptions	22
1100.00	PLANNED RESIDENTIAL DEVELOPMENT (PRD) ALLOWED BY CONDITIONAL USE PERMIT.....	23
	1101.00 Purpose	23
	1102.00 Conditions	23
	1102.01 Minimum Net Tract Area	23
	1102.02 Minimum Lot Size	24
	1102.03 Permitted Uses.....	24

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

		<u>Page</u>
1103.00	<i>Open Space</i>	24
	1103.01 <i>Density</i>	25
	1103.02 <i>Architectural Design</i>	25
	1103.03 <i>Limitation of the Subdivision</i>	25
	1103.04 <i>Roads</i>	25
1104.00	<i>Provided Services to Dwellings</i>	25
1105.00	<i>Home (Unit) Owners Association</i>	25
1106.00	<i>Bond</i>	26
1107.00	<i>Growth Ordinance</i>	26
1108.00	<i>Definition</i>	25
	1108.01 <i>Accessory Building</i>	26
	1108.02 <i>Building</i>	26
	1108.03 <i>Buffer</i>	26
	1108.04 <i>Cul-de-sac</i>	26
	1108.05 <i>Density</i>	26
	1108.06 <i>Driveway</i>	26
	1108.07 <i>Dwelling</i>	26
	1108.08 <i>Dwelling Unit</i>	26
	1108.09 <i>Family</i>	26
	1108.10 <i>Frontage</i>	26
	1108.11 <i>Home Owners Association</i>	27
	1108.12 <i>Living Space</i>	27
	1108.13 <i>Lot</i>	27
	1108.14 <i>Net Track Area</i>	27
	1108.15 <i>Open Space</i>	27
	1108.16 <i>Private Road</i>	27
	1108.16 <i>PRD</i>	27
	1108.17 <i>Setback</i>	27
	1108.18 <i>Single-family Detached Dwelling Unit</i>	27
	1108.19 <i>Shared Septic</i>	27
	1108.20 <i>Shared Wells</i>	27
	1108.21 <i>Structure</i>	27
1200.00	<i>HOME BUSINESSES and HOME OCCUPATIONS</i>	28
	1200.01 <i>Rural Lands One, Two and Three Districts</i>	28
	A. <i>General Requirements</i>	28
	B. <i>Home Occupation</i>	28
	C. <i>Home Business</i>	29
	D. 1201.00 <i>Exclusions</i>	29
1250.00	<i>TELECOMMUNICATION FACILITIES</i>	29
	1251.00 <i>Definitions</i>	30
	1251.01 <i>Alternative Tower Structure</i>	30
	1251.02 <i>Antenna</i>	30
	1251.03 <i>Co-location</i>	30
	1251.04 <i>Guy Wires</i>	30
	1251.05 <i>Height</i>	30
	1251.06 <i>Monopole</i>	30
	1251.07 <i>Pre-existing Towers and Antennas</i>	29
	1251.08 <i>Secondary Use</i>	30
	1251.09 <i>Telecommunications Facilities</i>	30
	1251.10 <i>Tower</i>	30
1252.00	<i>Applicability</i>	31

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

		1252.01 Public Property	31
		1252.02 Essential Services and Public Utilities	31
			Page
1253.00	Siting Standards		31
	1253.01 General Provisions		31
	1253.02 Districts Permitted		31
	1253.03 Height Requirements		32
1254.00	Bonding, Security		32
1255.00	Removal of Abandoned Antennas and Towers		32
1260.00	OFF-HIGHWAY RECREATIONAL VEHICLE (OHRV) FACILITIES ORDINANCE		32
1261.00	Specific Objectives		33
1262.00	Authority		33
1263.00	Scope of Regulations		34
1264.00	Definitions		34
	1264.01 Abutter		34
	1264.02 Designee		34
	1264.03 Landowner		34
	1264.04 Large-scale OHRV Recreational Facility		34
	1264.05 Noise		34
	1264.06 Operator		34
	1264.07 Picnic Areas		34
	1264.08 Pollution		34
	1264.09 Sanitation Facilities		34
	1264.10 State-Sanctioned OHRV Facility		34
	1264.11 OHRV		34
1265.00	Regulated Uses		35
	1265.01 Trails		35
	1265.02 Maximum OHRVs		35
	1265.03 Hours of Operation		35
	1265.04 Speed Limits		35
	1265.05 Parking Areas		35
	1265.06 Refueling Areas		36
	1265.07 Picnic Areas		36
	1265.08 Sanitation Facilities		36
	1265.09 Access Roads		36
	1265.10 Prohibited Travel		36
1266.00	Conflicting Provisions		36
1267.00	Enforcement, Fines and Penalties		36
1300.00	NON-CONFORMING USES		37
	1301.00 Non-conforming Uses and Buildings		37
	1302.00 Lots of Record		37
	1303.00 Special Exceptions for Non-conforming Buildings		37
1400.00	BOARD OF ADJUSTMENT		38
1500.00	ENFORCEMENT AND ADMINISTRATION		39
	1501.00 Board of Selectmen		39
	1502.00 Building Inspector		39
	1503.00 Violation of the Ordinance		39
	1504.00 Fines and Penalties		39
1600.00	APPEALS		40
1700.00	CONFLICT AND SEVERABILITY		40

TOWN OF LYNDEBOROUGH
ZONING ORDINANCE

ADDENDA:

Home Business Application

Home Business Exemption