

TOWN OF BRIDGEWATER, NEW HAMPSHIRE

ZONING ORDINANCE

Adopted March 31, 1983

Amended March 8, 1988

Amended March 12, 1991

Amended June 8, 1991

Amended March 14, 1995

Amended March 12, 1996

Amended March 11, 1997

Amended March 10, 1998

Amended March 9, 1999

Amended March 11, 2003

Amended April, 2004

Amended March 8, 2005

Amended March 13, 2007

April, 2007

map

Commercial District

An area starting on Route 3A at the northern boundary of Lot #109-15, now or formerly owned by A. Nickerson, and proceeding northward to the Whittemore Point Road N.. The depth of this commercial zone to the west shall be five hundred feet (500'). On the easterly side of Route 3A starting at the southern boundary of Lot #108-2, now or formerly owned by Newfound Grocery, and proceeding north with a depth of five hundred feet (500') to the Dick Brown Road.

Commercial/Industrial District

An area bounded by the Plymouth town line and the Pemigewasset River and a line five hundred feet (500') west of and parallel to Route 3 ending again south at the Pemigewasset River.

TOWN OF BRIDGEWATER, NEW HAMPSHIRE

ZONING ORDINANCE

ARTICLE I: PURPOSE AND AUTHORITY

Pursuant to the Authority conferred by Chapter 31, Sections 60–89, New Hampshire Revised Statutes Annotated, 1955, as amended, in conformity with the Town of Bridgewater Comprehensive Master Plan and for the Purpose of promoting the health, safety, prosperity, convenience or general welfare of the residents of Bridgewater, by:

- securing safety from fire and other dangers,
- providing adequate areas between buildings and various rights-of-ways,
- the promotion of efficiency, economy and good civic design in development,
- protection of the value of homes and lands,
- wise and efficient expenditure of public funds,
- and the adequate provision of public utilities and other public requirements;

this Ordinance is enacted by the voters of the Town of Bridgewater, New Hampshire in official Town meeting.

ARTICLE II: TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Bridgewater."

ARTICLE III: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

A. Districts

The Town of Bridgewater is divided into the following districts as shown on the official Zoning Map:

- GR - General Residential
- RR - Rural Residential
- C - Commercial
- CI - Commercial/Industrial

B. ZONING MAP

The districts, as established, are shown on a map entitled "Town of Bridgewater, N.H. Zoning Map" and becomes a part of this ordinance. This map is on file with the Bridgewater Planning Board. (A reduced reproduction is on the preceding page.)

C. DISTRICT BOUNDARIES

Unless otherwise indicated, zoning district boundaries, as shown on the "Town of Bridgewater, N.H. Zoning Map," are the center lines of highways and streets, the middle of the channel of waterways or shoreline of a water body, or the Town Boundary.

Where boundaries are so indicated that they parallel the center line of highways or streets, such boundaries shall be considered as parallel thereto and at the distance therefore as shown on the Zoning Map. The distance shall be determined by use of the scale on the map.

In any instance, where there is doubt as to the location of a zoning district boundary, the Zoning Board of Adjustment shall determine the location of such boundary, consistent with the intent of this Ordinance and the Zoning Map.

D. ZONING DISTRICT REGULATIONS

1. General Residential District:

The purpose of this district is to provide for medium density development which has good access to existing Town and State roads, police, school busing and fire protection, and in keeping with the scenic, recreational and environmental values inherent in this district.

a. Permitted uses:

- (1) One and two-family dwelling units.
- (2) Home business.
- (3) Manufactured Housing.
- (4) Agricultural uses.
- (5) Accessory building and uses.

b. Lot and frontage requirements:

- (1) Lot size: The minimum area of any lot shall be at least two (2) acres in size, depending on soil and slope conditions, as may be suitable to sustain development according to State standards.

Wetland soils and slope areas of an incline of greater than fifteen percent (15%) may not be included in the minimum lot size.

The depth of any lot shall be no more than four times its frontage.

- (2) Lot Coverage: The building coverage on any lot, including parking and driveway areas, shall not exceed thirty percent (30%) of any lot with the open area devoted to landscaping or natural growth.
- (3) Frontage: The minimum lot frontage on any street, lake or river shall be one-hundred and fifty feet (150'). Lots may, however, have less (or no) street frontage if:
 - (a) Said lots are provided access to a public road by a deeded private right-of-way or driveway at least fifty feet (50') in width serving not more than two (2) lots, or
 - (b) Said lots are located on curves, cul-de-sac or are affected by other such factors that sound planning justifies less frontage.

2. Rural Residential District:

The primary purpose of this district is to provide for low density rural living and open space, and to protect the environmentally sensitive areas of this district, such as wetland, poor soil conditions, steep slopes and prime agricultural soils. A detailed description of these areas may be found in the Bridgewater Master Plan (2006).

a. Permitted uses:

- (1) One and two-family dwelling units.
- (2) Home Business.
- (3) Manufactured Housing.
- (4) Agricultural uses.

(5) Accessory buildings and uses.

b. Lot and frontage requirements:

(1) Lot Size: The minimum area of any lot shall be at least five (5) acres, depending on soil and slope conditions, as may be suitable to sustain development according to the State standards.

Each lot shall contain within the required lot size a minimum suitable site of thirty thousand (30,000) contiguous square feet which meets current New Hampshire Water Supply and Pollution Control Division standards.

There shall be no areas with slopes greater than thirty percent (30%) included.

The Planning Board may request a test pit prior to subdivision approval.

(2) Lot coverage: The building coverage on any lot including parking and driveway shall not exceed percent (15%) of any lot, with the open space area devoted to landscaping or natural growth.

(3) Frontage: The minimum lot frontage on any street shall be three hundred feet (300'). Lots may, however, have less (or no) street frontage if:

(a) Said lots are provided access to a public road by a deeded private right-of-way or driveway at least fifty feet (50') in width serving not more than two (2) lots, or

(b) Said lots are located on curves, cul-de-sac or are affected by other such factors that sound planning justifies less frontage.

The depth of any lot shall be no more than five (5) times its frontage.

3. Commercial District:

The purpose of this zone is to provide an area for the location of commercial uses.

(a) Permitted uses:

- (1) Commercial uses
- (2) Uses allowed in the General Residential and Rural Residential zones

(b) Lot and frontage requirements shall be the same as those applicable in the General Residential District.

4. Commercial/Industrial District:

The purpose of this zone is to provide an area for the location of both commercial and industrial uses without mixing these uses in more traditional residential areas of the town.

(a) Permitted uses:

- (1) Commercial uses
- (2) Light Industrial uses
- (3) Uses allowed in all other zones

(b) Lot and frontage requirements shall be the same as those applicable in the General Residential District

ARTICLE IV: GENERAL PROVISIONS

The following provisions shall apply to each district and to all uses within the Town of Bridgewater except where listed:

A. OBNOXIOUS USE, REFUSE AND JUNKYARDS

- 1. No Use is permitted that may be obnoxious or injurious by reason of production, emission of odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community or lending to its disturbance or annoyance, or that is deleterious or damaging to the value of adjoining or abutting premises.
- 2. Refuse and recyclable materials from commercial, light industrial, and residential settings shall be screened from view, or housed, prior to their regular removal.

3. No person, firm or corporation shall keep or maintain within the limits of the Town, any junk yard, dump, or any other matter upon his or its premises, or permit or allow the same to be so kept, used or maintained, so near to any highway, park, street or alley or other public place, or adjoining or abutting any land owned or occupied by another person, firm or corporation so as to be:
 - i. Offensive or damaging to the use and enjoyment of the public of said highway, park, street or alley or other public place;
 - ii. Offensive or damaging to the occupants, enjoyment or value of adjoining or abutting premises by its owner or occupants;
 - iii. A menace to public health; or
 - iv. Discharges the content thereof upon any highway, park, street, alley or other public place, or upon the land of any person, firm or corporation.”

B. FRONT, SIDE AND REAR YARD SETBACK

There shall be a minimum distance between any structure and the edge of any public highway, street or road right-of-way of thirty-five feet (35').

No structure shall be located within twenty feet (20') of any boundary of the lot on which it is located.

No structure shall exist within fifty feet (50') of any lake, river, or the following brooks: Dick Brown, Woodman, Clay, Whittemore, Great, Fogg, Able and Tilton.

C. STRUCTURE HEIGHT

No structure, or part thereof, shall exceed thirty-six feet (36') in height as measured from the high point thereof to the natural or graded permanent ground level at the wall of the structure at any point.

This provision shall not apply to television and radio antennae, lightning rods, steeples, cupolas, chimneys, or utility poles or parts of buildings designed exclusively for agricultural or non-residential uses.

D. OFF-STREET LOADING AND PARKING

Adequate off-street loading and parking shall be provided whenever any new use is established or any existing use is enlarged in accordance with the following specifications:

- (1) All new construction of institutional, commercial or industrial uses requiring off-street loading facilities shall provide such facilities so that delivery vehicles are parked off the traveled way.

- (2) All proposed new development shall provide for adequate off-street parking spaces in accordance with the following standards: A single parking space is defined as being two hundred (200) square feet in area and having additional adequate area for maneuvering.
 - (a) Residential use: Two (2) spaces for each family unit.
 - (b) Hotel, motel, tourist accommodation or lodging unit: One (1) space for each unit.
 - (c) Commercial and Industrial: One (1) space for each three (3) anticipated patrons and/or employees on the premises at any one time.
 - (d) Restaurant: One (1) space for each four (4) seats anticipated.
 - (e) Public assembly — any theater, hall or auditorium: provision for at least one (1) space for each six (6) seats anticipated.
 - (f) Where one (1) building is used for lodging or motel accommodation with a restaurant: One (1) space for each eight (8) seats anticipated within the restaurant.

E. SIGNS

- (1) This section shall regulate the standards for signs or other advertising devices. The intent is to recognize and to protect the established character, natural beauty and roadway safety of the Town of Bridgewater.
- (2) All signs shall be maintained in good condition and good repair at all times. Any sign that is or becomes in disrepair in the opinion of the Selectmen shall, if not repaired within thirty (30) days, be removed upon written order of the Selectmen. Any sign that refers to a discontinued use shall be removed within thirty (30) days of written order of the Selectmen. If the owner fails to comply, the Selectmen shall have the sign removed at the expense of the owner.
- (3) Each new sign, unless exempted (paragraph 11), must receive from the Selectmen or their designated agent a permit before erection. An application for a sign permit shall include site location, sign size, method of illumination, if any, and types and colors of materials to be used in construction and supporting structure.
- (4) Flashing, moving, revolving or animated signs are prohibited as are “look at me” devices such as pennants and whirligigs. No stationary-vehicle or portable signs shall be permitted. Flags with no commercial message measuring no more than eight (8) square feet are specifically exempted as are incidental signs. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic.

- (5) Only signs advertising a business or industry in the Town of Bridgewater shall be permitted. On-site signs shall not exceed two (2) per business or industry. Off-site directional signs shall be limited to two (2) such signs so placed within town limits.
- (6) The height of any free-standing sign shall not exceed fifteen (15') feet above the surrounding ground level. Signs that are affixed to a building shall not extend above the roof ridge of that building. A wall sign shall be limited to one (1) per property, shall not extend beyond the limits of its wall, and shall measure no more than twenty (20%) percent of the wall area to which it is affixed.

The area of all signs shall be measured within the maximum dimensions of the signs, and shall include any air space included within such dimensions. Signs shall not be attached to trees in the public right-of-way, public utility poles or structures not specifically designed for that purpose.

The maximum square footage of any on-site sign shall not be larger than fifty (50) square feet in area per side. The maximum square footage of any off-site directional sign shall not be larger than four (4) square feet in area per side.

- (7) Signs advertising home occupations or businesses in all zones except the Commercial and Light Industrial Districts (a) shall be non-illuminated but otherwise conform to paragraph 4 above, (b) shall be limited to two in number, and (c) shall be displayed on the applicable property only. The total area shall not be more than nine (9) square feet per side in area for each sign.
- (8) The use of temporary non-illuminated real estate signs indicating property for sale, rent or lease is permitted. These signs shall be located only on the subject property, and there shall not be more than two (2) signs per lot and each shall total not more than four (4) square feet in area per side.
- (9) A temporary on-site sign not exceeding nine (9) square feet in area per side that advertises construction on the premises is permitted but limited to one (1) consolidated sign identifying contractors, architects, engineers, banks and other artisans, while working on-site. Such signs are to be removed upon the sale or rental of the premises or completion of the construction.

- (10) Temporary signs that advertise fairs, auctions, private sales or special events in the Town of Bridgewater shall be permitted for one (1) month before the event and shall be removed within two (2) days following the event.
- (11) Residential nameplate or nameplace signs less than two (2) square feet in area per side and signs indicating private property, no trespassing, no hunting or similar non-commercial signs, and all official Town of Bridgewater, State and Federal signs shall be exempt from these regulations.
- (12) Non-conforming signs legally erected prior to January 1, 1997 may be continued and maintained until January 1, 2002. Such a sign shall not be altered or enlarged unless it is brought into conformity. Any sign that has been removed or destroyed by any means to an extent of more than 50 percent of the replacement value at the time of destruction shall not be replaced, repaired, or rebuilt except in conformity with this ordinance.
- (13) No sign shall be permitted which overhangs any public right-of-way, street or sidewalk.

(14) **Definitions:**

(1). **Sign:** In this section “sign” shall mean a structure, building wall, supporting post(s), other outdoor surface, or any device such as a flag or banner used for visual communication which is designated for the purpose of bringing the subject thereon to the attention of the public; or to display, identify, or publicize the name and product, or service of any person.

(2). **Animated Sign:** An animated sign is any sign that uses movement or change of lighting to depict action or create a special effect or scene. Any sign on which the message changes more than eight (8) times per day shall be considered an animated sign.

(3). **Incidental Signs:** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

(4). **Portable Signs:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

F. FLOOD AREA

See: Town of Bridgewater Floodplain Development Ordinance which is located as Appendix A in a separate section following this Ordinance.

G. REMOVAL OF NATURAL MATERIAL

If clay, sod, loam, sand or gravel is removed within one-hundred feet (100') of any public highway, street or roadway, the area shall be regraded and redressed to assure that the premises will be left in a sightly condition and protected against erosion and washouts within ninety (90) days of the finish of operation and/or unsightly materials removed. All other earth excavation for commercial purposes shall be governed in accordance with new Hampshire RSA 155:E.

All grading, slopes and embankments shall be maintained against ordinary erosion which might otherwise occur as a result of the construction of roads, driveways or structures. All construction operations shall be controlled by the owner to prevent erosion debris and other loose materials from washing into any drainage courses, street or abutting property.

H. HOME BUSINESS

(1.) **Definition.** Home Business is a professional or service business for gain conducted primarily on the residential premises. It is the intent of this ordinance to keep Home Businesses from altering the character of the residential area or neighborhood.

(2.) Standards. A Home Business will:

- a. Be located within the primary dwelling or any structure on the lot (garage, barn, outbuilding, etc.) accessory to the dwelling unit.
- b. Be conducted by the occupant and immediate family members with no more than two (2) non-family members employed.
- c. Be incidental and clearly secondary to the use of the property as a dwelling for dwelling purposes.
- d. Not change the residential character thereof, and will be minor (not more than 25% of the home) compared to the area used for living.
- e. Not utilize more than twenty-five (25%) of the gross floor area (including basement and accessory structures) of the dwelling.
- f. Be limited to no more than two (2) Home Businesses on a lot at one time.
- g. Have no more than two (2) commercial vehicles kept overnight at the premises, unless shielded from sight by garage, fencing, etc.
- h. Have no exterior renovations that change the outside appearance of the dwelling or accessory structures that are not keeping with the character of the residential area or neighborhood.
- i. Have no outside storage of materials.
- j. Not adversely affect the premise or neighboring properties by emitting sight, light, noise, smell, traffic, sewerage, water or other effects of the Home Business in excess of what is normal in the residential neighborhood.
- k. Provide adequate off-street parking for anticipated customers.
- l. Only have a business sign that is in keeping with the character of the premise and neighborhood. The sign must not be internally illuminated, have more than two sides, be more than nine (9) square feet, and must not cause undue obstruction of sight. (Separate permit required.)
- m. Not be such that it requires regular or frequent service by heavy commercial trucks since this would adversely impact the character of the neighborhood.

(3.) **Examples of permitted Home Business:**

- a. Child Care – see below
- b. Seamstress, Tailor, Shoemaker
- c. Plumbers, Electricians, Remodeling contractors
- d. Writer
- e. Telephone answering service
- f. Art, Crafts, Hobby, Photography, Antique shops
- g. Tutoring (four students at a time)
- h. Music Teacher
- i. Home cooking/preserving
- j. Computer programmer/repair
- k. Bookkeeper, Accountants, Secretarial services
- l. Real estate and Insurance sales
- m. Beautician, Barber
- n. Massage Therapy
- o. Small engine repair (lawnmower, chainsaw, snow blower)

(4.) **Home Business that are NOT permitted:**

- a. Doctor
- b. Dentist
- c. Firewood processing & sales operation
- d. Motor vehicle repair (auto, truck, heavy equipment, marine, snowmobile and golf carts)

(5.) **Child Care.** Any Child Care must comply with New Hampshire Child Care Facility (Day Care) Licensing & Operating Standards, under RSA 170-E:3. The following categories and criteria will apply to all considerations for Child Care as a Home Business:

- a. **Family Day Care Centers** are permitted as a Home Business. A Family Day Care Center provides for three (3) to six (6) children from one (1) or more unrelated families including children under six (6) years old who live in the home and others related to the applicant. In addition to the six children, one (1) to three (3) children attending a full day school program may also be cared for up to three (3) hours per day on school days and all day during school holidays. Thirty-five (35) square feet of space must be allocated per child and the total must comply with the twenty-five (25%) rule to qualify as a Home Business.

- b. **Family Group Day Care** is permitted as a Home Business. A Family Group Day Care provides care for seven (7) to twelve (12) children from one (1) or more unrelated families including children under six (6) years old who live in the home and others related to the applicant. Thirty-five (35) square feet of space must be allocated per child and the total must comply with the twenty-five (25%) rule to qualify as a Home Business.
- c. **Group Child Care Centers** are NOT permitted as a Home Business. A Group Child Care Center is either a full or half day child care facility (whether or not the facility is known as a day nursery, nursery school, kindergarten, etc) by which services are regularly provided for any part of a day, but less than twenty-four (24) hours to thirteen (13) or more children.

(6.) **Exceptions.** Any exception to a Home Business that does not meet the standards outlined will be submitted to the Zoning Board of Adjustment for approval and/or conditional use. Any non-conforming, as of the date of this ordinance, shall not increase or be transferable. If a non-conforming use is discontinued or abandoned for one (1) year, it shall thereafter conform to this ordinance and the non-conforming use may not be resumed without approval of the Zoning Board of Adjustment.

(7.) **Violations.** These standards shall be administered and enforced by the Board of Selectmen. Any person who violates the provisions of this section shall be fined \$100 for each offense each day that a violation is continued. No action may be brought about under this provision unless the Selectmen have given the alleged offender at least 7 days notice that a violation exists by certified mail, return receipt requested.

(8.) **Permit & Fee Schedule.** An application for a Home Business must be completed and submitted to the Board of Selectmen for approval. Permits are good for one (1) year, with the permit period being May 1st to April 30th. The permit fee is \$10.00 annually.

I. PEMIGEWASSET RIVER SHORELINE PROTECTION

The purpose of this section is to mimic the protections afforded other rivers that are protected by the Comprehensive Shoreline Protection Act (CSPA).

The shoreline along the Pemigewasset River is among the town's most valuable and fragile natural resources. It contains virtually all of the town's aquifers, which distinguishes it from other in-town surface water bodies. Approximately half the pollutants entering the river/aquifer system are from surface runoff sources. The protection is designed to: a) intercept runoff pollutants, b) support recharge of critical groundwater/aquifer inventories, and c) maintain river flows and class B water quality status.

1. Buffers

Where existing, a natural woodland buffer shall be maintained within 150 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall condition of the protected shoreland.

The following minimum standards shall apply to the protected shoreland, provided that forest management not associated with shoreland development or land conversion, and conducted in compliance with RSA 227-J:0; forestry involving water supply reservoir watershed management; or agriculture conducted in accordance with best management practices; shall be except from the provisions of this section:

- a. Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. In addition to other enforcement remedies provided by the law, the Town may order a person violating this provision to replace improperly removed vegetation using native or naturalized species.
- b. Trees, saplings, shrubs and ground covers which are removed to clear an opening for building construction, accessory structures, septic systems, roadways, pathways, and parking areas shall be excluded when computing the percentage limitations under Article 1A. The excluded area shall extend a maximum of 25 feet from a primary structure and 10 feet from an accessory building.

- c. Dead, diseased, unsafe, or fallen trees, saplings, shrubs, or ground cover may be removed. Their removal shall not be used in computing the percentage limitations under Article 1A.
- d. Stumps and their root systems which are located within 50 feet of the reference line shall be left intact in the ground, unless removal is specifically approved by the Planning Board.

2. Prohibited Uses. The following uses are prohibited within 250' of the reference line:

- a. Construction of primary structures or garages within 50 feet of the reference line.
- b. Construction on slopes which exceed fifteen percent.
- c. Mobile home parks.
- d. Establishment or expansion of
 - 1. salt storage yards
 - 2. junk yards
 - 3. solid or hazardous waste facilities
- e. Bulk storage of chemicals, petroleum products or hazardous materials.
- f. Sand and gravel excavations as defined in RSA 155-E.
- g. Processing of excavated materials.
- h. Use or processing of any fertilizer, except limestone, within 25 feet of the reference line on any property. Twenty-five feet beyond the reference line, low phosphate, slow release nitrogen fertilizer or limestone may be used on lawns or areas with grass.
- i. Dumping or disposal of snow and ice collected from roadways or parking areas more than 500' from the reference line.
- j. Diversion of the river.
- k. Processing or application of sludge or biosolids.

3. Minimum Lot Requirements. The following restrictions apply to lots that lie in whole or in part within the protected shoreland.

- a. The minimum lot size is two acres.
- b. Building lot dimensions shall not have less than one hundred and fifty (150) feet of shore line frontage per one (1) residential dwelling unit, individual campsite, or individual lodging unit, with deeded rights of use or access. Each additional unit shall require an additional twenty (20) feet of shore line frontage.
- c. Building lot dimensions shall not have less than one hundred (150) feet of road frontage.
- d. Setback: No primary structure or automobile garage shall be located within fifty (50) feet of the reference line.
- e. Accessory buildings such as storage sheds and gazebos, but excluding automobile garages, may be closer than fifty (50) feet from the reference line as a special exception provided:

1. The location and construction of the structure is consistent with the intent of this ordinance to maintain a vegetated buffer.
2. The structure is required as a shelter for equipment or firewood, or as a non-residential shelter for humans.
3. The structure is usually customary and incidental to a legally authorized use located within the protected shoreland.
4. Impervious cover within the fifty (50) foot building setback shall not exceed 200 square feet.

4. Erosion and Siltation Control

- a. All new structures, *modifications to existing structures, and excavation or earth moving*, within 250' of the reference line, shall be designed and constructed in accordance with rules adopted by the DES pursuant to RSA 541-A, relative to terrain alteration under RSA 485-A:17, for controlling erosion and siltation of public waters, during and after construction and shall, at a minimum reflect the recommendations of the publication entitled *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire* prepared for the DES by the Rockingham County Conservation District, in cooperation with USDA Natural Resources Conservation Service, August, 1992, and meet all applicable EPA regulations.
- b. New structures (*and all modifications to existing structures*) shall be designated and constructed to prevent the release of surface runoff across exposed mineral soils.
- c. NPDES Permit shall be required if applicable.

5. Non-Conforming Uses

Existing uses, which are non-conforming under this ordinance, may continue until the use ceases to be active or is discontinued for a period of one year. An existing non-conforming use may not be changed to another non-conforming use. Existing non-conforming uses shall be required to meet the shoreland natural buffer, drainage and related water quality protection requirements of this ordinance to the maximum extent feasible.

6. Commonly Used Water Front Parcels or Lots

Shoreland lot parcels, which are intended for use for common access by the non-shoreland property owners within the development or subdivision which owns or has control over the common land, shall meet the following requirements:

- a. Contain a minimum of five (5) acres.
- b. Have a minimum shoreline frontage of 150 feet for the first ten residential units and an additional twenty (20) feet for each additional unit.

- c. The minimum road frontage required shall be one hundred (150) feet.
- d. Building set backs shall conform to the provisions of 3d.
- e. No building other than toilet, changing facilities and picnic shelters shall be constructed. Necessary leach fields shall be located at least 125 feet from the reference line.
- f. At least one half of the shoreline frontage shall be reserved for swimming. Swimming areas shall be separated from boating areas by appropriate markers.
- g. No more than 25% of the total shore frontage may be dedicated to docks or other structures designed to accommodate boating. A water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, shall be constructed only as approved by the NHDES Division of Water, pursuant to RSA 482-A.
- h. A parking area of three hundred (300) square feet adjacent to the waterfront lot shall be provided for each dwelling unit, campsite, or individual lodging unit located in excess of one thousand (1,000) feet from the waterfront property to which it has deeded access. Parking shall be permitted only in the designated parking area.
- i. Toilet facilities shall be provided on the basis of one facility each for men and women for each 25 residential units or portion thereof granted rights of access. The Planning Board may adjust this requirement at its discretion where fewer than 15 units have access to the shore front common area.

Definitions

Basal Area – The cross sectional area of a tree measured at a height of 4 ½ feet above the ground, usually expressed in square feet per acre for a stand of trees.

Bulk Storage – Storage in containers larger than those normally intended for retail distribution. Storage of up to 600 gallons of fuel oil or propane will not be considered bulk storage.

Disturbed Area – An area in which natural vegetation is removed, exposing the underlying soil.

Ground Cover – Any herbaceous plant or woody plant which normally grows to mature height of 4 feet or less.

Impervious Cover – Any roof, driveway, parking area, sidewalk or similar area. Such surfaces include, but are not limited to, buildings, driveways of any type, streets, parking lots, swimming pools, and tennis courts.

Natural Woodland Buffer – Natural woodland buffer means a forested area consisting of various species of trees, saplings, shrubs, and ground covers, in any combination and at any stage of growth – that exists or is established to protect a stream system, lake, or reservoir. Alteration of this natural area is strictly limited.

Ordinary High Waterline – The line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water line is not easily discernible, the ordinary high water line may be determined by DES.

Primary Structure – A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure on the same premises.

Reference Line – The ordinary high water line. (Defined above)

Residential Dwelling Unit – A structure, or portion thereof, providing complete and independent living facilities, including permanent facilities for living, sleeping, eating, cooking, and sanitation, which are used in common by one or more persons.

Sapling – Any woody plant which normally grows to a mature height of less than 20 feet.

Shoreline Frontage – The average of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the reference line.

Shrub – Any multi-stemmed woody plan which normally grows to a mature height of less than 20 feet.

Tree – Any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of 6 inches or more at a point 4 feet above the ground.

ARTICLE V. SPECIAL PROVISIONS

A. CLUSTER RESIDENTIAL DEVELOPMENT

The objective of a Cluster Residential Development is to encourage flexibility in residential development design by permitting mixed housing types, which may be grouped on lots of reduced dimensions to allow for a more economic provision of street and utility network, and to encourage the preservation and recreational use of open space in harmony with the natural terrain, scenic qualities, and outstanding land features. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

Proposals for cluster development must go to the Planning Board for subdivision approval and must comply with applicable provisions of the Bridgewater Subdivision Regulations.

The following standards shall be met by all Cluster Residential Development:

1. Where clustering or multiple dwelling units are permitted, the minimum lot size for each dwelling unit within the cluster shall be determined by the Planning Board based upon the character of the land involved, the type of housing proposed and the need for adequate on-site sewage disposal, as determined by the New Hampshire Water Supply and Pollution Control Division standards.

Where a community sewer disposal system located on common land is permitted, a legal responsibility for ownership and maintenance must be established as part of the approval process.

- (a) In the areas of the town where land and buildings abut or are adjacent to lake or river frontage, special exceptions may be granted where a proposal shows a reduction in density and the lessening of the amount of on-site sewerage generated. Such a proposal shall be subject to the existing standards of the New Hampshire Water Supply and Pollution Control Division and requires the Division's approval against those standards at the time of submission for a variance.
2. The total number of dwelling units to the acre shall remain at the same overall density as required in each zoning district. The land area not used for individual lots, construction of buildings and roads shall be permanently maintained as open space or common land for the purposes of recreation, conservation, park or public easement or agriculture. The open space or common land or any portion of it shall be held, managed and maintained by the developer until it is owned in one or more of the following ways.

- (a) By a Homeowner's Association, set up by the developer and made a part of the deed or agreement for each lot or dwelling unit.
 - (b) By a Conservation Trust or private non-profit organization, such as the Forest Society or Audubon Society, which will ensure that the common land will be held in perpetuity as open space.
 - (c) By the developer, as appropriate, for areas such as golf courses, outdoor recreational areas and enclosed recreational facilities.
3. All agreements, deed restrictions, organizational provisions for a Homeowner's Association and any other method of management of the common land shall be established prior to approval.
 4. Each dwelling unit shall have reasonable access to the common open land, but need not front directly on such land.
 5. The plan shall provide for the convenience and safety of vehicular and pedestrian movement on the site and for the adequate location of driveways in relation to street traffic. Maximum building height, parking standards and minimum distance from lot lines shall be required.

B. WATERFRONT RIGHT-OF-WAYS

The purpose of this provision is to provide guidelines for the development of back land with access to Newfound Lake and the Pemigewasset River.

Rights to gain access to these water bodies through or by means of any waterfront land in the Town of Bridgewater shall not be created or attached to any real estate, except in accordance with the standards set forth below and subject to Planning Board approval. Any owner granting rights of waterfront use and access shall comply with the following standards.

1. Waterfront Area:

The minimum area of any waterfront lot shall not be less than two (2) acres; or sixteen hundred (1600) square feet per dwelling unit served; or four hundred (400) square feet per person in a group development, whichever is the greater.

2. Water Frontage:

Said lot shall have not less than one hundred fifty (150) linear feet of shore frontage, with an additional eight (8) linear feet of shore frontage for each additional dwelling unit over twelve (12) units; or for a group development, the provision of two (2) linear feet per person for whom the facility is proposed.

3. Parking:

An area of three-hundred (300) square feet for parking shall be reserved for each dwelling unit; or for each four persons in the case of a group development that is planned in excess of one thousand feet (1,000') from the waterfront property.

4. Toilets:

One (1) toilet facility each for males and females shall be provided for each twenty-five (25) dwelling units or fraction thereof planned, or for each fifty (50) persons for whom the facility is proposed in the case of a group development.

C. MOBILE HOME PARK STANDARDS

(deleted March 16, 1995)

D. RECREATION CAMPING PARK STANDARDS

The following regulations shall apply with respect to all recreational camping parks.

1. A recreational camping park shall have an area of not less than five (5) acres.
2. Each tent, recreation vehicle or trailer space shall be at least one thousand eight hundred (1,800) square feet in area and at least thirty feet (30') in width and shall have a suitable parking area of at least ten feet (10') in width and twenty feet (20') in depth.
3. A strip of land at least fifty feet (50') in width shall be maintained as a landscaped area abutting all recreational camping park property lines.

4. Every recreational camping park shall have a dumping station for sewage disposal, meeting all applicable State and local laws and regulations. The water supply source must meet all local and State regulations.
5. Each recreational camping park shall provide one or more service buildings containing flush-type toilets. Separate toilet areas shall be provided for males and females in accordance with all applicable State and local laws.

Toilet rooms shall contain one lavatory with running water for each two toilets, but in no case shall any toilet room be without at least one lavatory with running water.

6. Every recreational camping park shall have a dumping station for sewage disposal, meeting all applicable State and local laws and regulations. The water supply source must meet all local and State regulations.

E. SEASONAL CONVERSIONS

All seasonal use property in existence when this Ordinance is passed and adopted shall be indexed and recorded in the Town Offices.

Proposed conversions shall require a special exception by the Board of Adjustment in all Districts in accordance with Article III D - Zoning District Regulations.

F. PERSONAL WIRELESS SERVICE FACILITIES

1.0 Purpose and Intent

It is the express purpose of this Ordinance to minimize the visual and environmental impacts of personal wireless service facilities while providing quality service coverage in Bridgewater New Hampshire. The Ordinance enables the review and approval of personal wireless service facilities by the Town's Planning Board.

2.0 Overview

The process for application is set forth in section 10.0 of this ordinance. The applicant is encouraged to have at least one Pre-Application Conference before the Planning Board to discuss the service facility in general terms and to clarify the filing requirements. Complete applications shall be reviewed and acted upon at one or more public meetings of the Planning Board. The Planning Board may contract with appropriate professionals, as necessary, to aid in the valuation and assessment of proposals submitted for their review. All costs for such expertise shall be borne by the Applicant.

3.0 Definitions

Above Ground Level (AGL). A measurement of height from the natural grade of a site to the highest point of a structure.

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

Antenna Array. A collection of antennas attached to a mount to send and receive radio signals.

Average Tree Canopy Height. An average height found by inventorying the height of all trees over twenty (20) feet in height within a 150 foot radius of the proposed facility site.

Camouflaged. To conceal by such means as to create the effect of being part of the natural surroundings.

Carrier. A company that provides wireless services, also referred to as a Provider.

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

Cross-polarized (or dual-polarized) antenna. A low mount that has three panels flush mounted or attached very close to the shaft.

Elevation. The measurement of height above sea level.

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

Equipment Shelter. An enclosed structure, cabinet, shed, vault or box at or near the base of the mount within which are housed batteries and electrical equipment, also referred to as a Base Transmitter Station.

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

Functionally Equivalent Services. Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

Guyed Tower. A tower that is tied to the ground or other surface by diagonal cables for lateral support.

Lattice Tower. A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Licensed Carrier. A company authorized by the Federal Communications Commission (FCC) to construct and operate a commercial mobile radio services system.

Mast. A thin pole that resembles a streetlight standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

Monopole. A type of mount that is self-supporting with a single shaft of wood, steel, concrete or other materials.

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

1. Roof-mounted: Mounted on the roof of a building.
2. Side-mounted: Mounted on the side of a building.
3. Ground-mounted: Mounted on the ground.
4. Structure-mounted: Mounted on a structure other than a building.

Omnidirectional (whip) antenna. A thin rod that beams and receives a signal in all directions.

Panel Antenna. A flat surface antenna usually developed in multiples.

Personal Wireless Service Facility. Facility for the provision of a personal wireless services, as defined by the Telecommunications Act of 1996, as amended. Personal Wireless Service Facilities include a mount, antenna, equipment shelter and other related equipment.

Personal Wireless Services. Mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services are the FCC personal wireless services as described in the Telecommunications Act of 1996, as amended.

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

Radio Frequency Radiation (RFR). The emissions from personal wireless service facilities.

Security Barrier. A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

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

4.0 District Regulations for New Facilities. Personal wireless service facilities shall be permitted in all Zoning District, except as restricted by this Ordinance. A personal wireless service facility shall require a building permit in all cases and may be permitted as follows:

4.1 Additional antennas(s) may be located on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, or water tower, provided that the installation of the new array does not increase the height of the existing structure except as provided below, and provided that such installation preserves the character and integrity of those structures. Such installations shall require Site Plan Approval.

A personal wireless service facility involving construction of one or more ground or building (roof or side) mounts shall require Site Plan Approval. Such facilities may locate by Site Plan Approval in the zoning districts outlined in this Ordinance, provided that the proposed use complies with the setback requirements standards criteria found in the Bridgewater Zoning Ordinances.

5.0 **Location**

If feasible, personal wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. Applicants seeking approval for personal wireless service facilities shall comply with the following:

- 5.1 The applicant shall have the burden of proving that there are no existing structures within the region, which are suitable to locate its personal wireless service facility and/or transmit or receive radio signals. To meet this burden, the applicant shall take all of the following actions to the extent applicable.
 - 5.1.1 The applicant shall submit to Planning Board a list of all contacts made with the owners of potential sites (buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities) regarding the availability of potential space for a Personal Wireless Service Facility. The Planning Board, at its option, may provide a list of additional suitable sites. The applicant shall contact the property owner(s) of those structures.
 - 5.1.2 The applicant shall provide copies of all letters of inquiry made to owners of existing buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities along with all rejection documentation. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the US Post Office shall be provided for each owner of an existing building, water tower, existing telecommunications facility, utility pole and tower, and related facility that was concealed.
- 5.2 If the applicant demonstrates that it is not feasible to locate on an existing structure, personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees.
- 5.3 The applicant shall submit documentation of the legal right to install and use the proposed facility mount at the time of application for a building permit and Site Plan Approval.
- 5.0 Dimensional Requirements. Personal wireless service facilities shall comply with the following requirements:
 - 6.1 Height, General.

In the absence of trees or vegetation, regardless of the type of mount, personal wireless service facilities shall not exceed 40 feet. In areas where there are trees or vegetation over 20 feet in height within a 150 foot radius of the proposed facility height, personal wireless service facilities shall not exceed 40 feet above the average tree canopy height.

- 6.2 Height, Side- and Roof-Mounted Facilities. Side and roof-mounted personal wireless service facilities shall not project more than ten (10) feet above the height of an existing building to which it is attached nor project more than ten feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height.
- 6.3 Height, Existing Structures. New antennas located on any of the following structures existing on the effective date of this Ordinance shall be exempt from the height restrictions of this Ordinance provided that there is no increase in height of the existing structure as a result of the installation of a personal wireless service facility: water towers, guyed towers, lattice tower and monopoles.
- 6.4 Height, Existing Structures (Utility). New antennas located on any of the following existing structures shall be exempt from the height restrictions of this Ordinance provided that there is no more than a ten foot (10') increase in the height of the existing structure as a result of the installation of a personal wireless service facility: electric transmission and distribution towers, telephone poles and similar existing utility structures.
- 6.5 Setbacks. All personal wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed:
- 6.5.1 In order to ensure public safety, the minimum distance from the base of any ground-mounted personal wireless facility to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the facility/mount, including any antennas or other appurtenances, plus the required building setback for the zoning district. This setback is considered a "fall zone".
- 6.5.2 In the event that an existing structure is proposed as a mount for the personal wireless service facility, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing non-conforming structures, personal wireless service facilities and their equipment shelters shall not increase any non-conformities, except as provided below.
- 6.6 Flexibility. In reviewing the Site Plan application for a personal wireless service facility, the Planning Board may reduce the required fall zone and/or setback distance of the zoning district by as much as 50% of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the Planning Board shall consider both the visual and safety impacts of the proposed use.

7.0 Special Exception and Site Plan Approval Regulations. All personal wireless service facilities shall comply with the Performance Standards set forth in this section.

7.1 Design Standards

7.1.2 Visibility/Camouflage. Personal wireless service facilities shall be camouflaged as follows:

a. Camouflage by Existing Buildings or Structures:

1. When a personal wireless service facility extends above the roof height of a building on which it is mounted, the facility shall be concealed within or behind existing architectural features to limit its visibility from public ways. Facilities mounted, shall blend with the existing building's architecture and, if over 5 square feet, shall be painted or shielded with material which is consistent with the design features and material of the building.
2. Personal wireless service facilities, which are side mounted, shall blend with the existing building's architecture and, if over 5 square feet, shall be painted or shielded with material which is consistent with the design features and materials of the building.

b. Camouflage by Vegetation. If personal wireless service facilities are not camouflaged from public viewing areas by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and under story vegetation in all directions for a minimum distance of one hundred fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, and screen views of the facility in all directions to create an effective year-round visual buffer. Ground-mounted personal wireless service facilities shall provide a vegetated buffer or sufficient height and depth to effectively screen the facility or the proposed facility. The applicant shall submit the types of trees and plant materials for approval of the Planning Board and depth of the needed buffer on site. Existing tree growth and natural landforms on the site shall be preserved to the maximum extent possible. The one hundred fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped unless the trees area dead or dying and present a hazard to persons or property.

c. Camouflage by Man-made Treatment. In instances where vegetation treatments may not be sufficient to adequately buffer the visual effect of new personal wireless service facilities, the Planning Board may require innovative treatments or design, including but not limited to imitation of native vegetation.

- d. Color: Personal wireless service facilities, which are side or roof-mounted on structures or buildings, shall be painted or constructed of materials to match or blend with the color of the building material that provides the backdrop to the facility. To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding it, they shall be of a neutral, non-reflective color or colors, which blend with the sky and clouds.
- 7.2 Equipment Shelters: Equipment shelters for personal wireless service facilities shall be designed consistent with one of the following design standards:
- 7.2.1 Equipment shelters shall be located in underground vaults; or
 - 7.2.2 Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence. The Planning Board may determine the style of fencing and/or landscape buffer that is most compatible with the surrounding area.
 - 7.2.3 If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be part of the original structure.
- 7.3 Lighting and Signage.
- 7.3.1 Personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities shall be shielded from abutting properties and shall be installed in a way to minimize light pollution.
 - 7.3.2 Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the Town's sign ordinance.
- 7.4 Security All ground mounted personal wireless service facilities shall be surrounded by a security barrier. Keys or means of access will be provided to Emergency Services (Police and Fire Departments.)
- 7.5 Historic Buildings
- 7.5.1 Any personal wireless service facilities located on or within an historic structure shall not alter the character-defining features, distinctive constructive methods, or original historic materials of the building.
 - 7.5.2 Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.
- 7.6 Scenic Landscapes and Vistas

7.6.1 All attempts should be made to not locate personal wireless service facilities within open areas that are visible from public roads, recreational areas, residential development, or within 1,000 feet of great ponds and lakes (as defined by NHDES). As required in the Camouflage section above, all ground-mounted personal wireless service facilities which are not camouflaged by existing buildings or structures, shall be surrounded by a buffer of dense tree growth.

7.6.2 Existing entrances and driveways to serve a personal wireless service facility shall be utilized unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic and environmental impact. New driveways to serve a personal wireless service facility shall not exceed twelve (12) feet in width.

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

8.0 Environmental Hazards. Personal wireless service facilities shall not be located in wetlands. Locating wireless facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized. Specific natural resource characteristics may be present throughout the Town of Bridgewater that are fundamentally incompatible with new tower construction. Personal wireless service facilities shall be located and designed so as to avoid or mitigate impacts to these natural resources.

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

8.2 Storm water run-off shall be contained on site.

8.3 Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 db at the property line.

8.4 Roof-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 db at ground level at the base of the building closest to the antenna.

9.0 Safety Standards, Radio Frequency Radiation (RFR) Standards. All equipment proposed for a personal wireless service facility shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines), as amended.

10.0 Application Procedures

- 10.1 Pre-Application Conference. Prior to the submission of an application for Site Plan Approval under this regulation, the applicant is encouraged to meet with the Planning Board at a public meeting to discuss the proposed personal wireless service facility in general terms and to clarify the filing requirements. The Planning Board shall meet with an applicant under this ordinance within thirty-five (35) days following a written request submitted to the Town Office.
- 10.2 Pre-Application Filing Requirements. The purpose of the conference is to inform the Planning Board as to the preliminary nature of the proposed personal wireless service facility. As such, no formal filings are required for the pre-application conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the location of the proposed facility, as well as its scale and overall design.
- 10.3 Application Filing Requirements.
- 10.4 General Filing Requirements
 - 10.4.1 Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - 10.4.2 Co-applicants may include the landowner of the subject property, licensed carrier and tenants for the personal wireless service facility.
 - 10.4.3 A licensed carrier shall either be an applicant or co-applicant.
 - 10.4.4 Original signatures for the applicant and all co-applicants applying for the Site Plan Approval. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photo-reproductions of signatures will not be accepted.
- 10.5 Location Filing Requirements
 - 10.5.1 Identify the subject property by including the name of the nearest road or roads, and street address, if any.
 - 10.5.2 Tax map and parcel number of subject property,
 - 10.5.3 Zoning district designation for the subject parcel,
 - 10.5.4 A plat to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown,

- 10.5.5 A town-wide map showing the other existing personal wireless service facilities in the Town and outside the Town within twenty miles of its corporate limits, and
- 10.5.6 The proposed locations of all existing and future personal wireless service facilities in the Town and within a twenty-mile radius of its corporate limits on a Town-wide map for this carrier.
- 10.6 Site Filing Requirements.
- 10.6.1 No smaller than one-inch-equals-40-foot vicinity plan showing the following:
- a. Property lines for the subject property.
 - b. Property lines for all properties adjacent to the subject property within 300 feet.
 - c. Tree cover on the subject property and adjacent properties within 300 feet by dominant species and average height, as measured by using standard forestry procedures.
 - d. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
 - e. Proposed location of antenna, mount and equipment shelter(s).
 - f. Proposed security barrier, including type and extent as well as point of controlled entry.
 - g. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the personal wireless service facility.
 - h. Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
 - i. Contours at each ten foot AMSL for the subject property and adjacent properties within 300 feet.
 - j. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 - k. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
 - l. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" sub-section below.
 - m. Sight lines and photographs as described below:
 - n. Sight line representation. A sight line representation shall be drawn from any public road within 300 feet and the closest façade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile, drawn no smaller than one inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.

- o. Existing (before condition) photographs. Each site line shall be illustrated by one four inch by six inch color photograph of what can currently be seen from any public road within 300 feet.
- p. Proposed (after condition). Each of the existing condition photographs shall have the proposed personal wireless service facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.
- q. Siting elevations, or views at-grade from the north, south, east and west for a 50 foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
- r. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
- s. Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
- t. Any and all structures on the subject property.
- u. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- v. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

10.6.2 Design Filing Requirements

- a. Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- b. Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- c. Colors of the proposed personal wireless service facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cable as well as cable runs, and security barrier, if any.
- d. Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barriers, if any.

- e. Appearance shown by at least two photographic superimpositions of the personal wireless service facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- f. Within 35 days of the pre-application conference, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 10 days, but not more than 21 days prior to the test. In addition notice shall be posted at the Bridgewater Town Library and the Bridgewater Town Hall. An alternate date shall be included in the event of weather delay.
- g. If lighting of the site is proposed, the applicant shall submit a manufacturer's computer generated point to point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

10.6.3 Noise Filing Requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed personal wireless service facilities, measured in decibels LDN (logarithmic scale, accounting for greater sensitivity at night), for the following

- a. Existing, or ambient: the measurements of existing noise.
- b. Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment. Such statement shall be certified and signed by an acoustical engineer, stating the noise measurements are accurate and meet the Noise Standards of this Ordinance.

10.6.4 Radio Frequency Radiation (RFR) Filing Requirements. The applicant shall provide a Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Radiation Standards sub-section of this Ordinance.

10.6.5 Federal Environmental Filing Requirements.

- a. The National Environmental Policy Act (NEPA) applies to all applications for personal wireless service facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any personal wireless service facility proposed in or involving any of the following:
 - Wilderness areas,

- Wildlife preserves,
 - Endangered species habitat,
 - Historical site,
 - Indian religious site,
 - Flood Plain,
 - Wetlands,
 - High intensity white lights in residential neighborhoods,
 - Excessive radio frequency radiation exposure.
- b. At the time of application filing, an EA that meets FCC requirements shall be submitted to the Town for each personal wireless service facility site that requires such an EA to be submitted to the FCC.
- c. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the personal wireless service facility that are considered hazardous by the federal, state or local government.

10.6.6 The Planning Board may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed personal wireless service facility.

11.0 Co-location. Licensed carriers shall share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless facilities that are stand-alone facilities. All applications for Site Plan Approval for a personal wireless service shall demonstrate a good faith effort to co-locate with other carriers. Such good faith includes:

- 11.1 A survey of all existing structures that may be feasible sites for co-locating personal wireless service facilities;
- 11.2 Contact with all the other licensed carriers for commercial mobile radio services operating in the Municipalities within twenty miles of Bridgewater; and
- 11.3 Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
- 11.4 In the event that a co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Town. The Town may retain a technical expert in the field of RF engineering to verify if a co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such technical expertise will be at the expense of the applicant.
- 11.5 If the applicant does intent to co-locate or to permit co-location, drawings and studies which show the ultimate appearance and operation of the personal wireless service facility at full build-out shall be provided.

11.6 If the Planning Board approves co-location for a personal wireless service facility site, the Site Plan Approval shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Site Plan Approval shall require no further approvals. However, the addition of any facilities not specified in the Site Plan Approval shall require a new Site Plan Approval.

12.0 Modifications. A modification of a personal wireless service facility may be considered equivalent to an application for a new personal wireless service facility when the following circumstances apply:

12.1 The applicant and/or co-applicant wants to alter or change the personal wireless service facility in one or more of the following ways:

12.1.1 Change in the number of personal wireless service facilities permitted on the site;

12.1.2 Change in technology used for the personal wireless service facility.

12.2 The applicant and/or co-applicant want to add any equipment or additional height not specified in the original design filing.

13.0 Monitoring and Maintenance.

13.1 After the personal wireless service facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Exception and Site Plan Approval, existing measurements of RFR from the personal wireless service facility. Such measurements shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Standards section of this Ordinance.

13.2 After the personal wireless service facility is operational, the applicant shall submit, within 90 days of beginning operations existing measurements of noise from the personal wireless service facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards sub-section of this Ordinance.

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

- 13.4 All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless the controlling authority mandates more stringent compliance. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removal, in accordance with this Ordinance, of the tower and/or antenna, at the owner's expense through the execution of the posted security.
- 13.5 Security for Removal. The Town shall determine the form and amount of security that represents the cost of removal and disposal of abandoned facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility. The amount of the security shall be based upon the removal cost plus fifteen percent (15%), provided by the applicant and certified by a professional structural engineer licensed in New Hampshire. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation provided by a professional structural engineer licensed in New Hampshire every five (5) years from the date of the Zoning Board of Adjustment and Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%), then the owner of the facility shall provide additional security in the amount of the increase. In any event the owner of the personal wireless service facility shall be required to notify the Town of Bridgewater no less than ninety (90) days prior to the expiration of the security instrument in order to extend said security.

14.0 Abandonment or Discontinuation of Use.

- 14.1 At such time that a licensed carrier plans to abandon to discontinue operation of a personal wireless service facility, such carrier will notify the Town by certified US mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.
- 14.2 Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
- 14.2.1 Removal of antennas, mount, equipment shelters and security barriers from the subject property.
- 14.2.2 Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

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

14.3 If the owner of a personal wireless service facility fails to remove the facility within 90 days from the date of abandonment or discontinuation of use, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The carrier and owner shall be subject to the civil penalty provided under RSA 676:17.

G. SEXUALLY ORIENTED BUSINESS ORDINANCE

SECTION 1 – AUTHORITY

Pursuant to the authority conferred by chapter 674:16 of the New Hampshire Revised Statutes, the Town of Bridgewater adopts the following ordinance regulating sexually oriented Businesses. This ordinance shall be considered part of the Zoning Ordinance for the purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

SECTION 2 – PURPOSE

It is the purpose of this ordinance to regulate sexually oriented business and related activities to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of the ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

SECTION 3 – DEFINITIONS

Pursuant to this ordinance, the following definitions shall apply to sexually oriented businesses.

Adult Arcade -- means any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore or Adult Video Store-- means a business that devotes more than 15 % of the total display, shelf rack, table, stand or floor area for the display, sale or rental of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, computer disks, CD-ROM's or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct"; or instruments, devices, or paraphernalia, which are designed for use in connection with "sexual conduct" as defined by NH RSA 571-B:1, other than birth control devices.
2. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as Adult Bookstore or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an Adult Bookstore or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specific sexual activities" or "specified anatomical areas" as defined by NH RSA 571-B:1.

Adult Cabaret - means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a State of Nudity or Semi-Nudity; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" or;
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area".

Adult Material --means any one or more of the following regardless of whether new or used:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to "sexual conduct" as defined by NH RSA 571-B:1 or specified anatomical areas; or

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

Adult Theater - means a theater, concert hall, auditorium or similar commercial establishment, either indoors or outdoors in nature, which regularly features the presentation of motion pictures, films, theatrical productions, and other forms of visual production, by persons who appear in a state of nudity or semi-nudity or live performances which are characterized by the exposure of "specified sexual anatomical areas" or by "specified sexual activities" which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B:1.

Establishment - means and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business whether or not a sexually oriented business, to any sexually oriented business;
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

Harmful to Minors --As defined in NH RSA 571-B:1, as may be amended.

Nudity or a State of Nudity - means the appearance of a human bare buttock, anus, male genitals, female genitals, or full female breasts.

Person - means an individual, proprietorship, partnership, corporation, association. or other legal entity.

Semi-Nude - means a state of dress in which clothing is specifically designed to cover no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Conduct- As defined in NH RSA 571-B:1, as may be amended.

Sexual Encounter Center - means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex or;
2. Activities between two or more people when one or more of the persons is in a state of nudity or semi-nude.

Sexually Explicit Material- see definition for - Adult Material.

Sexually Oriented Business - means an Adult Arcade, Adult Bookstore or Adult Video Store, Adult Cabaret, Adult Theater, or Sexual Encounter Center.

Specified Anatomical Areas - means any part of the male or female genitals.

Specified Sexual Activities- means and includes any of the following;

1. The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

Transfer of Ownership or Control - of a sexually oriented business means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION 4- ALLOWED DISTRICT

A sexually oriented business may be allowed in the Commercial/Industrial District, as a Special Exception provided that it is otherwise lawful and meets all other zoning requirements. For existing businesses in any district which sells sexually explicit goods, paraphernalia or adult materials, but does not meet the 15% threshold outlined in Section 3, such goods and paraphernalia shall be located either behind a counter or in a separate room or enclosure where citizens under the age of 18 are not allowed to enter. Such sexually explicit goods and paraphernalia must be located so that the materials in question are not within view of minors.

SECTION 5- SPECIAL EXCEPTION

A sexually oriented business use may be allowed by the Zoning Board of Adjustment as a Special Exception, subject to the following conditions:

1. After a review of the plans showing the location, layout, a scale drawing and location of any signs and utilities, the board, in its judgment, must find that the use will not create excessive traffic congestion, noise, or odors, nor tend to reduce the value of surrounding property, has adequate sewage and water facilities and sufficient off-street parking and will preserve the attractiveness of the town.
2. No sexually oriented business use shall be located within 1,000 feet from any property line of the following:
 - a) A public, religious or private nursery school, kindergarten school, elementary school, middle school, junior high school, high school or similar educational facility.
 - b) Licensed Child Day Care Facility.

- c) A public park, public recreational field or any publicly owned property or facility.
 - d) A religious institution or place of worship.
 - e) Any existing residential dwelling.
3. The proposed site may be required to be screened in such a manner that limits pedestrian and vehicular access to adjacent properties, but which does not restrict adequate lines of sight or create unsafe site conditions. This visual barrier shall be maintained by the owner of the property.
 4. There shall be a minimum of 1,000 feet between any two sexual oriented businesses.
 5. There shall be sufficient parking as established by local and state fire, building, or health codes, whichever is greater.
 6. The site shall be maintained daily in a condition that is free and clear of any sexual paraphernalia or packaging.
 7. Signs shall not visually depict any person in a "State of Nudity" or "Semi-Nude", and no sexually explicit material or advertising shall be visible from outside the building.

SECTION 6 -- SAVINGS CLAUSE

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

H. BOX STORAGE REGULATIONS

SECTION 1 – DEFINITION: Bridgewater definition of Box Storage Units: “Any trailer or similar container without motive power designed for carrying property wholly in its own structure and for being drawn by or placed upon some mode of transportation, including so-called “Sea Boxes” and the like”.

SECTION 2 – USES AND STRUCTURES:

- A. Commercial & Commercial/Industrial Zones:** Box Storage units and other storage structures such as tent sales, temporary greenhouses, trailer storage and box trailer sales (whether such trailers are registered or unregistered), which are accessory to the principal use of a lot, may be permitted for not more than 60 days per year except by special exception and site plan review.
- B. All Other Zones:** Box storage units and other storage structures such as tent sales, temporary greenhouses, trailer storage and box trailer sales (whether such trailers are registered or unregistered), which are accessory to the principal use of a lot, are not allowed in all other zones in Bridgewater except by special exception.

- C. **Construction Site Usage:** Temporary permit may be authorized for the duration of the construction project as part of the building permit.

Emergency Situations: In certain emergency situations such as fire, flood or other natural disaster that causes structural damage on a resident's property, box trailer storage may be immediately allowed for temporary use under the following conditions:

1. Resident must contact and obtain approval from a town selectman for a 60-day permit.
2. Resident must come before the Zoning Board of Adjustment to request a special exception of up to a year, if the time is to exceed 60 days.

SECTION 3 – CRITERIA:

A. **Box Storage Units and Other Storage Structures Must Meet the Following Criteria:**

1. The use of trailers shall be accessory to the principal use of the lot.
2. Trailers shall be set on inflated tires (except sea boxes and the like).
3. The exterior of trailers shall be well maintained and free of rust.
4. Trailers shall not be used for advertising purposes.
5. Trailers shall not be lighted.
6. Trailers shall not be used to store hazardous and/or flammable liquids, materials, products or wastes, including but not limited to petroleum.

B. **Location of Trailers.** Box trailers shall not occupy required parking spaces or areas necessary for traffic flow, safety or landscaping requirements.

C. **Density.**

1. No more than 10 percent of the lot area may be occupied by trailers.
2. No more than six (6) trailers shall be permitted on a lot or business premises.

D. **Converted Motor Vehicles.** The conversion of buses, motor homes, recreational vehicles and other motor vehicles for storage use or other temporary use is prohibited.

I. RESIDENTIAL SMALL WIND TURBINE ORDINANCE

SECTION 1 – PURPOSE:

It is the purpose of this ordinance to regulate the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility supplied electricity. We realize that Bridgewater, New Hampshire residents value the natural beauty of our area so we have tried to balance this value with the fact that wind power is an important and inevitable part of our future.

SECTION 2 – FINDINGS

Bridgewater, New Hampshire finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Therefore, we find that it is necessary to create proper guidelines and permits for small wind energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner and to minimize impact on the surrounding abutters and neighbors.

SECTION 3 – DEFINITIONS

Small Wind Energy Systems: A residential wind energy conversation system consisting of a wind turbine, a tower, and supporting structures (e.g. guy wires, if needed), and associated control or conversion electronics, which has a rated capacity of not more than 100 kw and which is intended to primarily reduced on-site consumption of utility power.

Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

SECTION 4 – PERMITTED USE

Small wind energy systems shall be a permitted use in all zoning classifications; subject to certain requirements as set forth below:

Tower Height: Wind turbines shall be limited to 100 ft above the tower base or 35 feet above the average surrounding tree canopy, which ever is greater.

Set-back and Location: No part of the wind system structure, excluding guy wire anchors, may extend closer than 2 times the tower height to an abutters property boundary. If the property has multiple wind energy system sites that generate the same amount of wind power, the wind turbine must be placed on the area that has the least visual and noise impact to abutters and neighbors. Multiple wind turbines are not permitted on a property.

Noise: Noise from small wind energy systems shall not exceed (60 dBA), as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

Aesthetics: The wind turbine shall have as little adverse impact on abutters and neighbors as possible. The color must be non-reflective and neutral. Tower construction must be of monopole design or of the most non-visible construction available.

Compliance and Site Plan Review: Small wind energy systems must go through an abbreviated site plan review process. This includes notifying abutters, a property drawing to scale, and to-scale drawings of the wind turbine structure, including the tower, base, footings, guy wire and anchor systems. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineering shall also be submitted. This analysis is frequently supplied by the manufacturer.

Compliance with National Electric Code: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

Utility Notification: No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Decommissioning: If the wind turbine is not in use for a period of 1 year it must be disassembled by the property owner unless a specific and time-bound extension is provided by the selectmen. The wind turbine shall be maintained in good condition and good repair at all times. Any structure that is or becomes in disrepair such that it does not meet its intended usage in the opinion of the selectmen must be repaired within 45 days. If the owner fails to comply, the selectmen shall have the tower removed at the owners' expense, including all legal fees.

ARTICLE VI: NON-CONFORMING USES

All non-conforming properties in active use when this Ordinance is passed and adopted may continue in their present use.

If a use is discontinued or abandoned for one year, it shall thereafter conform to the regulations for the district and the non-conforming use may not thereafter be resumed without approval of the Board of Adjustment.

Any and all non-conforming property may be altered and expanded as the business and conditions warrant, providing, however, that any such expansion does not make any existing non-conforming structure a more non-conforming structure within the terms of this Ordinance and that all other standards of this Ordinance are met.

Non-conforming buildings which are destroyed by fire or other natural disaster may be rebuilt or replaced if the degree of non-conformity is not increased.

ARTICLE VII: BOARD OF ADJUSTMENT

A. CREATION, APPOINTMENT AND JURISDICTION

Within thirty (30) days after the adoption of this Ordinance and thereafter, as terms expire or vacancies occur, the Board of Selectmen shall appoint a Board of Adjustment consisting of five (5) members whose duties, terms and powers shall conform to the provisions of Chapter 31, Sections 66-89, N.H. Revised Statutes Annotated, 1955, as amended. Thereafter, as terms expire or vacancies occur, the appointing authority shall be responsible for filling vacancies and maintaining full membership of the Board of Adjustment.

B. SPECIAL EXCEPTIONS

The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, grant a permit for special exception.

Before granting a permit, the Board shall determine that all the provisions set forth in Article V are met and shall hold an abutters hearing to hear any valid objection based on demonstrable fact. The Board, in acting on an application for a special exception, shall take into consideration, but not be limited to, the following conditions:

1. The specific site is an appropriate location for such use.
2. The property values in the District will not be reduced by such a use.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
5. The proposed use shall comply with the minimum land space requirements set forth for each District, and as set forth in the General and Special provisions of the Ordinance.
6. The capacity of existing roads and highways to carry additional traffic. The Board of Adjustment may impose additional special standards in granting a special exception where deemed necessary to protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These standards may include:
 1. Increasing the required lot size or yard dimensions in order to protect the adjacent properties.

2. Limiting the lot coverage or height of buildings because of obstruction to view and reduction of sunlight and air to adjacent properties.
3. Controlling the location and number of vehicular access points to the property.
4. Limiting the number, location and size of signs on site.
5. Requiring suitable on-site landscaping and screening where necessary to reduce noise and glare and to maintain the property in character and keeping with the surrounding area.
6. Providing for specific layout of facilities on the property such as location of the building so as to minimize effect on adjoining property.
7. The owner of a lot which lies more than one zone may approach the Zoning Board of Adjustment for a special exception which would extend a use characteristics of one zone to another portion of that lot. Such a change requires a subsequent Site Plan Review for the entire parcel.

C. VARIANCES

1. The Board of Adjustment may, on an appeal, grant a variance from the provisions of this Ordinance only where the Board finds that all the following conditions apply:
 - a. There are special circumstances or conditions applying to the lot or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot or structure in question, or exceptional topographical conditions), which are peculiar to such lot or structure, and the application of the requirements of this Ordinance will deprive an owner of such lot or structure a reasonable use of it, and will impose upon such owner a hardship not shared by the owners of other lots or structures in the same district. (Financial hardship does not constitute "hardship" in this case.)
 - b. The specific variance if granted represents the minimum variance that will afford reasonable relief to the owner and is necessary for a reasonable use of the lot or structure.

- c. The granting of the variance will be in harmony with the general purposes and intent of this Ordinance, and with the convenience, welfare, and character of the district within which it is proposed, and will not be injurious or otherwise detrimental to the public welfare.
- d. The use proposed is a permitted use, as described under Article III.
- e. An unused variance expires one (1) year after the date of final appeal.

D. APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer, in the manner prescribed by RSA 31:69-71, as amended, (Re-codified in 1983 as RSA 677:1-14) within the time limit set by the Board of Adjustment according to said statute. The cost of advertising and costs of mailing the notices of a hearing shall be paid by the person making the appeal prior to the hearing.

ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT

A. ADMINISTRATION

The Board of Selectmen or Building Inspector is hereby given the power and authority to enforce the provisions of this Ordinance and control issuance of building permits required under the regulations set forth.

B. ISSUING PERMITS

The Building Inspector shall issue any and all building permits required in accordance with the Town of Bridgewater Building Regulations for a specific plan and use. No permit shall be issued for the erection of any structure and the use of land unless the proposal complies with the provision of this Ordinance.

C. ENFORCEMENT

Upon receiving any credible information that this Ordinance is being violated, and upon an affirmative vote that a violation more probably is being committed, the Selectmen are authorized hereby to enforce the provisions of this Ordinance by application for appropriate relief in the Superior Court, or by taking any other legal action.

Any violation of any provision of this Ordinance by any person, firm, corporation or other legal entity, whether the owner of property or whether acting under authority of such owner, shall be a violation pursuant to the Criminal Code of New Hampshire for each day of such offense. In addition, after conviction, the additional penalties provided for by RSA 31:88 (Re-Codified in 1983 as RSA 676:17) may apply.

ARTICLE IX: MISCELLANEOUS PROVISIONS

A. SAVING CLAUSE

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

B. EFFECTIVE DATE

This ordinance shall take effect immediately upon its adoption.

C. AMENDMENTS

This Ordinance may be amended by majority vote of any Town Meeting, in accordance with the provisions of RSA 31, as amended. (Re-codified in 1983 as RSA 675).

D. VALIDITY

Whenever the provisions of this Ordinance or rulings made under the authority hereof differ from those of other ordinances or regulations of the Town, that provision or ruling which imposes greater restriction or higher standard shall govern.

ARTICLE X: DEFINITIONS

For the purposes of this Ordinance, the following terms have the following meaning:

1. **Abutter:** Means any person whose property adjoins or is directly across the street or stream from the land under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. (For purposes of abutter notification, the Pemigewasset River shall be considered a stream.)
2. **Accessory Building:** A subordinate building incidental to and on the same lot occupied by the main building or use. The term "accessory building", when used in connection with a farm, shall include all buildings customarily used for farm purposes.
3. **Building:** Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or property.
4. **Cluster Development:** Means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.
5. **Commercial Use:** An occupation, employment, or enterprise that is carried on for profit by the owner, leasee, or licensee. It excludes such uses as those engaged in the basic processing and manufacturing of materials or products predominately from extracted raw materials; or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
6. **Dwelling, Single-Family:** A detached residential building designed for and occupied by one family only.
7. **Dwelling, Two-Family:** A residential building designed for or occupied by two families living independently of each other in individual dwelling units.
8. **Dwelling, Multi-Family:** A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided or permitted.

9. **Dwelling Unit:** One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. It shall include manufactured housing, sectional homes and modular units, provided these units meet the standards of the local building code, but shall not include motel, hotel, lodging house or similar structure.
10. **Frontage:** Means the width of a lot measured along its common boundary with the street line.
11. **Group Development:** The residence of a group of six (6) or more persons, not related by blood, marriage, adoption, or guardianship and living together as a single unit.
12. **Home Business:** See IV:H
13. **Light Industrial Use:** A use engaged in the manufacture predominately from previously prepared materials of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products but excluding basic industrial processing.
14. **Lot:** A parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.
15. **Lot Frontage:** Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the ordinance shall be provided at each such line.
16. **Manufactured Housing:** Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a.
17. **Non-Conforming Structure, Use or Lot:** A structure, use or lot that does not conform to the regulations of the zoning district in which it is carried on or located.

18. **Parking Space:** An off-street space available for the parking of one (1) motor vehicle.
19. **Steep Slopes:** Any land area where the inclination of the land's surface from the horizontal is fifteen percent (15%) or greater. Slope is measured and expressed as a percentage that represents the relationship between elevation and horizontal distance; for example, if the land rises ten feet (10') in elevation over a horizontal distance of one hundred feet (100'), the slope of the land is 10/100, or ten percent (10%).
20. **Street or Public Street:** A public right-of-way which the Town or State has the duty to maintain regularly or a right-of-way shown on a subdivision plat approved by the Planning Board and recorded with the County Register of Deeds which provides the principal means of access to abutting property.
21. **Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. It shall not include a minor installation, such as a fence less than six feet (6') high, mailbox or flagpole.
22. **Variance:** A relaxation of the terms of this Ordinance, where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.
23. **Wetland:** An area of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Wetlands include very poorly and poorly drained soils and all areas designated as swamps, marshes and bogs by the U.S. Department of Agriculture, Grafton County Soil Conservation Service. (The "Grafton County Soil Conservation Service" was re-named "The Natural Resources Conservation Service" in 1995.)
24. **Wetland Soils:** Wetland or Hydric Soils are problematic soils that impose restrictions and limitations on the use of land for development because of their ability to retain water. Wetland Soils shall consist of Poorly and Very Poorly Drained Soils as determined by the Grafton County Soil Conservation Service. (The "Grafton County Soil Conservation Service" was renamed "The Natural Resources Conservation Service" in 1995.)
25. **Wireless Communication Facility:** Any tower, pole, antenna, accessway, or other structure intended for commercial use in connection with transmission or reception of radio or television signals, or any other electromagnetic spectrum-based transmission/reception.