

TOWN OF COLEBROOK  
17 Bridge Street  
Colebrook, New Hampshire 03576

Phone: 603-237-5200  
Fax: 603-237-5069  
email: [colebrook-nh@myfairpoint.net](mailto:colebrook-nh@myfairpoint.net)  
Website: <http://www.colebrook-nh.com>

**ZONING ORDINANCE CERTIFICATE OF COMPLIANCE**  
**APPLICATION**

**Notice: You must submit a NH "Approval for Construction" Authorization (for a septic system), OR complete a Town of Colebrook Water & Septic Service Application, OR complete and sign the waiver (see reverse side) with this application.**

Name of Applicant: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Daytime Telephone Number: (\_\_\_\_) \_\_\_\_\_

Tax Map \_\_\_\_\_ and Lot # \_\_\_\_\_ Location of Property: \_\_\_\_\_

Are you the owner on record of this property? \_\_\_\_\_ If not, please give name and address of owner. \_\_\_\_\_

Is this building within 25' of a right-of-way? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, a representative map is needed.

Does this structure fall within the flood zone? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, does proposed structure meet all floodplain guidelines? \_\_\_\_\_

Are you within 250 feet of a protected shoreline? Yes \_\_\_\_\_ No \_\_\_\_\_

What do you want to build? Length: \_\_\_\_\_ Width: \_\_\_\_\_ Height\*: \_\_\_\_\_ (\*Shall not exceed 35' from lowest point of finished grade to highest point of roof) Description: \_\_\_\_\_

\_\_\_\_\_ If a home - # of bedrooms \_\_\_\_\_

Are there any other structures on this property? Yes \_\_\_\_\_ No \_\_\_\_\_

Is this for Residential \_\_\_\_\_ or Commercial \_\_\_\_\_ use?

Lot Dimensions: Frontage \_\_\_\_\_ Depth \_\_\_\_\_  
Distance from proposed addition or new building to property lines (as you stand on the road):  
Front: \_\_\_\_\_ Back: \_\_\_\_\_ Left: \_\_\_\_\_ Right: \_\_\_\_\_  
Foundation material: \_\_\_\_\_  
Siding material: \_\_\_\_\_  
Roofing material: \_\_\_\_\_  
Chimney material: \_\_\_\_\_  
Approximate Construction Cost: \_\_\_\_\_

The undersigned declares that the above information is correct and the proposed work shall be completed within ONE YEAR. All contractors, agents, and property owners shall comply with all Town of Colebrook Ordinances, State of New Hampshire Building and Fire Codes.

-----  
Signature

-----  
Date

This application is signed and any additional information is offered under penalty of unsworn falsification pursuant to RSA 641:3.

(Rev. 11/2015)

**APPLICATION FOR WAIVER FROM SEPTIC DISPOSAL SYSTEM APPROVAL**

I, \_\_\_\_\_, of \_\_\_\_\_  
hereby apply to the Colebrook Planning Board for a Waiver of the State Approval  
requirement for a Sewage Disposal System.

The property for which I am requesting this waiver is located at \_\_\_\_\_  
\_\_\_\_\_.

I, as the owner \_\_\_\_\_, or authorized agent for the owner \_\_\_\_\_, am expanding and improving  
the above described property as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

For all the above reasons, the waiver from compliance is requested. I understand, if  
asking for an alternative system such as a state-approved privy or portable toilet, or if I  
ever put running water into this structure, I will need to comply with Local, State and  
Federal guidelines for a septic system.

**NOTE:** Should the work you are proposing expand the footprint of a structure served by  
a sewage disposal system, this waiver is not applicable. It is necessary for you to attach a  
copy of the State of NH operational approval dated within 20 years of the date of this  
application.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\* \* \* \* \*

The Colebrook Planning Board, based upon the above application, including the facts  
alleged therein, hereby:

1. Grants the Waiver as requested.
2. Denies the Request for Waiver.
3. Grants the Waiver with conditions as below:

Colebrook Planning Board

By \_\_\_\_\_ Date \_\_\_\_\_

(Exhibit B)

RESOLUTION

Class VI/Private Road Policy

WHEREAS, Per RSA 674:41 no building can be erected on any lot within any part of the Town, nor can a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is to be placed (i) has the legal status of a Class V or better roadway, (ii) has received certain approvals by the Planning Board, or (iii) is a Class VI highway or private road, provided that, in the latter case:

1. The Board of Selectmen after review and comment by the Planning Board has voted to authorize the issuance of building permits for the erection of buildings on said Class VI highway, or private road, or a specific portion of it, and
2. The Town neither assumes responsibility for maintenance of said Class VI highway, or private road, nor liability for any damages resulting from the use of it; and
3. Prior to issuance of a building permit, the applicant shall produce evidence that notice of the limits of the Town's responsibility and liability has been recorded in the Registry of Deeds.

WHEREAS, The State Supreme Court has said that the purpose of 674:41, I (c) is to prevent scattered and premature development; the decision whether to allow building on Class VI roadways or private roads is a major policy decision, unrestricted building can have a major impact on the Town's budget if the Town is forced to subsequently upgrade substandard/unmaintained roads.

THEREFORE, The Colebrook Board of Selectmen will evaluate applications for building permits upon Class VI roadways or private roads, in consultation with the Colebrook Planning Board, in regard to the following criteria:

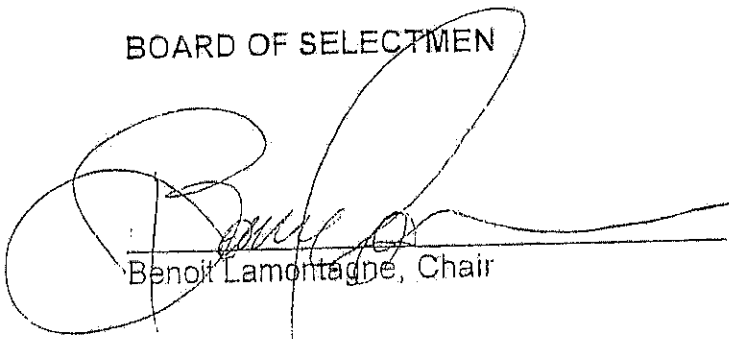
- Conditions of the road - does the road have adequate width, drainage, and grade to handle increased development?
- Conditions of connecting roads - are the roads leading to the Class VI or private road adequate to handle increased traffic?
- Effects on municipal services - will the contemplated development result in a need for increased police, fire, water, sewer and electric services?

SM 1256 PG 0669

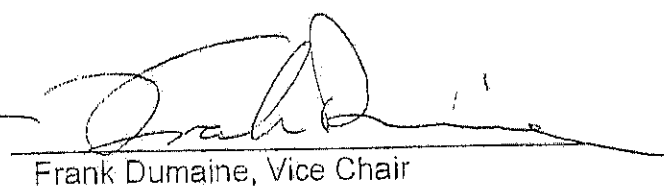
- Is issuance of the permit likely to result in an "occasion" to lay out the road as a Class V road?
- How will the proposed development affect neighboring properties and how well does the proposed development "fit" in to the general growth/development patterns in the Town?
- Will issuance of said building permit tend to distort the Town's street map or Master Plan?

RESOLVED, that building permits will not be issued upon Class VI or private roads with the approval of the Board of Selectmen only when it is demonstrated by an applicant, and determined by the Board of Selectmen, using the above criteria, that issuance of said permit will not have a negative impact upon the Town, i.e. the planned development is not deemed "scattered and premature."

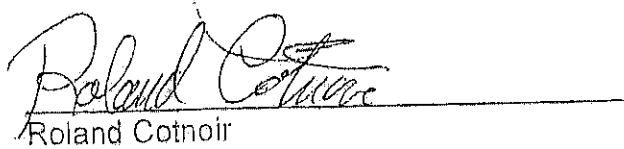
BOARD OF SELECTMEN



Benoit Lamontagne, Chair



Frank Dumaine, Vice Chair



Roland Cotnoir

07/01/04 00:31:10

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

District 1, 641 Main St, Lancaster, NH 03584
District 2, 8 Eastman Hill Road, Enfield, NH 03748
District 3, 2 Sawmill Rd, Gilford, NH 03249

District 4, 19 Base Hill Road, Swanzey, NH 03446
District 5, 16 East Point Drive, Bedford, NH 03110
District 6, PO Box 740, Durham, NH 03824

APPLICATION FOR DRIVEWAY PERMIT

Pursuant to the provisions of Revised Statutes Annotated, Chapter 236, Section 13 (printed on reverse of application) and amendments thereto, and Declaratory Ruling 2000-01, permission is requested to: (select one): Construct / Alter (Indicate quantity of) \_\_\_\_\_ driveway entrance(s) to my property on the (select): North / South / East / West side of NH Route \_\_\_\_\_ or Street/Road: \_\_\_\_\_ In the Town of \_\_\_\_\_ at a location which will meet the requirements for safety specified in said statutes.

The driveway entrance(s) requested is (are) for access to: \_\_\_\_\_ Residence, Industry, Business, Subdivision, Other

Describe nature and size of industry, business or subdivision: \_\_\_\_\_

\_\_\_\_\_ Feet (select): North / South / East / West of Utility Pole Number: \_\_\_\_\_

\_\_\_\_\_ Feet (select Feet or Miles): North / South / East / West of Road or Junction: \_\_\_\_\_

Town Tax Map # \_\_\_\_\_ and Lot # \_\_\_\_\_

As the landowner (or designated applicant) I agree to the following:

- 1. To construct driveway entrance(s) only for the bonafide purpose of securing access to private property such that the highway right-of-way is used for no purpose other than travel.
2. To construct driveway entrance(s) at permitted location(s).
3. To construct driveway entrance(s) in accordance with statutes, rules, standard drawings, and permit specifications as issued by the New Hampshire Department of Transportation.
4. To defend, indemnify and hold harmless the New Hampshire Department of Transportation and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.
5. To furnish and install drainage structures that are necessary to maintain existing highway drainage and adequately handle increased runoff resulting from the land development and obtain all easements thereto.
6. I am the owner or a duly authorized agent of the owner of the parcel upon which the driveway will be constructed. I have provided accurate and complete title and subdivision information concerning the parcel to the Department. I understand that the Department is relying on this information in considering this application and that the Department does not perform independent title research or make judgments about title or access disputes.
• For new driveway(s), include copy of current deed and, if not the same, previous deed dated prior to July 1, 1971 of the parcel. If this parcel is part of a larger tract subdivided after July 1, 1971, then provide complete subdivision plans and deed history dating back to at least July 1, 1971.
• Attach sketch or plan showing existing and proposed driveway(s) and the adjacent highway indicating distance to town road, town line, or other readily identifiable feature or landmark and also to the nearest utility pole (including pole numbers)

Signature of Landowner (Applicant)

Mailing Address

Printed Name of Landowner

Town/City, State, Zip Code

Date:

Telephone Number(s)

Contact /Agent, if not Landowner:

FOR OFFICE USE ONLY:
GPS N = \_\_\_\_\_ GPS W = \_\_\_\_\_
Section: \_\_\_\_\_ Width: \_\_\_\_\_ Speed: \_\_\_\_\_
Right of Way: \_\_\_\_\_ Drainage: \_\_\_\_\_ SLD: \_\_\_\_\_
Conditions: \_\_\_\_\_
Permit Number Assigned: \_\_\_\_\_

§ 236:13 Driveways and Other Accesses to the Public Way. – 1. It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of, any driveway, entrance, exit, or approach within the limits of the right-of-way of any class I or class III highway or the state-maintained portion of a class II highway that does not conform to the terms and specifications of a written permit issued by the Commissioner of transportation.

II. Pursuant to this section, a written construction permit application must be obtained from and filed with the department of transportation by any abutter affected by the provisions of paragraph I. Before any construction or alteration work is commenced, said permit application shall have been reviewed, and a construction permit issued by said department. Said permit shall:

- (a) Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public.
- (b) Describe any drainage structures, traffic control devices, and channelization islands to be installed by the abutter.
- (c) Establish grades that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year.
- (d) Include any other terms and specifications necessary for the safety of the traveling public.

III. For access to a proposed commercial or industrial enterprise, or to a subdivision, all of which for the purposes of this section shall be considered a single parcel of land, even though acquired by more than one conveyance or held nominally by more than one owner:

- (a) Said permit application shall be accompanied by engineering drawings showing information as set forth in paragraph II.
- (b) Unless all season safe sight distance of 400 feet in both directions along the highway can be obtained, the commissioner shall not permit more than one access to a single parcel of land, and this access shall be at that location which the commissioner determines to be safest. The commissioner shall not give final approval for use of any additional access until it has been proven to him that the 400-foot all season safe sight distance has been provided.
- (c) For the purposes of this section, all season safe sight distance is defined as a line which encounters no visual obstruction between 2 points, each at a height of 3 feet 9 inches above the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

IV. No construction permit shall allow:

- (a) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.
- (b) More than 2 driveways, entrances, exits or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet.

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III and IV shall be conferred upon the planning board in cities and towns in which the planning board has been granted the power to regulate the subdivision of land as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations may delegate administrative duties, including actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such regulations, or any permit issued under them, may contain provisions governing the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way, and any landowner or landowner's agent altering a boundary in accordance with such provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to RSA 472:6, II (a).

VI. The commissioner of transportation or planning board shall retain continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit, and approach to a highway, whether or not such access was constructed or installed pursuant to a permit under this section, and, unless the access is a public highway, the owners of property to which the access is appurtenant shall have continuing responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to such access, whether or not located within the public right of way. If any such access is or becomes a potential threat to the integrity of the highway or its surface, ditches, embankments, bridges, or other structures, or a hazard to the safety of the traveling public, by reason of siltation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, traffic control device, drainage structure, or any other feature, the commissioner of transportation or planning board or their designee may issue an order to the landowner or other party responsible for such access to repair or remove such hazardous condition and to obtain any and all permits required therefor. The order shall describe the hazard, prescribe what corrective action or alteration in the location or configuration of such access shall be required, and set a reasonable time within which the action shall be completed. Such an order shall be sent by certified mail, and shall be enforceable to the same extent as a permit issued under this section. If the order is not complied with within the time prescribed, the commissioner or planning board or their designee may cause to be taken whatever action is necessary to protect the highway and the traveling public, and the owner or other responsible party shall be civilly liable to the state or municipality for its costs in taking such action.

§ 236:14 Penalty. – Any person who violates any provision of this subdivision or the rules and regulations made under authority thereof shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the person empowered to give such written permission.

**TOWN OF COLEBROOK, NEW HAMPSHIRE**

**AGREEMENT and RELEASE REGARDING  
BUILDING PERMIT FOR CLASS VI HIGHWAY  
Pursuant to RSA 674:41, I (c), (2) & (3), (d)**

NOW Comes \_\_\_\_\_ of  
\_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, and the  
Town of Colebrook (hereinafter referred to as "the TOWN"), a municipal corporation existing  
under the laws of the State of New Hampshire, and agree as follows:

WHEREAS, \_\_\_\_\_ is (are) the owner(s) of certain real  
property at \_\_\_\_\_, as stated in Deed recorded at Book \_\_\_\_\_,  
Page \_\_\_\_\_ at the Coos Country Registry of Deeds (Tax Map \_\_\_\_\_ Lot \_\_\_\_\_);

WHEREAS, the relevant portion of said \_\_\_\_\_, upon which the  
above real property fronts, is a Class VI Highway as classified by New Hampshire Revised  
Statutes Annotated 229:5.VII and not currently a municipal highway;

WHEREAS, after review and comment by the Planning Board, the governing body has  
adopted a policy under RSA 674:41, I (c), (2) & (3), (d);

WHEREAS a zoning ordinance certificate of compliance has been applied for on said  
real property, this agreement and release must be acknowledged by \_\_\_\_\_  
and the Town.

Therefore, the TOWN and \_\_\_\_\_, on behalf of  
themselves, their heirs, legal representatives, successors and assigns, covenant and agree as  
follows:

1. The TOWN shall allow \_\_\_\_\_ to construct  
\_\_\_\_\_ pursuant to a zoning ordinance  
certificate of compliance issued by the TOWN and on file in the Town Clerk's  
Office;

2. The TOWN has no legal duty to maintain the highway, or has any intent of doing so, including snow plowing, grading or ditch repair; nor does the Town assume any liability for any damages resulting from the use of \_\_\_\_\_; as indicated in RSA 674:41, I (c), (2) & (3), (d), and RSA 231:93.
3. \_\_\_\_\_, individually or through a neighborhood association, shall be responsible for maintaining access to the subject property and does hereby forever release and discharge the TOWN, its officers, agents and employees from the obligation of maintaining \_\_\_\_\_ and from any claim of any nature, whether in tort or otherwise, which \_\_\_\_\_ might have against the TOWN for any loss or damage, including those incurred through possible failure to provide a municipal service, including police, fire and ambulance services; arising out of the condition of the roadway from the point wherein \_\_\_\_\_ is a Class VI highway:
4. \_\_\_\_\_ assumes responsibility for transporting any children to the nearest regular school bus stop;
5. \_\_\_\_\_ assumes responsibility for maintenance and repair of his road frontage of \_\_\_\_\_, and agrees that, at their expense or at the expense of the themselves and other owners of road frontage similarly located on the road, to clear and maintain the said road to a width suitable for travel (not less than twenty (20) feet), and to repair and maintain the traveled portion of \_\_\_\_\_ in good and passable condition.
6. It is understood that any maintenance work performed must have prior approval of the governing body or the highway agent under RSA 236:9.
7. It is further understood that \_\_\_\_\_ remains a full public highway, and that the owner shall not prohibit members of the public from utilizing the highway for any purpose for which public highways may be used.
8. The governing body retains full authority to regulate the public use of the highway pursuant to RSA 41:11, including its use by the applicant, plus any statement the Board may want to make concerning erections of unlocked gates or bars.

Subscribed and signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Property Owner(s)



County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and sworn to by \_\_\_\_\_ on \_\_\_\_\_.

Commission Expires:

\_\_\_\_\_  
Notary Public

Subscribed and signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ for the Town of Colebrook, New Hampshire by its Selectmen, Duly Authorized

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chairman, Select Board

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Selectman

County of \_\_\_\_\_

State of \_\_\_\_\_

Subscribed and sworn to before me by the above Town of Colebrook Selectmen on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Commission Expires:

\_\_\_\_\_  
Notary Public

**TOWN OF COLEBROOK, NEW HAMPSHIRE**

**AGREEMENT and RELEASE REGARDING  
BUILDING PERMIT FOR A PRIVATE ROAD  
Pursuant to RSA 674:41, I (c), (2) & (3), (d)**

NOW Comes \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, and the Town of Colebrook (hereinafter referred to as "the TOWN"), a municipal corporation existing under the laws of the State of New Hampshire, and agree as follows:

WHEREAS, \_\_\_\_\_ is (are) the owner(s) of certain real property at \_\_\_\_\_, as stated in Deed recorded at Book \_\_\_\_\_, Page \_\_\_\_\_ at the Coos Country Registry of Deeds (Tax Map \_\_\_\_\_ Lot \_\_\_\_\_);

WHEREAS, the relevant portion of said \_\_\_\_\_, upon which the above real property fronts, is a Private Road as classified by New Hampshire Revised Statutes Annotated 229:5.VII and not currently a municipal highway;

WHEREAS, after review and comment by the Planning Board, the governing body has adopted a policy under RSA 674:41, I (c), (2) & (3), (d);

WHEREAS a zoning ordinance certificate of compliance has been applied for on said real property, this agreement and release must be acknowledged by \_\_\_\_\_ and the Town.

Therefore, the TOWN and \_\_\_\_\_, on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The TOWN shall allow \_\_\_\_\_ to construct \_\_\_\_\_ pursuant to a zoning ordinance certificate of compliance issued by the TOWN and on file in the Town Clerk's Office;

2. The TOWN has no legal duty to maintain the highway, or has any intent of doing so, including snow plowing, grading or ditch repair; nor does the Town assume any liability for any damages resulting from the use of \_\_\_\_\_; as indicated in RSA 674:41, I (c), (2) & (3), (d), and RSA 231:93.
  
3. \_\_\_\_\_, individually or through a neighborhood association, shall be responsible for maintaining access to the subject property and does hereby forever release and discharge the TOWN, its officers, agents and employees from the obligation of maintaining \_\_\_\_\_ and from any claim of any nature, whether in tort or otherwise, which \_\_\_\_\_ might have against the TOWN for any loss or damage, including those incurred through possible failure to provide a municipal service, including police, fire and ambulance services; arising out of the condition of the roadway from the point wherein \_\_\_\_\_ is a private road;
  
4. \_\_\_\_\_ assumes responsibility for transporting any children to the nearest regular school bus stop;
  
5. \_\_\_\_\_ assumes responsibility for maintenance and repair of his road frontage of \_\_\_\_\_, and agrees that, at their expense or at the expense of the themselves and other owners of road frontage similarly located on the road, to clear and maintain the said road to a width suitable for travel (not less than twenty (20) feet), and to repair and maintain the traveled portion of \_\_\_\_\_ in good and passable condition.

Subscribed and signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Property Owner(s)

County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and sworn to by \_\_\_\_\_ on \_\_\_\_\_.

Commission Expires:

\_\_\_\_\_  
Notary Public

Subscribed and signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ for the Town of Colebrook, New Hampshire by its Selectmen, Duly Authorized

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chairman, Select Board

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Selectman

County of \_\_\_\_\_

State of \_\_\_\_\_

Subscribed and sworn to before me by the above Town of Colebrook Selectmen on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commission Expires:

\_\_\_\_\_  
Notary Public

**COLEBROOK PLANNING BOARD  
FEE SCHEDULE**

RESIDENTIAL .05 CENTS PER SQ. FT. -- \$25.00 MINIMUM  
PLUS, \$12.25 PER STRUCTURE FOR GPS LOCATION

COMMERCIAL .10 CENTS PER SQ. FT -- \$50.00 MINIMUM  
PLUS, \$12.25 PER STRUCTURE FOR GPS LOCATION

SIGNS \$20.00 PER SIGN  
EACH SIGN NEEDS A SEPARATE APPLICATION

DRIVEWAYS \$50.00 PER APPLICATION

SUBDIVISION \$100.00 PER APPLICATION, PLUS \$20 PER LOT CREATED  
CERTIFIED MAILING PER EACH ABUTTER AT COST  
NEWSPAPER AD AT COST  
\*SEPARATE CHECKS TO COOS COUNTY REGISTRY OF DEEDS

BOUNDARY-LINE ADJUSTMENT \$75.00 PER APPLICATION  
CERTIFIED MAILING PER EACH ABUTTER AT COST  
NEWSPAPER AD AT COST  
\*SEPARATE CHECKS TO COOS COUNTY REGISTRY OF DEEDS

SITE PLAN \$75.00 PER APPLICATION  
PUBLIC HEARING CERTIFIED MAILING PER EACH ABUTTER AT COST  
NEWSPAPER AD AT COST

GREENHOUSE COSTS RESIDENTIAL - \$25.00 – NO SIZE LIMIT  
COMMERCIAL - \$50.00 - NO SIZE LIMIT

VOLUNTARY MERGER COOS COUNTY REGISTRY RECORDING FEE

COPY OF REGULATIONS \$5.00 PER SECTION / \$10.00 TO MAIL

ALL INSPECTION SERVICES REQUIRED BY THE BOARD WILL BE BILLED  
AT COST IN ADDITION TO THE STANDARD PERMIT FEE

Effective: 07/07/2015

**ZONING ORDINANCE**  
**FOR THE**  
**TOWN OF COLEBROOK**

Includes Amendments Adopted 1971, 1978, 1987, 1988, 1990, 1991, 1992, 1993, 1998, 2004, 2006, 2007 (Floodplain Development Ordinance only), 2009, 2016, 2023

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**ZONING ORDINANCE  
FOR THE TOWN OF COLEBROOK, NEW HAMPSHIRE**

An ordinance to promote the health, safety, convenience, and general welfare of the community by regulating the use and construction of buildings, structures, and premises in the Town of Colebrook. (Amended: March 2023)

**ARTICLE I. PREAMBLE**

In pursuance of authority conferred by Chapter 674:16, 17 and 21, New Hampshire Revised Statutes Annotated, as amended, and for the purpose of promoting the health, safety, prosperity, convenience of general welfare, as well as efficiency and economy in the process of development, of the inhabitants of the incorporated Town of Colebrook, New Hampshire, by securing safety from fire and other dangers, providing adequate areas between buildings and various rights-of-way, by preserving the rural charm now attached to our town, the promotion of good civic design and arrangements, wise and efficient expenditure of the public requirements and by other means, now therefore, the following ordinance is hereby enacted by the voters of the Town of Colebrook, New Hampshire, in official Town meeting convened. (Amended: March 2023)

**ARTICLE II. DISTRICTS**

For the purpose of this Ordinance, as provided by New Hampshire RSA 674:20, the entire town of Colebrook, as the boundaries of same are now established or may hereafter be established by the General Court of the State of New Hampshire, shall be two Zoning Districts, the Precinct and the Outlying, with regulations established by this Ordinance to apply throughout said township. (Amended: March 1990, March 2023)

**ARTICLE III. DEFINITIONS**  
(Amended March 1990, March 2023)

Unless otherwise stated, words shall, for the purpose of this Ordinance, have the meaning indicated in this Article. Words used in the present tense shall include the future. The singular includes the plural and the plural includes the singular. The word “person” shall include a corporation, partnership, incorporated, or unincorporated association of persons. The word “shall” is mandatory, not directory.

**ACCESSORY BUILDING OR USE:** A building or use located on the same lot as the principal building and the use of which is considered customarily incidental to those of the principal building, such as detached garages, swimming pools and equipment sheds.

**ACCESSORY DWELLING UNIT:** A dwelling unit that is within or attached to a single family dwelling or attached garage, and that provides independent living facilities for one or more



persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies; and contains an interior door between the principal dwelling unit and the accessory dwelling unit. (March 2023)

**AFTER-THE-FACT FEE:** The fee charged for an application for any permit, approval or certificate under this Ordinance which application is filed after the work or use applied for has already begun. The After-the-Fact permit fee shall be two times the ordinary fee charged for a timely application for the same thing, as set forth in the Land Use Fee Schedule. (March 2023)

**BUFFER ZONE:** An area of land surrounding dwelling units where nothing may be constructed. (Amended: March 2004, March 2023)

**BUILDING:** Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter or protection of persons, animals or property of any kind.

**CAMPGROUND:** A parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, in compliance with RSA 216-I. (Amended March 2023)

**CLUSTER HOUSING:** Any development consisting of more than one dwelling on a single piece of property. Form of ownership may be commercial, condominium, or such other legal form of ownership as permitted under laws of the State of New Hampshire. (Amended: March 2004, March 2023)

**CONDITIONAL USE PERMIT:** A permit issued by the Planning Board as authorized by RSA 674:21 Innovative Land Use Controls in accordance with RSA 676:4 Board's Procedures on Plats. (March 2023)

**CONTRACTOR:** Any person, firm, corporation or other business entity engaging in improvements to, or repairs to, or reconstruction of, or other changes to realty. This includes, but is not limited to, general contractors, excavators, carpenters, electricians, plumbers, septic designers, engineers, and architects. Contractors are responsible for compliance with this Ordinance and shall not commence any work prior to obtaining and securing all necessary permits and approvals. (Amended: March 1991)

**DENSITY:** The number of dwelling units allowed for a quantity of land. (Amended: March 2004, March 2023)

**DIRECTIONAL SIGN:** A sign not to exceed 1 foot by 2 feet the purpose of which is to indicate the direction from a state highway. (Amended: March 1992)

**DRIVEWAY:** An access way serving not more than two lots, dwellings or building sites. (Amended March 2023)

**DWELLING, MULTIFAMILY:** A residential building designed for and occupied by three or more households living independently of each other in individual attached dwelling units. Requires site plan approval from the Planning Board. (March 2023)

**DWELLING, TWO-FAMILY:** A residential building designed for and occupied by two households living independently of each other in individual attached dwelling units. (March 2023)

**DWELLING UNIT:** A room or group of rooms, with its own sanitary and kitchen facilities, forming a habitable unit for one family, used or intended to be used for living, sleeping, eating, cooking and sanitation. A unit intended to contain one individual or family. Recreational vehicles, tents and yurts may not be used as a principal place of residence. Trailers/containers designed for the storage and/or transport of nonhuman cargo may not be used for human habitation for any length of time except when modified to comply with the NH State Building Code for a single family residence. (Amended: March 2010, March 2023)

**FENCE:** A barrier constructed of wooden posts, wire, irons, etc., used to separate or as a means of protection or confinement. (Amended: March 2001)

**FRONTAGE:** The distance that a lot borders on the right-of-way of a Class V or better public street or a private street that is shown on a plat that has been approved by the Planning Board and recorded with the Coos County Registry of Deeds, which provides the principal means of access to the property and is constructed and maintained to town specifications as contained in the Town of Colebrook Subdivision Regulations. (Amended March 2023)

**HEIGHT:** The vertical distance between the mean finished grade at the structure and the highest point of the roof of the structure.

**HOME OCCUPATION:** An accessory use of a dwelling or accessory structure on a residential lot that involves the on-site manufacture of goods or provision of services and is operated by a resident of the same premises.

**JUNKYARD:** Any place of storage or deposit, whether in connection with another business or not. Junkyard will be defined as per RSA 236:112, as amended. (Amended March 2023)

**LOT:** A parcel of land of at least sufficient size to meet the minimum requirements of the Ordinance for use, area, setback, frontage and having access on a Class V or better public street or a private street that is shown on a plat that has been approved by the Planning Board and recorded with the Coos County Registry of Deeds, and is constructed and maintained to town specifications as contained in the Town of Colebrook Subdivision Regulations. (Amended March 2023)

**MANUFACTURED HOUSING:** A structure, certified as meeting the current HUD Code requirements, which is transportable in one or more sections, is built on a permanent chassis, and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities. (Amended March 2023)

**NON-CONFORMING LOT:** A lot which does not conform to the requirements of this Ordinance.

**NON-CONFORMING USE:** The use of any building, structure or land which does not conform to the provisions of this Ordinance.

**NON-MOTORIZED RECREATIONAL USE:** Walking, jogging, running, skiing, horseback riding, children's playgrounds, swimming, or other use not assisted by use of motors. (Amended: March 2004)

**OPEN SPACE:** Land upon which there is no construction, left in its natural state or enhanced by landscaping. (Amended: March 2004)

**OPEN WATER:** Bodies of water such as, but not limited to streams, rivers, creeks, ponds, or lakes. (Amended: March 2004)

**OUTLYING:** That area of Colebrook that is neither served by municipal water nor within the Colebrook Village Fire Precinct. (Amended March 2023)

**PERMITTED USE:** A use of property which is allowed by this Ordinance upon the issuance of a Zoning Ordinance Certificate of Compliance by the Board of Selectmen or designee. (Amended March 2023)

**PRECINCT:** That area of Colebrook that is served by municipal water and/or within the Colebrook Village Fire Precinct. (Amended March 2023)

**PUBLIC ACCOMMODATION:** A building or group of buildings in which lodging or lodging and meals are provided for transient or seasonal guests for compensation. Public accommodations include, but are not limited to, motels, hotels, condotels, and bed and breakfast. Also includes multiple cottages, camps or cabins operated under a single management entity and offered only for transient or seasonal use. Except as described in Article IV. Section 5. Temporary Occupancy, does not include recreational vehicles, tents or yurts except in a campground. (Amended March 2023)

**RECREATIONAL VEHICLE:** Any of the following vehicles:

- (a) Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (b) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (c) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.

(d) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes. (March 2023)

**SEASONAL:** Occupied for no more than 180 days per calendar year; not for use as a principal residence. (March 2023)

**SETBACK:** (Amended March 2023)

**FRONT:** The depth of the front yard as measured from the street right-of-way to the front line of the closest structure.

**SIDE:** The depth between the side lot lines and sides of the closest structure.

**REAR:** The depth of the rear yard as measured from the rear lot line to the closest structure.

**SIGN:** A structure or an image, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure, or parcel of land, which is (a) visible from a public or private street or an adjoining property, and (b) designed to communicate a non-artistic message. (Amended March 2023)

**SPECIAL EXCEPTION:** A special exception is the specific use of a building or lot which is not listed as a use permitted in the town of Colebrook by this Ordinance but may be approved by the Zoning Board of Adjustment in accordance with the provisions of Article VIII and RSA 674:33. (Amended March 2023)

**STRUCTURE:** A structure shall be considered to be anything constructed or erected with a fixed location on the ground. Structures include, but are not limited to, buildings, swimming pools, barns, free-standing solar panels, manufactured housing and garages. Minor installations such as, but not limited to, mail boxes, radio antennas, and flag poles shall not be considered structures. (Amended: March 2001, March 2023)

**TEMPORARY SIGNS:** Any sign placed outdoors for a period of time of 30 days or less for no more than 60 days per year. (Amended: March 14, 2006, March 2023)

**TRAIL:** An area of limited width used for the purpose of connecting to other areas of non-motorized recreation and/or existing OHRV and snow machine trails. (Amended: March 2004, March 2023)

**TRANSIENT:** Describes the occupants or occupancy of a room or number of rooms in increments of less than 30 days; not as a place of principal residence. (March 2023)

**VARIANCE:** A variance from the terms of this Ordinance granted by the Zoning Board of Adjustment in accordance with Article VIII and RSA 674:33. (Amended March 2023)

**ARTICLE IV. ZONING REGULATIONS****1. SETBACKS AND FRONTAGE:**

(Amended: March 14, 2006, March 2023)

- A. Except as provided in Paragraph B below, every structure placed on a lot shall be at least twenty (20) feet from the front property line and at least ten (10) feet from the side and rear property lines.
- B. Within the Precinct, the Planning Board may grant a Conditional Use Permit enabling a reduction in the front setback provided that in no case shall any structure in said District be erected, altered, or relocated so as to be located nearer to the front property line than the structure nearest the roadway on adjacent lots.
- C. No new lot shall be approved by the Planning Board unless it has at least 100 feet of frontage in the Precinct or at least 150 feet of frontage in the Outlying Zoning District. No building whose use requires an approved sewage disposal system under Town or State law shall be constructed on any lot without at least 150 feet of frontage, unless that lot legally existed as a separate lot, as reflected by properly-recorded plans or deeds, prior to March 14, 2006; provided, however, that all such buildings shall be in compliance with current state law(s) regarding such systems.

**2. BUILDING HEIGHT:**

The height of all new structures and all alterations and/or enlargements of structures shall be limited to a vertical distance of thirty-five (35) feet between the mean finished grade at the structure and the highest point of the roof of the structure. Accessory structures constructed of a non-flammable material, such as communications towers, antennas, flagpoles and rooftop satellite dishes are exempt from this height restriction. (Amended: March 1987, March 2023)

**3. TIME LIMIT:**

No owner or occupant of any land shall permit any building or other structure to be left unfinished or incomplete thereon unless the Zoning Ordinance Certificate of Compliance has been extended by the Board of Selectmen or designee pursuant to Section 6(C) hereof. All fire ruins or ruins from other casualty shall be removed within one year of the fire or casualty, unless an extension has been granted by the Board of Selectmen or designee. (Amended March 10, 1992, March 2023)

**4. MANUFACTURED HOUSING:**

(Amended March 2023)

- A. All manufactured housing must be certified as meeting the current HUD Code requirements prior to installation and be placed on the lot by an installer licensed in the State of New Hampshire.

- B. A single manufactured home may be located on any lot provided it meets all frontage, front yard, side and back yard, minimum land area, and Sanitary Protection requirements for this Ordinance.
- C. Manufactured home parks must comply with the following requirements:
  - 1. Parks must be located a minimum of 500 feet from the nearest dwelling at the time of establishment.
  - 2. Each manufactured home space shall contain a minimum of 2,400 square feet; shall be at least 25 feet wide; and shall abut on a roadway of not less than 30 feet, if off-street parking is provided, otherwise 40 feet. Such spaces shall be clearly defined, and manufactured homes shall be parked in such spaces so that there will be a minimum of 15 feet between homes and so that no home shall be less than 10 feet from the exterior boundary of the park.
  - 3. In all manufactured home parks, roadways shall be well-drained, graveled, hard-surfaced or paved and shall be maintained in good condition and be lighted at night.
  - 4. Access roads shall be provided to each manufactured home space. Each access road shall be continuous; shall connect with a street; and shall have a minimum width of thirty (30) feet.
  - 5. Areas shall be provided for the parking of motor vehicles. Such areas shall accommodate at least two vehicles for each manufactured home.

## **5. TEMPORARY OCCUPANCY:**

A registered recreational vehicle or tiny home on wheels on a lot with or without a single family dwelling may be occupied by the lot owner or guests (paying or nonpaying) for up to fifteen (15) days per calendar year without a permit, provided that the unit is in compliance with applicable fuel system, fire, life safety, plumbing and electrical codes. Occupancy for greater than fifteen (15) days, up to 180 days per calendar year, is allowed only upon issuance of a permit from the Board of Selectmen or their designee. For recreational vehicles or tiny homes on wheels on undeveloped lots, proof of a principal residence other than the undeveloped lot which is the subject of the permit shall be required. Documentation of disposal of waste in compliance with NHDES regulations must be provided to the Board of Selectmen or their designee upon request.

## **6. PERMITS:**

(Amended March 2023)

- A. It shall be unlawful to erect, relocate, or make exterior dimensional additions to any structure in the Town without first having obtained a Zoning Ordinance Certificate of Compliance from the Board of Selectmen or designee. The permit application fee shall

be set forth in the Colebrook Land Use Fee schedule. (Amended March 9, 1993) Permits must be posted on site and be easily visible until the completion of construction. (Amended: March 1988)

- B. It is the intent of this Ordinance to prevent the erection of structures of such temporary, insubstantial, unsanitary, unattractive, or hasty construction, that they may be a damage or threat to the health of the community, unreasonably subject to fire hazards, or otherwise of such appearance and nature as to cause a substantial decrease of property values in the immediate vicinity of such structures. Accordingly, all structures shall be completed on the exterior within twelve (12) months from the start of construction, including paint, stain or varnish on any exterior wood or other customarily-painted surfaces. Exterior walls must be completed with a finish-grade siding material, or, if concrete block is to be used as an exterior surface, painted with at least two coats of masonry paint.
- C. If construction has begun and is not completed after one (1) year, the Board of Selectmen or designee will consider a permit extension for up to one (1) additional year. Additional extensions may be considered. However, if the Zoning Ordinance Certificate of Compliance is allowed to expire without applying for and receiving an extension, the approval will become null and void and a new application must be submitted. (Amended: March 10, 2009)

**7. GENERAL PROVISIONS:**  
(Amended March 2023)

For the purpose of this Ordinance, the Town of Colebrook shall be comprised of two zoning districts. The first shall be known as the Precinct. The second shall be known as Outlying. All regulations established by this Ordinance shall apply throughout the entire Town, except as noted.

The following uses are permitted in the Town of Colebrook:

A. Residential Uses

1. Single family dwellings, with or without an attached accessory dwelling unit; two-family dwellings; and multi-family dwellings
2. Farm dwellings
3. Single-family manufactured housing
4. Accessory uses customarily incidental to the permitted use
5. Home occupations

B. Group Facility Uses

1. Church, parish house or other religious use
2. Schools
3. Community center, hall, lodge, park or playground
4. Accessory uses customarily incidental to the permitted use

C. Other Permitted Uses (Amended: March 1991)

1. Agricultural uses including dairy farming, greenhouses, animal and poultry husbandry, horticultural and silvicultural uses, pasturage and fish hatcheries
2. Public accommodations
3. Nursery schools and day care facilities
4. Animal kennels
5. Restaurants
6. Sawmills, chip mills and other wood product operations
7. Retail establishments
8. Funeral homes
9. Manufacturing Operations
10. Warehouses
11. Commercial removal of gravel, loam, rocks, clay and sand in accordance with Colebrook Town Regulations and RSA 155:E or such New Hampshire regulations as may be in effect
12. Indoor and outdoor recreation facilities
13. Professional offices
14. Hospitals and other medical facilities
15. Campgrounds which may be open to the public from May 1 through October 15 with Site Plan Review approval from the Planning Board and designed, constructed and operated in conformance with RSA Chapter 216-I Recreational Campgrounds and Camping Parks

D. Special Exceptions

1. Storing or dispensing petroleum products in greater than household quantities
2. Junkyards in accordance with RSA 236:111–129 as amended
3. Other structures and uses not specifically listed as Permitted above but so similar in nature and impact to another listed use so as to lead the Zoning Board of Adjustment to determine that issuance of a Special Exception would be reasonable

Provided, however, that landfills, incinerators, and any other uses related to waste disposal shall be deemed prohibited. The Board of Selectmen shall be permitted to provide for waste disposal, for the municipal purposes of the Town and other towns with whom they may contract, in designated landfill or waste disposal sites. With the exception of the authority of the Selectmen, as above, waste disposal shall not be allowed by Special Exception. (Amended: March 1991)

**8. SITE PLAN REVIEW:**

(March 2023)

All new or expanded multifamily dwellings and nonresidential uses and changes of use shall be subject to Colebrook Site Plan Regulations.



**9. LOT SIZES AND DENSITY:**

(Amended March 2023)

**A. The following lot sizes shall apply:**

1. **Precinct:** The minimum lot size and maximum density shall be as necessary to meet the required frontage, setbacks and other applicable regulations for the proposed use, including, but not limited to, Subdivision Regulations, Site Plan Review Regulations, NH State Building Code and State Fire Code.
2. **Outlying:** The minimum lot size shall be two (2) acres, or greater if required by New Hampshire Department of Environmental Services (NHDES).

**B. Except in the case of Cluster Housing as provided in Article V, only one principal use or principal building shall be permitted on each lot.****C. Neither a single-family home with an attached accessory dwelling unit, a two-family home, nor a multifamily dwelling shall require greater than the minimum lot size unless needed in order to comply with NHDES or other state or local requirements.****10. NON-CONFORMING USE AND LOTS:**

(Amended: March 1990, March 2023)

**A. The Zoning Board of Adjustment may grant a Special Exception for the expansion of any non-conforming use or structure only if such an expansion does not create a greater nuisance or detriment and the expanded use meets all other requirements in this Ordinance.****B. A lot which does not conform to the current area and frontage requirements of this Ordinance and which is recorded and taxed as a lot of record at the time of the passage of this Ordinance or of any amendments that caused it to become nonconforming, may be used by conforming with the setback requirements as closely as possible provided that the lot conforms with the New Hampshire Department of Environmental Services requirements. Pre-existing lots on Class VI roads must also comply with the requirements of RSA 674:41.****11. SIGNS:**

(Amended: March 1987, March 2023)

**A. Measurement:** The measurement of a sign's area shall be the area as measured by the product of its total height and total width, and shall be considered to include all lettering or elements of a sign but not including any support framework or bracing which are incidental to the sign and which are not designed to communicate a non-artistic message.

The area of one (1) side of a double-faced sign shall be regarded as the total area of the sign.

B. Exempt Signs: The following are allowed without a permit:

1. Signs denoting the name and address of the occupants of the premises, which signs shall not exceed one and one-half (1.5) square feet in area.
2. Professional name plates that shall not exceed one and one-half (1.5) square feet in area.
3. One additional sign on any premises which is being advertised for sale, lease, or rental, which sign shall not exceed six (6) square feet in area.
4. One sign not exceeding one hundred (100) square feet on a building or project under construction, repair or renovation.
5. Window display signs.
6. Portable signs of the reader board type, sandwich board or chalkboard signs. Each entity, during operating hours only, may display one on-premises portable sign not exceeding 3.5 feet in height or 7 square feet, subject to the following limitations:
  - i. The sign shall not be located within a street.
  - ii. Where a sidewalk exists, such sign may be located on a sidewalk provided that a 36-inch minimum walkway remains.
  - iii. The sign shall not obstruct visibility of or by vehicles or pedestrians.
7. Political signs, in accordance with State law.
8. Government signs.
9. Signs associated with the use of land or structures for primarily religious purposes.
10. Any sign or notice necessary for direction, information, or safety of the public having an area of less than six (6) square feet.
11. A temporary sign is allowed without a permit or fee, provided however that: (a) prior to the erection of the sign, the Town of Colebrook shall be notified of the sign, its location, and expected time of removal, using a form provided by the Town; (b) the date of sign placement shall be shown on the sign itself in letters easily read from street level; (c) no temporary sign shall violate the provision of Subsection D, "Prohibited Signs"; and (d) any temporary sign remaining in place longer than 30 days or for a combined total of more than 60 days in one calendar year without a permit shall be a violation of this Ordinance. (Amended: March 14, 2006)

C. Permitted Signs: The following signs are allowed with a permit:

1. Any sign on the premises of a nonresidential use, provided the sign is not listed below in Section D as a Prohibited Sign. Includes signs placed flush with the front of and against the actual building.
2. Any sign or notice necessary for direction, information, or safety of the public having an area of six (6) square feet or more.
3. Directional signs as defined in Article III shall be permitted in the quantity of one per each change of direction from the nearest New Hampshire Highway with the written permission of the landowner upon whose land the sign is installed. (Amended March 10, 1992)

An application for a sign permit shall include site location, sign size, method of illustration, if any, and types and colors of materials to be used in construction.

D. Prohibited Signs: It shall be unlawful to erect:

1. Any sign which is positioned such that street traffic would be endangered by obscuring a clear view or by confusion with official street signs and signals.
2. Any flashing signs or signs with visible moving parts of intermittent lighting to create the visual effect of movement.
3. Any free-standing sign which exceeds twenty (20) feet above the road grade of the entrance to the property.
4. Any sign two (2) feet above the roof ridge to which it is attached.
5. Any sign which is larger than thirty-six (36) square feet as measured by the product of its total width and total height.
6. Any sign which exceeds one (1) foot in depth.
7. Any neon sign which exceeds ten (10) square feet.
8. Any more than one sign per site that is not placed flush with the front of and against the actual building.
9. Any more than three off-premise signs per establishment except as allowed under Article IV, 11, C, 3. above (directional signs). (Amended March 10, 1992)

E. Removal of Signs:

Any sign that pertains to an abandoned or former use or business later than six months after discontinuance of that use or business must be removed.

**12. FENCES:**

Any fence must be placed within the owner's property boundaries. If there is a notarized statement from the abutter that it is a shared boundary line fence, then the fence may be placed on the boundary line as determined by a survey map or other map acceptable to all parties. (Amended: March 2016)

**13. HOME OCCUPATIONS:**

Home occupations shall require Site Plan Review approval from the Planning Board followed by a Zoning Ordinance Certificate of Compliance from the Board of Selectmen or designee when involving any of the following:

1. On-site customers, guests or employees
2. Outdoor storage or activity
3. Signage or outdoor lighting
4. Noise, vibration, fumes, smoke, dust, glare, heat, or odors
5. Use or storage of heavy equipment
6. Truck traffic in greater than typical residential volumes

**ARTICLE V. CLUSTER HOUSING REGULATIONS**

(Amended: March 2004, March 2023)

**PURPOSE**

The Cluster Housing Regulations are implemented for the purpose of allowing development with greater density and/or a more efficient layout than otherwise permitted while preserving the rural charm and environment of the area. The Planning Board may approve a Cluster Housing subdivision in accord with the usual procedures contained in the Town of Colebrook Subdivision Regulations. A Zoning Ordinance Certificate of Compliance shall still be required prior to the construction of individual buildings.

**REGULATION**

1. **Public Hearing and Permit Process.** The applicant shall follow the same advertised public hearing, notification, and permitting process as is required for subdivisions.
2. **Lot Size**
  - A. **In Precinct:** See Article IV.9.A.1.
  - B. **Out of Precinct:** Lot size is a minimum of three (3) acres.

**3. Density**

**A. In Precinct:** See Article IV.9.A.1.

**B. Out of Precinct:** One (1) acre per dwelling is required.

**4. Buffer Zones**

**A. In Precinct:** A fifty (50) foot buffer zone must surround the dwellings.

**B. Out of Precinct:** A hundred (100) foot buffer zone must surround the dwellings.

Land with a slope of over 25% or wetland may be considered at its full value for inclusion in a buffer zone.

- 5. Open Space.** At least 20% of the total property shall be left in the form of open space that is realistically and conveniently usable for recreational purposes by the future residents. When land with a slope equal to or exceeding 25% is included in the area to be retained as open space, only 25% of that land may be counted in the calculation of the 20% required open space. When wetlands are included in the area to be retained as open space, only 25% of the wetland area may be counted in the calculation of the required 20% open space. Open water may not be counted in the 20%.
- 6. Further development.** Up to 25% of open space may be further developed for non-motorized recreational use.
- 7. Parking.** Three parking spaces will be provided per dwelling unit. Two spaces shall be reserved for the use of the owner or tenant while one shall be provided, possibly in a different area, for common use of owners and tenants and their guests.
- 8. Trails.** Trails may be constructed through the property to connect with locally recognized trail systems. The area of such trails may be constructed in buffer zones or open space.
- 9. Phased development.** Where such projects are to be completed in phases, the plan for same may be approved as a single master plan providing such phases do not violate either the spirit or expressed intent of these regulations.
- 10. Utilities.** Developer and/or property owner/association will be responsible for construction and maintenance of all water, sewer and other such other utilities as may be required. Water and sewer mains which connect to the Town of Colebrook Water and Sewer lines will meet Colebrook Town specifications and must have the written approval of the Town of Colebrook Water & Sewer Superintendent. Water and Sewer mains will become the property of the Town of Colebrook, and will be maintained by the Water & Sewer Department after the Superintendent has certified to the Selectboard that such infrastructure has been inspected and completed in a satisfactory manner and the Selectboard has voted to accept the infrastructure. Connections off of these lines will remain the responsibility of the individual property owners.
- 11. Streets.** Developer and/or property owner/association will be responsible for construction and maintenance of all roads. Streets will meet, as a minimum, the Town of Colebrook standards for Class V roads and be further regulated as to length by Colebrook Planning Board

Subdivision Regulations. The Planning Board may, if it considers necessary, impose further standards should such improvements be deemed necessary by the Town Road Agent.

#### **ARTICLE VI. EFFECT NOT TO BE RETROACTIVE**

All buildings and properties presently used and occupied or under actual construction as of the date of this Ordinance is passed may continue to be used and occupied indefinitely, even though their present use does not conform to the provisions of this Ordinance.

A non-conforming use, nonetheless, which becomes non-operative or vacant for a continuous period of one year, shall not thereafter be reoccupied except for a use conforming to the district in which it is located.

#### **ARTICLE VII. ADMINISTRATION AND ENFORCEMENT**

(Amended March 2023)

1. Except as otherwise indicated in this Ordinance, it shall be the duty of the Board of Selectmen or their designee to issue any and all permits provided by this Ordinance, upon application for such permits in manner and form to be prescribed by said Board, when such permit is in accordance with the provisions of this Ordinance, and to hold meetings with sufficient frequency to provide for the issue of said permits or rulings upon application therefore, with reasonable promptness and, in no event later than thirty days after submission of such application.
2. The Board of Selectmen or designee shall be empowered to assess a fee for after-the-fact applications at the rate of two times the ordinary application fee, and any legal fees or costs incurred relative to the violation. No permit shall be granted until said fee and legal expenses are paid. This section shall be in addition to and not exclusive of Article X below. (Amended: March 1991)
3. It shall be the duty of the Board of Selectmen or its designee to enforce the provisions of this Ordinance. The Board or designee, upon any well-founded information that this Ordinance is being violated shall initiate immediate steps to enforce the provision of this Ordinance, including issuance of a cease-and-desist order and such additional sanctions, fines or penalties as provided in RSA 676:15 et seq as amended. (Amended March 1993)

#### **ARTICLE VIII. ZONING BOARD OF ADJUSTMENT**

(Amended March 2023)

1. Within thirty days after the adoption of this Ordinance and thereafter as terms expire or vacancies occur, the Board of Selectmen shall make appointments to the Zoning Board of Adjustment of five members conforming in duties to the provisions of New Hampshire RSA 674:33 and 33-a. Thereafter as terms expire or vacancies occur, the appointing authority shall

be responsible for filling vacancies and maintaining full membership on the Zoning Board of Adjustment. The Zoning Board of Adjustment shall conform in membership and term of office to the provisions of New Hampshire RSA 673:3. (Amended: March 1987)

2. The Zoning Board of Adjustment may upon application:
  - A. Review and decide on alleged error in enforcement of any provision of the Ordinance in accordance with RSA 676:5, as amended, provided the appeal was filed within 30 days of the date of the decision of the administrative officer.
  - B. Grant or deny a Special Exception in accordance with the provisions of Section 3 below.
  - C. Grant or deny a Variance in accordance with Section 4 below and RSA 674:33(b), as amended.
  - D. Grant Equitable Waivers of Dimensional Requirements in accordance with RSA 674:33-a.

Prior to a hearing, the costs of advertising, posting, and mailing notices of the hearing shall be paid by the person making the appeal.

### 3. SPECIAL EXCEPTIONS

A use of a building or lot may be allowed under this Ordinance upon formal application to and approval of the Zoning Board of Adjustment when such use would not be detrimental to the public health, safety and general welfare and only in cases where the word "Special Exception" in this Ordinance pertains. A Special Exception will be allowed if the following conditions are met:

- A. The specific site is an appropriate location for such a use considering the permanent use and configuration of surrounding properties, traffic and site-specific impacts of the proposed Special Exception use, such as noise, air quality, noxious odors, vibration, lighting, glare, hours of operation, amount of impervious surface, or building mass, which may be detrimental to surrounding properties or exceed or impact adversely the capacity of public facilities serving the area.
- B. Property values in the district and surrounding property will not be reduced by such a use and the use will not cause undue financial burden to the Town.
- C. No nuisance or unreasonable hazard shall result to vehicles, pedestrians, property of another landowner, or the environment, including, but not limited to, traffic, air quality, or surface or groundwater quality through increased stormwater runoff or the use of toxic or hazardous substances.
- D. Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.

### 4. VARIANCES

As provided in RSA 674:33, as amended, a variance from the terms of this Ordinance may be legally granted by the Zoning Board of Adjustment if the following conditions are met:

- A. The variance will not be contrary to the public interest;

- B. The spirit of the ordinance is observed;
- C. Substantial justice is done;
- D. The values of surrounding properties are not diminished; and
- E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
  - 1. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
    - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
    - (ii) The proposed use is a reasonable one.
  - 2. If the criteria in subsection 1 are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subsection E shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

## 5. CONDITIONS

In authorizing a Special Exception or Variance, the Zoning Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and community.

## **ARTICLE IX. AMENDMENTS**

(Amended March 2023)

This Ordinance may be amended by majority vote of any legal town meeting in accordance with NH RSA 674 and 675 as amended when such amendment shall have been published in the warrant calling for such meeting.

## **ARTICLE X. PENALTY**

(Amended March 2023)

Any person, firm, corporation, or other business entity or contractor violating any of the provisions of this Ordinance shall be subject to a fine or penalty of not more than permitted by State statute, for each day such violation may exist. This shall not limit the right of the Board of Selectmen to enforce any or all of such State statutes and regulations as might apply to such violations  
(Amended: March 9, 1993)



**ARTICLE XI. SAVING CLAUSE**

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

**ARTICLE XII. WHEN EFFECTIVE**

This Ordinance shall take effect upon its passage.

## TOWN OF COLEBROOK

### FLOODPLAIN DEVELOPMENT ORDINANCE

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Colebrook Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Colebrook Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with a provision of the Zoning Ordinance or other ordinance or regulations, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated of special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Coos, New Hampshire", dated February 20, 2013, together with the associated Flood Insurance Rate Maps dated February 20, 2013, which are declared to be a part of this ordinance and are hereby incorporated by reference. (Amended -- Pursuant to RSA 674:57, by Resolution of the Town of Colebrook Board of Selectmen, December 12, 2012.)

#### ITEM I: DEFINITION OF TERMS

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

"Area of Special Flood Hazard" is the land in the floodplain within the Town of Colebrook subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as zones A or AE.

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

"Base Flood Elevation" (BFE) means the elevation of surface water resulting from the "base flood."

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

"Building" – see "Structure".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving excavation, or drilling operation or storage of equipment or materials. (Amended: March 2007)

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance Study” means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood – related erosion hazards.

“Flood Insurance Rate Map” (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special food hazard areas and the risk premium zones applicable to the Town of Colebrook.

“Flood Opening” means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA “Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures.”

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

“Flood proofing” means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

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

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic Structure” means any structure that is:

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

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered

a building's lowest floor; provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision. (Amended: March 2007)

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Amended: March 2007)

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a town's Flood Insurance Rate Map are referenced.

"New construction" means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. (Approved: March 2007)

"Recreational Vehicle" is defined as:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and;
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

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

“Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. (Approved: March 2007)

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

## **ITEM II: PERMITS**

All proposed development in any special flood hazard areas shall require a permit.

## **ITEM III: CONSTRUCTION REQUIREMENTS**

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

- (a) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- (b) Be constructed with materials resistant to flood damage,
- (c) Be constructed by methods and practices that minimize flood damages,

- (d) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **ITEM IV. WATER & SEWER SYSTEMS**

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area, the applicant shall provide the Planning Board with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

#### **ITEM V. CERTIFICATION**

For all new or substantially improved structures located in Zones A or AE, the applicant shall furnish the following information to the Planning Board:

- (a) The as-built elevation (in relation to mean sea level) of the lowest flood (including basement) and include whether or not such structures contain a basement.
- (b) If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed.
- (c) Any certification of floodproofing.

The Planning Board shall maintain for public inspection, and shall furnish such information upon request.

#### **ITEM VI. OTHER PERMITS**

The Planning Board shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

#### **ITEM VII. WATERCOURSES**

1. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Planning Board, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board, including notice of all scheduled hearings before the Wetlands Bureau.

2. The applicant shall submit to the Planning Board, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. The Planning Board shall obtain, review, and reasonably utilize any floodway data available from Federal, State or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”
4. Along watercourses that have not had a Regulatory Floodway designated or determined by a federal, State or other source; no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#### **ITEM VIII. SPECIAL FLOOD HAZARD AREAS**

1. In special flood hazard areas, the Planning Board shall determine the base flood elevation in the following order of precedence according to the data available:
  - (a) In zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
  - (b) In Zone A, the Planning Board shall obtain, review and reasonably utilize any base flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e., subdivisions, site approvals). Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.
2. The Planning Board's base flood elevation determination will be used as criteria for requiring in zones AE and A that:
  - (a) All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation;
  - (b) All new construction or substantial improvement of non-residential structures have the lowest floor (including basement) elevated to or above the base flood elevation; or together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
- (c) All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- (d) All recreational vehicles placed on sites within Zone AE shall either:
- (1) Be on the site for fewer than 180 consecutive days;
  - (2) Be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - (3) Meet all standards of this ordinance and the elevation and anchoring requirements for "manufactured homes" in this ordinance.
- (e) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
- (1) The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
  - (2) The area is not a basement;
  - (3) Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - (a) A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above



grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

**ITEM IX: VARIANCES AND APPEALS:**

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

Adopted: March 13, 2001

Amended: March 2007, March 2023