

HAMPSTEAD ZONING ORDINANCE

Revised March 2024

HAMPSTEAD ZONING ORDINANCE

Part I - COMMON ARTICLES

- p. 8 I-2 GENERAL PROVISIONS
I-2: 1 Pre-existing Use
I-2: 2 Building Damaged by Acts of God
I-2: 3 Building Permits Required
I-2: 4 Lot Consolidation
I-2: 5 Special Exceptions
I-2: 6 Enforcement and Penalty
I-2: 7 Saving Clause / Validity
I-2: 8 When Effective
I-2: 9 Stone Wall Preservation
I-2: 10 Unregistered Motor Vehicles & Boats
- p. 11 I-3 STATE OF NEW HAMPSHIRE BUILDING CODE
STATE OF NEW HAMPSHIRE FIRE CODE
I-3:0 Adoption of the State of New Hampshire Building Code and
State of New Hampshire Fire Code
- TOWN OF HAMPSTEAD CONSTRUCTION FEES
- p. 12 I-4 DEFINITIONS

Part II - LAND USE REGULATIONS

- p. 18 II-1 SOIL BASED LOT SIZE
II-1:0 Purpose
II-1: 1 Minimum Lot Sizes
II-1: 2 Determination of Soil Type
II-1: 3 Relationship Between State and Local Regulations
II-1: 4 Saving Clause
II-1: 5 Table 1A
- p. 21 II-2 WETLAND
II-2:0 Purpose and Intent
II-2: 1 Wetland Defined
II-2: 2 District Boundaries
II-2: 3 Relation to Other Districts
II-2: 4 Permitted Uses
II-2: 5 Lot Size Determination
II-2: 6 Buffer Provisions
II-2: 7 Filled Lands and Pre-existing Uses
II-2: 8 Exemption for Residential Structures
II-2: 9 Conditional Uses
II-2: 10 Special Exceptions
II-2: 11 Procedure for Special Exceptions
II-2: 12 Other Provisions

HAMPSTEAD ZONING ORDINANCE

- p. 28 II-3 FLOOD DAMAGE PREVENTION
 - II-3:0 Statutory Authorization, Findings of Fact, Statement of Purpose, Methods of Reducing Flood Losses
 - II-3:1 Definitions
 - II-3:2 General Provisions
 - II-3:3 Administration
 - II-3:4 Provisions for Flood Hazard Reduction

- p. 46 II-4 ILLCIT DISCHARGE, DETECTION, AND ELIMINATION (IDDE)
 - II-4:0 Purpose and Intent
 - II-4:1 Definitions
 - II-4:2 Applicability
 - II-4:3 Compatibility with Other Regulations
 - II-4:4 Discharge Prohibitions
 - II-4:5 Industrial or Construction Activity Discharges
 - II-4:6 Surface Water Protection
 - II-4:7 Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices
 - II-4:8 Notification of Spills
 - II-4:9 Violations, Enforcement, and Penalties
 - II-4:10 Remedies not Exclusive
 - II-4:11 Severability
 - II-4:12 Effective Date

- p. 53 II-5 GROUND WATER PROTECTION (GWPO)
 - II-5:0 Authority
 - II-5:1 Purpose
 - II-5:2 Definitions
 - II-5:3 Ground Water Protection District
 - II-5:4 Applicability
 - II-5:5 Performance Standards
 - II-5:6 Spill Prevention, Control, and Countermeasure Plan
 - II-5:7 Permitted Uses
 - II-5:8 Prohibited Uses
 - II-5:9 Conditional Uses
 - II-5:10 Existing Non-Conforming Uses
 - II-5:11 Exemptions
 - II-5:12 Relationship Between State and Local Requirements
 - II-5:13 Maintenance and Inspection
 - II-5:14 Enforcement Procedures and Penalties
 - II-5:15 Saving Clause
 - II-5:16 Effective Date

HAMPSTEAD ZONING ORDINANCE

Part III - GENERAL ZONING REGULATIONS

p. 62 III-1 DISTRICT BOUNDARIES

III-1:0 Purpose

III-1: 1 Boundary Discrepancies Between Map and Description

III-1: 2 Zone A (Residential) District Boundaries

III-1: 3 Zone B (Recreational) District Boundaries

III-1: 4 Zone C-1 (Commercial) District Boundaries

III-1: 5 Zone C-2 (Commercial) District Boundaries

III-1: 6 Zone C-3 (Commercial) District Boundaries

III-1: 7 Zone C-4 (Sanitary Landfill) District Boundaries

III-1: 8 Zone D (Mobile Home Park) District Boundaries

III-1: 9 Zone E (Historical) District Boundaries

p. 72 III-2 RESIDENTIAL ZONE A

III-2:0 Purpose

III-2: 1 Pre-existing Use

III-2: 2 Permitted Use

III-2: 3 Special Exceptions

III-2: 4 Lot Regulations

III-2: 5 Structure / Dwelling Regulations

III-2: 6 Accessory Structures and Uses

p. 76 III-3 RECREATIONAL ZONE B

III-3:0 Purpose

III-3: 1 Pre-existing Use

III-3: 2 Permitted Use

III-3: 3 Special Exceptions

III-3: 4 Lot Regulations

III-3: 5 Structure / Dwelling Regulations

III-3: 6 Accessory Structures and Set Backs

p. 80 III-4 COMMERCIAL ZONE C-1

III-4: 0 Performance Standards for Commercial Zones C-1, C-2, C-3

III-4: 1 Purpose

III-4: 2 Permitted Use

III-4: 3 Special Exceptions

III-4: 4 Lot Regulations

III-4: 5 Structure / Dwelling Regulations

III-4: 6 Accessory Structures and Uses

III-4: 7 Miscellaneous Provisions

p. 84 III-5 COMMERCIAL ZONE C-2

III-5: 0 Performance Standards for Commercial Zones C-1, C-2, C-3

III-5: 1 Purpose

III-5: 2 Permitted Use

III-5: 3 Special Exceptions

HAMPSTEAD ZONING ORDINANCE

III-5: 4 Lot Regulations
III-5: 5 Structure / Dwelling Regulations
III-5: 6 Accessory Structures and Uses
III-5: 7 Miscellaneous Provisions

p. 88 III-6 COMMERCIAL ZONE C-3

III-6: 0 Purpose
III-6: 2 Purpose for Erection and Alteration
III-6: 3 Pre-Existing Use
III-6: 4 Permitted Uses
III-6: 5 Special Exceptions
III-6: 6 Lot Regulations
III-6: 7 Structure Regulations
III-6: 8 Accessory Structures
III-6: 9 Miscellaneous Provisions

p. 92 III-7 COMMERCIAL ZONE C-4 Sanitary Landfill

III-7: 2 Permitted Uses
III-7: 4 Lot Regulations

p. 93 III-8 MOBILE HOME ZONE D

III-8: 2 Permitted Uses
III-8: 4 Lot Regulations
III-8: 7 Miscellaneous Provisions
III-8: 8 Mobile Home Building Code

Part IV - SPECIAL ZONING REGULATIONS

p. 95 IV-1 ELDERLY & MULTI-FAMILY HOUSING

IV-1:0 Purpose
IV-1: 1 General Provisions
IV-1: 2 Dimensional Requirements
IV-1: 3 Ownership, Agreements & Restrictions

p. 99 IV-2 RECREATION CAMPING AREAS

IV-2:0 Purpose
IV-2: 2 Campground Requirements
IV-2: 3 State Board of Health Permits Required
IV-2: 6 Accessory Structures

p. 101 IV-3 SWIMMING POOL

IV-3:0 Purpose
IV-3: 1 Definitions
IV-3: 2 Private Swimming Pool Regulations
IV-3: 3 Public Swimming Pool Regulations
IV-3: 4 Fencing Required
IV-3: 5 Applicability to Existing Pools

HAMPSTEAD ZONING ORDINANCE

IV-3: 6 Penalties

- p. 104 IV-4 SIGNS
 - IV-4:0 Purpose
 - IV-4: 1 Where Permitted
 - IV-4: 2 Permitted Types of Signs
 - IV-4: 3 Prohibited Types and Locations
 - IV-4: 4 Restrictions
 - IV-4: 5 Building Permit Required

- p. 108 IV-5 SEASONAL DWELLING CONVERSION
 - IV-5:0 Purpose
 - IV-5: 1 Definition
 - IV-5: 2 Restrictions
 - IV-5: 3 Where Permitted
 - IV-5: 4 Conversion Requirements

- p. 109 IV-6 HOME OCCUPATION REGULATIONS
 - IV-6:0 Purpose
 - IV-6: 2 Prohibited Occupations
 - IV-6: 3 Exempted Occupations
 - IV-6: 4 Pre-existing Occupations
 - IV-6: 5 Zoning, Dwelling, and Occupation Restrictions
 - IV-6: 6 Permit Application
 - IV-6: 7 Issuance Authority and Hearings
 - IV-6: 8 Validity of Permit
 - IV-6: 9 Periodic Inspections

- p. 111 IV-7 MOBILE HOME SUBDIVISION REGULATION
 - IV-7:0 Purpose
 - IV-7: 1 Permitted Uses
 - IV-7: 2 Subdivision Requirements
 - IV-7: 3 Lot Requirements
 - IV-7: 4 Site Requirements
 - IV-7: 5 Mobile Home Unit Requirements
 - IV-7: 6 Permit and Required Inspections

- p. 113 IV-8 SEXUALLY ORIENTED BUSINESS
 - IV-8: 1 Purpose
 - IV-8:2 Definitions
 - IV-8: 3 Allowed Locations and Restrictions

- p. 115 IV-9 COMMUNICATION AND SMALL WIND ENERGY TOWERS
 - IV-9:0 Purpose
 - IV-9: 1 Definition
 - IV-9: 2 Requirements
 - IV-9: 3 Permits
 - IV-9: 4 Height

HAMPSTEAD ZONING ORDINANCE

p. n/a IV-10 ELDERLY HOUSING (Replaced 3/12/2024 see IV-1)

p. 117 IV-11 GRAVEL ORDINANCE

IV-11:0 Purpose

IV-11: 1 Where Permitted

IV-11: 2 Requirements

IV-11: 3 Special Exception

p. 119 IV-12 BUFFER REQUIREMENTS

IV-12 Buffer Area

p. 120 IV-13 AIRPORTS AND HELIPORTS

IV-13: 0 Purpose

IV-13: 1 Definitions

IV-13: 2 Where Permitted

IV-13: 3 Requirements

p. 122 IV-14 ACCESSORY DWELLING UNITS (ADU)

IV-14.0 Purpose

IV-14.1 Definition

IV-14.2 Conditional Use Permit Requirements

IV-14.3 Detached Accessory Dwelling Units

IV-14.4 Certification

IV-14.5 Restrictions

Part V - BOARD OF ADJUSTMENT

p. 125 V-2:0 Term of Membership

V-2: 1 Powers of the Board

APPENDIX

p. 126 Table I A

HAMPSTEAD ZONING ORDINANCE

GENERAL PROVISIONS

Adopted-12/17/1968

1.2 General Provisions

1.2: 1 Pre-existing Use

Nothing in this zoning ordinance shall be construed to prevent the continuance of any existing use of land or buildings. However, this ordinance shall apply to any addition or alteration of a structure for a purpose or in a manner substantially different from the use to which it was put before alteration. Adopted-3/12/2002

Except as otherwise provided herein, the "Table of Requirements" shall be complied with in changing any existing use or undertaking and construction or alteration, not already in existence as of the date of this Ordinance. Adopted-3/9/1982

A. Discontinuation of Non-Conforming Uses

When any non-conforming use is discontinued for one year, said buildings or land shall thereafter be subject to the provisions of this Ordinance.

Adopted-12/17/1968

B. Special Exceptions

Provided that said changes are within the spirit and intent of the Ordinance, the Board of Adjustment may grant as a Special Exception the following changes:

Adopted-12/17/1968; Revised-3/8/1988

1. A change in the existing non-conforming use to another non-conforming use so long as the new non-conforming use is not more objectionable or detrimental to surrounding properties than the existing non-conforming use. Adopted-12/17/1968

2. The alteration or enlargement of a structure on a non-conforming lot, as long as there is no diminution of surrounding property values in the view of the Board. Adopted-12/17/1968; Revised-3/8/1988; Revised-3/10/1998

3. An extension of one year may be granted to the period of discontinuance of a non-conforming use. Adopted-12/17/1968

4. The Special Exception shall be in harmony with the spirit and intent of the ordinance. Adopted-3/10/1998

I-2: 2 Buildings Damaged by Acts of God

A. No owner or occupant shall permit any ruins caused by fire, explosion, flood, storm, or other act of God, to be left unfinished or incomplete thereon, but shall finish or complete or remove the same within twelve (12) months of the date of occurrence, except when there is property in court litigation, when it will take place within one year after settlement of such court action. Adopted-12/17/1968

HAMPSTEAD ZONING ORDINANCE

GENERAL PROVISIONS

Adopted-12/17/1968

- B. Mobile homes will be permitted for those persons who are in the process of rebuilding a home, which was destroyed by fire or other acts of God. Adopted-12/17/1968

Before use of such mobile home a permit must be obtained from the Building Inspector to be issued for up to a twelve (12) month period. Adopted-3/9/1999

No exceptions may be granted. Adopted-12/17/1968

Any person violating this Article shall, upon conviction, pay a fine not exceeding \$50.00 per day. Adopted-3/3/1975

I-2: 3 Building Permits Required

- A. Before a building permit will be issued for lots not served by a community water supply, a water well certificate of completion report along with the well driller's log report will be provided to the Hampstead Building Inspector. In addition, a water flow test will also be provided to the Building Inspector prior to the issuance of a building permit proving a sustained yield adequate to support the intended purpose of the building according to New Hampshire DES Environmental Fact Sheet, Recommended Minimum Water Supply Capacity for Private Wells, Table 1, 2010. Adopted 3/12/2019
- B. A permit by the Building Inspector of the Town of Hampstead shall be obtained. Adopted-10/7/1981
- C. For any Building Permit issued which includes elements of roofing, siding, windows, and doors; these exterior elements must be completed within 12 months of issuance of said Building Permit. Adopted 3/9/2021

I-2: 4 Lot Consolidation

Contiguous lots, under common ownership, can be voluntarily merged by applying to the Planning Board, pursuant to NHRSA 674:39-a. Amended-3/13/2012

I-2: 5 Special Exceptions

In addition to any other conditions stated in this ordinance, Special Exceptions granted by the Board of Adjustment shall comply with the following requirements:

1. The Special Exception shall be in harmony with the spirit and intent of the Ordinance. Adopted-3/10/1998
2. In the view of the Board of Adjustment, there shall be no diminution of surrounding property value. Adopted-3/10/1998

I-2: 6 Enforcement and Penalty

- A. Upon any well founded information that the Ordinance is being violated, the Selectmen, shall, upon their own initiative take immediate steps to enforce the provisions of this Ordinance. Adopted-12/17/1968

HAMPSTEAD ZONING ORDINANCE

GENERAL PROVISIONS

Adopted-12/17/1968

1. Whoever violates any of the provisions of this Ordinance shall be punished upon conviction by a civil fine not exceeding one hundred dollars (\$100.00) for each day of violation in accordance with RSA 676:17 or its successor by a criminal penalty. Adopted-12/17/1968; Revised-3/14/1989

I-2: 7 Saving Clause/Validity

If any section, clause, provision, portion, or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holdings shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Ordinance. Adopted-12/17/1968

I-2: 8 When Effective

This Ordinance shall take effect upon its passage. Adopted-12/17/1968

I-2: 9 Stone Wall Preservation

Land use activity may not alter the location of or remove any roadside stone wall which was made for the purpose of marking the boundary line of, or which borders, any public road in the Town of Hampstead, except upon review of the Historical Commission and approval of the Planning Board, or the Department of Transportation.

Exceptions: driveways and points of access approved by appropriate state or local authorities. Adopted 3/11/2014

I-2:10 Unregistered Motor Vehicles and Boats

No lot in the Residential or Recreational Districts may be used for the outside storage of more than two unregistered and/or uninspected motor vehicles. No more than one unregistered boat shall be permitted on a lot. Adopted 3/9/2021

HAMPSTEAD ZONING ORDINANCE

STATE OF NEW HAMPSHIRE BUILDING CODE STATE OF NEW HAMPSHIRE FIRE CODE

Adopted-3/11/2008

I-3: 0 Adoption of the State of New Hampshire Building Code and State of New Hampshire Fire Code

All buildings, building components, and structures shall comply with the State of New Hampshire Building Code and State of New Hampshire Fire Code.

Adopted-3/11/2008

Definition: Street Numbering

Approved (street) numbers shall be at least four inches in height and of a reflective type material to provide visibility at night. Numbers shall be located so as to be visible from either direction of travel past the site and for a distance of twenty five feet. Such numbers shall be kept free of snow cover, vegetation cover or other obstruction to their visibility.

Adopted-3/14/2006

TOWN OF HAMPSTEAD CONSTRUCTION FEES

Adopted-3/11/2003 Amended 3/10/2015

The Town adopted the provisions of RSA 41:9-a to authorize the Board of Selectmen to establish or amend fees. Amended 3/10/2015

HAMPSTEAD ZONING ORDINANCE

DEFINITIONS

Adopted-12/17/1968

I-4: 0 Definitions

As used in this regulation, the following terms shall have the following meaning unless the context clearly indicates otherwise. Adopted-3/10/1987.

ACCESS: Shall mean the physical area of any lot or parcel of land which:

1. abuts, directly on an APPROVED STREET and
2. is used for vehicular traffic onto and out from said lot or parcel to said approved street. Adopted-3/10/1998.

ACCESS: does not include: A private right-of-way from said lot or parcel of land of any third party which is used by vehicles for access to and egress from said lot or parcel to and from an APPROVED STREET, or Class VI highway, unless and until the provisions of RSA 674:41 or II have first been complied with.

Adopted-3/10/1998; Adopted-3/12/2002.

ACCESS: The State Department of Transportation or the Hampstead Planning Board may require alternative access for reasons of public safety, health or environmental protection. This still requires compliance with the provisions of RSA 674:41.

Adopted-3/12/2002.

ACCESSORY BUILDING OR USE: A building or use subordinate to the main building or use and customarily incidental to the main purpose or such building or use.

Adopted-12/17/1968

ADULT CARE CENTER: Commercial operations for the care of adults as regulated by the appropriate state agency. Adopted-3/9/1993

APPROVED STREET: An approved street is either:

1. A Class V or better public highway; or
2. A street which meets the requirements of New Hampshire RSA 674:41.I (b) (1) (2) (3) or (4). Adopted-3/10/1998

BASEMENT: That portion of a building, which is partly or completely below grade (see STORY ABOVE GRADE.). Adopted-3/14/1989

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy. Adopted-3/9/2004

BUILDING, ONE AND ONE HALF STORY: A building where the gross floor area of the second floor, where the height from the floor to the ceiling exceeds five (5) feet, is greater than 33%, but shall not exceed 67% of the gross floor area of the first floor (story above grade) of the dwelling. The first floor area, for this calculation does not include basement. The second floor area (67% maximum) must be directly over the first floor area used for the calculation Adopted-3/28/2017

HAMPSTEAD ZONING ORDINANCE

DEFINITIONS

Adopted-12/17/1968

BUILDING, TWO AND ONE HALF STORY: A building where the gross floor area on the third floor, where the height from the floor to the ceiling exceeds five (5) feet, is greater than 33%, but shall not exceed 67% of the gross floor area of the second floor above grade. Adopted 3/14/1989.

CARGO TRAILER: A metal structure, with or without wheels, that is normally intended to carry cargo on the road, rail, and / or sea. Adopted-3/13/2007

COMMERCIAL: "Commercial" or "Commercial Use" shall mean the sale or offering for sale of any product or service as permitted in the applicable zone, when engaged in on a continuing basis, and when the product sold or offered for sale is not an "occasional sale". Adopted-3/9/1999

1. Occasional Sales are:

- a. The offering for sale of not more than one motor vehicle [which must be owned by the owner (or his/her spouse) of the lot on which the vehicle is offered for sale]; or
- b. The holding of a "yard sale", garage sale, barn sale, basement sale, or similar sales may be held three times a year, not to exceed three days each occurrence, with a permit from the Office of Code Enforcement.

Additional sales shall constitute a commercial use. Adopted-3/9/1999

DAY CARE/NURSERY CENTER: Commercial operations for the care of children. Regulated by the New Hampshire Department of Health and Human Services, but not the New Hampshire Board of Education. Adopted-3/9/1993

DRIVEWAY: A private track or way, located within the Access of a lot, used for vehicular traffic onto and out from said lot or parcel from and to an Approved Street. Adopted-3/10/1998

DWELLING, DUPLEX: A dwelling unit constructed purposely to provide complete and independent facilities and living space for two families. Adopted-3/10/1987

DWELLING, MULTIPLE UNIT STRUCTURE: A building or portion thereof containing three or more dwelling units occupied exclusively for residential purposes, but not including trailers or mobile homes, however mounted, or commercial accommodations for transient occupancy. Adopted-3/10/1987.

DWELLING, SINGLE FAMILY: A building occupied exclusively for residence purposes only and having one dwelling unit, but not including trailers or mobile homes, however mounted, or commercial accommodations for transient occupancy. Adopted-3/9/1988

HAMPSTEAD ZONING ORDINANCE

DEFINITIONS

Adopted-12/17/1968

DWELLING UNIT: A room or group of rooms forming a habitable unit, which has a separate entrance, is used for living, sleeping, cooking and eating and contains a bathroom. Adopted-3/9/1982

EXISTING: In existence, or as existing on the effective date of this Ordinance. Adopted-12/17/1968

FARM: Any parcel or parcels of land, which is used for the raising of agricultural products, livestock, poultry or dairy products. Adopted-12/17/1968

FLOOR AREA, GROSS: Gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration, without deduction for atriums, cathedral ceiling, hallways, stairs, closets, thickness of walls, columns or other features. Adopted-3/9/2004

FRONTAGE: That part of the lot or lot line abutting an approved street, not interrupted by a lot or other ownership, or by a street. Adopted-3/9/1982

GOVERNING BODY: A duly constituted and convened Town Meeting. Adopted-9/1982

GRADE: A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building between the building and a point six (6) feet from the building. Adopted-3/14/1989

GRADE, EXISTING: The grade of the lot prior to construction or alterations. Adopted-3/13/2007

HIGH INTENSITY SOIL MAPS FOR NEW HAMPSHIRE: The most recent document prepared by the Society of Soils Scientists of Northern New England detailing the standards for making high intensity soil maps, on file with Rockingham County Conservation District. Adopted-3/10/1987

HOME OCCUPATION: The accessory use of the dwelling and/or lot for business nature conducted by the occupant thereof which is clearly secondary to the dwelling use for living purposes, and which does not change the character thereof and is not detrimental to the adjacent properties or neighbors. Amended-3/8/2011

HOUSE TRAILER: Mobile Home. Adopted-12/17/1968

INDUSTRIAL: As defined by the Town of Hampstead Zoning Ordinance. Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

DEFINITIONS

Adopted-12/17/1968

IN-LAW APARTMENT: Living space in a single family dwelling without all the complete and independent living facilities, but still maintaining the character of a single-family dwelling. Adopted-3/10/1987

LOT: Every parcel of land situated wholly or partly in Hampstead, which meets the definition of NHRSA 674:24-II, as amended from time to time. Adopted-3/9/1982

MOBILE UNIT: A structure of vehicular portable design built on a chassis and designed to be moved from one site to another and to be used with or without permanent foundation. Adopted-3/8/1983.

MODULAR HOME: A home manufactured off-site. Adopted-3/13/2007.

NON-CONFORMING: A building, structure or use which does not conform to the provisions of this Ordinance and was lawful at the time it was established. Adopted-12/17/1968.

NON-PERMANENT BUILDING OR STRUCTURE: Small building or structure (e.g. storage shed, shelter or storage tent, or similar structure etc.) greater than 24 square feet and less than 150 square feet of floor area, and less than 10 feet from the bottom of the flooring supports to the peak of the roof and setting on a non-permanent foundation (e.g. cement blocks, wooden blocks, gravel, etc.). All other buildings or structures are considered permanent.

Such buildings or structures shall be considered an accessory building.

A building permit is required before construction or placement on a lot. Adopted-3/11/2003

PIGGERY: The keeping, raising, slaughtering, or breeding of more than two (2) pigs for home consumption or the keeping, raising or slaughtering or breeding of pigs for commercial purposes. Adopted-3/14/2000

QUALIFIED SOIL SCIENTIST: A person qualified in soil classification and mapping who is licensed by the Board of Natural Scientists of the State of New Hampshire. Adopted-3/14/1989.

SCHOOL: An educational institution for children, may be public or private, but must be regulated by the New Hampshire Board of Education. Day care centers and nursery centers are excluded from this definition for the purposes of this ordinance. Adopted-3/11/1986; Revised-3/9/1993.

SIGNS: Sign shall mean and include any structure, device, letter, word, model, banner, pennant insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, direction or as an attention-getting device. Adopted-12/17/1968; Revised-3/10/1992.

HAMPSTEAD ZONING ORDINANCE

DEFINITIONS

Adopted-12/17/1968

SIGN, ADVERTISING VEHICLE: A vehicle or trailer visible from the public right-of-way, which has attached any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property. Adopted-3/10/1992.

SIGN, CHANGEABLE COPY: A sign that is designated that characters, or letter or illustrations can be changed or rearranged either manually in the field (i.e. reading board with changeable letters) or automatically on a lamp bank or through mechanical means (i.e. electrical or electronic time and temperature units) without altering the face of the surface of the sign. Adopted-3/10/1992.

SIGN, DISPLAY AREA OF: The display area of a sign is the surface area of the regular geometric shape (e.g. rectangle, hexagon, circle) containing the textural message and graphic body of the sign including borders and surrounding space used to emphasize or set off the message from the external dimensions of the sign. The angles of the geometric shape must be 90 degrees or greater. The area of the supporting structures is not included in the display area unless it forms part of the graphic message body. Adopted-3/10/1992

SIGN, INTERIOR: Any visual device within a building, but visible from the outside with the primary intent to attract customers. Adopted-3/10/1992

SIGN, SIZE: Sign size is the sum of all its display areas. This is to mean that if there is display area on two sides of a sign these areas are added together and may not exceed the square footage allowed. Adopted-3/10/1992

SLOPE: The average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey soil classification (where B= 0-8%; C= 8-15%; D= 15-25%; E= greater than 25%). Adopted-3/10/1987

SOIL TYPE: As defined by High Intensity Soils Maps for New Hampshire on file with the Rockingham County Conservation District. Adopted-3/10/1987

STRUCTURE: That which is built or constructed. Adopted-3/9/2004

STORY ABOVE GRADE: Any story having its finished floor surface entirely above existing grade, except that a basement shall be considered as a story above grade when the distance from existing grade to the finished surface of the floor above the basement is more than six (6) feet for more than 50% of the total perimeter, or more than twelve (12) feet at any point. Adopted-3/13/2007

SUBDIVISION: As defined by the Town of Hampstead Subdivision Regulations. Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

DEFINITIONS

Adopted-12/17/1968

TRAVEL TRAILER: A vehicular portable or self-propelled structure designed for short term occupancy as a temporary dwelling for travel or recreational use and intended for frequent and extensive travel. Adopted-12/17/1968

WASTE WATER SYSTEM, COMMUNITY: A non-municipal waste water system that serves an average of at least twenty-five (25) individuals daily year round or that have at least fifteen (15) service connections. Adopted-3/10/1987

WATER SUPPLY COMMUNITY: A non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year round, or that has at least fifteen (15) service connections. Adopted-3/10/1987

WETLANDS: Lands containing soils that are poorly or very poorly drained, including fresh water and salt water marshes as defined by the National Cooperative Soil Survey or further defined by High Intensity Soil Maps for New Hampshire.
Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

SOIL BASED LOT SIZE

Adopted-3/10/1987

II-1 Soil Based Lot Size

II-1: 0 Purpose

The Planning Board of the Town of Hampstead, New Hampshire, hereby adopts these regulations in accordance with the provisions of RSA 674:35-36 in order to protect the Town against the danger to health, safety and prosperity occasioned by the lack of municipal water and sewer and to prevent the excessive expenditure of public funds for the supply of such services. Adopted-3/10/1987

II-1: 1 Minimum Lot Sizes

In the absence of municipal sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the subdivision is proposed, also meet the lot size requirements specified in Table I A, "Minimum Lot Size by Soil Type". Adopted-3/10/1987

The minimum lot size requirements shall apply to all lots including, but not limited to, lots served by off-site water and/or municipal sewage facilities. Adopted 03/08/2022

The minimum lot size in the Town of Hampstead is 45,000 square feet.
Adopted-3/10/1987

Each lot will not exceed four (4) bedrooms. Adopted-3/10/1987.

Wetlands may not be used as part of the computed lot size. Amended-3/14/2006.

This requirement is subject to the following qualifications:

A. Where more than one soil type is found on a lot, a weighted average of those soils occurring on the lot shall be used to determine the minimum lot size.

Adopted-3/10/1987

B. All soils used to compute minimum lot area must be contiguous.

Adopted-3/11/2008

C. Wetlands may not be used as part of the computed lot size.

Adopted-3/14/2006.

D. In the case of Cluster Subdivisions, the overall density of lots for development within the parcel shall be determined by using Table I A and computing a weighted average of all soils (excluding wetlands) found in the parcel proposed for subdivision.

Adopted-3/10/1987.

1. No septic system, leach field, or other wastewater disposal facility shall be installed within 75 feet of any very poorly drained soil or surface water; or 50 feet from any poorly drained soil. Revised 3/13/2018

HAMPSTEAD ZONING ORDINANCE

SOIL BASED LOT SIZE

Adopted-3/10/1987

E. Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial development shall be determined as follows:

1. For residential use with five (5) or more bedrooms per building, the minimum lot size shall be proportionately larger than the lot size indicated in Table I A as determined by the formula:

$$\text{Lot size (sq. ft.)} = \frac{[(\text{NUMBER OF BEDROOMS}) \times (\text{Lot Size from Table 1A})]}{4}$$

Adopted-3/10/1987

2. For duplex use, the lot size shall be increased by 50% of the minimum lot size as determined by Table 1A. Adopted-3/10/1987

3. For commercial and industrial uses the lot sizes will be determined by the following formula: **Lot size (sq. ft.)=**
= [Wastewater (gal/day) X Lot Size (Table 1A)] plus land required for well radius
1837

Gallons of wastewater discharged per day shall be determined from Table 5-1, "Unit Design Flow Figures" of the New Hampshire Water Supply and Pollution Control Commission publication, *Guide for the Design, Operation and Maintenance of Small Sewerage Disposal Systems*, January, 1978, as amended.*
Adopted-3/10/1987

* As of 5/29/2019 this is the current version used to determine wastewater (gal/day). Wastewater (gal/day) determined by State of NH Code of Administrative Rules Chapter Env-Wq 1000 Part Env-Wq 1008.03 Daily Flow Table 1008-1: Unit Design Flow Figures as amended time to time.

4. Final site plan approval for industrial development which is of such nature or character as to require State or Federal permits for pre-treatment and discharge or subsurface disposal shall not be granted until all such permits are secured.
Adopted-3/10/1987.

The conditions upon which such permits are issued shall comply with state and local regulations and be made part of the record before the Planning Board.
Adopted-3/10/1987.

HAMPSTEAD ZONING ORDINANCE

SOIL BASED LOT SIZE

Adopted-3/10/1987

II-1: 2 Determination of Soil Type

A. Tests for determining soil information for use in this section shall be performed by a qualified soil scientist using published soil data with on-site inspections as necessary. Adopted-3/10/1987

B. Soil data using the standards of High Intensity Soil Maps of New Hampshire shall be provided as part of the subdivision plan at the scale and dimensions required. Adopted-3/10/1987

Any cover letters or explanatory data provided by the qualified soil scientist shall also be submitted. Adopted-3/10/1987

C. Such tests shall be performed with the advice and under the direction of the Planning Board or its designated agent. Adopted-3/10/1987

D. All costs of performing such investigations shall be borne by the developer. Adopted-3/10/1987

II-1: 3 Relationship Between State and Local Regulations

Where both state and local regulations are applicable, the most stringent regulations shall take effect. Adopted-3/10/1987

II-1: 4 Saving Clause

Where any provision included within these regulations is found to be unenforceable by law, it shall be considered severable from the remainder of the regulations and shall not be construed to invalidate any other provision in these regulations. Adopted-3/10/1987

II-1: 5 Table 1 A

Table 1A (see **APPENDIX**) is provided by the Society of Soil Scientists of Northern New England (SSSNNE). Adopted-3/10/1987, Revised 3/12/2019

HAMPSTEAD ZONING ORDINANCE

WETLAND ORDINANCE

Adopted-3/10/1987

II-2 Wetland Ordinance

II-2: 0 Purpose and Intent

The purpose of this article is to protect the public health, safety and general welfare by controlling and guiding the use of the land areas which have been found to be saturated or subjected to high water table for extended periods of time including established and seasonal wetlands. Adopted-3/10/1987

It is intended that this article shall:

1. Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and ground water by sewerage or toxic substances or sedimentation;
2. Prevent the destruction of, or significant changes to, natural wetlands which provide flood protection; provide filtration of water flowing into ponds and streams, augment stream flow during dry periods and are connected to the ground or surface water supply;
3. Protect unique and unusual natural areas;
4. Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 483-A: I-b;
5. Protect potential power supplies and existing aquifer (water bearing stratum) and aquifer recharge areas;
6. Prevent unnecessary or excessive expense to the Town for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands;
7. Encourage those low intensity uses that can be harmoniously, appropriately and safely located in wetlands;
8. Preserve and enhance the aesthetic values associated with wetlands in the Town of Hampstead;
9. Prevent damage to structures and properties caused by inappropriate development in wetlands. Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

WETLAND ORDINANCE

Adopted-3/10/1987

II-2: 1 Wetland Defined

Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. They include, but are not limited to, swamps, bogs, marshes, ponds, lakes, as well as soils that are defined as poorly or very poorly drained. Wetlands are identified by the Town of Hampstead Soil Map prepared by the USDA Soil Conservation Service and "Town of Hampstead Wetlands Inventory Map" on file with the Planning Board. This map is considered as a guide only. The precise location of a wetland boundary in any particular case must be determined by on-site inspection of soil types and vegetation. This data will be prepared by a qualified soil scientist using the standards of High Intensity Soil Maps for New Hampshire. Adopted-3/10/1987

II-2: 2 District Boundaries

A. Wetlands Conservation District

The Wetlands Conservation District is defined as those areas delineated as very poorly drained and poorly drained soils by the National Cooperative Soil Survey conducted by the USDA Soil Conservation Service. The Wetlands Conservation District also includes those areas listed in Section II-2: 1. Adopted-3/10/1987

B. Establishment of a District

The limits of the Wetlands Conservation District are hereby determined to be the following:

1. All areas of very poorly drained soils;
2. Areas of poorly drained soils one half acre or more in size; and
3. Areas of poorly drained soils of any size if contiguous to surface waters such as lakes, ponds, and streams subjected to high water table for extended periods of time. Adopted-3/10/1987

C. Boundary Appeals

In the event that the Building Inspector or Conservation Commission questions the validity of the boundaries of a wetland area on a specific parcel of land, or upon the written petition of the owner or any abutter of the said property to the Planning Board, the Board may call upon the services of a qualified soil scientist to examine said area and report the findings to the Planning Board for their determination of the boundary.

Any necessary soil testing procedures shall be conducted at the expense of the landowner or developer. Any costs incurred through such appeals shall be borne by the landowner or developer. Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

WETLAND ORDINANCE

Adopted-3/10/1987

II-2: 3 Relation to Other Districts

Where the Wetlands Conservation District is superimposed over another zoning district, the more restrictive regulation shall apply. Adopted-3/10/1987

II-2: 4 Permitted Uses

A. Poorly Drained Soils

Permitted use in areas of poorly drained soils are as follows:

1. Any use otherwise permitted by the Zoning Ordinance and state and Federal laws that does not involve the erection of a structure or that does not alter the surface configuration of the land by the addition of fill or by dredging except as a common treatment associated with permitted uses 2 thru 8 listed below.

Adopted-3/10/1987

2. Agriculture, including grazing, hay production, truck gardening and silage production provided that such use is shown not to cause significant increase in surface or ground water contamination by pesticides or other toxic or hazardous substances and that such use will not cause or contribute to soil erosion.

Adopted-3/10/1987

3. Forestry and tree farming to include the construction of access roads for said purposes. Adopted-3/10/1987

4. Wildlife habitat development and management. Adopted-3/10/1987

5. Recreational uses consistent with the purpose and intent of this Article as defined in Section II-2:0. Adopted-3/10/1987

6. Conservation areas and nature trails. Adopted-3/10/1987

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

Adopted-3/10/1987

8. Drainage ways to include streams, creeks, or other paths of normal runoff water and common agricultural land drainage. Adopted-3/10/1987

B. Very Poorly Drained Soils

Permitted uses in areas containing very poorly drained soils, marshes, bogs, open water and major streams are as follows:

HAMPSTEAD ZONING ORDINANCE

WETLAND ORDINANCE

Adopted-3/10/1987

1. Uses under Section II-2: 4.A (1. through 8.) shall be permitted except that no alteration of the surface configuration of the land by filling or dredging and no use which results in the erection of a structure, except as provided for in Section II-2: 9 shall be permitted. Adopted-3/10/1987
2. The construction of fences, footbridges, catwalks and wharves only, provided:
 - a. Said structures are constructed on posts or pilings so as to permit unobstructed flow of water;
 - b. The natural contour of the wetland is preserved;
 - c. And the Conservation Commission has reviewed and recommended the proposed construction. Adopted-3/10/1987.

II-2: 5 Lot-Size Determination

Wetlands may not be used as part of the computed lot size. Amended: 3/14/2006

II-2: 6 Buffer Provisions

A. No septic system, leach field, or other wastewater disposal facility shall be installed within 75 feet of any very poorly drained soil or surface water; or 50 feet from any poorly drained soil. Revised 3/13/2018

B. All construction, forestry and agricultural activities within 100 feet of any wetland shall be undertaken with special care to avoid erosion and siltation into the wetlands. The Planning Board, pursuant to its site plan review authority, may require an erosion control plan approved by the Rockingham County Conservation District for any project undertaken upgrade of a wetland. Adopted-3/10/1987

No building activity (building does not include septic systems) shall be permitted within 100 feet on any very poorly drained soil and within 50 feet of any poorly drained soil except as provided in subsection C of this section. Where required, permits from the New Hampshire Water Supply and Pollution Control Commission under RSA 149-8a and the Wetlands Board under RSA 483-A shall be obtained. Revised-3/12/1996

C. Where an existing building within the buffer zone is destroyed or in need of extensive repair it may be rebuilt provided that such rebuilding is completed within two years of the event causing destruction, and the new or rebuilt structure shall not extend further into the wetland or buffer area than the original foundation.
Adopted-3/10/1987

D. Also see Buffer Requirements Article IV-12 Adopted 3/08/2022

HAMPSTEAD ZONING ORDINANCE

WETLAND ORDINANCE

Adopted-3/10/1987

II-2: 7 Filled Lands and Pre-existing Uses

A. Lands, which may have been wetlands but were filled under properly issued state and Town permits granted prior to the adoption of this ordinance shall be judged according to the soils and flora existing at the site at the time application for building permit or subdivision is made. Adopted-3/10/1987

B. Structures and uses existing at the time of the adoption of this ordinance may be continued, provided that such use shall not be expanded to further encroach upon the wetlands or designated buffer areas. Adopted-3/10/1987

II-2: 8 Exemption for Residential Structures

Notwithstanding other provisions of this Article, the construction of additions and extensions to one- and two-family dwellings shall be permitted within the Wetlands Conservation District provided that:

1. The dwelling lawfully existed prior to the effective date of this Article; and
2. That the proposed construction conforms with all other applicable ordinances and regulations of the Town of Hampstead. Adopted-3/10/1987

II-2: 9 Conditional Uses

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

- a. The proposed construction is essential to the productive use of the land not within the Wetland Conservation District. Adopted-3/10/1987
- b. Design and construction and maintenance methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original grade and condition. Adopted-3/10/1987
- c. No alternative route, which does not cross wetland or has less detrimental impact on the wetland is feasible. Adopted-3/10/1987
- d. Economic advantage alone is not reason for the proposed construction. Adopted-3/10/1987

B. Prior to the granting of a Conditional Use Permit under this Section, the applicant shall agree to submit a performance security to ensure that all construction is carried out in accordance with an approved design. The security shall be submitted in a form and amount, with surety and conditions satisfactory to:

- a. The Planning Board for site plan and subdivision applications, and
- b. The Board of Selectmen in all other cases. Adopted-3/10/1987
- c. In addition, Town Counsel approval must be acquired. The security shall be submitted and approved prior to issuance of any permit authorizing construction. Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

WETLAND ORDINANCE

Adopted-3/10/1987

The Planning Board, with the concurrence of the Conservation Commission, may require the applicant to submit a wetlands assessment when necessary to evaluate an application made under this Section. The Planning Board may also assess the applicant reasonable fees to cover the costs of other specific investigative studies and for the review of documents required by particular application.

Adopted-3/10/1987

II-2: 10 Special Exceptions

A. Water impoundment for the enhancement of a wetland area with a permit from the New Hampshire Water Resources Board. Adopted-3/10/1987

Where required, permits shall be obtained from the New Hampshire Water Supply and Pollution Control Commission under RSA 149:8-a, the Wetlands Board under RSA 483-A, and the United States Army Corps of Engineers. Adopted-3/10/1987

B. Non-conforming lots

Special exceptions to this ordinance shall be permitted only upon authorization by the Board of Adjustment. In order to permit the erection of a structure within the Wetlands Conservation District on vacant lots, the Board shall find that such exceptions comply with the following requirements and other applicable requirements as set forth in this ordinance. Adopted-3/10/1987

1. That the lot upon which an exception is sought was an official lot of record, as recorded in the Rockingham County Registry of Deeds, prior to the date on which this amendment was posted and published in the Town. Adopted-3/10/1987

2. That the use for which the exception is sought cannot feasibly be carried out on a portion or portions of the lot, which are outside the Wetlands Conservation District. Adopted-3/10/1987

3. That due to the provisions of the Wetlands Conservation District, no reasonable and economically viable use of the lot can be made without the exception. Adopted-3/10/1987

C. That the design and construction of the proposed use will, to the extent practical, be consistent with the purpose and intent of this Article. Adopted-3/10/1987

D. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons. Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

E. The Board of Adjustment may grant a special exception for the placement of an above ground pool that does not meet the wetland setback. All other setbacks must be met. Amended: 3/14/2006

The Board of Adjustment may themselves, or upon petition from the Building Inspector, Conservation Commission or abutters, hire a qualified consultant or consultants to prepare such studies as are necessary to determine whether the conditions set forth above have been met. The cost of such studies shall be borne by the applicant. Adopted-3/10/1987

II-2: 11 Procedures for Special Exceptions

Special Exceptions shall only be granted by the Board of Adjustment after due public notice and public hearing and for under taking the preceding uses in the Wetlands Conservation District, when the application has been referred to the Planning Board, the Conservation Commission, and to the Health Officer for review and comment at least twenty (20) days prior to the hearing. Adopted-3/10/1987

II-2: 12 Other Provisions

A. The Building Inspector shall not issue any permit for construction within the Wetland Conservation Overlay District unless such activity conforms with the provisions of this Article. The Board of Selectmen shall have the power to enforce this Article and violations may be punishable by fines as provided in RSA 676:17. Adopted 3/10/1987

B. Any wetlands altered in violation of this ordinance shall be restored at the expense of the violator(s) as provided by RSA 483-A: 5. Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

II-3:0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Rockingham County, New Hampshire" effective date May 17, 2005, or as amended, together with the associated Flood Insurance Rate Map for Hampstead, New Hampshire, Community No. 330211, effective May 17, 2005, or as amended, which are hereby Adopted-by reference and are declared to be part of this Ordinance. Until May 17, 2005, the areas of special flood hazard are those identified by FEMA in its "Flood Insurance Study for the Town of Hampstead, New Hampshire" together with associated Flood Maps for the Town of Hampstead, New Hampshire dated June 16, 1993, and as amended.

Article I. Section A. Statutory Authorization

The Legislature of the State of New Hampshire has in R.S.A. 674:16 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Meeting of Hampstead, N. H., does ordain as follows:

Article I. Section B. Findings of Fact

1. The flood hazard areas of Hampstead are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

Article I. Section C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

Article I. Section D. Methods of Reducing Flood Losses

1. In order to accomplish its purposes, this ordinance uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
5. Control filling, grading, dredging and other development, which may increase flood damage;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

II-3:1 (Article II) Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A and AE on the Town of Hampstead's Flood Insurance Rate Map.

BASE FLOOD - means the flood having a one percent chance 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 the building having its floor sub-grade (below ground level) on all sides.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING- means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program Regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations Adopted-by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA – means the Federal Emergency Management Agency. Adopted-3/10/1993

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.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 03/12/2024

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY – means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazard.

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 or Enclosures.”

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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 sanitary facilities, structures and their contents.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

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

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

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

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

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement 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. The term "manufactured home" does not include a "recreational vehicle".

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

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.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, 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 community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose 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.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations Adopted-by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, 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 a 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 a 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 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 not part of the main structure.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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 "start of construction" of the improvement. This includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. 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 conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

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 of coastal or riverine areas.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

II-3:2 (Article III) General Provisions

Section A. Land to which this ordinance applies

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Hampstead, New Hampshire.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Rockingham County, NH, dated May, 17, 2005, with accompanying Flood Insurance Rate Maps (FIRM) dated May 17, 2005 and any revisions thereto are hereby Adopted-by reference and declared to be a part of this ordinance.

Section C. Establishment of Development Permit

A Development Permit shall be required for all development in Special Flood Hazard areas to ensure conformance with the provisions of this ordinance.

Section D. Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogations and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

II-3:3 (Article IV) Administration

Section A. Designation of the Floodplain Administrator

The Code Enforcement Officer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

Section B. Duties & Responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. In a special flood hazard area, the Building Inspector shall determine the base flood elevation in the following order of precedence according to the data available:
 - a. In Zone AE, refer to the base flood elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - b. In Zone A, the Building Inspector 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 know for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

7. 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 Building Inspector, 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 Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.

8. Assure that certification is provided by a registered professional engineer, assuring the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

9. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

10. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other 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.

11. 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.”

12. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A, AE, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

Section C. Permit Procedures

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. The as-built elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures and include whether or not such structures contain a basement;
2. The as-built elevation in relation to mean sea level to which any nonresidential structure shall be or has been flood proofed;
3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B) (1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

Section D. Variance Procedures

1. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be used for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Pre-requisites for granting variances:

a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b) Variances shall only be issued upon:

1) showing a good and sufficient cause;

2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

a) the criteria outlined in Article 4, Section D (1)-(9) are met, and

b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

II-3:4 (Article V) Provisions for Flood Hazard Reduction

Section A. General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall 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.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities shall:

a. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection.

A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

3. Enclosures

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are permitted provided they meet the following requirements:

- a. The enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, building access or storage;
- b. The area is not a basement;
- c. Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

i.) 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.

ii.) The bottom of all flood openings shall be no higher than one-foot above grade.

iii.) Flood openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes

Require that all manufactured homes to be placed within Special Flood Hazard Areas on a community's FIRM shall be installed using methods and practices, which minimize flood damage. For the purposes of this requirement, manufactured homes

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

a) must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b) Require that manufactured homes that are placed or substantially improved within Zones A and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be

c) elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

d) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

1) the lowest floor of the manufactured home is at or above the base flood elevation, or

2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A and AE on the community's FIRM either:

a) be on the site for fewer than 180 consecutive days,

b) be fully licensed and ready for highway use, or

c) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

Section C. Standard for Subdivision Proposals

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

HAMPSTEAD ZONING ORDINANCE

FLOOD DAMAGE PREVENTION ORDINANCE

Amended 3/12/2024

Certifications

It is hereby found and declared by Hampstead that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: _____
(Community Official)

PASSED: _____
(Date)

I, the undersigned, _____, do hereby certify that the
above is a true and correct copy of an ordinance duly Adopted-by the _____
(Community)
at a regular meeting duly convened on _____.
(Date)

(Secretary or responsible person)
SEAL

Penalties for Non-compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 275.00, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Hampstead from taking such other lawful action as is necessary to prevent or remedy any violation.

HAMPSTEAD ZONING ORDINANCE

ILLICIT DISCHARGE DETECTION AND ELIMINATION

(Adopted 3/10/2020)

II-4:0 PURPOSE AND INTENT

The purpose of the Illicit Discharge Detection and Elimination (IDDE) ordinance is to provide for the health, safety, and general welfare of the citizens of Hampstead through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by Federal and state law. The IDDE ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the EPA National Pollutant Discharge Elimination System (NPDES) and MS4 permit process. The objectives of this ordinance are to:

1. Regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
2. Prohibit illicit connections and discharges to the MS4.
3. Establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

II-4:1 DEFINITIONS

For the purposes of this ordinance, the following terms shall mean:

Authorized Enforcement Agency. Employees or designees of the Board of Selectmen designated to enforce this ordinance.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAMPSTEAD ZONING ORDINANCE

ILLICIT DISCHARGE DETECTION AND ELIMINATION

(Adopted 3/10/2020)

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section II-4:4 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Town of Hampstead and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

HAMPSTEAD ZONING ORDINANCE

ILLICIT DISCHARGE DETECTION AND ELIMINATION

(Adopted 3/10/2020)

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Storm Water Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

II-4:2 APPLICABILITY

This ordinance shall apply to all water, pollutants or other substances entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Board of Selectmen.

II-4:3 COMPATIBILITY WITH OTHER REGULATIONS

The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

II-4:4 DISCHARGE PROHIBITIONS

A. Prohibition of Illegal Discharges.

1. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.
2. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows and if it is determined that the activity is causing an adverse impact:
 - a. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration,

HAMPSTEAD ZONING ORDINANCE

ILLICIT DISCHARGE DETECTION AND ELIMINATION

(Adopted 3/10/2020)

- a. uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
 - b. Discharges or flow from firefighting, and other discharges specified in writing by the Board of Selectmen as being necessary to protect public health and safety.
 - c. Discharges associated with dye testing, however this activity requires a verbal notification to the Board of Selectmen prior to the time of the test.
3. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition of Illicit Connections

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. The prohibition in #1 expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 system or allows such a connection to continue.
4. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Board of Selectmen.
5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Board of Selectmen requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system or other stormwater discharge point be identified. Results of these investigations are to be documented and provided to the Board of Selectmen.

HAMPSTEAD ZONING ORDINANCE

ILLICIT DISCHARGE DETECTION AND ELIMINATION

(Adopted 3/10/2020)

II-4:5 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Submission of Notice of Intent (NOI) to the Town of Hampstead.

1. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Board of Selectmen prior to allowing of discharges to the MS4.
2. The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the Board of Selectmen at the same time the operator submits the original Notice of Intent to the EPA as applicable.
3. The copy of the Notice of Intent may be delivered to the Board of Selectmen either in person or by mailing it to:
Notice of Intent to Discharge Storm Water
Town of Hampstead, New Hampshire, Board of Selectmen
11 Main Street, Hampstead, NH 03841
4. A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the Board of Selectmen.

II-4:6 SURFACE WATER PROTECTION

Every person owning property through which surface waters or a watercourse passes, or such person's lessee, shall keep and maintain that part of the surface waters or watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

II-4:7 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The Board of Selectmen will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner and operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the

HAMPSTEAD ZONING ORDINANCE

ILLICIT DISCHARGE DETECTION AND ELIMINATION

(Adopted 3/10/2020)

further discharge of pollutants to the MS4. Compliance with all the terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

II-4:8 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Board of Selectmen in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Board of Selectmen within 1 business day of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

II-4:9 VIOLATIONS, ENFORCEMENT, AND PENALTIES

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this ordinance or may be restrained by injunction or otherwise abated in a manner provided by law. Those remedies include civil penalties, criminal prosecution, compensatory actions, suspension of MS4 access, and abatement actions.

II-4:10 REMEDIES NOT EXCLUSIVE

The remedies listed in these procedures are not exclusive of any other remedies available under any applicable Federal, State or local law and it is within the discretion of the Board of Selectmen to seek cumulative remedies.

HAMPSTEAD ZONING ORDINANCE

ILLICIT DISCHARGE DETECTION AND ELIMINATION

(Adopted 3/10/2020)

The Board of Selectmen may recover all attorney's fees, court costs, and other expenses associated with enforcement of these procedures, including sampling and monitoring expenses.

II-4:11 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

II-4:12 EFFECTIVE DATE

This ordinance shall be effective upon adoption by Town Meeting.

The Town of Hampstead IDDE Administrative Ordinance is available in the Board of Selectmen's Office at Town Hall, 11 Main Street, Hampstead, NH 03841.

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

II-5:0 Authority

The Town of Hampstead hereby adopts this ordinance pursuant to the authority granted under RSA 674:16 and RSA 674:21. This ordinance shall be administered, including the granting of conditional permits, by the Hampstead Planning Board.

II-5:1 Purpose

The purpose of this ordinance is to protect the public health, safety, and general welfare, to preserve, maintain, and protect from contamination the existing groundwater (drinking water) supply areas and to protect surface waters that area fed by groundwater. This purpose will be accomplished by regulating land uses which could contribute pollutants to designated wells and/or aquifers identified by the Hampstead Planning Board or their designee as being needed for present and/or future public water supplies.

II-5:2 Definitions

Ambient Groundwater Quality Standards - Maximum concentration levels for regulated contaminants in groundwater which result from human operations or activities, as authorized under RSA 485-C:6 and its implementing standards and regulations.

Aquifer: a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

Closed Loop System: water treatment where water is recycled through a purification system and then reused.

Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.

Gasoline station: means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.

Impervious: not readily permitting the infiltration of water.

Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete or asphalt unless unsealed cracks or holes are present, and do not include earthen, wooden, gravel or other surfaces which could react with or dissolve when in contact with the substances stored on that surface.

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

Junkyard: an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard. It does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.

Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

Petroleum bulk plant or terminal: means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

Public water system: a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and as defined in RSA 485:1-a, XV and New Hampshire Administrative Rule Env-Dw 103.45.

Regulated substance: petroleum, petroleum products, regulated contaminants for which an ambient groundwater quality standard has been established under RSA 485-C:6, and substances listed under 40 CFR 302, 7-1-05 edition, excluding substances used in the treatment of drinking water or wastewater at department approved facilities.

Sanitary protective radius: the area around a public water supply well which must be maintained in its natural state as required by Env-Dw 301 or 302 (for community water systems); Env-Dw 405.14 and 406.12 (for other public water systems).

Seasonal high water table: the depth from the mineral soil surface to the upper most soil horizon that contains 2 percent or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Civil or Environmental Engineer or other qualified professional approved by the Planning Board or the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for at least a period of seven consecutive days.

Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least one hundred and ten percent (110%) of the volume of the largest regulated- substances container that will be stored there.

Snow dump: a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

Stratified-drift aquifer: a geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

Surface water: streams, lakes, ponds, and tidal waters, including marshes, water-courses, and other bodies of water, natural or artificial.

Wellhead protection area: the surface and subsurface area surrounding a water well or well field supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

II-5:3 Ground Water Protection District

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning on the entire Town of Hampstead. The Groundwater Protection District consists of all current and future well head protection areas as defined under New Hampshire Administrative Rules Env-Dw 301.33, Env-Dw 302 and Env-Dw 305, and areas designated by the Hampstead Water Resources Committee and approved by the Hampstead Planning Board. A map of these areas will be maintained in the Planning Board office.

II-5:4 Applicability

This Ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under Article II-5:11 of this Ordinance.

II-5:5 Performance Standards

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Article II-5:11:

1. For any use that will render impervious more than fifteen percent (15%) or more than ten thousand (10,000) square feet of any lot, whichever is greater (In performing this calculation asphalt is to be counted as an impervious surface.), a Stormwater Management Plan shall be prepared in a manner consistent with Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992 and Best Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996 and the Town of Hampstead's MS4 Illicit Discharge, Detection, and Elimination

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

1. Ordinance. The Planning Board shall determine whether or not the Stormwater Management Plan is consistent with the above referenced standards and may reject any Management Plan, which fails to conform with the standards.
2. Conditional uses, as defined under Article II-5:9 shall develop stormwater management and pollution prevention plans and include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA, Feb 2009). The plan shall demonstrate that the use will:
 - a) Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post- Construction) Stormwater Management, (NHDES, 2008 or later edition);
 - b) Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
 - c) Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);
 - d) Maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high- water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.
3. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, (June 2011) and any subsequent revisions;
4. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;
5. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;
6. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

6. at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
7. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
8. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
9. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with New Hampshire Administrative Rule We 604 of the New Hampshire Water Well Board Rules.
10. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells and meet the requirements of the Town of Hampstead's Blasting Ordinance.
11. All transfers of petroleum from delivery trucks, with the exception of heating oil deliveries for on-site use, and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter.

II-5:6 Spill Prevention, Control, and Countermeasures (SPCC) Plan

Conditional uses, as described under Article II-5:9, part (1), using regulated substances shall submit a spill control and countermeasure (SPCC) plan to the Planning Board for review by the Town's Engineering Consultant, Code Enforcement Official, and/or Fire Chief or their representatives who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

1. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
2. Contact list and phone numbers for the current facility response coordinator(s), cleanup contractors, and all appropriate Federal, State, and

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

2. local agencies who must be contacted in case of a release to the environment.
3. A list of all regulated substances in use and locations of use and storage;
4. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.
5. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
6. List of positions within the facility that require training to respond to spills of regulated substances.
7. Prevention protocols that are to be followed after an event to limit future large releases of any regulated substance.

II-5:7 Permitted Uses

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses under this Ordinance. All uses must comply with the Performance Standards unless specifically exempted under Article II-5:11.

II-5:8 Prohibited Uses

The following uses are prohibited in the Groundwater Protection District.

1. The development or operation of a solid waste landfill;
2. The development or operation of a hazardous waste disposal facility prohibited by RSA 485-C:12;
3. The commercial outdoor storage of road salt or other deicing chemicals in bulk;
4. The development or operation of a junkyard, unless such facility is certified by the NH DES as a Green Yards under the Phase II: Compliance Assurance and Certification component of the NH DES Green Yards Program;
5. The development or operation of a snow dump;
6. The development or operation of a wastewater or septage lagoon;
7. The development or operation of a petroleum bulk plant or terminal;

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

8. The development or operation of gasoline stations;
9. The development or operation of a sludge monofill or sludge composting facility;
10. The storage of regulated substances in greater than household quantities of five gallons, unless in a free-standing container within a building or above ground with secondary containment adequate to contain one hundred and ten percent (110%) of the container's total storage capacity.
11. The storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of runoff or leachate.

II-5:9 Conditional Uses

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:

1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control, and countermeasure (SPCC) plan is in place to prevent, contain and minimize releases from catastrophic events such as spills or fires which cause large releases of regulated substances.
2. Any use that will render impervious more than fifteen percent (15%) or ten thousand (10,000) square feet of any lot, whichever is greater.
3. Any activities that involve blasting greater than 4,000 cubic yards of bedrock.
4. The development or operation of a commercial composting facility.
5. The development or operation of a commercial car wash. The facility must be designed and operated as a closed-loop system. (i.e., No discharge to the ground, surface water or ground water.)

To grant a conditional use permit, the Planning Board must determine that the following conditions have been met:

1. the proposed use is not a prohibited use (as listed in Article II-5:8 of this Ordinance);
2. the Performance Standards in Article II-5:5 have been met; and
3. the proposed use complies with all applicable local, State, and Federal requirements.

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

Before granting a conditional use permit, the Planning Board will request review and comment from the Hampstead Conservation Commission, and Hampstead Water Resources Committee, and may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards. This bond shall be in addition to any other bond required by the Board under either the Subdivision or Site Plan Regulations.

II-5:10 Existing Nonconforming Uses

Existing non-conforming uses may continue without expanding or changing to another non-conforming use, but must be in compliance with all applicable State and Federal requirements, including New Hampshire Administrative Rule Env-Wq 401, Best management Practices for Groundwater Protection.

II-5:11 Exemptions

The following uses are exempt from the specified provisions of this ordinance if they comply with all applicable local, State, and Federal requirements:

1. Any private residence is exempt from all Performance Standards.
2. Any business or facility where regulated substances are stored in containers with a capacity of less than five (5) gallons is exempt from Article II-5:5, Performance Standards, sections 5 through 8;
3. Storage of heating fuels for on-site use or fuels for emergency electric generation, if storage tanks :1 are indoors on a concrete floor or ;2 have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 5;
4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards 5 through 8;
5. Storage and use of office supplies is exempt from Performance Standards 5 through 8;
6. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards 5 through 8 if incorporated within the site development project within six months of their deposit on the site;
7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;
8. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Hw 401.03(b)(1) and 501.01(b) are exempt from Performance Standards 5 through 8;
9. Underground storage tank systems and aboveground storage tank systems that comply with applicable state rules are exempt from inspections under Article II-5:13 of this ordinance.

HAMPSTEAD ZONING ORDINANCE

Groundwater Protection Ordinance

(Adopted 3/10/2020)

II-5:12 Relationship Between State and Local Requirements

Where both the State and the municipality have existing requirements the more stringent shall govern.

II-5:13 Maintenance and Inspection

For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded to run with the land on which such structures are located, at the Registry of Deeds for Rockingham County. The description shall comply with the requirements of RSA 478:4-a.

1. Inspections may be required to verify compliance with Performance Standards. Inspections shall be performed by the Code Enforcement Officer or his designee at reasonable times with prior notice to the landowner.
2. All properties in the Groundwater Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Article II-5:11, shall be subject to inspections under this Article.
3. The property owner or operator shall pay a fee for compliance inspections. The fee shall be established by the Hampstead Board of Selectmen as provided for in RSA 41:9-a.

II-5:14 Enforcement Procedures and Penalties

Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.

II-5:15 Saving Clause

If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.

II-5:16 Effective Date

This ordinance shall be effective upon adoption by Town Meeting.

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1 District Boundaries

III-1: 0 Purpose

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

Zone A Residential District Boundaries

Zone B Recreational District Boundaries

Zone C-1 Commercial; District Boundaries

Zone C-2 Commercial District Boundaries

Zone C-3 Commercial District Boundaries

Zone C-4 Sanitary Landfill Commercial District Boundaries

Zone D Mobile Home District Boundaries

Zone E Historical District Boundaries

Adopted-12/17/1968, Revised-12/1/1973, 1/21/1975, 3/13/1975, 12/9/1975,
11/2/1976, 10/7/1981, 3/8/1983, 3/13/84, 3/10/1987, 3/14/1995, 9/8/1998, 3/9/99,
3/13/2001

III-1: 1 Boundary Discrepancies Between Map and Description

In the event of any discrepancy between the boundaries of the zoning districts as shown on the official map and as hereinafter described or defined, the descriptions hereinafter set forth shall govern as amended. Adopted-12/17/1968

III-1: 2 Zone A Residential District Boundaries

1. Every part of the Town of Hampstead not otherwise hereinafter designated, also

Adopted-12/17/1968

2. That part of the Town of Hampstead bounded:

Beginning at a point located at the northeasterly corner of the existing Freedom Hill Road right-of-way thence:

Southeasterly: 1041.94 feet, thence;

Southeasterly: 54.57 feet, thence;

Northeasterly: 35.75 feet, thence;

Southeasterly: 390.19 feet, thence;

Northeasterly: 552.57 feet, thence;

Northwesterly: 170.51 feet, thence;

Northeasterly: 185.65 feet, thence;

Northwesterly: 94.18 feet, thence;

Northwesterly: 1,134.55 feet, thence;

Southeasterly: 750.00 feet, thence;

Southwesterly: 160.00 feet, thence;

Southwesterly: 266.54 feet, thence;

Northwesterly: 500.00 feet, thence;

Northwesterly: 137.88 feet, thence;

Along a curve having a radius of 225.00 feet a length of 150.00 feet to the point of beginning. Said parcel containing 18.67 acres.

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1: 3 Zone B Recreational District Boundaries

A. That part of the Town of Hampstead bounded:

By a line 500 feet from and parallel to the shore of Island Pond and including all of the islands therein. Adopted-12/17/1968

B. That part of the Town of Hampstead bounded:

By a line 500 feet from and parallel to the shore of Sunset Lake

By a line 150 feet southeasterly of Kent Farm Road, and

By a line 150 feet northeasterly of Main Street. Adopted-12/17/1968

C. That part of the Town of Hampstead bounded:

By a line 500 feet from and parallel to the shore of Angle Pond. Adopted-12/17/1968

III-1: 4 Zone C-1 Commercial District Boundaries

A. That part of the Town of Hampstead bounded:

Northerly: by the southerly line of the road to Derry;

Easterly: by the westerly line of Main Street, Route 121;

Southerly: by the northerly line of the old railroad location;

Westerly: by the Hampstead-Derry Town line. Adopted-12/17/1968

B. That part of the Town of Hampstead bounded:

Northerly: by the southerly line of the cemetery 500 feet;

Easterly: by the westerly line of Main Street 500 feet;

Southerly: by the northerly line of the West Road 400 feet;

Westerly: 400 feet. Adopted-12/17/1968

C. That part of the Town of Hampstead bounded:

Northerly: by a line 1,000 feet northerly of the northerly line of Route 111, 1,000 feet,

Easterly: by a line 1,000 feet easterly of the easterly line of East Main Street, 500 feet;

Northerly: by a line 500 feet northerly of the northerly line of Route 111, 800 feet;

Easterly: by a line 1,800 feet easterly of the easterly line of East Main Street, 500 feet;

Southerly: by the northerly line of Route 111, 1,800 feet;

Westerly: by the easterly line of East Main Street, 1,000 feet. Adopted-12/17/1968

D. That part of the Town of Hampstead bounded:

Beginning 500 feet easterly of the easterly line of Holiday Lane thence;

Northerly: By the southerly line of Main Street, Route 121, 400 feet;

Easterly: 500 feet;

Southerly: By a line 500 feet southerly of the southerly line of Main Street, Route 121,

400 feet. Adopted-12/17/1968

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1: 4 Zone C-1 Commercial District Boundaries

E. That part of the Town of Hampstead bounded:

Northerly: By the southerly line of Route 111;

Easterly: By a line 300 feet easterly of and parallel to the easterly line of the Danville Road, 1,500 feet;

Southerly: by a line 300 feet southerly of and parallel to the southerly line of East Main Street, Route 121-A, 1,700 feet. Adopted-12/17/1968

F. That part of the Town of Hampstead bounded:

Northerly: by the southerly right-of-way line for the new Route 111 between Brown Hill Road and Danville Road, excluding the existing C-I Zone;

Easterly: by the westerly side of Brown Hill Road, a distance of 600 feet perpendicular to the south right-of-way line of the new Route 111;

Southerly: by a line 600 feet perpendicular to the south right-of-way line the new Route 111 between Brown Hill Road and Danville Road, excluding the existing C-I Zone;

Westerly: by the existing easterly line of the existing C-1 Zone that is parallel to the Danville Road. Adopted-12/1/1973

G. That part of the Town of Hampstead bounded:

A triangular parcel of land that is 500 feet north of the;

Northerly line of Route 111 and;

Easterly of the present easterly line of existing C-2 Zone to the west side of Route 121. Adopted-12/9/1975

H. That part of the Town of Hampstead bounded:

Northerly: by the southerly line of new Route 111;

Easterly: by the easterly bound of Tax Map 6, Parcel 7, and a line 400 feet south of and parallel to the southerly line of new Route 111 and the;

Northerly: lot line of Tax Map 6, Parcel 60;

Westerly: by the easterly line of Stage Road (Route 121) so called, and the easterly lot line of Tax Map 6 Parcel 60. Adopted-3/8/1983

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1:5 Zone C-2 Commercial District Boundaries

A. That part of the Town of Hampstead bounded:

Northerly: By a line 1,000 feet northerly of the northerly line of Route 111;

Easterly: By the westerly line of East Main Street, 1,000 feet;

Southerly: By the northerly line of Route 111

Westerly: By a line 1,000 feet southwesterly of the southwesterly line of East Hampstead Road, 1,000 feet. Adopted-12/17/1968

B. That part of the Town of Hampstead bounded:

Northerly: by a line 1,200 feet southwesterly of the southwesterly line of Central Street;

Easterly: by a line 1,400 feet easterly of the easterly line of Route 111;

Southerly: by a line 1,500 feet northerly of the northerly line of East Road;

Westerly: by the easterly line of Route 111. Adopted-12/17/1968

C. That part of the Town of Hampstead bounded:

Northerly: by a stone wall marking the northerly boundary of land now or formerly of Mary E. Bernard;

Southerly: by the northerly line of Route 111;

Southwesterly: by the Hampstead-Atkinson town line;

Northerly: by a line 500 feet northerly of the northerly line of Route 111.

Adopted-12/17/1968.

D. That part of the Town of Hampstead bounded:

Northerly: By the southerly line of Route 111;

Easterly: By the westerly line of Stage Road, Route 121;

Southerly: By the Hampstead-Atkinson town line;

Southwesterly: By the Hampstead-Atkinson town line. Adopted-12/17/1968

E. That part of the Town of Hampstead bounded:

Northerly: by a stone wall marking the northerly boundary of land now or formerly of Mary E. Bernard;

Southerly: by the northerly line of Route 111, 1,330 feet along Route 111 measured from the intersection of Route 111 and Route 121;

Southwesterly: by the stonewall marking the southerly boundary of land now or formerly of Yankee Steel, Inc. Adopted-12/9/1975

F. That part of the Town of Hampstead being:

Between the Witcher Road and Route 111:

Commencing at the intersection of East Road and the Witcher Road;

Along the North side of Route 111 approximately 3,800 feet to the intersection of Witcher Road and Route 111. Adopted-11/2/1976

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1: 5 Zone C-2 Commercial District Boundaries

G. That part of the Town of Hampstead:

Southerly: by the northerly line of Route 111 a distance of 700 feet easterly from the Atkinson-Hampstead town line;

Southwesterly: by the Atkinson-Hampstead town line;

Northerly: by a line 500 feet northerly of the northerly line of Route 111, a distance of 950 feet, easterly from the Hampstead-Atkinson town line;

Easterly: by a line as set forth by the distances on the northerly and southerly boundaries. Adopted-10/7/1981

H. That part of the Town of Hampstead:

Commencing on the west side of New Hampshire Route 111 at a stone wall marking the southeastern boundary of the Hampstead Industrial Village and running:

Southeasterly: by said stone wall 750 feet, more or less, to a stone wall marking the boundary between the Hampstead Industrial Village and the land occupied by the Hampstead Hospital, thence in a generally;

Northwesterly: direction by said stone wall, 2,580 feet, more or less, to an iron pipe, thence in a;

Northwesterly: direction, partly by a stone wall 318 feet to the corner of said wall, thence in a;

Southwesterly: direction 162 feet, more or less, to the corner of the stone wall, thence turning and running in a;

Northwesterly: direction 235 feet, more or less, to the corner of the stonewall, thence turning and running;

Southwesterly: 220 feet to the corner of the stonewall, thence turning and running in a general;

Northeasterly: direction, partly by a stone wall, 600 feet to a point, said point being the rear lot corner between lot # 14, Map 12, Parcel 92, and lot # 16, Map 12, Parcel 93, Evergreen Drive, thence continuing in a general;

Northeasterly: direction, first 301 feet, more or less, then 600 feet, more or less, running to and across Starwood Drive to a point, thence turning and running in a general;

Southeasterly: direction by Starwood Drive and partly by lot # 2, Map 17, Parcel 114, 305 feet, more or less, to a stone wall, thence turning and running in a general;

Northeasterly: direction, partly by a stone wall, 710 feet, more or less, to a point said point being 1,200 feet south of a southern line of Central Street, thence turning and running in a general;

Southwesterly: direction and parallel to the southerly line of Central Street, 1,020 West feet, more or less, to the west side of New Hampshire Route 111, 3,950 feet, more or less, to the point of beginning. Adopted-3/13/1984

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1: 5 Zone C-2 Commercial District Boundaries

I. That part of the Town of Hampstead bounded:

Northeasterly: corner of Routes 121-A and 111, thence running

Northeasterly: along the north side of Route 111, a distance of 1,601.4 feet to an iron pipe at land now or formerly of James Stalker, then turning and running still by Route 111 and Stalker;

Northeasterly: 178.69 feet to a New Hampshire highway bound at the westerly side of Woodridge Road, so called, thence turning and running in a;

Northwesterly: direction by the west side of Woodridge Road 150 feet to the land of Peter Sakash, thence turning and running by land of Sakash in two courses, both;

Southwesterly: 300 feet, then 375.69 feet to a point, thence turning and running in a;

Northwesterly: direction 180 feet to the end of a stone wall, thence continuing in a;

Northwesterly: direction by the stone wall, in three courses, a total of 233.63 feet to the corner of the stonewall, thence turning and running by the stone wall in a general;

Westerly: direction 666 feet more or less, to a drill hole in the intersection of stone walls, thence turning and running in a;

Northwesterly: direction by a stone wall 316 feet, more or less, to a point, thence turning and running in a;

Southwesterly: direction 1,000 feet from and parallel to Route 111 to the easterly side of Route 121-A, thence turning and running;

Southeasterly: by the line on Route 121-A to Route 111 and the point of beginning.

Adopted-3/13/1984

J. That part of the Town of Hampstead described as:

Tax map 6 parcel 19. Adopted-3/13/2001.

(NOTE: Deed recorded at the Rockingham County Registry of Deeds, book 4776 pages 1195 & 1196.)

K. That part of the Town of Hampstead described as:

The land consisting of the area on the Northerly side of Route 111, bounded on the Northeast by the existing C-2 Zone at Map 12, Lot 15, bounded on the Southwest by Village Green Road, bounded on the East by Route 111 and bounded on the Northwest by a line which is four hundred feet (400') distant from the Northerly line of Route 111. Adopted 3/9/2021

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1:6 Zone C-3 Commercial

A. That part of the Town of Hampstead bounded:

Northerly: by the Hampstead-Sandown town line 2,800 feet;

Easterly: by a line perpendicular to the Hampstead-Sandown town line, 2,000 feet;

Southerly: by a line 2,000 feet southerly of the Hampstead-Sandown town line, 1,200 feet;

Westerly: by a line running northerly 500 feet to the easterly line of Kent Farm Road;

Westerly: about 2,000 feet by the easterly line of Kent Farm Road to the Hampstead-Sandown town line. Adopted-12/17/1968

III-1:7 Zone C-4 Sanitary Landfill District Boundaries

A. No C-4 land available at this time.

III-1: 8 Mobile Home Park Zone D

A. That part of the Town of Hampstead bounded:

Beginning on the Southerly side of Emerson Avenue at the intersection of Wash Pond Road, thence;

North: 72 degrees-15' E 564.2', by the Southerly side of Emerson Avenue, thence;

North: 57 degrees-57' E 237.9', by the Southerly side of Emerson Avenue, thence;

South: 16 degrees-23' E 250.0', thence;

South: 38 degrees-36' E 1265.6', thence;

South: 55 degrees-53' W 1431'.4', thence

North: 35 degrees-24' W 285.8', thence;

South: 63 degrees-22' W 577.1', thence;

North: 26 degrees-14' W 1027.2', thence;

North: 44 degrees-42' E 191.9', thence;

South: 35 degrees-40' E 89.3', thence;

North: 54 degrees-57' E 253.9', thence;

North: 27 degrees-01' W 452.3' to the Southerly side of Emerson Avenue, thence;

North: 67 degrees-03' E 577.6' by the Southerly side of Emerson Avenue to the point of beginning. Adopted-3/13/2001

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1: 8 Mobile Home Park Zone D

B. That part of the Town of Hampstead bounded:

Beginning approximately 1,450 feet northwesterly from the intersection of Wash Pond Road and Kent Farm Road, thence;

Northwesterly: by the northeasterly line of Kent Farm Road 689.26 feet, thence;

Northeasterly: 255.19 feet, thence;

Northwesterly: 205.00 feet, thence;

Northeasterly: 899.64 feet, thence;

Southeasterly: 234.39 feet, thence;

Northeasterly: 1,144.09 feet, thence;

Northeasterly: 456.40 feet, thence;

Southeasterly: 1,226.66 feet, thence;

Southwesterly: 1,153.18 feet, thence;

Southeasterly: 715.00 feet, thence;

Southwesterly: 160.00 feet, thence;

Southwesterly: 266.54 feet, thence;

Northwesterly: 500 feet, thence;

Northwesterly: 137.82 feet, thence;

along a curve having a radius of 225.00 feet and a length of 150.00 feet, thence;

Northwesterly: 370.93 feet, thence;

Southwesterly: 385.80 feet, thence;

Northwesterly: 854.84 feet, thence;

Southwesterly: 1,453.30 feet to the point of beginning on Kent Farm Road.

Said parcel consisting of approximately 98.05 acres. (Tax Map 9 Parcel 24).

Adopted-9/8/1998

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-1: 8 Mobile Home Park Zone D

C. That part of the Town of Hampstead:

Together with a certain abutting parcel of land in Hampstead, Rockingham County, State of New Hampshire, being known as Map 9 Lot 125 and part of Map 10 Lot 4 on the Town of Hampstead Assessors Maps, and being more particularly described as follows:

Beginning at a drill hole in a corner of a stonewall on the northerly side of Map 10 Lot 10 off of Ledgewood Drive in said Hampstead as shown of Rockingham County Registry of Deeds (RCRD) Plan No. D-26870, said point being approximately 1,060 feet northeasterly of Kent Farm Road, thence;

South: 48 degrees 29'00";

West: a distance of 102.26 feet along a stone wall as depicted on said plan to a point; thence;

South: 48 degrees 36' 00";

West: a distance of 750 feet, more or less, as shown on said plan to a point at the southerly corner of said Map 9 Lot 125; thence;

Northwesterly: 150 feet, more or less to a point being a corner of stone wall thence;

North: 30 degrees;

West: a distance of 167 feet along a stone wall; more or less, to a point; thence;

North: 23 degrees;

West: a distance of 344 feet, more or less, to a point at a stone wall; thence;

North: 47 degrees E a distance of 950 feet, more or less, partially along a stone wall, to a point, thence;

Easterly: 150 feet, more or less, to a point; thence;

Southeasterly: 800 feet, more or less, to a point; thence;

South: 67 degrees 43' 41";

West: a distance of 99 feet along a stone wall to corner of the stone wall; thence;

North: 48 degrees 56'56";

West: a distance of 110.53' along the stone wall to a point; thence;

North: 48 degrees 24' 38";

West: a distance of 123.86' to the point of beginning.

Containing 15 acres, more or less. Adopted-3/13/2001

HAMPSTEAD ZONING ORDINANCE

DISTRICT BOUNDARIES

Adopted-12/17/1968

III-I: 9 Historical Zone E District Boundaries

A. That part of the Town of Hampstead being:

A certain parcel of land described as follows:

Beginning at the corner of Emerson Avenue and the land of Webster,

Running along Webster land to a line of the old stone wall, thence;

Running along the old wall line and wall by other land of the Town, to a point where the wall turns at the junction of the Town land and land of Saint Anne's Church, thence

Running along St. Anne's Church land to Emerson Avenue, thence;

By Emerson Avenue to point of beginning, into an Historic Zone, under the provisions of RSA 31:891. Adopted-3/13/1975

B. That part of the Town of Hampstead being:

A certain tract of land known as Tax Map 8, Parcel 242 as shown on the Hampstead Tax Assessors Map, and being the old Hampstead Library Building.

Adopted-3/14/1995

C. That part of the Town of Hampstead being:

A certain tract of land on Old County Road known as the Town Pound, containing 865 square feet and further described in deed given to the Town of Hampstead by Abbie E. Randall and recorded in the Rockingham County Registry of Deeds on

May 9, 1986, Book 2601, Page 1085. Adopted-3/9/1999

D. That part of the Town of Hampstead being:

A certain tract of land on Main Street being the Old Main Street Cemetery, Tax Map 7 Parcel 130 as shown on the Hampstead Assessors map:

A certain tract of land on Main Street across from the Town Office Building, acquired by the Town from Andrew Moulton and known as the Civil War Monument land, adjacent to the Old Cemetery, and further described in a deed recorded at the Rockingham County Registry of Deeds on June 25, 1906, Book 614, Page 455
Adopted-3/9/1999

E. That part of the Town of Hampstead being:

All of the parcel identified as Map 7 Parcel 047 which includes the Town Office Building or the former High School, and the Cobbler's Shop, in the Historical Zone E.

In 1975 Town Meeting voted to include part of the parcel upon which the Meeting House is located as the first parcel in the Historical Zone.

Description: The lot also contains the Civic Club Building, Police Station, Veteran's Park, Bandstand, and athletic field.

Adopted-3/11/2014.

HAMPSTEAD ZONING ORDINANCE

RESIDENTIAL ZONE A

Adopted-12/17/1968

III-2 Residential Zone A

III-2:0 Purpose

The following regulations shall govern the erection and alteration of buildings and use of land in the residential district. Adopted-12/17/1968

III-2: 1 Pre-existing Use

These regulations, however, do not apply to any existing building or use of any building or land prior to the passage of this ordinance. Adopted-12/17/1968

III-2: 2 Permitted Uses

1. Farms and single family dwelling with accessory buildings. Adopted-12/17/1968

A. The keeping of animals shall not create a health or safety hazard to immediate abutter or the community at large.

B. Fences shall be erected that are adequate to prevent animals from escaping.

No such fencing shall be erected closer than 10 feet from abutters' property lines unless such fence is at least 200 feet from abutters' residences.

C. Owners shall be responsible for all damage and expenses incurred in the capturing and holding of escaped animals by Town Officials.

D. A fine shall be levied under the guidelines established by the Board of Selectmen whenever a Town Official is called out to capture an animal.

E. Large animals such as horses and cattle shall not be kept on lots of less than four acres unless they meet the following conditions: No more than one large animal shall be kept on a two acre lot: no more than three (3) animals on a three acre lot and not more than five (5) animals on a lot of less than four acres.

Adopted-3/14/1989 Revised 3/12/1991

2. Schools, churches, hospitals, sanatoria and libraries including structures normally incident thereto are subject to site plan approval and must not disrupt the residential nature of the neighborhood. Adopted-12/17/1968 Revised 3/9/1993

3. Mobile Home Subdivisions. Adopted-3/8/1983

{See Article IV-7, Mobile Home Subdivision Regulations}

HAMPSTEAD ZONING ORDINANCE

RESIDENTIAL ZONE A

Adopted-12/17/1968

4. Multiple Unit Dwellings. Adopted-3/10/1987
{See Article IV-1, Multiple Unit Dwelling Structures}

5. Adult care, day care and nursery centers are permitted in the Residential Zone as a home occupation under IV-6 by a Special Exception from the Board of Adjustment. Adopted-3/9/1993

6. Two (2) accessory buildings are allowed. Only one (1) of the accessory buildings shall have a maximum square footage of 1,500 square feet of ground floor area for lots up to and including 45,000 square feet; or shall have a maximum square footage of 1,800 square feet of ground floor area for lots over 45,000 square feet.

Agricultural uses are not subject to this regulation. Adopted 3/10/2015

All non-permanent buildings shall have a maximum square footage of 150 square feet of floor area. Adopted 3/10/2015

7. One duplex dwelling is allowed. The lot size must meet the requirements of II-1:1, C, 2 Multiple Unit Dwelling Structures. Adopted-3/13/2007

Restrictions

1. Piggeries and businesses which engage in the raising or selling of fur-bearing animals are prohibited. Adopted-12/17/1968
2. Except as may be otherwise permitted by special exception as an "Accessory Use Home Occupation" commercial uses and industrial uses are prohibited in this Zoning District. Adopted-3/9/1999
3. Cargo Trailers are prohibited for a period of more than three weeks, except by a Special Exception from the Board of Adjustment. The long-term use of a cargo trailer shall not be detrimental to the neighborhood. Adopted-3/13/2007

HAMPSTEAD ZONING ORDINANCE

RESIDENTIAL ZONE A

Adopted-12/17/1968

III-2: 3 Special Exceptions

1. Accessory use: Home Occupation. Adopted-3/11/1986
{See Article IV-6, Home Occupation Regulations}

2. One (1) accessory building may exceed a maximum square footage of 1,500 square feet of ground floor area for lots up to and including 45,000 square feet; or may exceed a maximum square footage of 1,800 square feet of ground floor area for lots over 45,000 square feet, provided the building lot is in full compliance with the zoning and appropriate for the area. Adopted 3/10/2015

III-2: 4 Lot Regulations

A building lot in Zone A shall contain the appropriate square footage as set forth under Article II-1 (SOIL BASED LOT SIZE) for the soil and slope which constitutes such lot and all other requirements as set forth in these regulations.

Adopted-3/7/1972 Revised-3/9/1982 Revised-3/14/1989

A. Size

A building lot in Zone A shall contain a minimum of 45,000 square feet.

Adopted-3/7/1972

B. Shape

All lots proposed for development in the Town of Hampstead shall be rectangular in shape whenever possible. Adopted-3/11/1986

C. Frontage

And shall have a continuous frontage of no less than 150 feet on an approved street.

Adopted-3/7/1972

D. Setbacks

Every new building or structure shall be set back from the front property line no less than 30 feet. Where there are no established street lines, all buildings shall be set back a minimum of 60 feet from the centerline of the existing traveled way. All new buildings and structures shall be set back not less than 30 feet from the side and not less than 50 feet from the rear property lines. Adopted-12/17/1968

Before a building permit shall be issued, a certification will be provided to the Building Inspector verifying the location of all foundations to insure compliance with the Town of Hampstead Zoning Regulations. Adopted-3/14/1989

HAMPSTEAD ZONING ORDINANCE

RESIDENTIAL ZONE A

Adopted-12/17/1968

III-2: 5 Structure / Dwelling Regulations

A. Numbers of Structures

Only one (1) dwelling building and two (2) accessory buildings may be built on one (1) lot. Amended 3/12/1996

B. Height

The maximum building height in Zone A shall not exceed 35 feet measured from the grade to the highest roof peak. Adopted-3/14/1989

No dwelling shall be built to a height of more than two and one half stories. Adopted 12/17/1968

The maximum accessory building height in Zone A shall not exceed 24 feet measured from the average grade immediately surrounding the structure to the highest peak and shall not exceed more than one and one half stories. Adopted 3/28/2017

C. Minimum Ground Floor Area

Every dwelling shall have a minimum ground floor area of 750 square feet outside measurement. Porches, steps, or ground level terraces shall not be considered a part of the dwelling for the purposes of this section.

Adopted-12/17/1968; Revised-3/7/1972

III-2: 6 Accessory Structures and Use

A. Type

Signs: {see Article IV-4, Signs Adopted-3/7/1972}

B. Accessory Structure and Use

Non-permanent buildings and structures must meet the front set back requirement of the zone, a side and rear lot line set back of five (5) feet. Adopted-3/9/2003

HAMPSTEAD ZONING ORDINANCE

RECREATIONAL ZONE B

Adopted-12/17/1968

III-3 Recreational Zone B

III-3:0 Purpose

The following regulations shall govern the erection and alteration of buildings and use of land in the recreational district. Adopted-12/17/1968

The storage or keeping of commercial vehicles shall be prohibited in the recreational zone. Adopted-3/11/2008

III-3: 1 Pre-existing Use

These regulations, however, do not apply to any existing building or use of any buildings or land prior to the passage of this Ordinance. Adopted-12/17/1968

III-3: 2 Permitted Use

1. Single family dwellings are the only permitted use. Adopted-12/17/1968

A. The keeping of animals shall not create a health or safety hazard to the immediate abutters or the community at large. Adopted-3/14/1989

B. Fences shall be erected that are adequate to prevent animals from escaping. Adopted-3/14/1989

No such fencing shall be erected closer than 10 feet from abutters' property lines unless such fence is at least 200 feet from abutters' residence. Adopted-3/14/1989; Revised-3/12/1991

C. Owners shall be responsible for all damages and expenses incurred in the capturing and holding of escaped animals by Town Officials. Adopted-3/14/1989

D. A fine shall be levied under the guidelines established by the Board of Selectmen whenever a Town Official is called out to capture an animal. Adopted-3/14/1989

E. Large animals such as horses and cattle shall not be kept on lots of less than four acres unless the lot meets the following conditions: No more than one large animal shall be kept on a two acre lot; not more than three (3) animals on a three acre lot and no more than five (5) animals on a lot of less than four acres. Adopted-3/14/1989; Revised-3/10/1992

F. One accessory single story building is allowed. The maximum square footage is 600 square feet. Amended-3/12/1996

HAMPSTEAD ZONING ORDINANCE

RECREATIONAL ZONE B

Adopted-12/17/1968

III-3: 2 Permitted Use

G. Commercial uses and industrial uses are prohibited in this Zoning District. Adopted-3/9/1999

H. Cargo trailers are prohibited for a period of more than three weeks, except by a special exception from the Board of Adjustment. The long-term use of a cargo trailer shall not be detrimental to the neighborhood. Adopted-3/13/2007

III-3: 3 Special Exceptions

For separate lots which were subdivided prior to December 17, 1968, and which are vacant as of March 4, 1989, and which do not meet the lot size requirements of Section II and III-3: 4 of the Article, but which were legally subdivided prior to December 17, 1968, the Board of Adjustment shall grant a special exception upon application made to them, for the construction of and occupancy as a seasonal dwelling, provided the applicant satisfies all of the following conditions:

a. A subsurface disposal system design which has current approval by the State of New Hampshire Water Supply and Pollution Control Commission.

(i) Privy's and holding tanks are not permitted, and do not qualify unless the applicant also obtains a variance for the use thereof from the Board of Adjustment.

b. There are no vacant abutting lots, which are in common ownership with the lot in question, nor has such common ownership occurred since the date ten (10) years prior to the enactment of this Ordinance.

c. The lot in question has not been owned in common with an improved abutting lot any time since the date ten (10) years prior to the enactment of this Ordinance.

d. The road on which the lot fronts must be at least "summer maintained" by the Town, i.e., be a road which, as a minimum, is maintained by the Town under RSA 231:79 as amended from time to time.

e. The applicant has presented to the Board of Adjustment, an instrument duly executed and acknowledge by the existing owner, in recordable form, and in form acceptable to Town Counsel, containing appropriate covenants and restrictions in favor of and enforceable by the Town, preventing and prohibiting the use of the lot and dwelling for residential purposes from December 10 to April 1 of each year. Adopted-3/14/1989

HAMPSTEAD ZONING ORDINANCE

RECREATIONAL ZONE B

Adopted-12/17/1968

III-3: 4 Lot Regulations

A. Size

1. A building lot in Zone B shall contain a minimum of 45,000 square feet. Further, a building lot shall contain the appropriate square footage as set forth in Article II-I (SOIL BASED LOT SIZE) for the soil and slope which constitutes such lot and all other requirements as set forth in these regulations.

Adopted-3/9/1982; Revised 3/14/1989

B. Shape

All lots shall be rectangular in shape if possible. Adopted-12/17/1968

C. Frontage

A building lot in Zone B shall have frontage on an approved street, and shall have a width of not less than 150 continuous feet on the street side of the lot.

Adopted-3/7/1972; Revised-3/10/1987

D. Setbacks

1. Every new building or structure shall be set back from the front property line no less than 30 feet. Where there are no established street lines, all buildings shall be set back a minimum of 60 feet from the center line of the existing traveled way.

2. All new buildings or structures shall be set back no less than 30 feet from the side and not less than 50 feet from the rear property lines.

Adopted-3/7/1972; Revised-3/10/1987

3. Before a building permit shall be issued, a certification will be provided to the Building Inspector verifying the location of all foundations to insure compliance with the Town of Hampstead Zoning Regulations. Adopted-3/14/1989

E. Restrictions

The sale or offering for sale of motorized vehicles is prohibited in this Zoning District.

Adopted-3/9/1999

HAMPSTEAD ZONING ORDINANCE

RECREATIONAL ZONE B

Adopted-12/17/1968

III-3: 5 Structure / Dwelling Regulations

A. Number of Structures

Only one (1) dwelling building and one (1) accessory building may be built on one (1) lot. Amended 3/12/1996

B. Height

No structure shall be built to a height of more than one and one-half stories.

Also, the maximum structure height in Zone B shall not exceed 35 feet at any point measured from finished grade to the highest roof peak nor shall it exceed 24 feet measured from the first floor level to the highest roof peak. Adopted-3/12/2002

C. Minimum Ground Floor Area

Every dwelling shall have a minimum floor area of 400 square feet. Steps or ground level terraces, porches, piazzas, and other similar elements shall not be considered a part of the dwelling, for the purposes of this section. Adopted-12/17/1968

III-3: 6 Accessory Structures and Set Backs

A. One accessory single story building is allowed. The maximum square footage is 600 square feet. Amended-3/12/1996

B. Non-permanent buildings and structures must meet the front set back requirement of the zone, a side and rear lot line set back of five (5) feet. Adopted-3/9/2003

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-1

Adopted-12/17/1968

III-4 Commercial Zone C-1

III-4: 0 Performance Standards for Commercial Zones C 1

III-4: 1 Purpose

The purpose of this section is to encourage a pattern of development along roadways which minimizes the appearance of strip development and supports the following goals:

1. Create harmonious and attractive signage.
2. Encourage the development of architecturally well designed buildings.
3. Provide for a safe flow of vehicular traffic.
4. Minimize sky glow from lighting.
5. Create attractive settings for development through the use of extensive plantings in the setbacks and throughout the parking areas.
6. The buildings shall be designed so that they front the road and do not turn their backs to the road.
7. No service or storage area shall be located between the building and the road.

Building Design

To enhance the aesthetic quality of the development in Hampstead's commercial district, new developments and/or alterations to existing businesses are encouraged to incorporate traditional building elements. The materials used are to be natural or man-made to look natural.

These elements include but are not limited to:

- A. Roof designs and pitches;
- B. Exterior siding materials;
- C. Windows and door designs;
- D. Building massing;
- E. Lighting;

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-1

Adopted-12/17/1968

F. Signage design

The maximum height of a freestanding light shall not exceed twenty (20) feet.

The style of the light and light standard shall be consistent with the architectural style of the principal building. Adopted-3/11/2008

III-4: 2 Permitted Uses

A. Any retail business such as: book, stationery, or news store, drug store, dry goods or variety store, jewelry store, florist or gift shop, grocery store, hardware store, meat market, or wearing apparel store, limited to indoor sales.

Adopted-12/17/1968

B. Any service establishments such as: barber shops, beauty shops, custom tailors, shoe repair, self-service, laundry, banks, restaurants, business and professional offices, limited to indoor sales and service. Adopted-12/17/1968

C. Automotive filling and service stations. Adopted-12/17/1968

D. Schools, day care and nursery centers and adult care centers.

Revised 3/9/1993

RESTRICTIONS:

1. Residential construction is prohibited. Adopted-3/13/1984

2. The sale or offering for sale of motorized vehicles is prohibited in this Zoning District.

Adopted-3/9/1999

III-4: 3 Special Exceptions

If, after a Public Hearing by the Board of Adjustment, a proposed business is found to conform in character of operation and would be in harmony with the allowed uses of this Zone, then such use may be allowed by Special Exception of the Board of Adjustment subject to appropriate conditions and safeguards as may be deemed necessary by said Board of Adjustment. Adopted-12/17/1968

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-1

Adopted-12/17/1968

III-4: 4 Lot Regulations

Building lots for business only shall:

A. Size

Have a minimum lot size equal to 3/4 of the minimum lot size required in Article II-I (SOIL BASED LOT SIZE) unless the NHWSPCC regulations require a larger size based on subsurface disposal requirements.

Adopted-3/7/1972, Revised 3/14/1989

B. Frontage

Lots shall have a minimum contiguous frontage of 125 feet on an approved street.

Adopted-3/7/1972, Revised 3/14/1989

C. Setbacks

New business buildings shall be 30 feet from the nearest existing public right-of-way, and 30 feet from the side and rear lot lines. When the property abuts the Residential Zone A, a building shall be no less than 50 feet from the residential lot line(s). Adopted-5/22/1979, Revised 3/13/1990

Before a building permit shall be issued, a certification will be provided to the Building Inspector verifying the location of all foundations to insure compliance with the Town of Hampstead Zoning Regulations. Adopted-3/14/1989

D. Buffer Area

Adopted-3/12/2002 {see Article IV - 12}

III-4: 5 Structure / Dwelling Regulations

A. Number of Structures

Building area shall not exceed 15% of buildable lot area. "Buildable lot area" does not include group 5 or group 6 soils.

Contiguous business establishments shall meet the above requirements in the aggregate for lot area. Adopted-3/8/2005

B. Height

The maximum building height in Zone C-1 shall not exceed 35 feet measured from the grade to the highest roof peak. Adopted-3/10/1987, Revised-3/14/1989

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-1

Adopted-12/17/1968

C. Service Areas

1. Off street parking facilities shall be made available for workers and patrons of businesses.

One parking space shall be provided for every 200 feet of floor area of the building.

Adopted-12/17/1968

2. Restaurants, diners, tearooms and the like shall provide one parking space for every 75 feet of floor area. Adopted-12/17/1968

3. All drives or roadways shall have clear visibility and non-hazardous access to public right-of-way. Adopted-12/17/1968

III-4: 6 Accessory Structures and Uses

A. Type

1. Signs. Adopted-3/7/1972 {see Article IV-4, signs}

- B. Non-permanent buildings and structures are allowed if they meet all setbacks. Adopted-3/13/2007

III-4: 7 Miscellaneous Provisions

All businesses under this Article shall be required to meet at least the minimum standards of the Sanitary Code as specified by the Health Officer. Adopted-12/17/1968

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-2

Adopted-12/17/1968

III-5: 0 Performance Standards for Commercial Zones C 2

III-5: 1 Purpose

The purpose of this section is to encourage a pattern of development along roadways which minimizes the appearance of strip development and supports the following goals:

1. Create harmonious and attractive signage.
2. Encourage the development of architecturally well designed buildings.
3. Provide for a safe flow of vehicular traffic.
4. Minimize sky glow from lighting.
5. Create attractive settings for development through the use of extensive plantings in the setbacks and throughout the parking areas.
6. The buildings shall be designed so that they front the road and do not turn their backs to the road.
7. No service or storage area shall be located between the building and the road.

Building Design

To enhance the aesthetic quality of the development in Hampstead's commercial district, new developments and/or alterations to existing businesses are encouraged to incorporate traditional building elements. The materials used are to be natural or man-made to look natural.

These elements include but are not limited to:

- A. Roof designs and pitches;
- B. Exterior siding materials;
- C. Windows and door designs;
- D. Building massing;
- E. Lighting
- F. Signage design.

The maximum height of a freestanding light shall not exceed twenty (20) feet.

The style of the light and light standard shall be consistent with the architectural style of the principal building. Adopted-3/11/2008

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-2

Adopted-12/17/1968

III-5: 2 Permitted Uses

A. Any use permitted in Zone C-1 under the same provisions shall apply to this zone.

Adopted-12/17/1968

B. Any business such as:

1. Automotive filling and service stations, public garages, repair shops, sales agencies for automobiles, boats, farm, industrial and construction equipment.

Adopted-3/9/2004

2. Establishments for the sale or storage of furniture, plumbing supplies, construction supplies, and building materials. Adopted-12/17/1968

3. Animal hospitals, green houses, nurseries, kennels, and veterinarian establishments. Adopted-12/17/1968

4. Bowling lanes, golf driving range, miniature golf, drive-in movies, and skating rinks. Adopted-12/17/1968

5. Shops for the use of a carpenter, cabinet maker, electrician, painter, upholster, plumber, television and home appliance repair. Adopted-12/17/1968

6. Plants for the manufacturing of electrical or electronic devices, appliances, apparatus or supplies, medical, dental or drafting instruments, optical goods, watches or other precision instruments. Adopted-12/17/1968

7. Research, experimental or testing laboratory. Accessory uses customarily incident to the above. Adopted-12/17/1968

RESTRICTIONS

1. Residential construction is prohibited. Adopted-3/13/1984

III-5: 3 Special Exceptions

If, after a Public Hearing by the Board of Adjustment, a proposed business is found to conform in character of operation and would be in harmony with the allowed uses of this Zone, then such use may be allowed by Special Exception of the Board of Adjustment, subject to appropriate conditions and safeguards as may be deemed necessary by said Board of Adjustment. Adopted-12/17/1968

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-2

Adopted-12/17/1968

III-5: 4 Lot Regulations

A. Size

The minimum lot size shall be the appropriate square footage required under Article II-1 (Soil-based Lot Size) and Article II-2 (Wetlands Ordinance) for the soil and slope which constitute such lot, or 45,000 square feet, whichever is larger.

Adopted-3/7/1972, Revised 3/9/2021

B. Frontage

Lots shall have a minimum continuous frontage of 150 feet on an approved street.

Adopted-3/7/1972

C. Setbacks

All buildings shall be no less than 30 feet from side and rear lot lines and 30 feet from the nearest public right-of-way, except Route 111 where no buildings shall be closer than 100 feet. Adopted-12/17/1968

When property abuts Residential Zone A, a building shall be no less than 50 feet from residential lot line(s). Adopted-12/17/1968, Revised 3/13/1990

Before a building permit shall be issued, a certification will be provided to the Building Inspector verifying the location of all foundations to insure compliance with the Town of Hampstead Zoning Regulations. Adopted-3/14/1989

D. Buffer Area Adopted-3/12/2002 {see Article IV – 12}

III-5: 5 Structure / Dwelling Regulations

A. Number of Structures

Building area shall not exceed 15% of buildable lot area. "Buildable lot area" does not include group 5 or group 6 soils. Contiguous business establishments shall meet the above requirements in the aggregate for lot coverage. Adopted-3/8/2005

Building area may be increased to 20% of the building lot area by a **Special Exception** from the Board of Adjustment. Adopted-3/13/2012.

B. Height

The maximum building height shall be no greater than 35 feet. Adopted-3/10/1987

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-2

Adopted-12/17/1968

C. Service Area

1. Off-street parking facilities shall be made available for workers and patrons of businesses. Adopted-12/17/1968
2. One parking place shall be provided for every 200 feet of floor area of the building in retail establishments. Adopted-12/17/1968
3. One parking place for every 500 feet of floor area in wholesale distribution or manufacturing buildings. Adopted-12/17/1968
4. One parking place shall be provided for every 75 feet of floor area of restaurants, diners, tea rooms and the like. Adopted-12/17/1968
5. All drives or roadways shall have clear visibility and non-hazardous access to public right-of-way. Adopted-12/17/1968

III-5: 6 Accessory Structures and Use

A. Type

Signs. Adopted-3/7/1972 {see Article IV-4, Signs}

- B. 1.** Non-permanent buildings and structures are allowed if they meet all setbacks. Adopted-3/13/2007

III-5: 7 Miscellaneous Provisions

All business and commercial establishments under this Article shall be required to meet at least the minimum standards of the Sanitary Code as specified by the Health Officer. Adopted-12/17/1968

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-3

Revised 3/10/1992

III-6: 0 Performance Standards for Commercial Zones C-3

III-6: 1 Purpose

The purpose of this section is to encourage a pattern of development along roadways which minimizes the appearance of strip development and supports the following goals:

1. Create harmonious and attractive signage.
2. Encourage the development of architecturally well designed buildings.
3. Provide for a safe flow of vehicular traffic.
4. Minimize sky glow from lighting.
5. Create attractive settings for development through the use of extensive plantings in the setbacks and throughout the parking areas.
6. The buildings shall be designed so that they front the road and do not turn their backs to the road.
7. No service or storage area shall be located between the building and the road.

Building Design

To enhance the aesthetic quality of the development in Hampstead's commercial district, new developments and/or alterations to existing businesses are encouraged to incorporate traditional building elements. The materials used are to be natural or man-made to look natural.

These elements include but are not limited to:

- A. Roof designs and pitches.
- B. Exterior siding materials;
- C. Window and door designs;
- D. Building massing;
- E. Lighting
- F. Signage design

The maximum height of a freestanding light shall not exceed twenty (20) feet.

The style of the light and light standard shall be consistent with the architectural style of the principal building. Adopted-3/11/2008

III-6: 2 Purpose for Erection and Alterations

The following regulations shall govern the erection and alteration of buildings and use of land in the Commercial Zone 3. Revised 3/10/1992

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-3

Revised 3/10/1992

III-6: 3 Pre-existing Use

These regulations, however, do not apply to any existing building or use of any building or land prior to the passage of this ordinance and said non-conforming uses or structures may be continued subject to the provisions of section I-2: 2 of this ordinance. Revised 3/10/1992

III-6: 4 Permitted uses

1. Any use permitted in C-2.
2. Warehouses and storage facilities for the storage of non-toxic materials.
3. Manufacturing, fabricating or conversion facilities.
4. Research, experimental, or testing laboratories.
5. The storage of toxic materials used in the normal course of operation of a permitted use.

RESTRICTIONS

1. Residential construction is prohibited.
2. Motor vehicle junkyards and junk yards are prohibited. Revised 3/10/1992

III-6: 5 Special Exceptions

1. Special exceptions permitted by section I-2: 1.B may be granted.
2. Special exceptions for toxic materials processing, storage, or conversion facilities may be granted. Revised 3/10/1992

III-6: 6 Lot Regulations

A. Site Plan Review

Site plans shall be approved by the Planning Board.

B. Size

The minimum building lot size shall be the appropriate square footage required under Article II-1 (Soil-based Lot Size) and Article II-2 (Wetlands Ordinance) for the soil and slope which constitute such lot, or 45,000 square feet, whichever is larger.

C. Frontage

The lot shall have a minimum continuous frontage of 150 feet on an approved road.

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-3

Revised 3/10/1992

D. Setbacks

1. Front: New buildings shall be set back 30 feet from the nearest existing or proposed public right-of-way.
2. Side and Rear: New buildings shall be set back 15 feet from the side and rear lot lines, or 50 feet when the property abuts Residential Zone A.
3. From Existing Buildings: New buildings, whether single or contiguous, shall be set back 30 feet on the non-contiguous sides from the existing buildings.
4. Additional setbacks may be required due to the presence or proximity of wetlands. {See Article II-2, Wetlands Ordinance}
5. Before a building permit can be issued, a certification must be provided to the Code Enforcement Officer verifying the location of all foundations to insure compliance with the setback provisions.

E. Shape

All lots shall be rectangular in shape if possible.

F. Lot Coverage

The foundation area (footprint) of business establishments shall not exceed 15% of the buildable lot area. "Buildable lot area" does not include group 5 or group 6 soils.
Adopted-3/8/2005

G. Buffer Area Adopted-3/12/2002 {see Article IV – 12}

III-6: 7 Structure Regulations

A. Number of Structures

One or more structures are permitted provided that the sum of their footprints meets the requirements of Section III-6: 6.F of this article.

B. Height

1. The maximum height of a building shall not exceed 35 feet measured from grade to the highest roof peak.

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-3

Revised 3/10/1992

C. Service Areas

1. Off Street Parking

A. Retail and service establishments other than restaurants shall provide one regular parking space for every 200 square feet of floor area.

B. Existing establishments, such as restaurants, tearooms, diners, etc. shall provide one parking space for every 75 square feet of floor area.

C. Wholesale distribution and manufacturing establishments shall provide one regular parking space for every 500 square feet of floor area. Revised 3/12/1992

III-6: 8 Accessory Structures

1. Signs are permitted consistent with Article IV-4, SIGNS.

2. Non-permanent buildings and structures are allowed if they meet all setbacks.
Adopted-3/13/2007

III-6: 9 Miscellaneous Provisions

1. All businesses under this article shall meet the requirements of the State of New Hampshire and the Town of Hampstead Sanitary Codes. Revised 3/12/1992

HAMPSTEAD ZONING ORDINANCE

COMMERCIAL ZONE C-4 SANITARY LANDFILL

Adopted-1/12/1975

III-7: 2 Permitted Uses

Sanitary Landfill only and in accordance with the State of New Hampshire Laws and Regulations relating to solid waste and disposal. Adopted-1/12/1975

A. Restrictions

The only area in designated Commercial Zone C-4 to be land filled will be that area designated by the State and being an approved site. Adopted-1/21/1975

III-7:4 Lot Regulations

A. Markers

All lot lines shall be staked every 50 feet for a distance of 50 feet beyond the building. Adopted-5/22/1979

HAMPSTEAD ZONING ORDINANCE

MOBILE HOME ZONE D

Adopted-1/17/1968

III-8: 2 Permitted Uses

A. Mobile Home Parks. Adopted-12/17/1968

B. Mobile homes will be permitted only in established Mobile Home Parks.

Adopted-3/3/1975

RESTRICTIONS

Stick built homes, built on site, are prohibited within the Mobile Home Zone. Sheds and garages are allowed provided they meet the setback requirements of the Zoning Ordinance for mobile home and for non-permanent buildings and structures in the mobile home zone. (See paragraph III-8:4). Adopted-3/13/2007

III-8: 4 Lot Regulations

A. Size

1. Mobile Home Parks shall have a minimum land area of ten acres.

Adopted-12/17/1968

2. Mobile Home Parks shall have a minimum mobile home site size of 10,000 feet per mobile home site. Adopted-12/17/1968, Revised 3/14/1989

B. Frontage

Mobile home site shall have a minimum of 75-foot frontage on the access side of the lot. Adopted-12/17/1968; Revised 3/14/1969

C. Setbacks

1. No mobile home shall be located less than 200 feet from the nearest public right-of-way. Adopted-12/17/1968

2. Mobile homes shall have a minimum setback from the right-of-way of 20 feet, and no mobile home shall be closer than 30 feet to another mobile home.

Adopted-12/17/1968

3. There shall be a buffer of 50 feet from any property lines or abutting zones.

Adopted-3/14/1989

Landscape treatment shall consist of natural features, or ground cover, shrubs, or trees as appropriate. Adopted-3/14/1989

The building shall be 75 feet from side and rear abutting buffer zones or property lines.

Adopted-3/14/1989

HAMPSTEAD ZONING ORDINANCE

MOBILE HOME ZONE D

Adopted-1/17/1968

4. Non-permanent buildings and structures shall meet the following minimum set-backs:

- a. Twenty (20) feet from the road or street right-of-way
- b. Ten (10) feet to any other mobile home. Adopted-3/9/2003

D. Markers

All lot lines shall be staked every 50 feet for a distance of 50 feet beyond the building.

Adopted-5/22/1979

III-8: 7 Miscellaneous Provisions

A. Mobile Home Park plot plans shall be subject to Site Plan approval by the Planning Board. Adopted-12/17/1968; Revised 3/14/1989

B. Mobile Home sites within a Mobile Home Park shall not be subdivided.

Adopted-3/14/1989

C. There shall be an inspection by the Code Enforcement Officer to ensure the proper installation of the sewage disposal system and related plumbing and proper installation of electrical, gas, and water systems and proper anchorage.

Adopted-12/17/1968; Revised 3/14/1989

III-8:8 Mobile Home Building Code

Before placing a mobile unit on the lot within a mobile home park, the owner must obtain a permit from the Building Inspector. Adopted-3/13/1990

Upon application, such permit will be issued upon the satisfaction of the following conditions:

1. Payment of building permit fee as provided in the Residential Fee Schedule.

Amended 3/14/2006

2. Delivery to the Code Enforcement Officer of an approval by the New Hampshire Water Supply and Pollution Control Commission of the septic design, and

3. A certification by the manufacturer of the mobile home unit that such unit is New Hampshire Building Code and/or FHA/HUD Code certified. Amended 3/14/2006

4. Inspection by the Code Enforcement Officer before the pouring of the concrete pad.

5. There shall be proper anchorage and tie down of the unit to the pad.

6. Skirting shall be installed between the pad and the mobile home

7. Inspection by the Code Enforcement Officer to insure:

a. Proper construction and installation of the sewerage disposal system and related plumbing in accordance with the approved plan and the Town's building code

b. Proper installation of electrical, water and gas.

HAMPSTEAD ZONING ORDINANCE

ELDERLY & MULTI-FAMILY HOUSING ORDINANCE

(Amended 3/12/2024)

IV-1: 0 PURPOSE

To ensure reasonable and realistic opportunities are available for the construction of housing sufficient to meet the needs of all residents of the Town of Hampstead, this ordinance has been adopted to permit the development of quality affordable Elderly and Multi-Family Housing in Residential Zone A, subject to terms and conditions provided herein.

IV-1: 1 GENERAL PROVISIONS

A. MINIMUM TRACT REQUIREMENTS

To be eligible for application of this Elderly & Multi-Family Housing Ordinance a subject tract must enjoy a minimum contiguous land gross area of 10-acres with not less than 150-feet of contiguous frontage on a Class V or better public street.

B. PERMITTED USES

1. Multi-Family Residential Structures with a minimum of 3 and a maximum of 5 individual Dwelling Units per building. Individual Dwelling Units constructed under this option shall contain a maximum of two bedrooms.
2. One and Two-Family Residential Structures, configured under a zero-lot line layout, on a single-parcel of land under common ownership. Individual Dwelling Units constructed under this option shall contain a maximum of two bedrooms.
3. Elderly Housing. Age-restricted occupancy of One, Two and Multi-Family Residential Structures as described under Permitted Uses (1) and (2) above shall be permitted subject to compliance with the Federal Fair Housing Act, as amended (42 USC Section 3601, et seq.), the New Hampshire Elderly Housing Statute (RSA 354-A:15), and this Ordinance.
4. Accessory Recreational, Utility and Maintenance Structures and/or Support Facilities for the use, benefit and enjoyment of residents.

C. PERMITTING REQUIREMENTS

All proposals for construction of Elderly & Multi-Family Housing proposed under this Ordinance shall be subject to review and approval by the Planning Board under terms and conditions of the Hampstead Site Plan Review Regulations and Zoning Ordinance.

D. UTILITY ACCOMMODATIONS

Elderly & Multi-Family Housing proposed under this Ordinance shall be served by: (a) either a NHDES approved on-site water supply system, or service connection to a public water supply system operated by a New Hampshire Public Utilities Commission licensed Public Utility; and (b) one or more on-site NHDES approved wastewater disposal system(s).

HAMPSTEAD ZONING ORDINANCE

ELDERLY & MULTI-FAMILY HOUSING ORDINANCE

(Amended 3/12/2024)

E. VEHICULAR ACCESS AND CIRCULATION REQUIREMENTS

Vehicular access to Elderly & Multi-Family Housing dwellings shall be provided via an interior street or drive intersecting with a Class V or better public highway upon which the site enjoys frontage. All Interior streets and drives constructed within Elderly & Multi-Family Housing sites shall be: (a) planned, constructed and maintained as private ways in perpetuity; and (b) designed and constructed in compliance with applicable requirements of the Hampstead Site Plan Review Regulations.

IV-1: 2 DIMENSIONAL REQUIREMENTS

A. DWELLING UNIT DENSITY

Dwelling unit density on any tract or parcel shall be calculated in accordance with Soil-Based Lot Size provisions of this Ordinance (See Part II-1) in the following manner:

- Step 1: A Certified Soil Scientist shall prepare a High Intensity Soil Survey Map of the subject parcel(s).
- Step 2: In reliance on the resulting High Intensity Soil Survey Map and Table 1A (referenced at Part II-1: 5) calculate the overall density of lots available for development on the subject parcel in accordance with Part II-1: 1.D of this Ordinance.
- Step 3: Multiply the resulting lot density value calculated at Step 2 by 600 gallons per lot to determine maximum Daily Flow Volume of wastewater, or Maximum Lot Loading, in gallons per day (GPD), which may be disposed of on site.
- Step 4: Determine attainable dwelling unit density by dividing the Maximum Lot Loading value, calculated at Step 3, by the corresponding Unit Design Flow volume value specified under Part Env-Wq 1008.03(c) – Table 1008-1 of the New Hampshire Code of Administrative Rules.
(As an example, the divisor value for a two-bedroom non-age restricted dwelling unit is 2.0 Bedrooms @ 150 GPD/Bedroom or 300 GPD).

B. MINIMUM DIMENSIONAL STANDARDS

1. Minimum Building Setback Dimensions: (a) Front: 100-feet; (b) Side and Rear: 50-feet.
2. Residential Buffering Requirements:
 - Apart from the construction of interior streets and drives providing access to a public street, installation of signs permitted under Part IV-4: 0 of this Ordinance, and/or construction of stormwater management, fire protection and utility improvements; no structures, parking or other permanent improvements shall be constructed or installed within 50-feet of the right-of-way of a public street.
 - A landscaped buffer, having a minimum horizontal dimension of 25-feet, shall be maintained or planted along all side and rear parcel boundaries.

HAMPSTEAD ZONING ORDINANCE

ELDERLY & MULTI-FAMILY HOUSING ORDINANCE

(Amended 3/12/2024)

3. Minimum Horizontal Building Separation Dimension: In instances where more than a single Multi-Family Residential Structure is planned on a single tract or parcel such structures shall be separated by horizontal distance of not less than 60-feet.
4. Maximum Building Height: 35-feet.

C. OPEN SPACE REQUIREMENTS

1. For the purposes of this Multi-Family & Elderly Housing Ordinance, Open Space shall be defined as land not occupied by buildings, pavement and/or other impervious surfaces.
2. Open Space consisting of woods, lawn or other suitably landscaped “green area” shall be maintained or installed over not less than 70-percent of the total parcel area. Not more than 50-percent of this required minimum Open Space or “green area” shall consist of wetlands and/or land having a natural slope of more than 25-percent.

D. ON-SITE PARKING REQUIREMENTS

1. A minimum of two on-site vehicular parking spaces shall be provided for each dwelling unit.
2. On-site parking spaces intended for use by residents of Elderly Housing shall be constructed at a location and grade convenient to each such dwelling unit.

IV-1: 3 OWNERSHIP, AGREEMENTS & RESTRICTIONS

A. OWNERSHIP

1. Individual Elderly & Multi-Family Housing Dwelling Units constructed under this Ordinance may be either: (a) owned, managed and made available to individual residents on a lease or rental basis by a landowner or business entity; or (b) offered for sale to individual owners under a condominium form of ownership, lawfully established in accordance with RSA 356-B (New Hampshire Condominium Act) and applicable requirements of the Hampstead Land Subdivision Regulations.
2. In the case of Elderly & Multi-Family Housing sites for which a condominium form of ownership is planned, all agreements, deed restrictions and organizational provisions for management and maintenance of common land, streets/drives, private utilities, support facilities and infrastructure shall be approved by the Planning Board as part of its site plan review function. Each condominium approved under this Ordinance shall have a condominium association, whose authority and obligation to collect from dwelling unit owners such assessments as are necessary to properly maintain common land, infrastructure and facility improvements situated thereon, is permanently guaranteed by a recorded declaration having form and content acceptable to Town Counsel.

HAMPSTEAD ZONING ORDINANCE

ELDERLY & MULTI-FAMILY HOUSING ORDINANCE

(Amended 3/12/2024)

B. AGREEMENTS & RESTRICTIONS - ELDERLY HOUSING

1. Each Elderly Housing proposal advanced under this Ordinance shall be subject to permanent covenants, of a form and content acceptable to Town Counsel, which compel compliance with the Federal Fair Housing Act exemption for elderly residents and restricts dwelling unit occupancy to those aged 55-years and older.

HAMPSTEAD ZONING ORDINANCE

RECREATIONAL CAMPING AREAS

Adopted-3/11/1986

IV-2:0 Purpose

All recreational vehicles, tents and camp shelters shall be located in an approved campground, and shall comply with the requirements of the State of New Hampshire.

Nothing herein shall prevent land from being utilized, maintained or operated as a recreational campground provided that the campground meets the following requirements

IV-2: 1 Campground Requirements

All campgrounds shall conform to the following standards:

A. Dates of Operation

All campgrounds shall be permitted to operate only from April 15 through November 15.

B. Site Requirements

1. Site Plan

Site plan review and approval by the Planning Board shall be required.

2. Proximity to Existing Residences

Campsites and facilities shall be no closer than 500 feet from an existing residence.

3. Buffer Zone

Before any campground can be constructed, a buffer zone of 500 feet from lot lines for the entire perimeter of the parcel shall be maintained in its natural state. In the absence of a natural screening, additional buffer zone requirements may be imposed by the Planning Board.

4. Access Roads

Before any campground can be constructed, entrances and exits will be established with the following minimum characteristics:

- a. They will be a minimum of 25 feet wide.

IV-2: 2 State Board of Health Permit Required

Prior to the granting of an Occupancy Permit, written approval of the State Board of Health shall be furnished certifying that all facilities for water supply, toilets, sewage disposal, and solid waste disposal comply with the Board's requirements.

HAMPSTEAD ZONING ORDINANCE

RECREATIONAL CAMPING AREAS

Adopted-3/11/1986

IV-2: 3 Accessory Structures

A. Types

Permitted accessory buildings in a camping area shall be limited to the following:

Additional requirements may be imposed by the Planning Board for any other buildings or structures incidental to the recreational aspects of the campground.

1. An office for the manager and staff of the campground and an office providing adequate First Aid Facilities, both of which may be in a dwelling or service building.
2. A service building, not to exceed 1500 square feet of gross floor area, which may contain equipment and supplies, recreation rooms and a shop for convenience goods primarily for the occupants of the campground, provided that no advertising device is visible from a street or adjacent lots.
3. A service building or buildings for toilets and shower facilities.
4. Service buildings to accommodate bathers at beach or pool sites.

B. Offsets

No accessory building shall be located closer than 500 feet from the lot lines and 300 feet from the water.

C. Signs

Campground sign(s) will conform to a maximum of nine (9) square feet and be limited to one sign for each entrance.

HAMPSTEAD ZONING ORDINANCE

SWIMMING POOL ORDINANCE

Adopted-3/3/1975

IV-3:0 Purpose

The following regulations shall govern the construction, use and maintenance of all swimming pools in the Town of Hampstead. Adopted-3/12/2002

IV-3: 1 Definitions

For the purpose of this Ordinance, a swimming pool will be defined as any pool of water at least 18 inches deep, and/or 125 square feet in area and will be considered as a structure. Adopted-3/3/1975 Amended-3/12/2002

A. Private Swimming Pools

Swimming pools, either permanent or portable, constructed in connection with or on property occupied by a family dwelling and maintained by an individual primarily for the use of members of his household and guests, without charge, shall be classified as private swimming pools. Adopted-3/3/1975

B. Public Swimming Pools

All other swimming pools shall be classified as public swimming pools, and shall be subject to the regulations of the State of New Hampshire Water Supply and Pollution Control Commission pertaining to public swimming pools and bathing places. Adopted-3/3/1975

IV-3: 2 Private Swimming Pool Regulations

A. Permit

No swimming pool or accessory building shall be constructed or installed, enlarged or altered until a permit has been obtained from the Code Enforcement Officer. Adopted-3/3/1975

A permit by the Code Enforcement Officer of the Town of Hampstead shall be obtained before any swimming pool shall be installed.

B. Setbacks

All swimming pools and accessory buildings shall conform to the minimum setback from property lines, as specified in Article III-2: 4. D and Article III-3: 4.D of the Zoning Ordinance of the Town of Hampstead. Adopted-3/3/1975

C. Electrical Connections

All electrical installations provided and installed and used in connection with swimming pools shall be in conformance with the latest edition of the National Electrical Code. Amended 3/13/2001

HAMPSTEAD ZONING ORDINANCE

SWIMMING POOL ORDINANCE

Adopted-3/3/1975

D. Liability

Except for acts of trespass beyond the control of the resident, he shall have absolute responsibility for the use and maintenance of said pool. Adopted-3/3/1975

E. Special Exception

The Board of Adjustment may grant a special exception for an in-ground pool that cannot meet the setback requirements provided: Amended 03/14/2006

1. The spirit and intent of the ordinance are met.
2. There is no diminution of surrounding property values;
3. The pool pump and its housing shall not be kept, maintained or stored in a manner such as to cause an unsightly appearance and the filtration and lights systems shall not result in any illumination or noise at the closest property line.
4. The pool shall not be used for commercial purposes, or as a "community resource": for life saving or swimming lessons, except for the immediate family of the lot owner.
5. Use of the pool will be restricted to not before 7:00 AM and no later than 11:00 PM,
6. The installation of proper fencing and gating to provide child safety must be provided, and unless drained, will be covered by a child supporting safety cover during the off season; and
7. The pool shall not be allowed to fall into disrepair. If such disrepair is allowed to continue past the following July after disrepair first occurs, such shall constitute a violation of these conditions.

Above ground pools on a non-conforming lot are excluded from this provision provided all setbacks are met. Amended 03/14/2006

Above ground pools that cannot meet lot line setbacks must apply to the Board of Adjustment for a Special Exception.

HAMPSTEAD ZONING ORDINANCE

SWIMMING POOL ORDINANCE

Adopted-3/3/1975

IV-3: 3 Public Swimming Pool Regulations

All public swimming pools shall be maintained in a clean and sanitary condition during periods that the pool is in use. Adopted-3/3/1975

A filter shall be installed in all public swimming pools. Adopted-3/3/1975

IV-3: 4 Fencing Required

All public and private swimming pools shall be completely enclosed by a non-climbable fence and gate approved by the Code Enforcement Officer. Adopted-3/3/1975

The fence and gate shall not be less than four (4) feet in height above the pool walk or grade level. Adopted-3/3/1975

Gates serving the enclosed area shall have an approved locking device and shall be locked, against unauthorized entrance, when no one is in attendance at the swimming pool. Adopted-3/3/1975

Pools constructed above the ground having non-climbable walls at least four (4) feet in height shall be considered to conform to the fencing requirements, providing the gate requirements, as outlined in this section are met. Adopted-3/3/1975

IV-3: 5 Applicability to Existing Pools

Provisions of this Ordinance shall apply to swimming pools now existing and not enclosed by a fence; there is hereby established a period of sixty (60) days from the effective date hereof within which to construct such fence. Adopted-3/3/1975

IV-3: 6 Penalties

Any person violating any provisions of the Ordinance shall upon conviction, pay a fine not exceeding \$50.00 per day. Adopted-3/3/1975

HAMPSTEAD ZONING ORDINANCE

SIGNS

Adopted-3/10/1992

IV-4: 0 Purpose

The purpose of this article is to regulate the erection of signs for the purpose of providing information and advertising in an orderly, effective and safe manner. Restrictions on type location, and size of signs to protect the public from hazardous and distracting displays and create an attractive environment which is conducive to business, industry and the overall quality of the town. Adopted-3/10/1992

IV-4: 1 Where Permitted

Signs are permitted in all zones provided they conform to all provisions of this article. Adopted-3/10/1992

IV-4: 2 Permitted Types of Signs

1. Permanent - for private or commercial purposes. Adopted-3/10/1992, Revised 3/12/2019
2. Temporary - for private or commercial purposes. Adopted-3/10/1992, Revised 3/12/2019
3. Informational - for private or commercial purposes or for advertising real estate signs or temporary political signs. Adopted-3/10/1992

IV-4: 3 Prohibited Types and Locations

The following types and locations of signs are prohibited on all lands, buildings or premises of all zones:

1. Animated, moving, flashing, intensely lighted signs and signs that emit audible sound, noise, or visible matter. Adopted-3/10/1992
2. Signs which bear or contain statements, words, or pictures, or silhouettes of an obscene, pornographic or immoral character or which contain advertising matter which is untruthful or as otherwise prohibited by State Law. Adopted-3/8/2011.
3. Exterior neon signs. Adopted-3/10/1992
4. Permanent attention getting devices such as pennant strings, strings of lights, or strings of flags. Adopted-3/10/1992
5. Free standing "sandwich" signs, except as provided for under IV-4: 4 B. Amended 3/12/1996
6. Signs on trees, rocks or other natural surfaces. Adopted-3/10/1992
7. Advertising vehicles. Adopted-3/10/1992
8. Internally lit signs are prohibited in Residential Zones A and B. Revised 3/9/1993

HAMPSTEAD ZONING ORDINANCE

SIGNS

Adopted-3/10/1992

IV-4: 4 Restrictions

A. Permanent Signs

1. Only one permanent sign with a maximum display area of 6 square feet on each of two sides and a maximum height of 6 feet to the top of the sign is permitted in Zones A, B, and D. Amended 3/11/2008

a. Campgrounds are allowed one sign for each entrance.

Adopted-3/10/1992

2. C-1 Zone

Where continuous or clustered businesses are built such as in a business center or shopping center, only one general display sign of not more than eighty (80) square feet total shall be allowed and that sign must be limited to forty (40) square feet per side, to identify these businesses, which shall have a maximum height of twenty (20) feet. Adopted-3/8/2011.

One additional sign of fifteen (15) square feet may be permitted for each business, but shall be attached to that part of the building it occupies, and shall not be free standing in any way. Revised 3/9/1993

3. C-2 & C-3 Zones

Permanent advertising signs in Zones C-2 and C-3 are permitted with a total display area of not more than 160 square feet on two sides, meaning a maximum sign size of eighty (80) square feet on one side (except for #4. below,) but only as an accessory to the lawful use of a business located on said property.

Amended-3/12/1996)

Maximum height to the top of the sign is 20 feet. Amended 3/11/2008.

Where contiguous or cluster businesses are built (in Zones C-2 & C-3) only one general display sign shall be allowed and that sign must be limited to a total of eighty (80) square feet, meaning forty (40) square feet per side, to identify these businesses.

Adopted-3/8/2011.

One additional sign of fifteen (15) square feet may be permitted for each business but shall be attached to that part of the building it occupies and shall not be free standing in any way. Adopted-3/9/1993

HAMPSTEAD ZONING ORDINANCE

SIGNS

Adopted-3/10/1992

4. Additional Frontage

In Zones C-1, C-2, and C-3 where the frontage of a lot exceeds 300 feet on a single public way, a bonus aggregate area not to exceed one square foot of display area for every four linear feet of excess frontage shall be allowed and that no one sign shall exceed a maximum display area as allowed in the Zone.

Adopted-3/10/1992 Amended 3/9/1993

One additional sign shall be allowed. Adopted-3/9/1993

B. Temporary Signs

Temporary signs must be removed within thirty (30) days from the time they are erected and cannot be used more than twice per year per site. Adopted-3/10/1992

Moveable signs are considered temporary signs. Adopted-12/92

C. Informational Signs

Non-commercial informational signs with a maximum display area of nine (9) square feet are permitted. Adopted-3/10/1992

D. Illumination

1. Signs may be illuminated with incandescent or fluorescent lighting. Lighting shall be shielded so it does not present a hazard to automotive traffic.

Revised 3/9/1993

E. Projection

No sign shall project over any public way. Adopted-3/10/1992

F. Changeable Copy

Changeable copy signs can account for not more than twenty-five percent (25%) of the allowed sign area. Adopted-3/11/2011

G. Directory Signs

In Zones C-1, C-2, and C-3 where three (3) or more businesses are located on a dead-end road a directory sign may be located at the intersection with the main road provided:

1. The sign must not exceed 20 feet in height, and
2. The area of the heading must not exceed thirty (30) square feet per side, and
3. Each business listing must not exceed five (5) square feet per side, and
4. The sign is located in the Town right-of-way at a location approved by the Road Agent and Code Enforcement Officer. Revised 3/9/1993

HAMPSTEAD ZONING ORDINANCE

SIGNS

Adopted-3/10/1992

H. Special Exception

The Board of Adjustment may grant a Special Exception but only to the terms of Article IV-4: 4 provided that: Amended 3/12/1996

1. The spirit and intent of the Ordinance are met, and
2. There is no diminution of surrounding property values, and
3. The design and materials of the sign fits with the character of the Town, with Performance Standards for Commercial Zones as outlined in Article III, and are approved by the Board of Adjustment. Amended 3/8/2011.
4. Appearance and suitability to the surroundings are a major consideration in the granting of a Special Exception. Revised 3/9/1993.
5. Parcels that have been given a Special Exception for signage only (Section IV: 4) shall not be considered "non-conforming" for other zoning requirements. Amended 3/12/1996

IV-4: 5 Building Permits Required

A permit issued by the Code Enforcement Officer shall be obtained before the erection of any sign greater than six (6) square feet of display area.

Adopted-3/10/1992

Real estate signs in excess of six (6) square feet of display area with a maximum of 32 square feet display area in Zones C-1, C-2 and C-3 are allowed by permit.

Adopted-3/10/1992

Real estate sign in Zones A, B, and D that are in excess of six (6) square feet display area with a maximum of sixteen (16) square feet of display area, are allowed by permit.

Adopted-3/10/1992

The display area of real estate offering signs are in addition to the permitted signage.

Adopted-3/10/1992

This provision is not intended to control temporary political signs. Adopted-3/10/1992

Political signs are to be removed seven (7) days after the election. Adopted-3/10/1992

HAMPSTEAD ZONING ORDINANCE

SEASONAL DWELLING CONVERSION

Adopted-3/2/1976

IV-5:0 Purpose

This article establishes the requirements for the conversions of single-family seasonal dwellings to permanent occupancy. Revised-3/10/1992

IV-5: 1 Definition

For the purposes of this article, a seasonal dwelling is any existing single family home used primarily for recreational or seasonal purposes and is not the primary, year-round residence of the owner or tenant. Revised-3/10/1992

IV-5: 2 Restrictions

These regulations apply to the conversion of any seasonal single family dwelling regardless of date of construction or occupancy. Revised-3/10/1992

IV-5: 3 Where Permitted

The conversion of a single-family dwelling is permitted in the Recreational B Zone only. Revised-3/11/2008

IV-5: 4 Conversion Requirements

The conversion of a seasonal dwelling to a home which is, or may be, used as the primary or year-round dwelling shall require a Certificate of Occupancy from the Building Inspector of the Town of Hampstead ensuring compliance with all applicable town codes such as electrical code, insulation code, plumbing code and the heating system and gas inspections. A State of New Hampshire subsurface disposal system meeting the requirements of Env-Wq 1000 must be designed and installed prior the issuance of an occupancy permit. (Revised 3/28/2017 Deleted IV-5:4 A,B,C,D)

HAMPSTEAD ZONING ORDINANCE

HOME OCCUPATION REGULATION

Adopted-3/11/1986

IV-6:0 Purpose

A permit for a home occupation shall be allowed in the Residential Zone by a Special Exception from the Board of Adjustment if the occupation complies with the following.
Adopted-3/11/1986

IV-6: 2 Prohibited Occupations

No home occupation that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibrations, or similar conditions, safety of the community or lending to its disturbance or annoyance shall be allowed. Adopted-3/11/1986

IV-6: 3 Exempted Occupations

Home occupations in which neither customers nor vehicles come to the location where the business activity takes place and at which no sign is displayed, and agricultural activity, including farming are exempt from permit requirements. Adopted-3/11/1986

IV-6: 4 Pre-existing Occupations

All current home occupations will have one year to comply with this regulation.
Adopted-3/11/1986

IV-6: 5 Zoning, Dwelling, and Occupation Restrictions

A. Zoning

A permit for a home occupation shall be allowed in the Residential Zone by a Special Exception from the Board of Adjustment. Adopted-3/11/1986

B. Dwelling

1. A proposed occupation shall be incidental and secondary to the use of the property as a dwelling and shall not change the residential character of the premises. Adopted-3/11/1986
2. There shall be no physical evidence of equipment or materials visible to abutters outside the dwelling. Adopted-3/11/1986
3. No home occupation shall take place in a multi-family dwelling unless exempted from permit requirements. Adopted-3/11/1986
4. A sign permit issued from the Building Department is required. Signage shall comply with the requirements of Residential Zone A. Adopted-3/8/2011

HAMPSTEAD ZONING ORDINANCE

HOME OCCUPATION REGULATION

Adopted-3/11/1986

C. Occupations

1. No more than one business permit can be in effect for one location.

Adopted-3/11/1986

2. The occupation may be carried on by the occupant's immediate family residing at the location and not by more than two additional employees. Adopted-3/11/1986

IV-6: 6 Permit Application

The applicant shall complete and sign a form that sets forth the nature of the home occupation and provides details of the business and scope of operation and submit proof of occupancy. If the occupant is not a record owner, proof of approval by the record owner is also required. Amended 3/8/2011.

IV-6: 7 Issuance Authority and Hearings

- A. All permits for Home Occupation shall be issued by the Board of Adjustment.

Adopted-3/11/1986

- B. Prior to the issuance of a permit, the Board of Adjustment shall hold a Public Hearing and abutters will be notified of the time and date of the hearing by certified mail, such letter to include a description of the home occupation applied for and its location. Adopted-3/11/1986

- C. Before a permit is granted, a mandatory building inspection shall be made by the Town, if the public is to be served at the proposed location.

In addition, the Board of Adjustment may require a formal Site Plan Review by the Planning Board prior to the issuance of a permit if deemed necessary. Adopted-3/11/1986

IV-6: 8 Validity of Permit

A permit is valid only for the occupant and locations for which it is issued."

A permit to operate a home occupation shall be issued to the applicant only and is not transferable to a subsequent owner or occupant. Adopted-3/8/2011

IV-6: 9 Periodic Inspections

Periodic inspections of the home occupation premises may be required subsequent to the issuance of a permit in order to confirm compliance with the conditions of the original Special Exception granted. Adopted-3/11/1986

If, in the opinion of the Code Enforcement Officer the business practices originally set forth and defined in the initial approval have changed, the permit shall be revoked. Amended 3/11/2008

Permit holders whose permits are revoked may make application to the Board of Adjustment for a new permit on changed circumstances of the business.

Adopted-3/11/1986

HAMPSTEAD ZONING ORDINANCE

MOBILE HOME SUBDIVISION REGULATION

Adopted-3/8/1983

IV-7:0 Purpose

Mobile Home Subdivisions shall be solely for mobile home units. This does not include stick built homes, unitized, or modular housing. Adopted-3/8/1983

IV-7: 1 Permitted Uses

Mobile Home Units only shall be permitted as single family dwellings in Mobile Home Subdivisions approved by the Planning Board after March 8, 1983. Adopted-3/8/1983

One accessory single story building is allowed. The maximum square footage is 600 square feet. Amended 3/12/1996

IV-7: 2 Subdivision Requirements

A. Minimum Number of Lots

1. Mobile Home Subdivisions shall have a minimum of 16 lots. Adopted-3/8/1983

B. Buffer Zone/Setbacks

1. The subdivision shall have a 200-foot buffer from any existing right-of-way. Adopted-3/8/1983
2. A buffer zone of 100 feet shall be created adjacent to abutting properties. Adopted-3/8/1983
3. There shall be no structures located in any buffer zone. Adopted-3/8/1983

IV-7: 3 Lot Requirements

A. Size

Lots shall have a minimum area of 45,000 square feet based on the soil requirements. Adopted-3/8/1983

B. Frontage

The minimum frontage shall be 100 feet. Adopted-3/8/1983

The frontage requirements shall meet both conditions "a" and "b":

- a. The structure shall be set back a minimum of forty (40) feet from the edge of the right-of-way.
- b. The structure will be located where the lot has a minimum of 125 feet width parallel to the frontage. Adopted-3/8/1983

C. Setbacks

1. The setbacks from the side lot line shall be twenty (20) feet. Adopted-3/8/1983
2. The setback from the rear lot line shall be seventy-five (75) feet. Adopted-3/8/1983

HAMPSTEAD ZONING ORDINANCE

MOBILE HOME SUBDIVISION REGULATION

Adopted-3/8/1983

IV-7: 4 Site Requirements

A. Pad

Inspection before the pouring of the concrete pad by the Code Enforcement Officer.

Adopted-3/8/1983

IV-7: 5 Mobile Home Unit Requirements

A. Minimum Floor Area

With a minimum floor area of 480 square feet, together with only one single-story accessory building (not to exceed 600 square feet of floor space). Adopted-3/8/1983

B. Anchorage

There shall be proper anchorage and tie down of the unit to the pad.

Adopted-3/8/1983

C. Skirting

Skirting shall be installed between the pad and the mobile home. Adopted-3/8/1983

IV-7: 6 Permit and Required Inspections

Before placing a mobile unit on the lot within a Mobile Home Subdivision, the lot owner must obtain a permit from the Building Inspector. Adopted-3/8/1986

Upon application, such permit will be issued upon the satisfaction of the following conditions:

A. The payment of \$50.00 fee to the Town. Adopted-3/8/1983

B. Delivery to the Code Enforcement Office of an approval by the New Hampshire Water Supply and Pollution Control Commission of the septic design.

Adopted-3/8/1983

C. A certification by the manufacturer of the mobile home unit that such unit is BOCA Code and/or FHA-HUD Code certified. Adopted-3/8/1983

D. Inspection by the Code Enforcement Officer to insure:

1. Proper construction and installation of the sewerage disposal system and related plumbing in accordance with the approval plan and the Town's Building Code. Adopted-3/8/1983

2. Proper installation of electrical and water. Adopted-3/8/1983

HAMPSTEAD ZONING ORDINANCE

SEXUALLY ORIENTED BUSINESS

Adopted-3/14/2006

IV-8: 1 Purpose

This article is Adopted-for the purpose of regulating the secondary effects of sexually oriented businesses in the following areas:

- A. Protection of children.
- B. Protection of property values.
- C. Crime control.
- D. Public Health.
- E. Prevention of urban blight.

IV-8: 2 Definitions

As used in this article, the following terms shall have the meanings indicated:

SEXUALLY ORIENTED BUSINESS – Includes but is not limited to, an adult arcade bookstore or adult video store, adult cabaret, adult theatre, adult motel, nude model studio or sexual encounter center, or any other business which meets the definitions of “harmful to minors” and/or “sexual conduct as set forth in RSA 571.B.

MEASURE OF DISTANCES All distances shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall or temporary or permanent physical divider between each business.

IV-8:3 Allowed Locations and Restrictions

Sexually oriented businesses as defined above are allowed in Commercial Zone C-2 and not allowed in C-3, subject to the following requirements:

- A. No sexually oriented business shall be permitted within 750 feet of any residence, apartment, or manufactured housing, church, place of worship, parish house, convent, public or private school, kindergarten, day-care center or public sports/recreation parks; and no sexually oriented business shall be permitted within 750 feet of town boundaries.
- B. The hours of operation shall only be between 10:00 a.m. and 11:00 p.m. Monday through Saturday, and 12:00 noon to 9:00 p.m. on Sundays.
- C. The site shall be maintained daily in a condition that is free and clear of any sexual paraphernalia or packaging.
- D. Signs shall not visually depict any person in any state of nudity, semi-nude or which is not in compliance with RSA 571-B.
- E. The distance between any two sexually oriented businesses shall be a minimum of 1000 feet.

HAMPSTEAD ZONING ORDINANCE

SEXUALLY ORIENTED BUSINESS

Adopted-3/14/2006

F. The Planning Board shall review application for sexually oriented businesses under Site Plan Regulations for the Town of Hampstead. The Planning Board may impose reasonable restrictions for buffering.

G. Outdoor lighting, signage, parking, adequate ingress and egress from the site off and on to public roads, pedestrian movement, and provide for appropriate landscaping and building aesthetics consistent with the Site Plan Regulations of the Town of Hampstead and to avoid site development layout which may result in negative environmental impact to ensure that any displays of merchandise visible to the general public are in conformity with RSA 571-B.

HAMPSTEAD ZONING ORDINANCE

COMMUNICATION AND SMALL WIND ENERGY TOWERS

Adopted-3/9/1999; Revised-3/10/2009

IV-9.0 Purpose

This section concerns the use and location of towers in Hampstead, New Hampshire.

IV-9.1 Definitions

A. Communication Tower: A communication tower is a tower or apparatus for the mounting of antenna used for communication. This would include microwave, television, phone, and commercial radio nets. It does not include citizens band (CB) or amateur radio operators (ham radio) used for personal purposes.

Communication antenna hidden from view, (inside a building or steeple) do not have to meet this ordinance.

B. Small Wind Energy Towers: A tower for mounting a small wind generator, primarily for use on site. Maximum rated capacity is 60 kilowatts.

IV-9.2 Requirements

A. Location

1. A communication tower may be located only in Zoning Districts C-2 and C-3.
Adopted-3/9/1999; Replaced Adopted-3/10/2009).

A communication tower may be located on any Town-owned parcel except on conservation land and/or in Residential Zone A.

Adopted 3/10/2015, Amended 3/10/2020.

2. Small wind energy towers may be located in any zone.

B. Set Backs

Each tower must be set back from all property lines by a distance equal to the tower height plus 20 feet.

C. Structure

The tower will have a minimum structure when viewed from the side (monopoles are preferred).

Accessory buildings shall be allowed with communication towers for communication equipment use.

HAMPSTEAD ZONING ORDINANCE

COMMUNICATION AND SMALL WIND ENERGY TOWERS

Adopted-3/9/1999; Revised-3/10/2009

IV-9.3 Permits

1. Any lot proposed for a tower must have site plan approval from the Planning Board.
2. New communication towers will not be allowed if an existing tower(s) has antenna space and can provide similar service.
3. A permit for each communication tower will be granted only on the condition that the owner of said tower make space available to at least three (3) other companies, including competitors, to place antennas thereon for standard market fees unless it can be demonstrated that such antenna will electronically interfere with existing antenna.

IV-9.4 Height

The total height of any tower (plus any antenna or turbine blade thereon) shall not exceed 199 feet, in the aggregate, above ground level.

Adopted-3/9/1999 replaced 3/10/2009.

HAMPSTEAD ZONING ORDINANCE

GRAVEL ORDINANCE

Adopted-3/14/2000

IV-11:0 Purpose

This article establishes the requirements for the creation and operation of areas where soil materials are removed.

IV-11: 1 Where Permitted

- A. Soil materials are permitted to be removed by special exception in zones C-1, C-2, C-3, C-4.

IV-11: 2 Requirements

- A. All soils removal operations must comply with RSA 155-E as amended from time to time.

B. The Applicant must for an initial application receive approval from the Hampstead Planning Board and a special exception from the Hampstead Zoning Board of Adjustment (ZBA) in a joint public hearing. The ZBA shall not grant a Special Exception for the project until the Hampstead Planning Board has found that all of the provisions of RSA 155-E: 3, 4, 4-a, and 5 have been satisfied. Thereafter, if a special exception is granted the applicant shall apply annually to the Planning Board ("Regulator") for an annual excavation permit.

- C. The ZBA can only grant approval if all of the requirements have been satisfied:

1. No diminution in area property values and the excavation will not unreasonably change the character of the neighborhood; and
2. No unreasonable acceleration of the deterioration of highways or the creation of safety hazards; and
3. No creation of any nuisance or health or safety hazard; and
4. Subject to the granting of a permit to excavate by the Planning Board upon and following the conditions set forth in Paragraphs D, E, F, and G below.

- D. The Planning Board shall hold one (1) public hearing prior to the joint meeting of the ZBA to review the application during which any discrepancies or failures to abide by a previous permit will be noted to the applicant.

HAMPSTEAD ZONING ORDINANCE

GRAVEL ORDINANCE

Adopted-3/14/2000

E. The Planning Board shall engage an engineer at the applicant's expense to review the application and to make recommendations that the reclamation bond required is satisfactory to cover the anticipated cost of the submitted reclamation plan and to recommend any conditions or requirements to address issues such as traffic control, noise, dust control, fuel handling, site security, and hours of operation. All fees due from the engineering review are to be paid by the applicant prior to the issuance of the permit and prior to any excavation occurring on the site. If any of such recommendations from said engineer are Adopted-by the Planning Board, they shall be attached to the permit at the joint meeting with the ZBA and shall become conditions and requirements of the permit to excavate.

F. Under no circumstance shall any hazardous materials other than fuel for equipment currently working at the site be stored at a soils removal site. All fuel storage must be in compliance with Federal and State regulations.

G. A fee of fifty dollars as described by RSA 155-E shall be provided with the completed annual application.

IV-11: 3 Special Exception

If the special exception is approved, the Planning Board shall issue a permit with such conditions as are set forth above, which must be renewed annually by following the procedure as set forth in paragraph IV-10: 2 D, E, and G, in order for soil removal to continue. Permits shall run from the next following April 1st to the then following March 31st of each year regardless of when a special exception has been granted. No excavations shall continue or occur after the expiration of the permit until and unless such permit has been renewed in accordance with this ordinance.

Re-Adopted-3/13/2001

HAMPSTEAD ZONING ORDINANCE

BUFFER REQUIREMENTS

Adopted-3/12/2002

IV-12 Buffer Area

1. For commercial sites and/or commercially zoned properties and for schools, churches, hospitals, sanatoria, and libraries as permitted in the residential zone A when they abut residential property must adhere as follows: Adopted-3/11/2008
 - A. The said property have a fifty (50) foot buffer zone, beginning on the boundary line of the site under development and said residential abutter. The Board may require a landscaped buffer or a mix of landscaping and natural growth sufficient to screen the abutting properties. Adopted-3/11/2008
 - B. The buffer is to be a screen of shrubbery and trees. The height and type of buffer shall be comparable with the existing vegetation in the area. The width of the screen to be sufficient year round to provide adequate screening to the abutters.
 - a. Adopted-3/9/2004
 - C. The screen to be maintained suitably by the owner. Adopted-3/9/2004
 - D. Existing natural growth may be considered as part of the screen.
 - a. Adopted-3/9/2004
 - E. No parking spaces may be located within any part of that buffer zone.
 - a. Adopted-3/9/2004
 - F. Only an access road, where required and approved, may encroach upon said buffer. Adopted-3/9/2004

HAMPSTEAD ZONING ORDINANCE

AIRPORTS AND HELIPORTS

Adopted-3/9/2004

IV-13:0 Purpose

This article includes the minimum requirements for establishment of a public or private airport or heliport, in all zones.

IV-13: 1 Definitions

FAA: Federal Aviation Administration

FAR: Federal Aviation Regulations

ZBA: Zoning Board of Adjustment

Trip: For this section, defined as one take off and one landing

VFR: Visual flight rules

IV-13: 2 Where Permitted

1. Public airports and heliports are permitted in all zones with an approved Site Plan from the Planning Board and a majority vote of the Governing Body.
2. Private airports and heliports are permitted in all Commercial Zones after Planning Board approval of a Site Plan for that site.
3. Private airports and heliports may be permitted in Residential Zone A as an accessory use with a Special Exception from the ZBA subject to the requirements of this section.

IV-13: 3 Requirements

- a. None of the following requirements shall limit the operation of aircraft for Government or Medical purposes.
- b. No tenet propounded herein shall contravene or circumvent the appropriate FAR.
- c. Persons proposing to construct or activate an airport or heliport are required to notify the FAA of their intent. Copies of this FAA application, and a request for hearing, must also be submitted to appropriate Hampstead Board within one (1) month. The Board will notify abutters and hold a Public Hearing at the next available meeting.
- d. Before beginning operation as an airport or heliport the site must have FAA, New Hampshire Aeronautics Commission (if appropriate) and Town of Hampstead approval (Governing Body, Planning Board, or ZBA).

HAMPSTEAD ZONING ORDINANCE

AIRPORTS AND HELIPORTS

Adopted-3/9/2004

- e. Any aircraft operations shall be daytime VFR (between one-half hour before sunrise and one-half hour after sunset).
- f. At private airports and heliports in the Residential Zone, aircraft are limited to a maximum of 4 seats, and two trips per day.
- g. Applicants shall submit a noise exposure map, prepared by a professional engineer, for the proposed flight path(s). The (Planning or ZBA) Board reviewing the proposal will determine if the noise level is appropriate for the neighborhood and the abutters.
- h. The lot on which the airport or heliport is housed shall contain at least three (3) acres. The landing strip or zone shall be set back at least 50 feet from any property line. Further setbacks may be required if abutting structures are nearby.
- i. Facilities for fueling are not permitted on private airports or heliports in the residential zone.
- j. All abutters and property owners within 500 feet of the take off and landing flight path, shall be notified of any hearing(s). Adopted-3/9/2004
- k. Only maintenance or repair of the lot owner's aircraft will be permitted on the premise. The repair of other aircraft and or aircraft parts shall be prohibited.
- l. Only aircraft owned or used by the property owner shall be allowed to use the private airport/heliport in a residential zone. Adopted-3/13/2007

HAMPSTEAD ZONING ORDINANCE

ACCESSORY DWELLING UNITS (ADU)

Adopted-3/28/2017

IV-14.0 Purpose

This section concerns the permitting and use of Accessory Dwelling Units (ADU). This provision is adopted as an innovative land use control under RSA 674:21 and the Planning Board is vested with sole authority to administer it and to grant conditional use permits for ADUs.

IV-14.1 Definition

Accessory Dwelling Unit (ADU) means a residential living unit that is within or attached to a single-family dwelling 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 Primary Dwelling Unit (PDU) it accompanies.

IV-14.2 Conditional Use Permit Requirements

A. Approval

ADUs must receive a conditional use permit from the Planning Board before construction or use. Applications for a conditional use permit shall be subject to the same procedures as site plan review. The Planning Board may grant a conditional use permit for an ADU provided that the Planning Board finds all of the following criteria are met:

1. Location

ADUs are only allowed in Residential Zone A and Recreational Zone B.

2. Lot Size

The lot with an ADU must meet the full lot size requirements for the residential zone in which the lot is located as given by II-1 (Soil Based Lot Size).

3. Septic

The septic system for a lot with an ADU must be of sufficient size to handle all bedrooms in the primary and accessory dwelling units and comply with RSA 485-A:38. This fact must be verified by a State of New Hampshire licensed septic designer and approved by the Hampstead Building Department. Revised 3/12/2019

4. Well/Water Source

The lot must have an adequate well/water source to serve the combined needs of the PDU and ADU. The lot may have off-site public-use water supply, or have an on-site well that is tested regularly for NH state environmental requirements.

HAMPSTEAD ZONING ORDINANCE

ACCESSORY DWELLING UNITS (ADU)

Adopted-3/28/2017

5. Structure and Use

- a. The ADU is contained within or will be an addition to an existing or proposed single family dwelling.
- b. The ADU shall be less than 50% of the square area of the PDU and shall be incidental and subordinate to the PDU.
- c. The ADU must be designed such that the appearance of the structure remains that of a single-family dwelling.
- d. The primary and accessory units shall be connected by an interior door.
- e. Only one Accessory Dwelling Unit is permitted per lot.
- f. No more than two bedrooms are permitted in the Accessory Dwelling Unit.
- g. Occupancy in the ADU is limited to the use of two people per bedroom unless the septic system is designed and installed to accommodate more occupants per bedroom.
- h. The owner of the lot must occupy either the PDU or the ADU as the owner's primary place of residence. The owner must provide evidence that the lot is the owner's principal place of residence. If ownership is by a legal entity (such as a corporation, LLC, trust, etc.) the "owner" for this section has to be the majority owner of the legal entity. (Revised 3/13/2018).
- i. Any lot with an ADU must have sufficient off-street parking to meet the combined needs of the PDU and ADU.
- j. The PDU, ADU, and lot shall be owned by the same person.

IV-14.3 Detached Accessory Dwelling Units

Detached Accessory Units are not allowed. A detached unit includes but is not limited to a connection from one structure with an ADU to another structure with the PDU by a breezeway.

HAMPSTEAD ZONING ORDINANCE

ACCESSORY DWELLING UNITS (ADU)

Adopted-3/28/2017

IV-14:4 Certification

Any owner who applies to build an accessory dwelling unit in either an existing single-family home or proposed single-family home must sign a certification that the owner will occupy either the PDU or ADU as the owner's principal place of residence. When a lot with an existing approved ADU or in-law apartment is sold or conveyed to a new owner, the new owner must sign the same certification. The signed certification shall be recorded at the owner's expense in the Rockingham County Registry of Deeds. The certification for a lot with an existing approved ADU or in-law apartment shall be filed in the Rockingham County Registry of Deeds at the time title is transferred and a failure to do so will invalidate the previous approval.

IV-14:5 Restrictions

The PDU, ADU, or lot cannot be converted to a condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling.
(This has replaced Section IV-14 Inlaw/Accessory Apartments dated 3/13/2007.)

HAMPSTEAD ZONING ORDINANCE

BOARD OF ADJUSTMENT

Adopted-12/17/1968

V-2:0 Term of Membership

The Board of Adjustment shall consist of five (5) members and up to three (3) alternates. One third of the members and alternates shall be appointed annually for a term of three (3) years by the Board of Selectmen. The Board shall function under the appropriate New Hampshire Revised Statutes Annotated. Adopted-3/9/2004.

The Board shall function under the New Hampshire Revised Statutes Annotated, Chapter 674:33, 676:5 through 676:7 and Chapter 677 or any amendments thereto. Adopted-12/17/1968

V-2: 1 Powers of the Board

The Board of Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement hereof or any ordinance Adopted-pursuant thereto.

Adopted-12/17/1968

B. To hear and decide special exceptions to the terms of the Ordinance upon which such Board is required to pass under such Ordinance. Adopted-12/17/1968

To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done and granting the variance will cause no diminution of surrounding property values. Adopted-12/17/1968, Revised 3/8/1988

C. In exercising the above-mentioned powers, such Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Adopted-12/17/1968

D. The concurring vote of three (3) members of the Board shall be necessary to reverse any action of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. Adopted-12/17/1968

HAMPSTEAD ZONING ORDINANCE

APPENDIX

TABLE 1A

Minimum Lot Sizes by Soil Type

THE MINIMUM LOT SIZE IN THE TOWN OF HAMPSTEAD IS 45,000 SQUARE FEET

Soil Type	B Slope	C Slope	D Slope	E Slope
111-H	31750	35250	40000	46000
112-H	31750	35250	40000	46000
114-H	77000	89000	106000	132000
117-H	54500	60500	67500	77000
118-H	65750	74750	86750	104500
121-H	31750	35250	40000	46000
122-H	31750	35250	40000	46000
124-H	77000	89000	106000	132000
127-H	54500	60500	67500	77000
128-H	65750	74750	86750	104500
161-H	31750	35250	40000	46000
164-H	77000	89000	106000	132000
167-H	54500	60500	67500	77000
168-H	65750	74750	86750	104500
211-H	31750	35250	40000	46000
212-H	31750	35250	40000	46000
214-H	77000	89000	106000	132000
217-H	54500	60500	67500	77000
218-H	65750	74750	86750	104500
221-H	40000	46000	54500	67500
222-H	40000	46000	54500	67500
223-H	54500	60500	67500	77000
224-H	77000	89000	106000	132000
227-H	54500	60500	67500	77000
228-H	65750	74750	86750	104500
231-H	40000	46000	54500	67500
234-H	77000	89000	106000	132000
237-H	54500	60500	67500	77000
238-H	65750	74750	86750	104500
243-H	54500	60500	67500	77000
247-H	54500	60500	67500	77000
248-H	65750	74750	86750	104500
253-H	54500	60500	67500	77000
257-H	54500	60500	67500	77000

HAMPSTEAD ZONING ORDINANCE

Soil Type	B Slope	C Slope	D Slope	E Slope
258-H	65750	74750	86750	104500
261-H	40000	46000	54500	67500
263-H	54500	60500	67500	77000
264-H	77000	89000	106000	132000
267-H	54500	60500	67500	77000
268-H	65750	74750	86750	104500
275-H	40000	46000	54500	67500
311-H	54500	60500	67500	77000
312-H	54500	60500	67500	77000
313-H	54500	60500	67500	77000
314-H	77000	89000	106000	132000
317-H	54500	60500	67500	77000
318-H	65750	74750	86750	104500
321-H	54500	60500	67500	77000
322-H	54500	60500	67500	77000
323-H	54500	60500	67500	77000
324-H	77000	89000	106000	132000
325-H	54500	60500	67500	77000
327-H	54500	60500	67500	77000
328-H	65750	74750	86750	104500
331-H	54500	60500	67500	77000
332-H	54500	60500	67500	77000
333-H	54500	60500	67500	77000
334-H	77000	89000	106000	132000
337-H	54500	60500	67500	77000
338-H	65750	74750	86750	104500
343-H	54500	60500	67500	77000
344-H	77000	89000	106000	132000
347-H	54500	60500	67500	77000
348-H	65750	74750	86750	104500
353-H	106000	132000	N/A	N/A
354-H	106000	132000	N/A	N/A
357-H	106000	132000	N/A	N/A
358-H	106000	132000	N/A	N/A
361-H	54500	60500	67500	77000
363-H	54500	60500	67500	77000
364-H	77000	89000	106000	132000
367-H	54500	60500	67500	77000
368-H	65750	74750	86750	104500

HAMPSTEAD ZONING ORDINANCE

Soil Type	B Slope	C Slope	D Slope	E Slope
374-H	77000	89000	106000	132000
375-H	54500	60500	67500	77000
411-H	77000	89000	106000	132000
412-H	77000	89000	106000	132000
413-H	77000	89000	106000	132000
414-H	77000	89000	106000	132000
417-H	77000	89000	106000	132000
418-H	77000	89000	106000	132000
421-H	77000	89000	106000	132000
422-H	77000	89000	106000	132000
423-H	77000	89000	106000	132000
424-H	77000	89000	106000	132000
427-H	77000	89000	106000	132000
428-H	77000	89000	106000	132000
431-H	77000	89000	106000	132000
432-H	77000	89000	106000	132000
433-H	77000	89000	106000	132000
434-H	77000	89000	106000	132000
437-H	77000	89000	106000	132000
438-H	77000	89000	106000	132000
443-H	77000	89000	106000	132000
444-H	77000	89000	106000	132000
447-H	77000	89000	106000	132000
448-H	77000	89000	106000	132000
453-H	106000	132000	N/A	N/A
454-H	106000	132000	N/A	N/A
457-H	106000	132000	N/A	N/A
458-H	106000	132000	N/A	N/A
461-H	77000	89000	106000	132000
463-H	77000	89000	106000	132000
464-H	77000	89000	106000	132000
467-H	77000	89000	106000	132000
468-H	77000	89000	106000	132000
475-H	77000	89000	106000	132000

HAMPSTEAD ZONING ORDINANCE

The soil type listed below have one or more limiting characteristics that make the soil type "NA" or require on-site investigation no matter what other characteristics of the soil may be present.

Soil Type	Minimum Lot Size
5***11	NA. poorly drained <u>Amended 3/14/2006</u>
6***11	NA. very poorly drained
*75*11	NA. flood plain soil
*66*11	NA. fill does not meet the Standards for fill materials (see Key to soil Types)
76*11	On-site evaluation needed

"NA" means "not allowed"

"*" means "any slope or other number"

Minimum lot size interpretation is based on Table 1, page 226 of the Draft Water Quality Management Plan Southern Rockingham Planning Commission 2.08 Project and further evaluations.