

ZONING LAWS AND REGULATIONS



Wilton, New Hampshire

MARCH 1981

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WILTON ZONING ORDINANCE

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WILTON ZONING ORDINANCE

ARTICLE I. PREAMBLE

In pursuance of authority conferred by Chapter 31, N.H. Revised Statutes Annotated, as amended, the following Ordinance is hereby enacted by the voters of the Town of Wilton, New Hampshire, in Official Town Meeting this 10th day of March, 1981.

The purpose of this ordinance is to promote and protect the health, safety, prosperity, convenience or general welfare of the inhabitants, as well as efficiency and economy in the process of development of the incorporated Town of Wilton, by the promotion of good civic design and arrangements including protection of farmlands and open space, by wise and efficient expenditures of public funds, the adequate provision of public utilities and other public requirements, and by other means. The Articles of this Ordinance take precedence over the articles of the "Wilton Code for Building and Sanitation" and supercede all "Zoning Ordinances" previously adopted by the Town of Wilton, New Hampshire.

ARTICLE II. DISTRICTS

For the purpose of this ordinance the Town of Wilton is divided into districts as shown on the zoning map filed with the Town Clerk and dated March 9, 1971, and including the following: (1) Residential District; (2) General Residence and Agricultural District; (3) Commercial District; (4) Industrial District; (5) Office Park District; (6) Flood Plain Conservation District; (7) Wetland Conservation District.

ARTICLE III. DEFINITIONS

For the purpose of this Ordinance, certain terms are defined as provided in this section.

A. Home produce and products means and includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on on the property of the resident; also such articles as are manufactured or altered by members of the household of the bona fide resident of any property.

B. Right of Way means and includes all town, state and federal highways and the land on either side of same as covered by statutes to determine the width of the rights of way.

C. Tourist Home means any place consisting of a room or group of rooms located on one premise where transient accommodations for sleeping or living purposes for not more than six persons are provided for a price.

D. Accessory building means a building subordinate to the main building on a lot used for purposes incidental to those of the main building.

E. Trailer Park or Mobilehome Park means a land area occupied or designed for occupancy by two or more house trailers in use for living purposes.

F. Front Yard is a space extending for a full width of a lot between the extreme front line of a building and the nearest right of way.

G. Frontage means the length of the lot bordering on the public right of way.

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

I. Non-conforming Land Use. A non-conforming land use is a use of any land which does not conform to the regulations of the district in which such use exists.

J. Lot of Record. Land designed as a separate and distinct parcel in a legally-recorded deed filed in the record of Hillsborough County, New Hampshire.

K. Lot Line. A line dividing one lot from another.

L. Sign. Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any structure; or produced by painting on or posting or placing printed, lettered, pictured, figured or colored material on any building, structure or surface; provided however, that signs placed or erected by the Town or the State for the purpose of showing street names or traffic directions or regulations or other municipal or governmental purposes shall not be included herein; nor shall this include signs which are a part of the architectural design of the building.

M. On the Town Zoning Map, districts and land areas will be shown in the following colors:

- Residential - Blue
- General Residential and Agricultural - White
- Commercial - Red
- Industrial - Yellow
- Public, State and Town Property - Green
- Office Park - Orange
- Wetland Conservation District - Purple
- Flood Plain District - Brown

N. Dwelling Unit:

1. Single family
 - a. One independent non-profit housekeeping unit.

2. Duplex family

a. Two (2) dwelling units attached, designed or arranged as separate housekeeping units.

3. Multi-family

a. Three (3) or more dwelling units attached, designed or arranged as separate housekeeping units.

O. Family. One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

P. Lot. A parcel of land occupied or capable of being occupied by one building or use, and the building or uses accessory thereto, including such open spaces and yards as are required by this ordinance.

ARTICLE IV. GENERAL PROVISIONS

The following restrictions are placed upon the alteration and/or removal of natural materials from any parcel of land in order to maintain a safe, healthy and harmonious atmosphere for all in the Town of Wilton.

A. Alteration and removal of materials.

1. The removal of sod, loam, clay, sand, gravel or other natural inorganic material from any premises in any District is allowed in instances when such removal is (1) incidental to the lawful construction or alteration of a building or structure, or the lawful construction of a way (including driveway), on the portion of the premises where removal occurs; or (2) incidental to the construction or operation of public works by the Town or the State at the location where the removal occurs. Otherwise, the removal of such materials or any of them from any premises in any District is prohibited except that such removal may be authorized by the Board of Adjustment by special permit in any instance where the Board determines that the removal will be advantageous to the premises in question or to the neighborhood, or otherwise desirable, and will be of such character and can be so accomplished that by proper re-grading, re-loaming, re-seeding or other means which shall be required, assure that the premises will be left in slightly condition and protected against erosion.

B. Sanitary Protection

All sanitary waste will be properly disposed of in such a manner to prevent all health hazards. All uses as set forth below shall be serviced either by individual septic systems or the town sewer system. An individual septic system shall meet the following specifications.

1. Individual Septic System

a. All sanitary systems shall hereinafter be constructed and maintained in accordance with standards set and enforced by the N.H. State Department of Health and Welfare and by the N.H. Water Supply and Pollution Control Commission.

b. System shall be inspected before covering by the State of New Hampshire, or Town of Wilton, with cost borne by the installer.

2. Town Sewer System.

ARTICLE V. RESIDENTIAL DISTRICT

The purpose of this district is to provide opportunities for mixed types of residential uses with a high density. The extent of this district is determined by the designated residential boundaries on the zoning map and by the service of public water and sewerage systems.

A. A building may be erected, altered or used and a lot may be used or occupied for:

1. Single family and two-family dwellings and uses accessory thereto.
2. Upon site plan approval by the Planning Board, multi-family dwellings of three families or more.
3. Churches, synagogues, parish houses, convents, hospitals, sanatoriums, day nurseries and kindergartens; recreational, fraternal and civic buildings, and grounds for games and sports, except those carried on primarily for gain.
4. Municipal buildings, schools and institutions of higher education.

B. The following uses by special exception of the Board of Adjustment may be permitted after review of plans showing location, lay-out, and utilities and if, in its judgement the Board finds that the use will not create traffic congestion, fire hazards, nor be offensive to surrounding property owners because of lights, noise, and odors, or tend to reduce the value of the surrounding property, has adequate sewage and water facilities and sufficient off-street parking, will preserve the attractiveness of the Town:

1. Any home occupation shall be permitted as an accessory use provided it complies with the other requirements of this Article. Such home occupation shall be carried on by the resident owner, resident members of the owner's family, or a resident tenant, resident members of the tenant's family. Two on-premise employees who are not part of the family are permitted. The business use shall be incidental and secondary to the use of the dwelling unit for residential purposes. No additions or changes shall be made to the residence or accessory buildings that will make it impractical to revert to purely residential use. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. Exterior storage of materials shall not be permitted.

2. In addition to the parking area required for primary residential use, sufficient offstreet parking space shall be provided for any non-resident employees, customers and suppliers who may normally be expected to need parking space at one time. Driveways may be used for client parking; where additional space is desired, a maximum of two (2) parking spaces is permitted but shall not be located in the front yard. Parking spaces shall be a minimum of 9' x 18' per space. No traffic shall be generated by such activity in substantially greater volume than would normally be expected in the neighborhood. When a business outgrows the standards established for a home business, it must relocate into a commercial or industrial district.

C. Required lot area

1. Lot size shall be one-half acre per dwelling unit

except those lots not served by public water and sewage shall be one acre per dwelling unit.

2. The frontage shall be one hundred (100) feet on a public right of way, Class V or better.

3. Setbacks. Thirty-five (35) feet front. Side lot aggregate thirty-five (35) feet, with minimum of fifteen (15) feet for any one side yard for interior lots.

For each corner lot, side yard abutting street side shall be thirty-five (35) feet.

4. A detached private garage may be erected and maintained if not closer to side lot line than fifteen (15) feet on an interior lot and twenty-five (25) feet on a corner lot and thirty-five (35) feet to the front yard line.

5. Height of buildings not to exceed forty-five (45) feet or two stories.

D. Trailers and Mobile Homes

The use of land for the accomodation of trailers and/or mobile homes is prohibited. However, any property owner or lessee may accommodate the trailer of a non-paying guest for a period not exceeding thirty (30) days in any year.

E. Signs

Property owners with business, profession, or service enterprise shall be allowed two advertising signs not to total over eight (8) square feet in area for each sign; also, two signs pertaining to the lease, sale or use of a lot or building on which they are placed, shall not exceed a total area of five (5) square feet for each sign. Flashing or moving signs shall be prohibited. Top of any sign shall not be over 20 feet from existing ground level. Illuminated signs shall be in keeping with the character of the neighborhood.

ARTICLE VI. GENERAL RESIDENCE AND AGRICULTURAL DISTRICT

A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes, and in accordance with the following provisions:

A. Any use permitted in the Residential District under the same provisions as apply to residences in those districts, except that the lot areas shall be governed by Article VI, Paragraph C.

B. All general farming and forestry activities.

C. Required lot area

1. Lot areas shall be determined by soil type and slope classification for septic tank effluent disposal systems. The frontage shall be not less than two hundred (200) feet on a public right of way, Class V or better. The lot area for single and multi-family dwelling units shall comply with soil and slope classifications for septic tank effluent disposal systems per dwelling unit.

a. Slight limitation, determined by soil type and slope classification shall be a minimum of one acre. (Letters and numbers will be entered here that correspond to soil and slope maps in the Clerk's office of the Town Hall as prepared by the Hillsborough County Conservation District.)

b. Moderate limitation, determined by soil type and slope classification, shall be a minimum of one and a half acres. (Letters and numbers will be entered here that correspond to soil and slope maps in the Clerk's office of the Town Hall as prepared by the Hillsborough County Conservation District.)

c. Severe limitation, determined by soil type and slope classification, shall be a minimum of two acres. (Letters and numbers will be entered here that correspond to soil and slope maps in the Clerk's office of the Town Hall as prepared by the Hillsborough County Conservation District.)

d. Construction on ungraded soil, e.g. map symbols 299, GP and sand pits, shall only be allowed by special exception, after review of plan showing location, layout, utilities and if in its judgment the Board of Adjustment finds that the use will not create a hazard to the occupant of the land, the abutters, the ground water and the health and welfare of the residents of the Town of Wilton.

2. Location of on-site disposal fields.

a. To avoid high concentration of effluent discharges in a localized area, no disposal field shall be located within the required setback as measured from the property line.

3. Any proposed building development, meeting the requirements of Article V, B, 1 above, that exceeds four (4) dwelling units per owner or developer during any one year shall have prior approval of the Planning Board based upon satisfactory submitted working plans. Said Planning Board shall impose requirements, restrictions or changes to such plans as deemed necessary for public safety and protection in areas of drainage, health, pollution, fire, safety, roads, etc. Such owner, developer or agents thereof shall have recourse to the Board of Adjustment to set aside, all or in part, those requirements so imposed.

4. Cluster development of dwelling units may be permitted provided that the following conditions are met:

a. Minimum development site not less than fifteen (15) acres.

b. Minimum frontage on a public right of way, Class 5 or better, shall be no less than five hundred (500) feet.

c. Dwelling unit density shall be determined by the Planning Board but shall not exceed a ratio density of four (4) dwelling units per acre. Total number of dwelling units will be determined by the total acreage being submitted for development including land that shall be restricted by Section d below.

d. Forty percent (40%) of said land shall be restrictive deeded and set aside as open space in a method prescribed by the Planning Board.

e. Prior approval of the Planning Board shall be based upon satisfactory working plans. Said Board shall impose requirements, restrictions or changes to such plans as deemed necessary to serve the best interests of the Town and for public safety and protection in areas of health, pollution, fire safety, roads, access, recreational facilities, construction, architecture, sidelines and set-back, etc. The developer,

owner or agent thereof, shall have recourse to the Board of Adjustment to set aside or change such restrictions, or requirements, all or in part, as imposed.

f. A public hearing shall be held prior to approval if potential population increase exceeds ten percent (10%).

D. Yards Required.

No building or other structure shall be erected or used nearer to any lot line than twenty-five (25) feet.

E. Trailers and Mobile Homes: Trailer Parks and Mobile Home Parks

1. Trailers and mobile homes.

An individual house trailer or an individual mobile home may be located anywhere in this district provided it meets all frontage, front yard, side and back yard minimum land area, and Sanitary Protection requirements in this ordinance. Open space under the trailers and mobile homes shall be enclosed with suitable "skirting."

2. No Trailer Parks or Mobile Home Parks shall be permitted without the prior approval of the Planning Board and the decision of approval is to be based on the proposed layout as evidenced by satisfactory working plans.

F. Signs

Property owners with business, professional or service enterprises shall be allowed two (2) advertising signs not to total over eight (8) square feet in area for each sign; also two signs pertaining to the lease, sale or use of a lot or building on which they are placed not to exceed a total area of five (5) square feet for each sign. Flashing or moving signs shall be prohibited. Top of any sign shall not be over 20 feet from existing ground level.

ARTICLE VII. COMMERCIAL DISTRICT

A. A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and in accordance with the following provisions:

1. Any use permitted in the General Residence and Agricultural District under the same provisions as apply to residences in said district.

2. Lodging houses, apartment houses, hotels, inns, motels, tourist courts, cabins, including such retail businesses within these permitted buildings as are conducted for the convenience of the residents or guests shall be permitted.

3. Restaurants and other retail establishments.

4. Garages, parking lots and filling stations.

5. Business offices.

6. Theatres, halls, clubs and amusement centers.

7. Greenhouses, florist shops.

8. Funeral homes.

9. Wholesale establishments in connection with permitted retail establishments, warehousing of merchandise for retail sale within the District.

B. Yards Required: Except Main Street from Milford Line to Forest Street

1. There shall be a front yard on each lot which shall be not less than thirty-five (35) feet in depth, or at a depth to conform with existing buildings.

2. Each side yard shall be not less than twenty-five (25) feet wide.

3. There shall be a rear yard on each lot the depth of which shall be not less than twenty (20) feet.

C. Percentage of Lot Coverage

Not more than seventy-five (75) per cent of the area of any lot shall be occupied by buildings, except when authorized as a special exception by the Board of Adjustment.

D. Signs

Property owners shall be allowed two (2) advertising signs or advertising structures relating only to the use or uses conducted in the building or on the immediate premises thereof. Each sign shall not total over one hundred (100) square feet in area.

ARTICLE VIII. INDUSTRIAL DISTRICT

This district provides a location for the establishment of plants to improve employment opportunities and broaden the tax base in the Town of Wilton.

Permitted uses are manufacturing, compounding, processing, packing, treatment or warehousing of goods and products, research and/or testing laboratory, and offices provided the use meets standards of performance of this ordinance.

A. A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes, and in accordance with the following provisions:

1. Industrial establishments will meet the following provisions:

a. All future industrial establishments in this district must receive prior approval to build based on the proposed layout as evidenced by satisfactory working plans submitted to the Planning Board under the Non-Residential Site Plan Review procedure adopted by the Planning Board.

b. Any expansion of any existing industrial establishment must have prior approval based on the proposed layout as evidenced by satisfactory working plans submitted to the Planning Board under the Non-Residential Site Plan Review procedures adopted by the Planning Board.

c. Any alterations of the nature of the industry carried on in an existing industrial establishment must have prior approval from the Planning Board under the Non-Residential Site Plan Review procedure adopted by the Planning Board.

B. Permitted Uses:

1. Every use shall be operated so that it will minimize negative environmental impacts to neighboring properties from emissions of smoke, noise and odors, vibrations, discharges, and shall conform to all State and Federal regulations and the following performance standards.

a. Vibrations: Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line of the property on which the use is located.

b. Noise: Objectionable noise due to intermittent beat frequency, or shrillness shall be muffled or eliminated so as not to become a nuisance to adjacent property. No noise shall be perceptible without instruments, at any point of the property line on which the use is located.

c. Odor: Every use shall be so operated as to prevent the emission of objectionable or offensive odors in any such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.

d. Smoke: No use shall be so operated that it degrades the quality of the air by emitting smoke or particulate matter.

e. Discharges: No use shall be so operated that it emits hazardous waste or materials.

C. Lot Requirements

1. Frontage shall be not less than two hundred (200) feet.

2. Percent of lot covered by buildings, parking and driveways shall not be more than a maximum of sixty (60) percent of the lot size.

3. Setbacks must be such that no building or other structure shall be erected or used closer to the public right of way than forty (40) feet at a minimum with a minimum of twenty (20) feet each side and forty (40) feet at the rear.

4. Off-street parking facilities must be provided on a basis of one (1) parking space for every 1.2 employees and based upon highest expected employee occupancy and anticipated visitors.

5. Access to the highway shall require a State permit or Town permit. Approval for more than one access must have Planning Board approval.

D. Conditions for Use of Area Water Supply

1. Uses which are to be served by the public water supply system shall undergo a review by the Planning Board to ensure the proposed use would not require more than 10% of available capacity as determined by the system's current safe yield and average daily water usage at the time of the proposed development. In any circumstance, where the Town of Wilton may require professional assistance or additional information to make a determination of compliance, the developer shall be required to pay the costs associated with obtaining this assistance.

2. In areas not served by the public water system, industries shall obtain their own water supply; in cases where industries shall be utilizing a private well to supply adequate water for manufacturing and employee use, the following performance standards will be applied in an effort to avoid depletion of water supplies for neighboring uses:

a. In areas determined by the United States Geological Survey (U.S.G.S.) as having a high potential to yield

water, proposed uses may require up to a maximum of 4,000 GPD of ground-water from a drilled well.

b. In areas determined by the U.S.G.S. as having medium potential for yielding water, proposed uses may require up to a maximum of 2,000 GPD of ground-water supply from a drilled well.

c. In areas determined by the U.S.G.S. as having low potential for yielding water, proposed uses may require up to a maximum of 1,000 GPD of ground-water supply from a drilled well.

d. In areas determined by the U.S.G.S. as generally yielding enough water for domestic supplies, proposed industrial uses shall not require more than a maximum of 750 GPD of ground-water supply from a drilled well.

3. In cases where the developer will pay the costs of having hydrogeological testing performed on the proposed development area, the Town of Wilton may modify the above limits based on the results of the testing which indicate the location and extent of groundwater sources and their ability to sustain a constant yield of water supply without unreasonable reduction of water supply to adjacent uses.

E. Traffic Generation:

1. Industrial uses shall be permitted to generate traffic in keeping with the character of the roadway from which the use has access and egress, according to the following schedule:

<u>Street Access</u>	<u>Allowed Trip Generation per Acre</u>
Class IV and Class V Roads	0 - 10 Average Daily Trips
Class I and Class II Roads	0 - 150 Average Daily Trips

F. Signs

1. Industrial property owners shall be allowed two (2) on-site advertising structures relating only to use or uses conducted on the premises. Total advertising area shall not exceed 100 square feet and must not be placed within 15 feet of lot lines so as not to obstruct free and clear vision of automobile or pedestrian traffic. Flashing or moving signs shall be prohibited. Top of any sign shall not be over 30 feet from existing ground level. Illuminated signs shall not cause glare beyond the property line.

G. Uses not Permitted:

1. Residential uses are not permitted in the Industrial District.

H. Uses by Special Exception:

1. Commercial uses are permitted in the Industrial District by special exception. Said commercial use will only be allowed upon special exception by the Board of Adjustment and Non-Residential Site Plan Review by the Planning Board. In considering an application for special exception under this paragraph, the Board shall consider whether or not the use will create traffic congestion and fire hazards; its effect on surrounding property owners because of lights, noise, odors, or other factors relating to the use; its effect on the value of surrounding property; whether there are adequate sewage and water facilities, and adequate off-street parking; and its effect on the attractiveness of the Town.

I. Buffer Zone:

1. Buffering may be required between industrial uses and abutting residential properties and buffer shall be by placement of fencing or evergreen shrubs of adequate height and bulk at planting for adequate screening.

J. Building Height:

1. Height of buildings not to exceed forty-five (45) feet or two (2) stories.

ARTICLE IX. OFFICE PARK DISTRICT

The objective of this District is to attract corporate office and research facilities in a college-campus like environment which will be achieved through restrictive zoning requirements and deed restrictions with limited allowed usage, large open spaces, generous setback requirements and compatible architectural and landscape standards. Buildings must be limited to first-class construction and sited to blend with the environment with a minimum change in the natural topography.

A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and in accordance with the following provisions:

A. Uses Permitted:

Corporate offices and research facilities and farming uses only. There is expressly forbidden from this District all retail establishments, including motels, restaurants, service stations, automobile repair garages, professional offices catering to the public, real estate offices, service facilities (such as beauty parlors, T.V. Repairs, etc.), warehouse facilities, assembly and manufacturing facilities, and other uses similar to these prohibited uses. However, by Special Exception of the Board of Adjustment any such outlawed use may be allowed, provided the Board of Adjustment, after a public hearing, finds that such outlawed use would meet all four of the following requirements:

1. Be aesthetically compatible with other buildings and uses within the Office Park District.

2. Such use would generate only nominal amounts of motor vehicular traffic, and in any event not more than 10 motor vehicles per day, exclusive of employees.

3. Will not devalue surrounding property.

4. Will be harmonious with the objective and purposes of this District as set forth in the preamble to this District.

B. Minimum Lot Size: 5 acres.

C. Maximum Park Development: Not more than 15% of the gross land area shall be occupied by buildings, parking, and roadways.

D. Access: Access and egress shall only be from a single access road leading to a State Highway.

E. Signage:

1. One park development sign for informational purpose only, carrying park name and the name of individual company offices will be allowed at park entrance. Signs shall not exceed 100 square feet in area or a height of 18 feet above the entrance road.

2. One building sign affixed to the face of each building, not to exceed 32 square feet in area, will be allowed. No building sign may extend above the roof eave or the rake on the gable end.

3. Small directional signs, not exceeding 2 square feet, may be located at driveway intersections.

4. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to the vehicular traffic. Illumination shall be properly focused upon the sign itself.

5. Neon, animated, flashing or intermittently illuminated signs are prohibited.

6. Company symbols and trade marks shall be considered as signs and must meet all of the above restrictions.

F. Minimum Building Setbacks: 200 feet from all park lines and there shall be on each lot a front setback of at least 100 feet in depth and 50 feet setback on side and back lot property lines.

G. Maximum Building Size: 40,000 square feet gross floor area on ground floor.

H. Maximum Building Height: Two stories with a maximum height above mean lot terrain of 35 feet.

I. Conservation Zone: All land within 100 feet of Blood Brook shall be retained in its natural state except for foot trails.

J. Off-Street Parking Requirements: There shall be at least one parking space for each 1.2 employees based upon the highest expected employee occupancy.

K. Compliance: All development within this district shall comply with all other zoning and building regulations enacted by the Town of Wilton.

ARTICLE X. FLOOD PLAIN CONSERVATION DISTRICT

This district is as described by the Flood Insurance Study - Town of Wilton, N.H., Hillsborough County, Flood Boundary and Floodway Maps, Town of Wilton, N.H., Hillsborough County, 1-6, Flood Insurance Rate Maps, Town of Wilton, N.H., Hillsborough County, 1-6 as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration.

A. All subdivision proposals and proposals for other developments, governed by these Regulations having lands located in A and A1-A9 as identified on Flood Insurance Rate Maps - Town of Wilton, N.H., Hillsborough County, 1-6, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage and provide adequate drainage.

B. To maintain a Regulatory Floodway as delineated on the Flood Boundary and Flood Maps, Town of Wilton, N.H., Hillsborough County, 1-6.

C. Subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is less, shall include base flood elevation data.

D. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within

the adopted regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

E. Prohibit the placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, within the adopted regulatory floodway.

F. Meet all requirements of the Department of Housing and Urban Development - National Flood Insurance Program as specified by Part 1910.3 Floodplain management criteria for flood-prone areas, of Federal Register Volume 41, No. 207 - Tuesday, October 26, 1976.

ARTICLE XI. WETLANDS CONSERVATION DISTRICT

A. District Boundaries

The Wetland Conservation District is hereby determined to be those areas delineated as poorly drained or very poorly drained soils identified by the U.S. Department of Agriculture, Soil Conservation Service, through field mapping surveys completed in 1969 and shown on its field mapping photographic sheets for the Town of Wilton, New Hampshire. The Wilton Conservation District as herein defined is shown on a map or maps designated as the Town of Wilton Wetland Conservation District Map and shall be a supplement to the "Zoning Map" of the Town of Wilton, New Hampshire.

In all cases where the Wetland Conservation District is superimposed over another zoning district in the Town of Wilton, that district whose regulations are the more restrictive shall apply.

The soil type which the Soil Conservation Service has determined in its field mapping surveys to be poorly drained or very poorly drained is explained in the Hillsborough County Soil Handbook which is on file with the Planning Board and in the office of the Town Clerk, Wilton, N.H.

B. Purpose

In the interest of public health, convenience, safety and welfare, the regulations of this District are intended to guide the use of areas of land with extended periods of high water tables:

1. To prevent the development of structures and land uses on naturally occurring wetlands which would contribute to pollution of surface and ground water by sewerage.
2. To prevent the destruction of natural wetlands which provide flood protection.
3. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of unharmonious use of wetlands.
4. To encourage those uses that can be appropriately and safely located in wetland areas.

C. Permitted Uses

Any use that does not result in the erection of any structure or alter the surface configuration by the addition of fill or by dredging and that is otherwise permitted by the zoning ordinance:

1. Forestry - tree farming

2. Agriculture
3. Wildlife refuge
4. Parks and such recreational uses as are consistent with the purpose and intentions of Section B
5. Conservation areas and nature trails
6. Open spaces as permitted by subdivision regulations and other sections of this ordinance
7. Natural drainageways, i.e. streams, creeks or other paths of normal runoff water.
8. Water impoundments and wells for water supply.

D. Special Exceptions

Special exceptions may be granted by the Planning Board for the following uses within the Wetland Conservation District:

1. Streets, roads and other access ways and utility right-of-way easements including power lines and pipe lines if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands.

2. The undertaking of a use not otherwise permitted in the Wetland Conservation District, which may include the erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of the land, if it can be shown that such proposed use will not conflict with the purpose and intentions of Section B and if such proposed use is otherwise permitted by the zoning ordinance. Proper evidence to this effect shall be submitted in writing to the Planning Board and shall be accompanied by the findings of a review by the Hillsborough County Conservation District.

3. In the event an area is incorrectly designated as being poorly drained or very poorly drained soils on the Town of Wilton Wetland Conservation District Map and evidence to that effect is satisfactorily presented to the Planning Board, the Planning Board may determine that the restrictions contained in this Article shall not apply. Such evidence may be obtained either by revision by the Soil Conservation Service of its soil maps or by adequate on-site soils investigation and analysis conducted by a soils scientist qualified in field analysis with such investigation and analysis to be reviewed by the Hillsborough County Conservation District.

4. In the event an area is incorrectly designated as other than poorly drained or very poorly drained soils on the Town of Wilton Wetland Conservation District Map but is in fact poorly drained or very poorly drained and evidence to that effect is satisfactorily presented to the Planning Board, the Planning Board shall determine that the restrictions in this Article shall apply. Such evidence shall be subject to the same procedure as outlined in Paragraph 3 of this section.

5. Any exception granted by the Planning Board must be preceded by a Public Hearing thirty days before said approval may be given. Abutters to affected property must be notified ten days in advance of the Public Hearing.

ARTICLE XII. NONCONFORMING USES AND BUILDINGS

A. Any nonconforming use of land or building (other than uses specified in B below), may continue in their present use, except that any nonconforming use or building may not be:

1. Changed to another nonconforming use.
2. Re-established after discontinuance for one year except to a use conforming to this ordinance.
3. Extended or enlarged as applies to buildings. Land removal may not be extended beyond present property lines.
4. Rebuilt after damage exceeding 50% of its former market value.

B. No outdoor advertising structure may continue as a non-conforming use for more than two (2) years after the effective date of this ordinance unless it is designed to direct attention to a business or profession conducted on the premises.

C. Provisions for Sub-standard Lots of Record

Where a lot of record at the time of the effective date of this ordinance has less area and/or width than herein required in the district in which it is located, and the owner of such lot does not own other parcels or tracts adjacent thereto:

1. Said lot may be used for a single family dwelling use permitted in that district subject to New Hampshire Water Supply and Pollution Control Commission approval.
2. Said lot may be used for any non-residential use permitted in the district in which it is located when compliance is made with maximum density requirements, setbacks, and New Hampshire Water Supply and Pollution Control Commission regulations.

ARTICLE XIII. ENFORCEMENT

A. There shall be a Board of Adjustment appointed per RSA 31.66 and 31.67.

B. It shall be the duty of the Board of Selectmen, and the Board is hereby given the power and authority, to see that the provisions of this Ordinance are enforced. Ch. (31:72) N.H. RSA.

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

D. Permits. After passage of this Ordinance, it shall be unlawful to erect or alter the bulk of any building, place any trailer or mobile home, or relocate any building in these Districts without first obtaining a building permit from the Building Inspector.

E. No permit shall be required for repairing and remodeling where the purpose for which the building is to be used is not changed.

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

ARTICLE XIV. BOARD OF ADJUSTMENT

The Board of Selectmen shall make appointments to a Board of Adjustment of five members whose duties shall conform to the provisions of Chapter 31 of the N.H. Revised Statutes Annotated 1955. Thereafter, as terms expire or vacancies occur, the appointing authority shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment. The Board of Adjustment shall conform in membership and term in office to the provisions of Chapter 31:67, N.H. Revised Statutes Annotated, 1955.

ARTICLE XV. AMENDMENTS

This Ordinance may be amended in accordance with Chapter 31.63A, 31.63B, N.H. RSA. By petition of twenty-five (25) voters or by the Planning Board. Two (2) public hearings must be held, and voted on by ballot at town meeting.

ARTICLE XVI. PENALTY

Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than ten (10) dollars upon conviction for each day such violations may exist. Such funds collected shall go into the Town Fund.

ARTICLE XVII. SAVING CLAUSE

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

ARTICLE XVIII. WHEN EFFECTIVE

This Ordinance shall take effect upon its passage.

WILTON PLANNING BOARD

E. L. Bushey, Chairman
Sid Barnes
Wm. Brusseau
Lloyd Locklin
Kenneth Sargent
Judy Tottel, Secretary
Stuart Draper, Selectman member
Nancy Daly, Alternate
Eugene Edwards, Alternate