

SECTION 8

TOWN OF CHARLESTOWN, NEW HAMPSHIRE ZONING ORDINANCE

8.1 AUTHORITY/INTENT

In order to promote the health, safety, convenience and general welfare of the Town of Charlestown, to secure efficiency and economy in the process of developing the town, and to keep it an attractive place in which to live and do business, the following ordinance is hereby enacted by the voters of said town in Town Meeting convened in accordance with authority conferred by Chapter 51 of the Revised Laws of New Hampshire and by Chapters 110 and 278, Laws of 1949 and 1984, and Title LXIV RSA Chapters 672-677.

It is not the intent of this ordinance that approval of any use herein should preclude the need to make application and receive a permit from any other agency of the Town or of the State or Federal Government.

8.2 DEFINITIONS

The definitions listed in Section 2 shall apply to this Zoning Ordinance. The notations (BC), (DW), (ES), (FO), (SP), (SR) and (ZO) refer to the Building Code, Drinking Water Protection District Ordinance, Excavation Site Regulations, Floodplain Development Ordinance, Site Plan Regulations, Subdivision Regulations and Zoning Ordinance, respectively, from which the "Definition" section was consolidated.

8.3 DEFINITION OF ZONES

For the purpose of this ordinance, the Town of Charlestown shall be divided into zones as follows:

Zone A – Town Center Residential/Professional

All property on the west side of Main Street, from the south underpass to Railroad Street, to a depth of 300 feet from the center of Route 12, exclusive of any railroad property in the zone. All property on the east side of Main Street from 250 feet south of Paris Avenue to School Street, not including the property enclosed by Perry Avenue, Park Street, Arbor Way, Elm Street and East Street. All property on the east side of East Street to a depth of 250 feet from the south side of Taylor Hill to 250 feet south of Paris Avenue. All property within the Crown Point Heights development.

Zone A-1 – Rural Residential

All property enclosed by a line starting with the intersection of Clay Brook and the Connecticut River, proceeding northerly along the east bank of the Connecticut River, to a point 600 feet east of the middle of the Cheshire Toll Bridge, then proceeding southerly on a line parallel to Route 11 at 600 feet from the center of this road on the easterly side to a point where the line intersects with the Freight Road thence northwest approximately 700 feet to the center of the Springfield Railway, thence south along said railway approximately 2000 feet to a point of intersection of a line running west as an extension of Douglas Street, 400 feet to the center of Route 11 (The Old Springfield Road), thence south along said Old Springfield Road approximately 1000 feet then east to a point 200 feet from Route 11, then south approximately 600 feet parallel to Route 11 to the intersection with the Old Dump Road, then east along the Old Dump road, to a point 600 feet east of Route 11, then south along a line 600 feet from and parallel to Route 11, to Clay Brook, then west along Clay Brook to the point of beginning (excluding from this parcel all land owned and occupied by Old Fort Four Associates, Inc. to be called Zone C, as further stated). This zone shall also include all property within the so-called 'Beaudry Development' which includes Michael Avenue, Ann Avenue, Thomas Avenue, Emile Avenue and Coral Avenue and lots numbered twenty (20) through forty-two (42) within the vicinity of Scenic Hill Road.

Zone B – Business

All of the property on the west side of Main Street, from Railroad Street to River Street, with the railroad property as the westerly boundary. All property on the east side of Main Street, from Perry Avenue to Sullivan Street, to a depth of 250 feet from the center of Route 12.

Zone C – Fort #4

All property owned and occupied by Old Fort No. Four Associates, Inc., as dated January 1, 1984.

Zone D – Watershed Protection Area

All land encompassed in the area defined as follows: Beginning at the intersection of N.H. Route 12 and the Chestnut Flat Road, thence eastward along said Chestnut Flat Road to the intersection of Morningside Lane Road and the Morse Hill Road, thence eastward along said Morse Hill Road to the Unity Town line, thence south along said Town line to the intersection of the Unity/Acworth/Charlestown Town lines, thence west, then south along the Charlestown/Acworth Town lines, approximately 6900 feet, to the intersection of the Charlestown/Acworth Road, thence west along said road approximately 6800 feet to the intersection of the Hemlock Road, thence northwest along said road, approximately 1200 feet to the Stage (Merrill) Road, continuing approximately 6000 feet along said road, to the intersection with the New England Power Company right-of-way and transmission line, thence north along said right-of-

way to a 1000 foot arc around the Charlestown well, thence back to the New England Power Company right-of-way, thence north along said right-of-way approximately 15,000 feet to a point approximately 300 feet east of the Connecticut Valley right-of-way, thence west to said Connecticut Valley Electric Company right-of-way, thence north approximately 5500 feet along said Connecticut Valley right-of-way, to the intersection of the Unity Stage Road, the Connecticut Valley right-of-way and Route 12, thence north along said Route 12 approximately 1500 feet to the point of beginning.

Also included is an area encompassed by an arc 1000 feet in radius around the North Charlestown well.

The above described land shall be designated as the Watershed Protection Area.

Zone E – Mixed Use

Zone E is designated as all other land and water areas within the Town of Charlestown not otherwise zoned.

Zone F-1 – Industrial/Business

All property on the west side of the Old Claremont Road beginning at a point 400 feet west from the center line thereof and 450 feet north of the intersection of the center line of Lovers Lane Road and proceeding north along the Old Claremont Road and 400 feet west of the center line thereof 2300 feet, thence proceeding at a right angle 1700 feet to the west, thence proceeding southwest 1000 feet from the center line of Route 12 to an intersection with the center line of Woodrise Road, thence south along the center line of said Woodrise Road to a point of intersection of a line running east, parallel to, and 450 feet north of the center line of Lovers Lane Road approximately 2800 feet to the point of beginning.

Zone F-2 – Industrial/Business

All property enclosed by a line beginning with the intersection of the Old Springfield Road (Route 11) and the Freight Road running southeast along the Freight Road extended to intersect with Route 12, then south along Route 12 approximately 2800 feet to the intersection of the Old Dump Road with Route 12, then west along the Old Dump Road to a point 200 feet from Route 11 then north parallel to Route 11 approximately 600 feet to the Route 11 cut-off from Route 12, then west to Route 11 then north along Route 11 approximately 1000 feet to the intersection of Douglas Street with Route 11 then east approximately 400 feet along Douglas Street extended to the intersection with the Springfield Railway, then north along said railway approximately 2000 feet to the point of beginning, thus causing a portion of Zone A-1 north of the Old Dump Road to the Freight Road to be re-zoned F-2.

Zone G-1 – Southwest Street Area

The purpose of this zone is to provide protection for existing, small lot residential settlements, while making reasonable provision for home occupations, established

businesses, commercial and residential buildings and uses, not detrimental to the neighborhood in which they are located.

The zone shall include all land encompassed within the area defined as follows: Beginning with the intersection of the center of Dell Street and B & M Railroad property going south along the west side of the railroad property to the center of the Lower Landing Road; then going west on the Center of the Lower Landing Road to the boundary of the east side of the Charlestown Tax Map #29, Lot #17; then going north along its easterly boundary to the center of Dell Street; then east on the center of Dell Street, to the point of beginning.

Zone G-2 – Multi-Use Zone

The purpose of this zone is to provide protection for existing, residential settlements, while making reasonable provision for home occupations, established businesses, commercial and residential buildings and uses.

This zone shall include all land encompassed within the area defined as follows: Beginning with the intersection of Rte. 12 and property located at tax map 6 lot 22 going west to the intersection of tax map 6 lot 23 and lot 19; then going north along lot 23 boundary line, at the top of bank to Bradley Road; then going to the north boundary of tax map 6 lot 6b; then going east along the boundary of tax map 6 lot 6b and lot 6 to Rte. 12A (excluding the portion of land in Zone D, the Watershed Zone); then going south on Rte. 12A to the railroad tracks to Gowen Crossing Road; then going south on Rte. 12A to the intersection of Rte. 12 and 12A; then going to the beginning point.

8.4 GENERAL PROVISIONS – Shall apply to all zones:

8.4.1 – Any lawful use of buildings or land, in existence at the time this ordinance becomes effective, may continue and may change its use, though it is contrary to the ordinance, and may be permitted limited expansion, if able to meet the Development Standards contained within the Town of Charlestown Site Plan Review Regulations. Individual lots which become non-conforming as a result of these amendments may be built upon, provided that they are of a minimum size to meet State requirements for the construction of water and septic systems and meet access and setback requirements of the zone in which they are located.

Excepted from this provision are uses prohibited or allowed conditionally within the drinking water protection zones, which may be amortized or brought into compliance, if found to pose a substantial risk to public or private water supplies.

8.4.2 – If any non-conforming use of any building or premise is discontinued for at least a year, subsequent use shall conform to the ordinance. Vacated manufactured homes which have no habitable living areas, and are not connected to NHWD approved sanitary facilities, and have not received a building permit for use for storage purposes, shall be removed from the premises within thirty days, unless located in an approved manufactured home sales area.

8.4.3 – Junk yards, or places for the storage of discarded machinery, vehicles or other materials, shall be permitted only in rural areas, at least 1500 feet from Routes 11, 12, and 12A and in conformance with the provisions of RSA 236:111-129.

8.4.4 – That portion of property lying within 100 feet on either side of a zone line shall be determined by the owner to be in either zone.

8.4.5 – Permanent signs to be placed in any zone shall be approved by the Planning Board before they are erected, in accordance with Section 8.6 of this zoning ordinance.

8.4.6 – All disposal of waste must be in conformance with state requirements.

8.4.7 – Municipal water and sewer structures and municipal buildings, including schools, recreational and emergency service facilities, may be permitted in any zoning district, after review by the Zoning Board of Adjustment and a finding that such a use meets the requirements of Section 8.10, relating to special exceptions.

8.4.8 – Excavation, filling or construction adjacent to the Connecticut River and designated segments of the Little Sugar River, Jabe Meadow Brook, Beaver Brook and Clay Brook shall be done in compliance with the Comprehensive Shoreland Protection Act (RSA 483-B) and all other applicable town, state and federal regulations and only in conjunction with uses permitted therein. Excavation, filling or construction adjacent to all other water bodies/courses within the jurisdiction of the NH Wetlands Bureau, must be set back a minimum of 25' for residential uses and a minimum of 50' for business and industrial uses, measured horizontally from the high water mark for that body/course, within which setback a vegetated buffer must be maintained. These setback/buffer requirements shall not apply to bridges, culverts, docks, dams, weirs and similar structures which, by their nature, are located in close proximity to water bodies/courses; provided that all required town, state and federal permits have been obtained for the construction of said structures.

8.4.9 – No manufactured housing may be placed within the designated National Historic District on Main Street.

8.4.10 – Recreational Vehicle Uses:

- a. Recreational vehicles may not be occupied in conjunction with a commercial or industrial use except in approved recreational vehicle parks or campgrounds.
- b. Property owners may permanently store not more than two Recreational Vehicles on their property as accessory to an existing primary residential use providing the intent is to store the unit or to occupy the unit for temporary recreational purposes by the property owner or non-paying guest. Such occupancy shall not exceed 45 days during any calendar year unless the unit

- is attached to State approved on-site water and septic or sewer facilities. If so attached, occupancy of the unit shall not exceed six months during any calendar year. The allowed units shall remain legally registered for over the road use, shall not be considered a structure for Zoning purposes and shall not be used as a primary residence.
- c. Property owners may place one unit on their vacant land for temporary recreational use by themselves or members of their immediate family for not more than 45 days during any calendar year. Such units shall remain legally registered for over the road use, shall not be attached to any structure or the ground, and shall have and use a manufacturer-installed self-contained wastewater system. Further, if the unit is attached to State approved on-site water and septic or sewer facilities, the unit may remain on site for up to six months during any calendar year.
 - d. If adopted, the provisions of Section 8.4.10 a-c shall become effective on January 1, 2010.

8.5 PERMITTED USES

8.5.1 – Zone A-Town Center Residential/Professional – The following uses shall be permitted:

- a. A detached one or two family dwelling, church, school, offering general education courses, private school, library.
- b. Professional uses such as paying guests, offices of lawyers, dentists, doctors, real estate operators, dressmaking or hairdressing parlors, and similar home occupations, not offensive to the area in which they are located.
- c. By special exception:

Private clubs not conducted for profit, municipal recreation or water supply use, hospital, clinic, convalescent home, sanitarium, museum, research center, philanthropic use, hotel or inn, golf club, garden and nursery may be granted by the Board of Adjustment under standards set forth in Section 8.9.

- d. Only the following signs shall be permitted:

Town and State Highway directional and regulatory signs, historical signs, and those relating to the sale, lease or rent of the property or to the profession of the occupant. No sign or group of signs shall exceed five square feet in area.

- e. Every building new to a site shall be set back a minimum of twenty-five (25) feet from the front property line and 15 feet from all other property lines.

Temporary structures, of 100 square feet or less, are exempt from the setback provisions. Where a building is constructed upon or moved to a lot, which is located between structures, the setback shall be in line with the buildings adjacent or twenty-five (25) feet.

f. Each lot for a new building development shall have a minimum of 15,000 square feet and a minimum frontage of 100 feet.

g. Conversion of existing dwellings or the construction of new dwellings, for the housing of a maximum of four families, shall be permitted, providing that the lot upon which said dwelling is located provides sufficient parking space for the cars of all occupants.

8.5.2– Zone A-1 – Rural Residential – Same uses as permitted in Zone A.

8.5.3– Zone B-Business – The following uses shall be permitted:

a. Any use permitted in Zone A-Town Center Residential/Professional.

b. Apartment house and commercial use, such as grocery store, bakery, coffee shop, drug store, theater, meat and/or produce market, filling station, automobile parking, shoe repair shop, restaurant, and other retail or service businesses, to include home occupations.

c. Places of amusement and assembly, auto repair shops, and other motor vehicle services, any wholesale business.

d. By special exception: Light manufacturing or assembly, which will not be detrimental to a neighborhood for reason of odor, smoke, dust fumes, vibration or because of danger of fire or explosion. No dry cleaning establishments or paint shops shall be permitted in close proximity to other buildings.

e. Every building new to a site shall be set back from all property lines a minimum of ten (10) feet. Where a building is constructed upon or moved to a lot, which is located between structures, the setback shall be in line with the buildings adjacent. All businesses shall provide sufficient off-street parking in accordance with the following standards:
Sufficient off-street parking spaces shall be provided for employees.

f. No sign or group of signs shall exceed twenty-five square feet in area on any one property nor be placed in a position that would be a traffic hazard.

8.5.4 – Zone C – Fort No. 4 – The following uses shall be permitted:

a. Restoration and construction of buildings/structures in keeping with the architecture and master plan of Fort No. 4.

- b. Agricultural uses incidental to the Fort No. 4 operation.
- c. Land use in keeping with the restoration plans of Fort No. 4.
- d. Parking areas and access roads in keeping with the Fort No. 4 master plan.

8.5.5 – Zone D – Watershed Protection Area – The following uses shall be permitted:

- a. Residential lot of five (5) acres. No lot shall contain more or other than one dwelling unit. Setbacks from all lot lines shall be a minimum of twenty-five (25) feet.
- b. Agriculture and Forestry (lumbering) uses which will not be detrimental to the Watershed.

Special Exception: Home occupations having been approved by the Planning Board.

8.5.6 – Zone E – Mixed Use – Any use permitted.

- a. Each new lot which is not served by municipal water or sewer, shall have a minimum of one acre and deeded access to a Town road.
- b. Each new lot served by either municipal water and/or sewer, shall have a minimum of one-half acre and deeded access to a Town road.
- c. Every structure new to a site shall be set back from the front property line a minimum of twenty (20) feet and from all other property lines a minimum of ten (10) feet.
- d. Fences are exempt from set back provisions but must be positioned on a lot so as to enable maintenance without infringing on neighboring properties. No fence or buffer planting may be placed within this zone so as to constitute a hazard by obstructing visibility to pedestrian, bicycle or vehicular traffic.
- e. No more than one single-family or two-family dwelling structure shall be permitted on any lot without Site Plan Review approval by the Planning Board.

8.5.7 – Zones F-1 and F-2 – Business/Industrial

8.5.7.1 – Objectives

These zones provide a location for the establishment of business to improve employment opportunities and broaden the tax base of the Town of Charlestown. These zones have good access to transportation facilities, public water and sewer facilities, and do not conflict with the uses of other areas. A variety of types of

manufacturing and offices are permitted, provided they are in keeping with the aesthetic and economic objectives stated in the Charlestown Master Plan (see Sec. 8.5.7.5) and provided minimum performance standards (8.5.7.4) are met.

8.5.7.2 – The Following Uses are Permitted:

- a. Manufacturing, compounding, processing, treatment or warehousing of goods, products or sub-assemblies (defined as finished materials or materials not requiring further manufacturing), excluding junk or salvage materials and meeting minimum performance standards.
- b. Offices, newspaper and printing, research, testing or analysis laboratory.
- c. Warehouse; truck terminal; contractor's yard and building.

8.5.7.3 – Allowed by Special Exception and meeting performance standards:

- a. Public assembly buildings

8.5.7.4 – Performance Standards (minimum):

- a. Lot size – 80,000 square feet, 40' set back any side.
- b. Floor area – first floor area shall not exceed forty percent (40%) of lot area.
- c. Height – no building or part thereof shall exceed 50' in height.
- d. Environment – facilities on the lot will not be detrimental to a neighborhood for reason of odor, smoke, dust, fumes, vibration, noise or because of danger of fire, explosion or danger to groundwater.
- e. Parking/Loading – adequate off-street parking for employees, with a dedicated loading area, having an adequate turning radius for delivery vehicles.
- f. Storage – waste materials must be enclosed
- g. Site Plan Review – the provisions of the site plan review ordinance apply.

8.5.7.5 – Master Plan Objectives

The stated purpose for establishing industrial park areas stated in Section 8.5.7.1 are described in the Charlestown Master Plan (as amended hereafter) and pertinent sections are herein applicable.

Section 5.2 – Economic Development – deals with establishing economic development in Charlestown.

Section 5.4 – Charlestown’s Assets – explains the surround area, its people, housing and supporting facilities.

Section 5.5.1 – Specific Proposals – suggests courses of action the Town may take in establishing industrial parks.

Section 10 – Environment – recommends need to protect and preserve wetlands, floodplains, watersheds, groundwater, etc. in any sort of development effort.

Section 11.8 – Industrial Development – describes the use of the land for industrial purposes emphasizing protecting owners investments.

Section 13.3.3 – Attract Industry – deals with the methods and economics of attracting new industry.

8.5.8 – Zone G-1 – Southwest Street Area

8.5.8.1 – Permitted Uses

A. Residential: Detached one or two family dwellings; child care centers; public school offering general education courses; private school offering general education courses; library; similar uses, not offensive to the area.

B. Commercial: Grocery store; bakery; coffee shop; drug store; theater; meat and/or produce market; automobile parking; shoe repair shop; restaurant; places of amusement; any wholesale business; hairdressing and/or dressmaking salons.

C. Business/Industrial: Manufacturing; compounding; processing; warehousing; sub-assembly; newspaper and printing offices; researching, testing or analysis laboratories; yard and building contractors; public assembly buildings; automobile parking; child care centers; offices of: administration, sales/marketing, lawyers; dentists; doctors; real estate operators.

D. Non-profit: American Legion; Church

E. Public Works/Government: Highway Garage; cemeteries

8.5.8.2 – General Guidelines

A. Adequate off-street parking for occupants, employees and/or customers, with a dedicated loading area, having an adequate turning radius for vehicles.

B. No building or part thereof shall have exceeded 50 feet in height.

C. The provisions of the Site Plan Review Ordinance shall apply to all businesses and commercial and non-residential uses including home occupations and apartment uses for more than two apartments.

D. All signs shall conform to existing ordinance Sections 8.6.1 to 8.6.7.

E. Every building new to a site shall be set back from all property lines a minimum of ten (10) feet.

F. Mobile home parks are allowed.

G. Fences and temporary structures, of one hundred square feet or less, are exempt from the set-back provisions but must be positioned on a lot so as to enable maintenance without infringing on neighboring properties. No fence or buffer planting may be placed within this zone so as to constitute a hazard by obstructing visibility to pedestrian, bicycle or vehicular traffic.

H. Conversion of existing dwellings or the construction of new dwellings for the housing of a maximum of four (4) families shall be permitted, providing that the lot upon which said dwelling is located provides sufficient parking space for the vehicles of all occupants.

8.5.9 - Zone G-2 – Multi-Use Zone

8.5.9.1 – Permitted Uses

A. Residential

- detached, one or two family dwellings
- child care centers
- home occupations

B. Commercial

- grocery store
- bakery
- coffee shop
- drug store
- theater
- meat and/or produce market
- automobile parking
- retail sales lots and repairs
- shoe repair shop
- restaurant
- places of amusement
- any wholesale business
- apartments, motels and hotels

C. Business/Industrial

- manufacturing
- processing
- warehousing
- sub-assembly
- newspaper and printing offices
- researching, testing, or analysis laboratories
- building and yard contractors
- public assembly buildings
- sand and gravel operations
- other aggregate related business
- transportation terminal
- retail sales lot

D. Other

- Any agriculture, horticulture, and animal husbandry
- Any agri-business

8.5.9.2 – General Guidelines

A. Adequate off-street parking for occupants, employees and/or customers, with a dedicated loading area, having an adequate turning radius for vehicles.

B. The provisions of the Site Plan Review Ordinance shall apply to all businesses and commercial and non-residential uses including home occupations and apartment uses for more than two apartments.

C. All signs shall conform to existing ordinance Sections 8.6.1 to 8.6.7.

D. Every building new to a site shall be set back from all property lines a minimum of ten (10) feet.

E. Fences and temporary structures, of one hundred square feet or less, are exempt from the set-back provisions but must be positioned on a lot so as to enable maintenance without infringing on neighboring properties. No fence or buffer planting may be placed within this zone so as to constitute a hazard by obstructing visibility to pedestrian, bicycle or vehicular traffic.

F. Each new lot shall be a minimum of 1 acre in size.

8.5.10 – Lot Size Averaging - In the Mixed Use (E) and Watershed (D) Zones, the Planning Board may approve reduced lot sizes, frontage requirements, and/or setbacks in accordance with the following provisions:

8.5.10.1 – Purpose - Lot size averaging permits flexibility in subdivision design to promote the most appropriate use of land and the protection of productive agricultural or forest land, scenic views, historic sites, shorelines, wetlands, important habitat areas, and other resources of importance to the community, while minimizing the alteration of the natural topography of the land, in accordance with the goals and objectives of the master plan.

8.5.10.2 – Applicability - The minimum acreage for a lot size averaging subdivision plan shall be twenty (20) acres.

8.5.10.3 – Density - The total number of lots approved will be determined based on the number that would be otherwise approved under a conventional subdivision plan. The applicant shall submit a concept plan showing lots, road rights-of-way, and stormwater management areas, and any other areas which would not be incorporated in individual lots as necessary to meet the usual minimum standards for the district without the need for any lot area or lot dimension variances, and accounting for development limitations such as steep slopes, wetlands, septic suitability, available water supply, adequate driveway access to each lot, and compliance with the Charlestown subdivision regulations.

In Zone E (Mixed Use) only, a density bonus of up to 25% will be permitted for subdivisions that result in the permanent protection of 75% of the total acreage or more for the protection of resources identified in the Master Plan and/or the Natural Resources Inventory as important to the community. The protected land must be appropriately sized, configured and located to achieve the resource protection goals. The Planning Board's determination of appropriateness may include consideration of features of adjacent properties. No density bonus shall be permitted in Zone D (Watershed).

8.5.10.4 – Dimensions & Arrangement of Lots - The minimum lot size, frontage and setbacks shall be determined by the Planning Board based on the character of the land and neighborhood, the adequacy of the soils to support on-site wastewater disposal and wells (unless served by public water supply and/or wastewater disposal), safety of access, traffic and pedestrian circulation, impervious surface, and other issues relating to the future use and enjoyment of the property.

The factors considered by the Planning Board when evaluating the proposed arrangement of lots shall include, but not be limited to, the following:

- a. Arrangement of roads, stormwater facilities, wastewater and other utilities in conformance with the natural features of the parcel, minimizing changes to the topography.
- b. Minimization of impervious cover.
- c. Protection of stream corridors and other important habitat areas.
- d. Protection of wetlands.
- f. Preservation of trees.
- g. Feasibility of continued or future agricultural use.

- h. Feasibility of continued or future forest management.
- i. Relationship to neighboring property, including conservation easements, or natural, cultural, recreational or scenic features.
- j. Connectivity of open space for wildlife habitat.

In no case will lots smaller than 15,000 square feet be permitted. The setbacks from abutting properties not part of the application shall not be reduced.

Front setbacks may be reduced only when on an internal subdivision road approved by the Planning Board as part of the subdivision application. When frontage requirements are reduced, the Planning Board may require shared driveways.

8.5.10.5 – Permanently Protected Area - The lot size averaging plan will concentrate development away from the most important resource areas and from those areas of the property that are most environmentally sensitive as described in Section I.

For each lot less than the minimum size normally required for the district, one or more lots larger than the minimum shall be provided in order to maintain an average lot size no smaller than the minimum lot size normally required for the district. Permanent protection from further development shall be provided for an area equal to or exceeding the sum of the areas by which individual lots are reduced below the minimum normally required for the district. Further subdivision or use of other than one dwelling unit, noncommercial outdoor recreation, conservation, agriculture or forestry shall be prohibited. The protected land shall be shown on the final plat and the conservation restriction recorded with the Register of Deeds.

8.5.10.6 – Management of Permanently Protected Area - Pursuant to RSA 674:21-a, Planning Board approval of a final lot size averaging subdivision plan shall result in the creation of a conservation restriction incorporating the conditions of approval, including the maximum number of lots and the location, size and permissible uses of the land area that is to remain undeveloped. If the undeveloped area is to be held in common, all covenants, deed restrictions, organizational provisions for a homeowner's association or equivalent, and any other agreements regarding the method of ownership, management or maintenance of the protected area shall be established prior to Planning Board approval of the subdivision plan. By mutual agreement of the Planning Board and applicant, the conservation restriction may take the form of a conservation easement to the town/city or private conservation group, or other instrument approved by the Planning Board.

8.6 SIGNS

8.6.1 – Purpose

The purpose of this section is to provide reasonable guidance for the design and installation of signs located within our Town. Your Planning Board appreciates the dual

function which signs perform, providing advertising for our business owners and direction to the general public, for finding the goods and services provided here. Signs, however, should not detract from the overall rural character of the town, mar scenic vistas, or be permitted to proliferate excessively. This Ordinance is intended to strike a balance between the importance of preserving and enhancing our community's appearance, the need for protection of the health, safety and welfare of its citizens and the advertising needs of the business community.

Accordingly, no permanent sign shall be changed or altered in any way, or erected or placed in the Town of Charlestown, without a permit. An application for a sign permit shall include the sign location, design to scale, sign size, method of illumination, wording, types of lettering and materials of construction.

(a) Size – The size of a sign should be a function of its location, whether in a rural, commercial or residential area, its distance from the traveled way and the speed of passing traffic. No sign shall exceed 16 feet in height or 50 square feet in area. Signs identifying home occupants shall not exceed 5 square feet in area. Historic signs shall not exceed eight (8) inches by sixteen (16) inches and lettering thereon shall not exceed three (3) inches in height. The frame or supports of the sign shall not be computed in the overall area unless they are intended to draw attention to or be part of the advertising.

If the sign is irregular in shape, such as cutout letters, the area shall be computed by drawing a regular shape around the perimeter of the extremities of the sign.

Legibility depends more on the color and type of sign rather than actual size. The size of the sign or the words should be kept in scale with the viewers' speed, whether pedestrian or vehicular.

To the extent possible, signs identifying commercial establishments should generally be placed within a long, continuous information band immediately above the storefront or directly on the display window.

In industrial or commercial areas, larger freestanding signs should be kept lower to the ground to balance the size of the sign. The scale of freestanding signs should be compatible with the body of the buildings they identify and should not be of a size that would overpower buildings on a particular site.

If the signs are mounted on buildings, they should be harmonious in scale and proportion with the building façade upon which they are mounted and with the architectural elements. They should not detract from the building façade. Construction and Design – All signs shall be constructed of high quality materials and be in a style and design consistent with the general themes outlined above.

- i. Illumination – Signs shall be illuminated by means of steady, shielded light sources without causing glare or throwing light directly onto any street or highway, any adjacent property or any building being used in whole or part for a residence.
- ii. Maintenance – All signs shall be maintained by the owner of the premises and not allowed to fall into a state of disrepair. Any sign which has been abandoned and/or allowed to fall into such disrepair as to be in violation of this regulation, shall be removed at the original owner's or current property owner's expense.

8.6.3 – Permit Not Required

The following signs do not require a permit:

- a) Signs bearing only property numbers, postal numbers, and other non-commercial identification;
- b) Street signs in conformance with Town requirements;
- c) Directional signs, each no greater than seven (7) square feet in area and no higher than five feet off the ground, such as those indicating entrances, exits and parking;
- d) Any sign required by Federal, State, County or Local law;
- e) Legal notices such as "No Trespassing" or "No Hunting" signs;
- f) Signs located on rolling stock of licensed common carriers or registered motor vehicles fit for highway use and not used to defeat the spirit of these Regulations;
- g) National, State, provincial, or religious flags, except when used in such a manner as to draw attention to a commercial enterprise. No unrelated message may be used on any such flag;
- h) Flags with the word "Open";
- i) Signs not to exceed sixteen (16) square feet each, listing agricultural products for sale in season, for such operations as farm stands and Christmas tree farms;
- j) Signs no greater than two (2) square feet each, with any of the following messages: Open, closed, vacancy, no vacancy, credit card, telephone, restroom and other similar informational sign;
- k) House names and historical markers; or

- l) “For rent” or “for sale” signs, meeting the guidelines of Section 8.6.5 c), placed by the property owner, or in the case of a real estate sign, by a licensed real estate broker.
- m) Off-premise yard sale signs must have the name and phone number of the person holding the sale. Such signs must be removed within two days after the event.

8.6.4 – Existing Non-Conforming Signs

- a) Every permanent sign lawfully in existence at the time of adoption of these regulations may continue in existence and be maintained by the owner of the premises, but may not be changed in any of its dimensions or character or be moved, unless it is made to comply with these regulations. In the event there is a change of business or a reconstruction of a sign, then all signs must be brought to compliance with these regulations.
- b) Any non-conforming sign, the use of which has been discontinued for a period in excess of 90 days, shall not be reestablished, restored or repaired unless it is made to comply with these regulations.
- c) All signs of a non-historic nature shall reflect the current use of the property. After a period of 90 days, all non-historic signs, that do not advertise the current use or residents of the premises, shall be removed by the owner at his/her expense.

8.6.5. – Temporary Signs – Permit Required

Temporary Signs are signs that advertise special events. Such signs may be erected subject to the following conditions:

- a) Charitable or community event – Temporary signs may be erected not more than two (2) weeks in advance of the event and must be removed not later than two (2) days after the event is concluded.
- b) Commercial promotions – Temporary signs, displays or other devices designed to call attention to a commercial enterprise, may be placed in windows or premises. Temporary signs may be placed outdoors on the premises provided:
 - 1. They have the approval of the planning administrator; and
 - 2. They are not displayed longer than 7 days per request. Permission for such displays will only be granted 10 times per year.

- c) Off-premises, directional, real estate signs may be used in conjunction with the sale of a specific property, with written permission of the owner of the property on which the sign is located. No sign shall be larger than sixteen (16) square feet.

8.6.6. – Permit Required

The following signs are allowed for permitted uses in the Town. Each of the following signs requires a permit.

- a) One sign per business attached to the building and one freestanding sign per building.
- b) Where structures house more than one business, the freestanding sign shall be a directory type sign. Directory signs shall be in proportion to the size of the building and number of businesses therein.
- c) All individual business owners shall be required to apply for a permit to erect any sign pertaining to the business. The property owner shall be required to apply for directory signs.
- d) One sign not exceeding five (5) square feet in area for each home occupation approved by the Planning Board.
- e) One sign not exceeding sixteen (16) square feet in area at each entrance to a subdivision approved by the Planning Board and comprising of 10 or more dwelling units.

8.6.7 – Prohibited Signs

The following shall not be allowed in any district:

- a) Any off-premises advertising signs, with the exception of yard sale (Section 8.6.3 m) and real estate (Section 8.6.5 c) signs, or signs which advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located;
- b) Any sign which has visible moving parts, blinking, moving or changing illumination, inflatable signs or other similar devices. Exceptions are traditionally moving signs such as barber signs and signs which show time or temperature;
- c) Any placement of signs which is deemed by the Board to be unsafe, such as a sign which would interfere with pedestrian or vehicular traffic view or passage, or which would be similar to traffic or directional signs, and thus confuse motorists;

- d) Signs placed on utility poles;
- e) Portable or moving signs, except when used as temporary signs in accordance with Section 4-b of this regulation.

8.7 ENFORCEMENT

8.7.1 – A Zoning Administrator shall be appointed by the Board of Selectmen, and he or she shall be responsible for administering and enforcing the provisions of this ordinance. In fulfilling his or her duties and responsibilities, the Zoning Administrator shall receive applications, inspect premises, maintain records, issue permits and perform other tasks necessary to carry out the provisions of this ordinance.

8.7.2 – No building or structure shall be moved, altered or erected and no land shall be used without a permit duly issued by the Zoning Administrator. The Zoning Administrator shall issue a zoning permit only if the requirements of this ordinance have been met. A zoning permit shall be issued or denied by the zoning administrator within ten (10) working days of the receipt of a completed application.

8.7.3 – Whenever any provisions of this ordinance have been violated, the Board of Selectmen upon their own initiative or upon notification by the Zoning Administrator shall take such action as shall be appropriate for the enforcement of the provisions of this ordinance.

8.7.4 – In accordance with RSA 676:17, violation of any of the provisions of this ordinance shall be punishable by a fine not exceeding one-hundred dollars (\$100.00) for each day of violation.

8.8 VALIDITY

The invalidity on any section of provision of this ordinance shall not invalidate any other section or provision thereof.

8.9 ZONING BOARD OF ADJUSTMENT

8.9.1 – The Board of Selectmen shall appoint a Board of Adjustment consisting of five (5) members who shall be removable by the Board of Selectmen only upon written charges and after public hearing. In addition, the Selectmen shall appoint three (3) alternate members removable only upon written charges and after public hearing, who shall serve during their term, whenever a regular member of the Board of Adjustment shall be absent or disqualified, under the provisions of RSA 673:14. Within thirty (30) days of adopting of this amendment the Board of

Selectmen shall appoint a new Board of Adjustment, and one regular member shall be appointed to serve for one year, one for two years, one for three years, one for four years and one for five years and, thereafter, the Board of Selectmen shall annually appoint one regular member for a term of five years. Alternate members shall serve for three years. The Board of Adjustment shall have all of the power and duties set forth under provisions of RSA 674:33. The Board of Adjustment shall serve without compensation.

8.10 SPECIAL EXCEPTIONS

Whenever a special exception may be granted under the provisions of this ordinance, such special exception shall be granted only in accordance with the following regulations and restrictions:

8.10.1 – No use shall be permitted which could cause any undue hazard to health, safety or property values or which is offensive to the public because of noise, vibration, dust, particulate matter, radiation, excessive traffic, unsanitary conditions, noxious odor, smoke or other similar reasons.

8.10.2 – Sufficient off-street parking shall be provided to allow 300 square feet for each two anticipated patrons or employees on the premises at the same time.

8.10.3 – All setback regulations shall be complied with. All known abutters of any proposed special exception site shall be notified by the Board of Adjustment by certified mail at least one week prior to any public hearing regarding the special exception. The names and addresses of the known abutters shall be supplied by the applicant on a plat plan to be submitted to the Board of Adjustment.

8.11 AMENDMENT

This ordinance may be amended by a majority vote of any legal Town Meeting, provided one public hearing has been duly notified, such hearings receiving ten days notice, as prescribed by RSA 675:3 and 675:7. Such vote to be on official ballot only.

8.12 CERTIFICATION

I hereby certify that the foregoing is a true copy of the Zoning Ordinance, as approved and amended by Charlestown voters through the Annual Town Meeting held on Tuesday, March 9, 2010.

Signed _____
Robert T. Frizzell, Planning Board Chair

As amended through March 9, 2010

Received this _____ day of March, 2009.

Debra J. Clark, Charlestown Town Clerk

Seal

cc: Upper Valley Lake Sunapee Regional Planning Commission
NH Office of Energy & Planning