

# ZONING ORDINANCE

Of the TOWN OF FREEDOM, NEW HAMPSHIRE, 1987  
ADOPTED OCTOBER 6, 1987

## AMENDMENTS:

March 13, 1990  
March 12, 1991  
March 08, 1994  
March 10, 1998  
March 13, 1999  
March 14, 2000  
March 13, 2001  
March 12, 2002  
March 11, 2003  
March 08, 2005  
March 11, 2008  
March 10, 2009  
March 09, 2010  
March 08, 2011

March 13, 2012  
March 12, 2013  
March 11, 2014  
March 10, 2015  
March 14, 2017  
March 13, 2018  
March 12, 2019  
March 10, 2020  
March 09, 2021  
March 08, 2022  
March 14, 2023  
March 12, 2024  
March 11, 2025

## *See Also:*

*The Zoning Board of Adjustment Rules of Procedure regarding appeals and  
The Subdivision Regulations and Site Plan Review Regulations*

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## **ARTICLE 1        PREAMBLE AND TITLE**

### Section 101        Preamble

In pursuance of authority conferred by New Hampshire Revised Statutes Annotated, Chapter 674, Section 16, for the purpose of promoting the health, safety, and general welfare of the inhabitants of the Town of Freedom, now therefore the following ordinance is hereby enacted by the voters of the Town of Freedom, New Hampshire.

### Section 102        Title

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Freedom, New Hampshire, 1987."

### Section 103        Land Use Limited to Specific Listed Uses

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the Town of Freedom except as specifically or by necessary implication authorized by this Ordinance. There is no provision for any private solid waste facility. Only a municipal solid waste facility may exist in Freedom to serve the Town. In the adoption of this Ordinance, which excludes certain uses of land, the voters have considered the unique topography of the Town, its soils, the lack of central water and sewer systems, and the present character of the Town.

### Section 104        New Structures

New structures must meet setbacks, lot coverage, and building permit requirements of this Zoning Ordinance.

## **ARTICLE 2        EXISTING USES AND STRUCTURES**

### Section 201        Existing Uses and Structures

Any lawful building or use of a building, or land, or parts thereof in existence at the time of the adoption of this Ordinance, or of any amendment thereto, may be continued although such building or use does not comply with the provisions herein. Such building or use shall be lawful if there was compliance with existing Regulations in effect. This Zoning Ordinance shall not apply to existing structures or to the existing use of any building or land. It shall, however, apply to any alteration of an existing structure or for a use which is substantially different from the existing use or from the existing structure prior to alteration. Nonconforming uses and structures shall be subject to the provisions of Article 9, Non-Conforming Uses and Structures.

### Section 202        Storage Containers and Portable Structures

Storage containers and portable structures as defined in Section 2402, #64 in existence at the time of the adoption of this Zoning Ordinance or of any amendment thereto, may be continued although such structure or use does not comply with the provisions herein. If a storage container or portable structure is moved, the structure must comply with all current requirements of the zoning ordinance.

## **ARTICLE 3**

## **DISTRICTS AND DISTRICT REGULATIONS**

### Section 301                      Establishing Districts

The Town of Freedom is hereby divided into the following districts as shown on the official zoning map:

VR	Village Residential District
GR	General Residential District
RR	Rural Residential District
R/LC	Residential/Light Commercial District
SF	Shorefront Overlay District
W	Wetland Conservation Overlay District
SFWH	Single Family Workforce Housing Overlay District
MFWH	Multi-family Workforce Housing Overlay District

Amended 3/13/90; Amended 3/10/09

### Section 302                      Zoning and Wetland Maps

The districts as established in Section 301 are shown on maps on file in the offices of the Town of Freedom which maps are a part of this Ordinance. There is a map entitled "Town of Freedom Zoning Map" which has been identified by the signatures of the members of the Planning Board and the date of adoption and any further amendments. See also Appendix A for a word description of the boundaries shown on the Zoning Map. There are also two (2) maps relating to the Wetlands Conservation Overlay District, namely the Freedom Wetlands Map and the Wetlands Conservation Map. Both of these maps are on file in the offices of the Town.

### Section 303                      District Boundaries

A district boundary shown on the zoning map or described on Appendix A as approximately following the center line of a street or road, or a shoreline of a body of water, shall be construed as following such line. If the district classification of any land is in question, it shall be deemed to be in the most restrictive adjoining district.

### Section 304                      District Objectives and Land Use Control

The following tables establish the objectives of each of the districts established above and the provisions of the regulations that apply respectively in each district. Any use designated as a "Permitted Use" in the table referring to a particular district may be commenced in such district pursuant to Section 305. Any use designated as a "Special Exception" in the table referring to a particular district may be commenced in such district pursuant to Section 306. Explanation of lots, dimensional requirements, accessory uses, and application of District Regulations affecting all uses are found in Tables 304.1 through 304.8 and Sections 307-310.



### 304.1 TABLE “VR” VILLAGE RESIDENTIAL DISTRICT

#### Objective

In our community with a respect for its historic past, and its tradition of single-family houses, it is necessary to make provisions for the conservation of these values. This District is centered in the area of Freedom, known as the Village. (See map).

#### USES

##### Permitted Uses

1. Single family dwelling
2. Agriculture
3. Forestry
4. Produce Stand
5. Water Storage Facility Amended 3/10/98
6. Residential Camping
7. Accessory Dwelling Unit
8. Minor Home Occupation Amended 03/12/2013
9. Wireless Telecommunications Service Facility
10. Accessory use to a permitted use
11. Family or Group Family Childcare Center

##### Special Exception Uses

1. Tourist home
2. Major Home occupation Amended 3/12/2013
3. Church
4. Private School
5. Off-lot parking facility
6. Use accessory to special exception use

#### Area and Dimensions

Minimum Lot Size	1.0 acre
Minimum road frontage	200 feet
Minimum front yard	50 feet
Minimum side yard	30 feet
Minimum rear yard	40 feet

## 304.2 TABLE “GR” GENERAL RESIDENTIAL DISTRICT

### Objective

Our community is based in great measure on its scenic beauty. It is also necessary to make provisions for the conservation of these scenic vistas while at the same time, allowing for controlled growth. This District is centered on those areas of Freedom where the greatest amount of development has already taken place. The existing highways make this area more readily accessible for police and fire protection and other emergency services.

### USES

#### Permitted Uses

1. Single family dwelling
2. Agriculture
3. Forestry
4. Produce Stand
5. Water Storage Facility
6. Residential Camping
7. Independent Living Elderly/Senior Housing
8. Accessory Dwelling Unit
9. Minor Home Occupation Amended 03/12/2013
10. Cluster Development
11. Manufactured Housing
12. Wireless Telecommunications Service Facility
13. Accessory use to a permitted use
14. Family or Group Family Childcare Center

#### Special Exception Uses

1. Tourist Home
2. Elderly Group Home
3. Major Home Occupation Amended 3/12/2013
4. Church
5. Private School
6. Clinic
7. Community Building
8. Hospital
9. Office Amended 03/13/1990
10. Hotel
11. School
12. Residence Camp Amended 03/10/1998
13. Recreational Camping or Camping Park  
Amended 03/10/1998
14. Off-lot parking facility
15. Single family workforce housing (partial)
16. Accessory use to a special exception use

### Area and Dimensions

Minimum lot size	2 acres
Minimum road frontage	200 feet
Minimum front yard	50 feet
Minimum side yard	30 feet
Minimum rear yard	40 feet

### 304.3 TABLE "RR" RURAL RESIDENTIAL DISTRICT

#### Objective

The Rural Residential District is made up of those areas within the Town where access is relatively difficult. These areas are remote from the developed area and services of the Town. With large undeveloped tracts of land, this area of Town lends itself well to agriculture and forestry.

#### USES

##### Permitted Uses

1. Single Family Dwelling
2. Agriculture
3. Forestry
4. Manufactured Housing
5. Water Storage Facility Amended 03/10/1998
6. Produce Stand Amended 03/13/1990
7. Independent Living Elderly/Senior Housing
8. Residential Camping
9. Minor Home Occupation Amended 03/12/2013
10. Wireless Telecommunications Facility
11. Accessory Dwelling Unit
12. Family or Group Family Childcare Center
13. Use accessory to a permitted use

##### Special Exception Uses

1. Tourist Home
2. Major Home Occupation Amended 03/12/2013
3. Elderly Group Home
4. Recreational Camp or Camping Park
5. Outdoor Recreational Facility
6. Animal Hospital
7. Residence Camp
8. Off-lot parking facility
9. Single family workforce housing (partial)
10. Use accessory to a special exception use

#### Area and Dimensions

Minimum lot size	5 acres
Road frontage	400 feet
Minimum front yard	50 feet
Minimum side yard	30 feet
Minimum rear yard	40 feet

## 304.4 TABLE "R/LC" RESIDENTIAL/LIGHT COMMERCIAL DISTRICT

### Objective

There is a need for the Town to provide for services and employment opportunities for Town residents. This type of development requires optimum access from well-maintained roadways and therefore is in those areas of the Town with best access. However, the Town wishes to limit the size and effect of light commercial uses to help preserve the Town's residential and scenic character.

### Uses

#### Permitted Uses

1. Single family dwelling
2. Agriculture
3. Forestry
4. Produce Stand
5. Retail Store
6. Manufactured housing
7. Independent Living Elderly/Senior Housing
8. Water Storage Facility Amended 3/10/98
9. Residential Camping
10. Accessory Dwelling Unit
11. Minor Home Occupation Amended 03/12/2013
12. Wireless Telecommunications Service Facility
13. Automobile Service Station
14. Office
15. Family of Group Family Childcare Center
16. Use accessory to a permitted use

#### Special Exception Uses

1. Tourist home
2. Elderly Group Home
3. Major Home occupation Amended 3/12/2013
4. Church
5. Multi-family housing
6. Multi-family workforce housing
7. Light Commercial
8. Off-lot parking facility
9. Use accessory to special exception use

### Areas and Dimensions

Minimum lot size	1 acre
Road frontage	200 feet
Front yard	50 feet
Side yard	30 feet
Rear yard	40 feet

304.5 TABLE                      "SF" SHORE FRONT DISTRICT for Lakes & Ponds over 10 acres & Ossipee River

Objective

Most of the land immediately adjacent to Freedom's lakes, ponds and rivers is overlaid by soil types which are characterized by erosion and drainage hazards. These lands require conservation and land management practice which minimize environmental and aesthetic degradation.

The following restrictions are applicable to land within the designated Shore Front District. They are designed to protect and enhance water quality, prevent overcrowding of shore land in the interest of public health and safety, and to preserve the natural beauty and wildlife habitat of the waterfront areas in the Town.

Location of the Shore Front District

The Shore Front District is an environmental overlay district superimposed over the zoning district shown on the zoning map. This overlay district extends from the normal high-water level on all lakes and ponds over 10 acres and the Ossipee River, to a point 300 feet inland. The following uses are allowed in addition to the uses allowed in the underlying district.

SHORE FRONT DISTRICT

USES

Permitted Uses

1. Uses allowed in underlying district
2. Outdoor Recreational Facility
3. Accessory use such as beach, dock, driveway
4. Shoreland or wetland projects with a permit by notification or expedited minimum impact permit from the NH Department of Environment Services which require no other action from the ZBA
5. Erosion and sedimentation control plans on projects which require no other ZBA action.

Special Exception Uses

1. Uses allowed in underlying district
2. Marina
3. Shorefront common area
4. Shoreland or wetland projects not eligible for a permit by notification nor an expedited minimum impact permit from the NH Department of Environment Services.
6. Cutting and removal of trees and natural vegetation
7. Use accessory to a special exception use

Area and Dimensions:

Minimum lot size	same as underlying district
Minimum road frontage	same as underlying district
Minimum shore frontage (if applicable)	200 feet
Minimum front yard	same as underlying district
Minimum side yard	same as underlying district
Minimum rear yard (from normal high-water level)	75 feet
Leach field (from normal high-water level)	125 feet
Driveway (from normal high-water level)	75 feet

Uses which are permitted or special exception uses allowed in the underlying District are allowed in SF District subject to the additional requirements as described herein.

## 304.6 Shore Front District - Other Requirements

### 304.6.1 Shore Front Common Areas - Special Exception Standards

The following special exception standards shall apply in the Shore Front District. No other special exception standards shall apply notwithstanding any other provision of this Ordinance. Shore front common areas which provide access to the lake, pond, or river by lots which do not front on the shore shall meet the following minimum requirements:

304.6.1.1 The shore front common area shall contain a minimum of two acres.

304.6.1.2 The shore front common area shall have a minimum of 200 feet of shore frontage for the first dwelling unit and an additional 20 feet of shore frontage for each additional unit more than one. The reference to dwelling units is about those dwelling units located on lots which do not have shore frontage and have the legal right to use the shore front common area.

304.6.1.3 No building other than toilets and changing facilities, picnic shelters and suitable recreation facilities shall be constructed on a shore front common area.

304.6.1.4 No more than 25% of the total shore frontage may be used to locate docks or other structures designed to accommodate boating.

304.6.1.5 One off-street parking space (18' x 12') shall be provided for each dwelling unit situated more than 1/4 mile from the shore front common area. Parking areas shall be set back a minimum of 75 feet from the normal high-water level. A buffer of natural vegetation shall be maintained between the beach and/or docking area and the parking area. The buffer may include facilities permitted within the shore front area.

304.6.1.6 Toilet facilities approved by the New Hampshire Department of Environmental Services shall be provided at the rate of a separate toilet facility for males and females, for each 25 dwelling units or a portion thereof, granted legal right of access. The Zoning Board of Adjustment may reduce this requirement where fewer than 15 units have access to the shore front common area if it is determined that a lesser facility shall provide adequate facilities. Regarding this special exception, no other standards contained in this Zoning Ordinance shall apply.

### 304.6.2 Special Exception Standards for Marinas:

The term "Marinas" shall include but not limited to condominium docking facilities, community docking facilities, and commercial docking facilities. A Marina shall be subject to the following minimum standards:

304.6.2.1 A Marina shall contain a minimum lot area of 1 acre plus 3,000 square feet per boat slip or dry storage space to be used during the boating season.

304.6.2.2 Adequate recreation and/or play area shall be provided.

304.6.2.3 The Board of Adjustment shall approve the plan and design for any winter boat storage area.

304.6.2.4 Off-street parking shall be provided at the rate of one space for each boat slip and for each dry storage space but not for those spaces used exclusively for winter storage.

304.6.2.5 There shall be provided a separate toilet facility and one shower and sink for males and females, for each 25 boat slips or dry storage space or fraction thereof, but not including for spaces used exclusively for winter storage.

## Section 304.6 (continued)

304.6.2.6 A pumping facility for the removal of holding tank waste shall be provided. Such facility shall meet all standards as established by the New Hampshire Department of Environmental Services and any other applicable State regulations.

304.6.2.7 The Zoning Board of Adjustment may reduce the requirements for Marinas with accommodations for 8 or fewer boats.

### 304.6.3. Special Exception Standards for Erosion Control

304.6.3.1 Construction in the shorefront shall be subject to provisions of Article 7 Shoreland Protection, Section 702.

304.6.3.2 Erosion and sedimentation control plans in projects requiring other action of the Board shall be filed with the ZBA for all filling, grading, dredging and other activities regarding land disturbance less than 100,000 square feet, except as defined in Section 702. The plan shall describe the nature and purpose of the land disturbing activity, the amount of grading involved, a description of soils, topography, vegetation, and drainage. The Zoning Board of Adjustment shall review all plans before construction begins and determine that erosion and sedimentation will be reasonably controlled to avoid undue adverse impact. Stand-alone erosion and sedimentation control plans are a permitted use reviewed by the Code Enforcement Officer.

304.6.3.3 The ZBA may require the applicant to post a bond or other security to assure conformance with approved plans. The bond shall not be released until the Zoning Board of Adjustment has certified completion of the required improvements in accordance with the plan. If the applicant obtains an RSA 485-A:17 permit from the New Hampshire Department of Environmental Services, then the requirements herein shall be deemed to have been satisfied.

304.6.4 Agriculture: To prevent runoff of fertilizers, pesticides and erosion of soils and sedimentation of surface water, a buffer strip of at least 75 feet consisting of permanent, native vegetation shall be maintained between any agricultural uses such as farming, pasturing, nurseries and horticulture and the normal high-water level.

### 304.6.5 Permits issued by Zoning Officer for Cutting and Removal of Trees and Natural Vegetation in the Shorefront District:

304.6.5.1 A shorefront resident who wishes to remove trees in a segment, may apply to the zoning officer for approval of the cutting plan as described in Section 703 Shoreland Protection Standards, as long as the resulting points still meet the point requirement listed in the zoning ordinance.

304.6.5.1.1 If the zoning officer is not certain the tree count meets the requirements, he/she has the authority to require the applicant to submit a tree plan prepared and signed by a NH licensed surveyor

304.6.5.1.2 The zoning officer's approval will be effective thirty (30) days after his decision is made.

## Section 304 (continued)

- 305.6.5.1.3 Within five (5) days of issuing an approval, the Zoning Officer shall mail notice of the approval to all abutters. The property owner or his authorized agent shall provide a complete list of abutters and pay the costs of noticing abutters of the decision by certified mail.
- 304.6.5.2 Where cutting extends to the shoreline, no more than one opening 6 feet in width shall be permitted for each 100 feet of natural shoreline. Otherwise, a natural buffer of 75 feet in depth shall be maintained. Where natural vegetation is removed, it shall be replaced with other vegetation that is equally effective in retarding runoff and erosion in preserving natural beauty. Cutting allowed by this ordinance shall protect the shoreline and shall distribute the point value of trees remaining on the lot, not cutting to leave all points clustered in one area.
- 304.6.5.3 A resident who wishes to cut a dead, diseased, or unsafe tree within the shorefront district can make an application to the zoning officer for a permit. This application must include an opinion from a licensed NH forester or certified arborist that the tree is dead, diseased, or unsafe to obtain a permit. Trees damaged by natural causes deemed hazardous by the Zoning Officer or without needles or leaves should be exempt from the requirement to have a certified arborist or a licensed forester's opinion.

Section 304.6.5 Amended 03/13/2012

Section 304.6.5 Amended 08/11/2014

Section 304.6.2 (Construction less than 600 feet) Deleted 3/10/2015

Section 304.6.6 Deleted 3/13/90

Section 304.6.6.6 Amended 03/14/17

Sections 304.6.7.1, .4-6 Amended 03/12/2019

Section 304.6.6 (Cutting and removal of trees) Moved to Article 7, Section 703 03/09/2021

Section 304.6.7.7 added 3/12/2019 (moved to article 7 as Section 704 03/09/2021)

Section 304.6.5 Amended 03/08/2022



## 304.7TABLE “SFWH” SINGLE FAMILY WORKFORCE HOUSING OVERLAY DISTRICT

### Objective

In order to comply with RSA 674:59-61 requiring that all towns with land use regulations provide “reasonable and realistic opportunities for the development of workforce housing” “be located in a majority, but not necessarily all, of the land area that is zoned to permit residential uses within the municipality,” this overlay district will allow single family workforce housing in a manner that protects the rural character of the town.

### Location of the Single-Family Workforce Housing Overlay District

The Single-Family Workforce Housing District is a district superimposed over parts of the General Residential, Residential/Light Commercial, and Rural Residential Districts as shown as part of Appendix A.

### USES

#### Permitted Uses

1. Single family workforce housing
2. Family or Group Family Childcare Center
3. Use accessory to permitted use

#### Area and Dimensions

	General Residential and Residential/Light Commercial District	Rural Residential District
Minimum lot size	1 acre	1 acre
Road frontage	100 feet	200 feet
Front yard	Same as underlying district	Same as underlying district
Side yard	Same as underlying district	Same as underlying district
Rear yard	Same as underlying district	Same as underlying district

Adopted 3/10/09

TABLE 304.8 “MFWH” MULTI-FAMILY WORKFORCE HOUSING OVERLAY DISTRICT

Objective

In order to comply with RSA 674:59-61 requiring that all towns with land use regulations provide “reasonable and realistic opportunities for the development of workforce housing,” this overlay district will allow multi-family workforce housing in a manner that protects the rural character of the town.

Location of the Multi-family Workforce Housing Overlay District

The Multi-family Family Workforce Housing District is a district superimposed over the Residential/Light Commercial District and part of the Rural Residential District along Route 153 as defined in Appendix A.

USES

Permitted Uses

1. Multi-family workforce housing
2. Single Family Workforce Housing
3. Family or Group Family Childcare Center
4. Use accessory to permitted use

Area and Dimensions

**Multi-family**

Minimum lot size 1 acre for the first dwelling unit and ½ acre for each additional unit for the first building  
½ acre for each dwelling unit for additional buildings on the same lot of record

Road Frontage	200 feet per building
Front yard	same as underlying district
Side yard	same as underlying district
Rear yard	same as underlying district

**Single-family**

Area and dimension requirements are the same as listed in Section 3, Table 304.7. Amended 3/10/2009

## Section 305                      Permitted Uses

Permitted Uses are ONLY those uses that are specifically LISTED UNDER PERMITTED USES IN TABLES 304.1 THROUGH 304.8 and are allowed only providing the standards established within this ordinance are met. Unless a Variance, a Special Exception, or action on an appeal from an administrative decision is required, the Zoning Administrator(s) may issue the necessary permit. Permitted uses are subject to Article 8 “General Provisions.”

## Section 306                      Special Exceptions Amended 3/10/98

Certain uses of land and buildings may be allowed as a Special Exception but only by approval of the Zoning Board of Adjustment if the application complies with the general and specific standards contained in this Ordinance. Before allowing a Special Exception, the Board of Adjustment shall first determine that the proposed use will conform to the following general standards listed in Section 306.1. All proposed Special Exceptions must meet all the general standards listed in Section 306.1, with the following exceptions:

Proposed uses that require Site Plan approval (such as Commercial/Industrial developments, Multi-family Developments of more than three (3) living units, Cluster Developments and developments within the Shore Front District as defined in the Freedom Zoning Ordinance), shall only be required to conform to Section 306.1 A, B, C and D.

Proposed uses in the Shore Front District that require a Special Exception for either erosion control (Section 304.6.3) or cutting and removal of trees and natural vegetation (Section 304.6.5) shall only be required to conform to Section 306.1 A, C, H, J, K and L.

- 306.1 The Board of Adjustment shall make findings of fact that the proposed application for a special exception satisfies the applicable general standards set forth below. The applicant must provide information as to each of these standards at the public hearing.
- A. The character of the area in which the proposed Special Exception use will be placed shall not be adversely affected by the proposed Special Exception use.
  - B. The proposed Special Exception use shall not adversely affect the highways and sidewalks, or the use thereof located in the area.
  - C. The proposed Special Exception shall not adversely affect Town services and facilities.
  - D. The public highways providing access to the lot shall be sufficient and have adequate capacity for the safety of vehicles and pedestrians.
  - E. The traffic pattern on the lot shall be coordinated to compose a convenient system of any internal road intersecting with the access to the public highway.
  - F. There shall be a proper arrangement of roadways, sidewalks, loading areas and parking areas within the lot so the proposed development shall not endanger the safety of vehicles, pedestrians, or bicyclists.
  - G. There shall be a safe driveway access to the public highway including safe sight distances in each direction.
  - H. There shall be adequate access from the public highway and sufficient maneuvering room on the lot for fire, police, and emergency vehicles. The applicant shall also provide information as to plans for fire protection.

## Section 306 (continued)

- I. All loading areas shall be designed so as not to interfere with other planned circulation on the lot and to provide adequate space and facilities.
- J. Provision shall be made for handling water drainage on the lot to prevent flooding of the lot or of another property.
- K. On-site lighting shall be designed to assure adequate illumination for the safety of vehicles and pedestrian travel. Exterior lighting shall be installed and operated in such a manner that adjacent residential uses are not adversely affected. Such lighting shall not shine onto roads and public highways to interfere with the operation of motor vehicles.
- L. Adequate landscaping.
- M. Proposed signs shall comply with the sign requirements contained in this ordinance.

306.2 Information for the Application for a Special Exception: The application for this Special Exception shall include a plan which shall show:

- A. The perimeter boundaries of the lot including compass bearings, distances, lot areas, north arrow and zoning setbacks, and frontage on a public highway.
- B. The width and location of any and all rights-of-way and easements on the lot.
- C. The shape, size, height, and location of all existing and proposed structures located on the lot.
- D. The location of natural features such as streams, marshes, lakes, ponds or wetlands and manmade features such as existing roads, paths, trails, sidewalks, and structures on the lot.
- E. The abutting properties within 100 feet of the boundaries of the lot for which a Special Exception is requested, and their use; and roads and driveways within 200 feet of the boundaries of the lot shall be shown on the plan.
- F. The plan shall show proposed internal roads, driveways, parking spaces and sidewalks, the width of all internal roads, driveways and sidewalks and the location and number of parking spaces. Loading spaces and loading facilities used in connection with any structures on the lot shall be shown.
- G. A plan showing existing and proposed exterior lighting, including the direction of the lighting, and proposed signs with location.
- H. If any portion of the lot is within a special flood hazard area the plan shall show the Basic Flood Elevation and special flood hazard area.
- I. Existing and proposed landscaping.
- J. The zoning designation and dimensional requirements under the Freedom Zoning Ordinance for the lot and for abutting properties within 100 feet of the boundaries of the lot.
- K. All existing and proposed surface and subsurface storm drainage facilities.

These plan requirements and information may be waived or modified by the Board of Adjustment.

306.3 Such proposed Special Exception use shall comply with all other applicable specific standards in this ordinance.

306.4 If the Board of Adjustment approves an application for a Special Exception, it shall have the authority to impose relevant conditions as to the use of the land as it finds reasonable and appropriate to safeguard the neighborhood or otherwise serve the purposes of this ordinance, including, but not limited to, the following:

306.4.1 Yards larger in area or in any specified dimension than those required by the ordinance.

## Section 306.4 (continued)

306.4.2 Screening of all or part of the premises of the proposed use by walls, fencing, or planting.

306.4.3 Off-street parking facilities greater than those otherwise required under this ordinance.

306.4.4 Limitations upon the size, location, and/or lighting of signs more restrictive than otherwise imposed by this ordinance.

## Section 307                      Lots

307.1 Frontage: Lots which abut on more than one public street shall provide the required frontage on only one street.

307.2 No structures may project into any minimum front, side, or rear yard except: Amended 3/8/94

307.2.1 Signs as provided in Article 23.

307.2.2 One accessory building as provided in Section 310.1.7 and

307.2.3 Fences, lamppost, rose arbor, fountain, bird feeder.

307.3 Lot Access: The street giving access to any lot shall be as follows:

307.3.1 Shall have the legal status of a Class I to Class V; or

307.3.2 Corresponds in its location and lines with a street on a subdivision plat approved by the Planning Board. This includes a street which is a private road; or

307.3.3 A Class VI Highway, provided that the requirements as contained in RSA 674:41 as it may be amended from time to time or such similar statute, are complied with.

307.3.4 A lot which has access to a street as described above by means of a private right-of-way which is appurtenant to the lot shall satisfy the requirements herein.

## Section 308                      Dimensional Requirements

The following dimensional standards shall apply:

308.1 Minimum Road Frontage: For any use, the minimum road frontage shall be as specified in Section 304, Tables 304.1-8.

308.2 Front Yard

308.2.1 Any lot line contiguous to a street is deemed to be a front lot line. A lot bordering on two streets shall be deemed to have two front yards and two side yards. A lot bordering on three streets shall be deemed to have three front yards and one side yard.

308.2.2 Measurement of Front Yard. The front yard requirement shall be measured from the street right-of-way line, if known. If not known, then 25 feet shall be added to the required front yard and measured from the center line of the existing traveled way of the street. Amended 3/13/90

308.3 Height Restrictions

308.3.1 The height of any building shall be measured from the average finished grade. In no instance shall a building be more than thirty-five (35) feet above the average grade.

308.3.2 Flagpoles may exceed the height restriction.

308.3.3 Chimneys, spires, lightning rods, or like structures not used for human occupancy may exceed the height restriction on the building of main use.

308.3.4 Radio, TV antennae, or satellite dish antenna systems for private, noncommercial reception may extend above the height limit.

(Sections 308.2.B, 308.3 and 308.4 deleted by amendment 3/8/94 and subsequent paragraphs renumbered)

## Section 309                      Accessory Uses

- 309.1 Intent: Residents shall be allowed the full permitted use of their property. Accessory uses of a commercial nature may be allowed as a Special Exception by the Board of Adjustment in order to provide Town residents with opportunities to operate businesses; to support the variety of uses characteristic of small towns and allow for reasonable growth. At the same time, the ordinance intends to ensure that Freedom preserves its quiet, uncrowded, and scenic features and maintains its neighborhood character.
- 309.2 Accessory uses are uses customarily incidental to the permitted use but may not exceed the following standards without a special exception from the zoning board of adjustment.
- 309.2.1 Accessory use may employ two employees on site simultaneously.
- 309.2.2 Adequate off-street parking must be provided for employees and residents. Article 10 of this ordinance details the requirements for off-street parking.
- 309.2.3 The accessory use shall not emit noise, smells, and other nuisances. The principal character of residential use of the lot shall not be changed by the accessory use and shall conform to Article 3 Section 310.1.5.
- 309.2.4 The accessory use shall not occupy more than 10% of the total acreage of the lot.
- 309.2.5 No unreasonable storage or display of materials, goods, supplies, or equipment related to the accessory use shall be visible from abutting properties or roads. Proposed storage and/or display area shall be included in the application.
- 309.2.6 Vehicles, equipment, and materials used in the accessory use shall not be parked or stored in the setbacks of the lot.
- 309.2.7 One sign, not to exceed six square feet, shall be allowed. This requirement supersedes the provisions for signs contained in Article 23 of this Ordinance.
- 309.2.8 No hazardous materials requiring a license shall be stored or used on site.
- 309.2.9 No activity shall be allowed which would interfere with radio or television transmission in the area.
- 309.2.10 Deliveries are limited to trucks of 12,000 gross vehicle weight (GVW) or less.
- 309.2.11 No more than three commercial vehicles may be parked at the site. Vehicles must be less than 12,000 GVW.
- 309.2.12 Accessory uses under this section of the ordinance must comply with all local and seasonal road postings and regulations regarding use of trucks for the accessory use or from deliveries to the lot.
- 309.3 Conditions of Approval  
Special exceptions for accessory use will be subject to the terms of RSA 674:33 IV regarding the length of time special exceptions is valid. Amended 03/11/2014
- 309.4 Exclusion  
309.4.1 Accessory uses involving vehicles greater than 20,000 pounds GVW are not allowed in residential districts.

## Section 310                      Lot of Record

- 310.1. As defined by Section 2402, Number 43, any lot of record may be used for one single-family dwelling (unless the zoning ordinance allows another residential use, e.g., accessory dwelling unit) if it meets the following conditions:
- 310.1.1 The lot is a lot of record.
- 310.1.2 A numbered approval for construction of a Subsurface Disposal System is obtained from the Department of Environmental Services.

## Section 310 (continued)

- 310.1.3 There is compliance with the Freedom Wetlands Ordinance (see Article 4 of this Ordinance).
- 310.1.4 A source of water is available on the lot with a protective radius required by the Department of Environmental Services or an off-site water source suitable for a single-family dwelling is available.
- 310.1.5 If it has an accessory dwelling unit (ADU), the lot meets the ADU requirements of Section 1104 of the zoning ordinance.
- 310.1.6 The total footprint area of all structures on the same lot of record, including porches and decks covered by roofs, shall not exceed 15% of the total area of the lot. Footprint area calculation includes portions of the lot covered by roof overhangs, but excludes pervious structures like decks, stairs to the shore, or other structures that allow water to percolate. For condominiums, the total area of the lot means the limited common area for the unit and not the total area of the condominium. The applicant shall provide photographs to the zoning officer and agree to a site visit so runoff characteristics can be determined.
- 310.1.6 The applicant shall provide photographs to the zoning officer and agree to a site visit so runoff characteristics can be determined.
- 310.1.7 The main building and accessory building on a lot of record shall comply with the minimum yard requirements, with the following exception. Lots containing one-half acre or less may locate one accessory building in a required side yard or rear yard (but excluding the rear yard in the Shore Front District) provided the accessory building:
- 310.1.7.1 Is not closer than 15 feet to the property line; and
  - 310.1.7.2 Does not exceed 100 square feet in area; and
  - 310.1.7.3 Does not exceed 14 feet in height.
- The Zoning Officer may issue a permit for the accessory building meeting these standards.

Amended 3/8/94 Amended 3/11/2008  
Section 301.1 amended 3/12/2019  
Section 301.1.5 added 3/12/2019

## ARTICLE 4 WETLANDS CONSERVATION OVERLAY DISTRICT Amended 3/13/90

### Section 401 Purpose and Intent

The purpose of these regulations is to protect the public health, safety, and general welfare by controlling and guiding the use of land areas which have been found to be subjected to high water tables for extended periods of time.

It is intended that these regulations shall:

- 401.1 Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and ground water by sewage or toxic substances.
- 401.2 Prevent the destruction of, or significant changes to, natural wetlands which provide flood protection.
- 401.3 Protect unique and unusual natural areas.
- 401.4 Protect wildlife habitats and maintain ecological balances.
- 401.5 Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas.
- 401.6 Prevent expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required because of misuse or abuse of wetlands.
- 401.7 Encourage those low-density uses that can be harmoniously, appropriately, and safely located in wetlands.

### Section 402 Wetlands Defined

Wetlands are areas where a significant part of the vegetational community, and soil and land types consist of, but do not necessarily include all, of the following:

- 402.1. Swamps are areas where the water table is at or near the ground surface for a significant part of the year. The vegetational community consists mostly of trees and woody shrubs, such as:

Alders	Poison Sumac	
Arrow-wood	Red Maple	Atlantic White Cedar Rhodora
Black Ash	Sphagnum Moss	
Black Gum	Spicebush	
Black Spruce	Sweet Pepperbush	
Buttonbush	Tamarack (Larch)	
Common Elder	Willows	
High bush Blueberry	Winterberry	Marsh Rose

- 402.2. Marshes are treeless wetlands dominated by soft-stemmed herbaceous plants. The surface of the marsh is covered with water year-round, though seasonal fluctuations in water depth are expected. Marshes range from the wet meadows variety to deep marshes which can be covered with several feet of water. The vegetational community is made up of some or all of the following:

Arums	Horsetails	Cotton grasses
Bladderworts	Hydrophyllus Grasses	Wool-grasses
Burreeds	Leather Leaf	Smartweeds
Cattails	Pickrel Weed	Sweet Gale
Duckweeds	Rushes	Waterlilies
Eelgrass	Sedges, including:	Water Milfoil
Frog's Bits	Bulrushes	



## Section 402 (continued)

- 402.3. Bogs consist of peat or muck deposits of significant depths and are characterized by a distinct group of trees and plants which are adapted to the bogs' highly acidic conditions. The water in a bog is practically devoid of oxygen and nutrients. Bogs usually develop in undrained glacial depressions. Typical plants are:

Atlantic White Cedar	Pale Laurel
Black Spruce	Pitcher plants
Bladderworts	Rhodora Bog or Buckbean Sedges
Bog-laurel	Sheep Laurel
Bog-rosemary	Sphagnum Moss
Cotton Grass	Sundews High-bush Blueberry
Leatherleaf	Sweet Gale

- 402.4. Soil series and land types commonly associated with wetlands, as described in the Soil Survey of Carroll County, New Hampshire, dated December 1977, include the following "very poorly drained" and "poorly drained soils":

### "Very Poorly Drained" soils include:

Alluvial land, west (AW)	Muck and Peat (MU)
Chocorua mucky peat (CM)	Ossipee mucky peat (OT)
Fresh water marsh (FA)	Whitman very stony loam (Wc)
Greenwood mucky peat (GW)	

### "Poorly Drained" soils include:

Limerick silt loam (Lk)	Limerick variant (Lm)
Naumburg loamy sand (Na)	Raynham variant (Ra)
Ridgebury series (Rg) (Rl)	

## Section 403 District Boundaries

- 403.1. Wetlands Conservation Overlay District Defined

The Wetlands Conservation Overlay District is an environmental overlay district superimposed over the Zoning districts shown on the Zoning Map. The Wetlands Conservation Overlay District is defined as those areas delineated as very poorly and poorly drained soils by the U.S. Department of Agriculture, Natural Resource Conservation Service, in the Soil Survey of Carroll County, New Hampshire, dated December 1977. The Wetlands Conservation Overlay District also includes those areas such as swamps, marshes and bogs that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation adapted for life in saturated soil conditions.

- 403.2. Establishment of a District

The limits of the Wetlands Conservation Overlay District are hereby determined to be areas of one acre or more in size, or of any size if contiguous to surface waters such as lakes, ponds, and streams, subjected to high water tables for extended periods of time and includes, but are not necessarily limited to, all such areas delineated as wetlands on the current Freedom Wetlands Map, which is on file at the Town Hall.

## Section 403 (continued)

### 403.3 Wetlands Incorrectly Delineated

In the event an area is alleged to be incorrectly delineated as being poorly drained or very poorly drained soils in the Wetlands Conservation Map, or that an area not so designated meets the criteria for wetlands designation, and evidence to that effect is satisfactorily presented to the Zoning Board of Adjustment, the Zoning Board of Adjustment may determine that the restrictions contained in this Ordinance shall or shall not apply. Such evidence may be obtained either by revision by the Natural Resource 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 Natural Resource Conservation Service and presented in writing to the Zoning Board of Adjustment along with the findings of the Natural Resource Conservation Service.

## Section 404 Permitted Uses

404.1 Permitted uses are those which will not require the erection or construction of any structures or buildings, will not alter the natural surface configuration by the addition of fill or by dredging and uses that otherwise are permitted. Such uses may include the following:

- 404.1.1 Forestry-tree farming, using best management practices as described in “Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire (1997, or as amended); or BMPs for Erosion Control in Timber Harvesting Operations in New Hampshire (J.B. Cullen, 1996) in order to protect streams from damage and to prevent sedimentation.
- 404.1.2 Cultivation, harvesting and fertilization of crops according to recognized soil conservation standards as established by the Natural Resource Conservation Service. The protection of wetlands from pollution caused by fertilizers, pesticides and herbicides shall be of prime importance.
- 404.1.3 Wildlife refuges.
- 404.1.4 Parks and recreation uses consistent with the purpose and intent of this Ordinance.
- 404.1.5 Conservation Areas and nature trails.
- 404.1.6 Open spaces as permitted or required by the Subdivision Regulations and/or this Ordinance.

## Section 405 Special Exceptions

Special exceptions may be granted by the Zoning Board of Adjustment for undertaking the following uses in the Wetlands Conservation Overlay District when the application has been referred to the Zoning Board of Adjustment, the Conservation Commission, and to the Health Officer for review and comment at least twenty (20) days prior to the hearing.

- 405.1. Streets, roads and other access ways and utility right-of-way easements, including power lines and pipelines, if essential to the productive use of land and if so located and constructed as to minimize any detrimental impact of such uses upon the wetland.
- 405.2. Water impoundments.
- 405.3. The undertaking of a use not otherwise permitted in the Wetlands Conservation Overlay District, if it can be shown that such proposed use is not in conflict with any and all of the purposes and intentions listed in Section 401 of this Ordinance.

Section 406                      Septic Tank or Leach Field Setback

- 406.1 No septic tank or leach field may be constructed or enlarged closer than seventy-five feet (75) feet to any very poorly drained wetland. Septic tanks may be constructed fifty (50) feet from poorly drained wetlands if the tank is sealed.
- 406.2 In the case of a failed system, the property owner must receive approval from NH DES Sub-Surface Bureau.
- 406.3 Septic systems in the protected shorefront are subject to RSA 483-B Shoreland Water Quality Protection Act, Section 9 V(c) (2) (A) as listed in NH Planning and Land Use Regulation 2020-2021 Edition.

Section 407                      Wetland Not Part of Minimum Lot

No part of a wetland may be considered as part of the minimum lot size under this Ordinance or the Subdivision Regulations.

Section 408                      Conflict with Other Regulations

Where any provision of the Wetland Conservation Overlay District conflicts with State law or other local regulation, the most stringent provision shall apply.

(Information Only: The adoption of this Zoning amendment repealed the Wetlands Conservation Ordinance adopted by the Town Meeting on March 11, 1979, effective March 13, 1990.)

Amended 03/08/2022

## **ARTICLE 5                      GROUNDWATER PROTECTION**

### Section 501                      Authority

The Town of Freedom hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls.

### Section 502                      Purpose

The purpose of this ordinance is, in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.

The purpose is to be accomplished by regulating non-residential land uses and home occupations not exempt from this ordinance which could contribute pollutants to wells and/or aquifers needed for present and/or future public and private water supply.

### Section 503                      Groundwater Protection District

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning. The Groundwater Protection District includes all of the NH Department of Environmental Services-approved Wellhead Protection Areas for community Public Water Systems and all areas overlying Stratified Drift Aquifers as described in Geohydrology and Water Quality of Stratified Drift Aquifers in the Saco and Ossipee River Basins, East-Central New Hampshire, USGS Water Resources Investigations Report 95-4182, shown on the map entitled, Groundwater Protection District, Town of Freedom, New Hampshire” located in the Freedom Town Offices and on file with the town clerk.

### Section 504                      Applicability

This Ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under Section 509 (Exemptions) of this Ordinance.

### Section 505                      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. (See Zoning Ordinance Article 3, tables 304.1 through 304.8.) All uses must comply with the Performance Standards unless specifically exempt under Section 509.

### Section 506                      Performance Standards for Permitted Uses

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under section 509:

- 506.1    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, July 2008, and any subsequent revisions.
- 506.2    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.
- 506.3    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.

#### Section 506 (continued)

- 506.4 Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located 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.
- 506.5 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).
- 506.6 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.
- 506.7 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 We 604 of the New Hampshire Water Well Board Rules.
- 506.8 All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter.

#### Section 507 Existing Non-Conforming Uses

Any lawful use in existence at the time of the adoption of this Ordinance, or of any amendment hereto, may be continued although such use does not comply with the provisions of this Ordinance. Such uses shall be known as "Non-Conforming 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 law.

A non-conforming use shall be presumed to be abandoned if the use has been discontinued for a period of two years or more. A determination shall in the first instance be made by the Code Enforcement Officer, and any person aggrieved may appeal that decision to the Zoning Board of Adjustment. Rights vested by applicable law shall not be affected.

#### Section 508 Prohibited Uses

The following uses are prohibited in the Groundwater Protection District.

- 508.1 The development or operation of a hazardous waste disposal facility as defined under RSA 147-A.
- 508.2 The development or operation of a solid waste landfill.
- 508.3 The outdoor storage of road salt or other deicing chemicals in bulk;
- 508.4 The development or operation of a junkyard;
- 508.5 The development or operation of a snow dump;
- 508.6 The development or operation of a wastewater or septage lagoon;
- 508.7 The development or operation of a petroleum bulk plant or terminal;
- 508.8 The development or operation of gasoline stations.

## Section 509                      Exemptions

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

- 509.1 Any private residence is exempt from this ordinance;
- 509.2 Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from section 506, Performance Standards for Permitted Uses, sections 506.3 through 506.6;
- 509.3 Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from section 506, Performance Standards for Permitted Uses, section 506.3;
- 509.4 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 section 506, Performance Standards for Permitted Uses, sections 506.3 through 506.6;
- 509.5 Storage and use of office supplies is exempt from section 506, Performance Standards for Permitted Uses, sections 506.3 through 506.6;
- 509.6 Temporary storage of construction materials on a site where they are to be used is exempt from section 506, Performance Standards for Permitted Uses, sections 506.3 through 506.6 if used within the site development project within six months of their delivery on the site;
- 509.7 The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;
- 509.8 Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from section 506, Performance Standards for Permitted Uses, 506.3 through 506.6;
- 509.10 Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under section 513 of this ordinance.
- 509.11 Home businesses not working with hazardous materials are exempt from section 506.8 of this ordinance.
- 509.12 Forestry field equipment re-fueling is exempt from section 506.8 as long as foresters comply with section 5141.2, Spill, Protection, Control, and Countermeasure (SPCC) Plan.

## Section 510                      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:

- 510.1 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 approved by the local Fire Department.
- 510.2 Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater.
- 510.3 Any activities that involve blasting of bedrock.

## Section 510 (continued)

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use (Section 508) and will Performance Standards in section 506 as well as all applicable local, state, and federal requirements. The Planning Board 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.

## Section 511 Performance Standards for Conditional Uses

The following performance standards will apply to the three conditional uses defined under this article:

- 511.1 Conditional uses shall require stormwater management and pollution prevention plans which include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites (US EPA, May 2007). The plan shall demonstrate that the use will:
  - 511.1.1 Meet minimum stormwater discharge setbacks between water supply wells shall meet stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post-Construction) Stormwater Management, (DES, 2008 or later edition)
  - 511.1.2 Minimize the release of regulated substances into stormwater through a source control plan that identifies pollution prevention measures;
  - 511.1.3 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); and
  - 511.1.4 Maintain a minimum of four feet vertical separation between the bottom of a stormwater facility 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.
- 511.2 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 approved by the local Fire Department.

The Fire Chief 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:

- 511.2.1 A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
- 511.2.2 Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
- 511.2.3 A list of all regulated substances in use and locations of use and storage;

## Section 511 (continued)

- 511.2.4 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.
- 511.2.5 A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
- 511.3 Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater, requires a stormwater management plan which the planning board determines is consistent with New Hampshire Stormwater Manual Volumes 1- 3, December 2008, NH Department of Environmental Services.
- 511.4 Any activities that involve blasting of bedrock.  
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, following the BMP requirements in RSA 155.

## Section 512 Relationship between State and Local Requirements

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

## Section 513 Maintenance and Inspection

- 513.1 For conditional 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 so as to run with the land on which such structures are located, at the Registry of Deeds for Carroll County. The description so prepared shall comply with the requirements of RSA 478:4-a.
- 513.2 Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Code Enforcement Officer at reasonable times with prior notice to the landowner.
- 513.3 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 Section 509, shall be subject to inspections under this Article.
- 513.4 The Board of Selectmen may require a fee for compliance inspections. The property owner shall pay the fee. The Board of Selectmen shall establish a fee schedule as provided for in RSA 41-9:a.

## Section 514 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.



Section 515                      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.

Section 516                      Effective Date

This ordinance shall be effective upon adoption by the legislative body.

Section 517                      Definitions

1. Aquifer: a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
2. 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 the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container.
3. Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.
4. 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.
5. Impervious: not readily permitting the infiltration of water.
6. Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen; wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
7. Junk yard: a place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material or for the maintenance or operation of an automotive recycling yard. The definition does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.
8. Positive Limiting Barrier: A depression (e.g., groove) in the surface of an otherwise level impervious area designed to impede the flow of and contain spilled substances within the perimeter of the impervious area. These are typically constructed and maintained to contain small spills or releases (five to fifteen gallons).
9. Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
10. Public water system: a system for the provision to the public of piped water for human consumption, which 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.
11. Regulated substance: petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.

## Section 517 (continued)

12. Sanitary protective radius: The area around a public water supply well which must be maintained in its natural state (as defined by DES) as required by Env-Dw 301 or 302 (for community water systems); Env-Ws 373.12 and Env-Ws 372.14 (for other public water systems).
13. Seasonal high-water table: The depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Engineer, or other qualified professional approved by the Planning Board.
14. Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated- substances container that will be stored there.
15. Snow dump: For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.
16. Source Control Plan: A plan designed to 1) minimize the volume of stormwater coming into contact with regulated substances and 2) segregate relatively clean stormwater from stormwater with a higher concentration of pollutants. (For further details, see NH DES Alteration of Terrain Rule Env-Wq 1504.07.)
17. 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.
18. Surface water: streams, lakes, ponds, and tidal waters, including marshes, watercourses, and other bodies of water, natural or artificial.
19. Wellhead protection area: The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

## ARTICLE 6                      STORMWATER MANAGEMENT

### Section 601                      Purpose:

The purpose of this section is to educate the public as noted in the Master Plan dated 7 March 2020 and implement development requirements which reduce the amount of stormwater runoff, improve the water quality of flowing streams and surface water bodies, and provides for a more environmentally sound utilization of Freedom's land resources. This section applies to lots adjacent to all rivers, lakes, and ponds, all 1<sup>st</sup> order to 5<sup>th</sup> order streams, and designated waters not regulated by other state or town regulations.

### Section 602                      Applicability

The requirements of this article shall apply to building construction or lot development on any tract of land of any size if any of these conditions apply:

- 602.1 Land is adjacent to any 1<sup>st</sup> or 5<sup>th</sup> order stream. See list and map of applicable streams on the town of Freedom website (See Stormwater Management Plan.pdf at <https://townoffreedom.net/applications/>)
- 602.2 Increased amounts of water from the development would leave the subject lot and flow across Class I to Class V
- 602.3 Increased amounts of water from the development would leave the subject lot and flow onto an abutter's property.
- 602.4 The following are exempt from the requirements of this article as they are otherwise regulated:
  - 602.4.1 Developments subject to Site Plan Review application process.
  - 602.4.2 Developments subject to Subdivision application process.
  - 602.4.3 Timber harvesting operations (RSA 482-A, RSA 227-J:9)
  - 602.4.4 Earth excavations covered by RSA 155-E: and
  - 602.4.5 Shoreland Impact Permits under the Shoreland Water Quality Protection Act (RSA 483-B). Shoreland Permits by Notification may be subject to the requirements of this article as determined by the Code Official.

### Section 603                      Landowner's Responsibilities for Managing Stormwater

- 603.1 No construction or land disturbance may be undertaken closer than 50 feet from rivers, lakes, and ponds, all 1<sup>st</sup> order to 5<sup>th</sup> order streams, and designated waters subject to provision 602 (above)
- 603.2 Submit an application and plan as specified on the town of Freedom website for any work meeting the criteria above to the Freedom code enforcement officer. (See Stormwater Management Plan.pdf at <https://townoffreedom.net/applications/>)
- 603.3 Erect temporary erosion control measures before development begins.
- 603.4 Erect permanent Stormwater Management measures if impervious surfaces are added or terrain is altered.
- 603.5 Comply with all plans submitted and approved by the Freedom code enforcement officer.
- 603.6 Notify the code enforcement officer after temporary erosion control measures are in place and before work begins and is ready for inspection.
- 603.7 Notify the code enforcement officer after work is complete and work is ready for inspection.
- 603.8 Obtain all required federal, state, and local permits. The owner, and subsequent owners, shall be responsible for maintaining permanent stormwater management measures in accordance with the submitted and approved plan.

Section 604                      Other resources for Stormwater Management

- 604.1 Best Management Practices (BMPs) on town of Freedom website  
[\[https://www4.des.state.nh.us/SoakNH/wp-content/uploads/2020/03/Homeowners-Guide-to-Stormwater-Management-2019.pdf\]](https://www4.des.state.nh.us/SoakNH/wp-content/uploads/2020/03/Homeowners-Guide-to-Stormwater-Management-2019.pdf)
- 604.2 NH Department of Environmental Services Stormwater Manual  
(<https://www.des.nh.gov/organization/divisions/water/stormwater/manual.htm>)
- 604.3 NH Department of Environmental Services – “Soak Up the Rain Program”  
(<https://www4.des.state.nh.us/SoakNH/>)
- 604.4 NH Department of Environmental Services Homeowner’s Guide to Stormwater Management  
<https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-11-11.pdf>)

Section 603.1 added 03/08/2022

## **ARTICLE 7 SHORELAND PROTECTION**

### **Section 701 Intent**

The Freedom 2020 Master Plan's vision places a high priority on protecting the quality of the town's water resources. To that purpose, the Freedom zoning ordinance adopts and extends the requirements of the state's Minimum Shoreland Protection standards that are designed to minimize shoreland disturbance to protect the public waters, while still accommodating reasonable levels of development in the protected shoreland.

### **Section 702 Shoreland Permits Required and Exemptions**

- 702.1 RSA 483-B, the Shoreland and Water Quality Protection Act, requires a permit for construction, excavation, and filling activities within the protected shoreland. Any person undertaking construction, excavation, or filling activities in the protected shorefront that meet all criteria in 702.3. below shall obtain a permit from the NH Department of Environmental Services. To conduct the project in the town of Freedom, the applicant shall complete an application and provide one copy of all state application materials and the state issued permit by notification to the Freedom Code Enforcement Officer. The Freedom Code Enforcement Officer will issue a zoning permit after reviewing the application materials and the permit issued by the Department of Environmental Services.
- 702.2 Projects that do not meet the criteria listed in 1) to 4) below will go to the Zoning Board of Adjustment for a special exception under Article 7, Section 702:
- 702.3 Project criteria for permit by notification:
- 702.3.1 Construction, excavation, and filling, or other activity that impacts less than 1,500 square feet and adds no more than 900 square feet of impervious area within a protected shoreland area.
  - 702.3.2 Construction, excavation, and filling directly related to stormwater management improvements and erosion control projects or environmental restoration or enhancement projects.
  - 702.3.3 Maintenance, repairs, and improvements of public utilities, public roads, and public access facilities.
  - 702.3.4 Any similar activities defined as qualified for a permit by notification by rules of NH Department of Environmental Services.

### **Section 703 Wetlands Permits Required and Exemptions**

- 703.1 RSA 482-A requires permits for activities in or adjacent to the waters if the state (including installing docks, boathouses, jet ski lifts, and breakwaters and filling and excavating shorelines for stabilization)
- 703.2 The zoning officer can approve any project that is subject to and received a wetlands statutory permit by notification or expedited minimum impact wetlands permit upon receipt and review of the approved permit and the supporting material.
- 703.3 Projects not subject to these two permits must go to the ZBA for a special exception under section 304.6.3 of this ordinance.

### **Section 704 Town of Freedom Shoreland Protection Standards**

The Legislature of the State of NH has found that the shorelands of the state are among its most valuable and fragile natural resources and their protection is essential to maintain the integrity of public waters. The intent of this provision of the Town of Freedom's zoning ordinance is to protect Freedom's water bodies via the Town's authority under RSA 674:16. The waterfront buffer shall be

those protected shorelands within 75 feet of the reference line. The purpose of this buffer is to protect the quality of public waters while allowing homeowner discretion regarding water access, safety, viewscape maintenance, and lot design.

Within the waterfront buffer all the following prohibitions and limitations shall apply:

- 704.1 No chemicals, including pesticides or herbicides of any kind, shall be applied to ground, turf, or established vegetation except if applied by horticultural professionals who have a pesticide application license issued by the department of agriculture or as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).
- 704.2 Rocks and stumps and their root systems shall be left intact in the ground unless removal is specifically approved by the ZBA pursuant to RSA 482- A or RSA 483-B:11, II or unless rocks are removed to improve runoff control or the planting in the waterfront buffer, and stumps that are removed are replaced with pervious surfaces, new trees, or other woody vegetation.
- 704.3 No natural ground cover shall be removed except as necessary for a foot path to water and access ways or for normal maintenance, to protect the waterfront buffer, cutting those portions that have grown over 3 feet in height for the purpose of providing a view, to provide access to natural areas or shoreline.
- 704.4 Starting from the northerly or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into segments 25 feet (along the shore) by 50 feet inland (the "Shorefront Segment"). The second segment, parallel to the rear of the Shorefront Segment, consisting of 25 feet parallel to the shore and 25 further inland (the "Inland Segment") will be mapped behind the Shorefront Segment to extend out to 75 feet from the shoreline, Freedom's minimum standard. Owners of land within the waterfront buffer shall measure, calculate, and maintain the tree, sapling, shrub, and groundcover point score in each of these segments in accordance with the methods and standards described in subparagraphs i through viii.
- i. Tree and sapling diameters shall be measured at 4 1/2 feet above the ground for existing trees and saplings, or by caliper at a height consistent with established nursery industry standards when nursery stock is to be used, and are scored as follows:

Diameter or Caliper--	Score 1 to 3 inches--	1 point
Greater than 3 and including 6 inches--		5 points
Greater than 6 and including 12 inches--		10 points
Greater than 12 inches--		15 points
  - ii. For the purpose of planting under RSA 483-B:9, V(g)(3), shrubs and groundcover plants shall be scored as follows:

Four square feet of shrub area	1 point.
Ground cover, not including mowed lawn	1 point for every 50 square feet.
Shrub and groundcover shall count for at least	4 points for the Shorefront Segment and 2 points in the Inland Segment and not more than 7 points in in the Shorefront Segment and 3 points in the Inland Segment.
  - iii. Dead, diseased, or unsafe trees or saplings shall not be included in scoring.
  - iv. If the total tree and sapling score in any 25 feet by 50-foot Shorefront Segment exceeds 35 points or 15 points in the Inland Segment, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 35 or 15 points in the two segments respectively. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or

beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non- invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

- v. Owners of lots and holders of easements on lots that were legally developed prior to July 1, 2008, may maintain but not enlarge cleared areas, including but not limited to existing lawns, gardens, landscaped areas, beaches, and rights-of-way for public utilities, public transportation, and public access, and may repair existing utility structures within the waterfront buffer. Conversion to or planting of cleared areas with non-invasive species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements of Section 704 relating to impervious surfaces.
- vi. Normal trimming, pruning, and thinning of branches to the extent necessary to maintain the health of the planted area as well to protect structures, maintain clearances, and provide views is permitted provided such activity does not endanger the health of the plant.
- vii. When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12-foot-wide access path shall be allowed. On those properties accessible only by water, this access path may be maintained provided it is stabilized with a surface that will infiltrate stormwater. On other properties the access path shall be completely restored and replanted with vegetation upon completion of construction except as allowed under subparagraph vii.
- viii. A permanent 6-foot-wide foot path as well as access to any docks, beaches, structures, existing open areas, and the water body, configured in a manner that will not concentrate storm water runoff or contribute to erosion, are allowed.

704.5 Any cutting between seventy-five (75) and three hundred (300) feet of the reference line shall require a cutting plan to be approved by the Zoning Board of Adjustment if the slope of the lot meets any of the following criteria:

704.5.1 Construction or site work of any kind is taking place in an area(s) that slopes at greater than 12.5% toward the lake

704.5.2 The structure's placement has the potential to cause stormwater to flow toward the lake because the slope below the structure is greater than 12.5%

704.5.3 Tree cutting in any area of a lot where the land slopes at greater than 12.5% toward the lake shall require a cutting plan. The plan will be based on segments that run 25 feet parallel to the shore and 75 feet inland. The tree and sapling score count in any segment must be 53 points (as described in section 704.4i and ii) to allow any tree cutting to take place. The zoning officer may issue a permit for tree cutting under the terms of section 304.6.5.1 where no construction is occurring (section 703.5.1 and 2 above).

704.5.4 In any case required by the Zoning Officer.

704.6 The cutting plan shall meet the intent of this ordinance as stated in Section 701 and use a methodology similar to that set out in Section 704 with points increased proportionally augmented for the larger area involved.

704.7 The Zoning Board of Adjustment may request the Conservation Commission to review the plan and make recommendations.

Section 705                      Impervious Surfaces on Shorefront Lots

- 705.1 Intent: The town of Freedom is committed to protecting the town's shorelands under the Town's authority under RSA 674:16. These provisions meet or exceed the minimum standards of RSA 483-B:9 (as published in NH Planning and Land Use Regulations 2018-2019 Edition), to which Freedom property owners must already comply.
- 705.2 For the purposes of this article, the definition of impervious surface is any modified surface that cannot effectively absorb and infiltrate water. Examples of impervious surfaces include, but are not limited to roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and sidewalks. Undisturbed exposed ledge on a property is not considered a modified surface and is not considered an impervious surface.
- 705.3 As required in section 310.1.6, structures cannot exceed 15% of the total area of a lot of record.
- 705.4 No more than 25% of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, unless a stormwater management system designed and certified by a professional engineer is implemented. Such system design shall demonstrate that the post-development volume and peak flow rate based on the 25-year, 24-hour storm event, shall not exceed the pre-development volume and peak flow rate for flow off the property within the protected shoreland.
- 705.5 If the impervious surface area will exceed 15%, but is less than 25%, a stormwater management system shall be implemented and maintained which is designed to infiltrate increased stormwater from development occurring after the effective date of this paragraph in accordance with rules established by the department under RSA 485-A:17.
- 705.6 If the impervious surface area will exceed 20% and the tree, sapling, shrub, and groundcover in the waterfront buffer does not meet the point score requirement of Section 70 of this ordinance in any segment, then such segment shall be planted, as determined by rule of the department, with trees, saplings, shrubs, or groundcover in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483- B:9, V(a).
- 705.7 It is the owner's obligation to maintain the approved stormwater management system to prevent runoff that will degrade water quality. Failure to do so is a violation of these regulations and may be subject to enforcement action by the town.

Article 7 added 03/09/2021 (with parts of section 306)  
Amended 03/08/2022 quadrants

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## ARTICLE 8 GENERAL PROVISIONS

The following shall apply to all districts except where listed.

### Section 801                      Lots in Two Zoning Districts

Where a district boundary divides a lot of record at the time such boundary is adopted, a use allowed in the less restricted part of such lot shall be allowed provided that such use does not extend more than thirty feet into the more restricted part.

### Section 802                      Reduction of Lot Area

When a lot is subdivided, no resulting lot shall be so reduced that the area, yards, frontage, or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when a portion of a lot is taken for a public purpose.

### Section 803                      Yards on Corner Lots

Any yard adjoining a street shall be considered a front yard for the purposes of these regulations.

### Section 804                      Projection in Yards

Every part of a required yard shall be free of all structures from grade level to the sky. Accessory buildings or structures may not project into the required front, side, or rear yards. Fences, mailboxes, and similar structures are permitted in a required yard. Amended 3/13/90. Signs which conform to Section 2301 are permitted in the front yard provided that the signs do not interfere with the public's use of the highway, including any sidewalk. Amended 3/11/97.

### Section 805                      Driveways Permit

805.1 All driveways that intersect a Town highway must receive a permit from the Selectmen or their appointed representative, working in conjunction with the Road Agent as provided in RSA 236:13 as amended or such similar statute.

805.1.1 Location of the driveway shall be determined by the homeowner and the Selectmen or their designated agent.

805.1.2 A property with more than six-hundred (600) feet of road frontage may be granted a second access at the discretion of the Selectmen or their designated agent.

805.1.3 Accesses that enter the town road in two locations into a continuous driveway (circular) are prohibited.

805.1.4 Prior to issuing a permit, the issuer must consider any written recommendations of the local fire chief for fire department access, including width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway

805.1.5 The planning board or its delegate shall act on driveway permits issued by the Department of Transportation within 65 days of receipt of notification of the permit's issuance.

805.2 If the driveway intersects a State highway, then a permit must be obtained from the Department of Transportation under RSA 236:13. Amended 3/13/90

### Section 806                      Abandonment of Structures & Excavations

806.1 Within six months after work on excavation for a building has begun, the excavation thus remaining shall be covered, such as with building construction or filled to normal grade by owner and piles of unused or excess excavated material are to be removed.

806.2 Within six months after a permanent or temporary building or structure has been destroyed, demolished, or abandoned, all structural materials shall be removed from the site and the excavation thus remaining shall be covered over as with building construction or filled to normal grade by the owner.

806.3 No structure in the process of completion or demolition and no ruins from fire or other casualty shall be abandoned in a hazardous or disorderly state. Such structure shall be considered to be abandoned when work to remedy the improper condition shall not have been initiated within 90 days of the occasion of the casualty, or if initiated work shall have been discontinued with the owner's consent for 30 or more consecutive days.

Section 807                      Septic System Requirements for Increasing the Number of Bedrooms in an Existing Dwelling Unit, Change from Seasonal Occupancy to Full-time Occupancy or Increasing Load on Existing Septic System

The expansion of any dwelling unit to increase the number of bedrooms or a change in occupying any dwelling unit from seasonal to a full-time basis, or the expansion of any structure which would increase the load on an existing sewage disposal system, in all districts shall comply with the following:

807.1 The landowner shall comply with RSA 485-A:38 "Approval to Increase Load on a Sewage Disposal System". The landowner shall apply for approval of the sewage disposal system to the NH Department of Environmental Services (DES) and shall obtain approval, and

807.2 The landowner shall obtain a zoning permit as provided in Article 25 Section 2501, and

807.3 The landowner shall obtain a building permit from the Selectmen as provided in Article 25, Section 2502. Amended 3/13/90

Section 808                      Motor Vehicle Storage

A maximum of two unregistered motor vehicles may be stored on any lot. Amended 3/13/90

Section 809                      Water Storage Facility

A water storage facility shall be enclosed by a fence at least four feet high adequate to prevent uncontrolled access by small children. This condition may be waived by the Zoning Board of Adjustment if the Board decides that the water storage facility does not pose a threat to health and safety. Private swimming pools, which are an accessory use to a residential dwelling, are expressly exempted from the requirements of this Section. Amended 3/10/98

Section 810                      Utilities and Communication Deliveries

810.1 All utilities and communication lines and systems in a major subdivision shall be placed underground in conformity with the terms and specifications of the utility company and communication company involved. Amended March 13, 2001

810.2 All communication and utility pedestals to be a minimum of 25 feet from the edge of the traveled way. Amended 3/08/05

## **ARTICLE 9—NONCONFORMING USES AND STRUCTURES**

### **Section 901**                      **Definition**

Any lawful structure or use of a building in existence at the time of the adoption of this Ordinance, or of any amendment hereto, may be continued although such structure or use does not comply with the provisions of this Ordinance. Such structures shall be known as "Non-Conforming Structures," and such uses as "Non-Conforming Uses".

### **Section 902**                      **Change or Expansion of Non-Conforming Use**

No non-conforming use shall be changed to another non-conforming use and no such non-conforming use shall be enlarged or extended in excess of twenty percent (20%) of the gross floor area of the main building existing at the time the non-conformance commenced. The expanded 20% use shall comply with all other provisions of this Ordinance, including but not limited to dimensional requirements, sign regulations, and off-street parking requirements. Amended 3/13/90

### **Section 903**                      **Abandonment of Non-Conforming Use**

If a non-conforming use is changed to a conforming use and continued for a period of four (4) months or more, such change shall constitute the abandonment of the prior non-conforming use.

A non-conforming use shall be presumed to be abandoned if the use has been discontinued for a period of two years or more. A determination shall in the first instance be made by the Zoning Officer, and any person aggrieved may appeal that decision to the Zoning Board of Adjustment. Rights vested by applicable law shall not be affected.

### **Section 904**                      **Damage to a Non-Conforming Structure**

If a non-conforming structure is damaged by fire, explosion or other catastrophe, the Zoning Officer may issue a zoning permit for the rebuilding and restoration of such building which may not be greater in size or floor space and in the original location of the original structure except as provided in Section 906. Application for a building permit to restore the structure must occur within two years of the date of damage. Otherwise, the non-conforming use shall be presumed to have been abandoned, except as to rights vested by law.

### **Section 905**                      **Damage to a Non-Conforming Use**

If a building housing a non-conforming use is damaged by fire, explosion or other catastrophe, the Zoning Officer may issue a zoning permit for the resumption of such use in the rebuilt or restored structure limited to the original size and floor space utilized by the non-conforming use. Application for a zoning permit to restore the structure must occur within two years of the date of damage. Otherwise, the non-conforming use shall be presumed to have been abandoned.

### **Section 906**                      **Expansion of Non-Conforming Structure**

A structure which is nonconforming as to one or more dimensional requirements (setback and height limit or either) may be enlarged or expanded with the following conditions:

906.1 No portion of the enlargement or expansion of a structure shall further encroach on the front yard setback beyond the existing overhang of the main structure.

906.2 The expansion or extension shall not violate the side yard setback or rear yard setback requirements for the district in which the lot is located.

906.3 No portion of the enlargement may exceed the height of the existing non-conforming structure.

Amended 3/14/00 Amended 3/12/02 Amended 3/11/2008

## Section 906 A Relocation of Storage Containers and Portable Structures

Storage containers and portable structures as defined in Section 2402 #64 in existence at the time of the adoption of this Zoning Ordinance or of any amendment thereto, may be continued although such structure or use does not comply with the provisions herein. If a storage container or portable structure is moved, the structure must comply with all current requirements of the Zoning Ordinance.

## Section 907 Expansion of Pre-Existing Non-Conforming Seasonal Dwellings

### 907.1 Purpose and Intent

It is the purpose section to acknowledge the existence of non-conforming seasonal dwellings, the use of which pre-dates the original adoption of these zoning ordinances in 1987. It is further the purpose of this section to permit the continued use of these non-conforming dwellings within the requirements enumerated in Article 9; to permit expansion of certain non-conforming seasonal dwellings to year-round use under limitations enumerated in Section 907.4; and to prohibit expansion to year-round use of more than one (1) seasonal dwelling per lot, while limiting their pre-existing use to their continuous, uninterrupted and unenlarged seasonal nature, as enumerated in Sections 907.3 and 907.5. It is the purpose of these ordinances to regard the temporal expansion of more than one (1) non-conforming seasonal dwelling per lot to year-round use as a substantial change in use such that the vested right to the non-conforming use is discharged and the lot and its use must conform to current requirements of these ordinances.

### 907.2 Definition – Seasonal Dwelling

A structure that is designed to be used, or is actually used, as a temporary dwelling for less than twelve (12) months per year, or primarily for a specific or distinct season. This term includes, but is not limited to, lake house, hunting or snowmobile lodge or camp, and summer camp, cottage, or lodge.

### 907.3 Scope of Use

All pre-existing non-conforming seasonal uses shall be permitted to be used to the same temporal extent as they have been used on a continuous and uninterrupted basis until abandoned or discharged. The burden shall be on the property owner to establish the season or periods of the year in which the use has existed. In the absence of evidence to the contrary, seasonal summer use shall be presumed to be May 15 through October 14; and seasonal winter use shall be presumed to be October 15 through March 1 for each calendar year.

It is in the interest of public health, safety, and welfare and in furtherance of the goals of the Town of Freedom Master Plan that uniformity of the application of these ordinances to all dwellings within the town be achieved. To this end, pre-existing non-conforming seasonal uses shall be permitted to the temporal extent presumed in this Section, or actually established through evidence by the property owner, whichever may be greater. Any greater temporal use must comply with Sections 907.4 and 907.5.

### 907.4 One (1) pre-existing non-conforming seasonal dwelling per lot may be expanded to year-round use as long as the expansion complies with the following requirements:

907.4.1 The lot size must be a minimum of ten thousand (10,000) square feet.

907.4.2 A Subsurface Disposal System permit approval is obtained from the New Hampshire Department of Environmental Services Subsurface Systems Bureau;

907.4.3 A source of water is available on the lot with a protective well radius required by the New Hampshire Department of Environmental Services, or an off-site water source suitable for a single-family dwelling is available;

- 907.4.4 The expansion complies with the most recent edition of the Life Safety Code (RSA Chapter 155-A);
- 907.4.5 The expansion complies with the Code for Energy Conservation in New Building Construction (RSA Chapter 155-D).

907.5 Prohibited Expansion of Pre-existing Non-Conforming Seasonal Dwellings

Multiple seasonal dwellings on one (1) non-conforming lot shall not be expanded in dimension or temporal use without complying with all provisions of these ordinances including, but not limited to, lot size, setback, frontage, and height requirements. However, in the case of multiple seasonal dwellings per lot, one (1) such seasonal dwelling may be expanded to year-round use if all the provisions of Section 907.4 are met and if all the other dwellings on the lot are eliminated.

The provisions of Section 310.1.6 (15% expansion rule) shall not apply to multiple seasonal dwellings on one (1) lot.

**ARTICLE 10 OFF-STREET PARKING REQUIREMENTS**

Section 1001 Intent

To ensure the free movement of traffic, at all times, to reduce congestion, to permit the rapid but safe passage of firefighting equipment, as well as other emergency vehicles of all sorts, to facilitate the maneuvering of public emergency equipment, to facilitate the removal of snow, and for all similar related purposes, it is the intent of this article that all structures and land uses be provided with sufficient off-street parking space to meet the parking needs of all persons making use of the premises.

Section 1002 Required Spaces to be shown on Plan

No zoning permit shall be issued for the erection of a new building, the expansion of an existing building, the change of use of any existing building, or the development or expansion of a land use, unless the plans show the location and size of the off-street parking space required to comply with the regulations as set forth in Section 1004, and the means of access to such space from public streets.

Section 1003 Existing Structures and Uses

The off-street parking requirements as set forth in Section 1006 shall apply to all buildings and land uses except those in existence at the effective date of this Ordinance. This exemption shall apply only as long as there has been no change, addition, or modification of the building or use exempted.

Section 1004 Schedule of Requirements

1004.1 In all districts, the off-street parking facilities shall be provided as follows:

<u>Use</u>	<u>Minimum Requirement</u>
Single Family Dwelling	2 per unit
Multi-family Dwelling	1.5 per unit for the first bedroom and 0.5 for each additional bedroom with the total equaling the next highest full space
Accessory Dwelling Unit	2 off-street spaces accessed by existing driveway
Elderly/senior Housing	2 per unit dwelling unit or living unit, plus 1 visitor parking space per three (3) units
Elderly Group Home	1.5 per room, plus 2 for onsite caretaker
Agriculture	2 plus 1 additional for each accessory building.
School	1 per employee based upon the highest expected average employee occupancy, plus 1 for each 10 students
Church	1 for every four seats.
Tourist Home	1 per employee based upon the highest expected average employee occupancy, plus 1 per lodging unit.
Restaurant	1 for every 2 seats.
Home Occupation	1 per employee based upon the highest expected employee occupancy plus 1 per 150 square feet of floor space plus 2 per dwelling unit.
Light Commercial	1 per employee based upon the highest expected employee occupancy plus 1 per 150 square feet of floor space plus 2 per dwelling unit.
Short-term Rental	1.5 per 1 <sup>st</sup> bedroom plus 0.5 for each additional bedroom with the total equal to the next highest full space.
Unrelated families living in a single household	2 parking spaces for the first two persons, and 1 space for each additional person.

## Section 1004 (continued)

- 1004.2.2 For buildings and land uses which fall into more than one of the categories listed in 1004.1 reasonable and appropriate off-street parking requirements shall be determined by the Zoning Officer by applying the requirements of 1004.1 to the individual component parts of such building or land use, the sum of which shall be the total amount of parking facilities to be provided.
- 1004.2.3 For buildings and land uses which do not fall within any of the categories listed in 1004.1, the Zoning Officer shall determine reasonable and appropriate off-street parking requirements by applying the closest applicable categories of 1004.1 to such building or land use.
- 1004.2.4 The administrative decision of the Zoning officer in either 1004.2.2 or 1004.2.3 may be appealed to the Zoning Board of Adjustment, which shall consider all factors entering into the parking needs of each such building or land use.
- 1004.2.5 Under the provisions of RSA 674:16-a, an applicant may propose an “alternative parking solution” due to economic considerations to meet the on-site parking requirements prescribed by a local ordinance or regulation for residential uses. The planning board shall be required to consider the “alternative parking solution.”

## Section 1005                      Location of Off-street Parking Facilities

Required off-street parking facilities shall be provided on the same lot or premises as the building or land they serve. In addition, they shall meet all local and state requirements regarding the location and placement of driveways. The Zoning Board of Adjustment under Section 306 must approve any off-lot parking facility.

## Section 1006                      Parking Space Dimensions

Each parking space shall measure at least 12 feet wide by 18 feet long. Larger dimensions may be required for some uses.

Amended 03/08/2022

## ARTICLE 11 RESIDENTIAL USES

### Section 1101 Cluster Development

#### 1101.1 Intent

Cluster development is intended to enable and encourage flexibility of design in single-family subdivisions in the general residential (GR) district. By allowing reduced lot sizes, housing areas shall be developed so as to promote the most appropriate use of land; to facilitate economical and efficient provision of public services; to allow land use patterns which preserve trees, outstanding natural topography and geologic features and to prevent soil erosion; and, to preserve the natural and scenic qualities of the open land in the Town for conservation and recreation.

#### 1101.2 Issuance of a Zoning Permit

Cluster development is a permitted use in the GR district as set forth in Table 304.2. As cluster development is a subdivision, then the review of the proposed cluster development is by the Planning Board as provided in the Subdivision Regulations for the Town of Freedom. The Zoning Officer may issue a Zoning Permit for a Cluster Development only after the Planning Board has approved the Subdivision.

Amended 3/13/90

#### 1101.3 Area and Dimensions

Cluster Development shall be subject to the following minimum lots of land and yard requirements. The requirements listed herein supersede those of Section 304, Table 304.2.

##### General Residential District

Minimum Lot Size:	1 acre
Minimum Road Frontage	100 feet
Minimum Front Yard	50 feet
Minimum Side Yard	30 feet
Minimum Rear Yard	40 feet
Minimum Number of Lots	5 lots

#### 1101.4 Maximum Density

The maximum number of dwelling units in a Cluster Subdivision shall be based on and not exceed the minimum area requirement of 2 acres for GR in Table 304.2. The minimum lot size of 1 acre shall not be used for determining density.

### Section 1102 Independent Living Elderly/Senior Housing

1102.1 Purpose: The regulations in this section have been established for the purpose of encouraging the construction of elderly/senior housing developments (or the conversion of existing structures into elderly/senior housing facilities), which are designed and constructed to meet the unique needs of Freedom's elderly citizens who are able to live independently, while ensuring compliance with local planning standards, land use policies, good building design, and the requirements for the health, safety and general welfare of the inhabitants of Freedom.



## Section 1102 (continued)

1102.1 General standards: All independent living elderly/senior housing developments shall conform to the following standards:

- 1102.1.1 Elderly/senior housing developments shall be permitted in all zoning districts, except Village Residential and Shorefront Overlay Districts.
- 1102.1.2 Elderly/senior housing development shall consist of single-family independent dwelling units, but not apartment buildings.
- 1102.1.3 Each elderly/senior housing development shall contain a minimum of ten (10) dwelling units. The minimum lot area for any elderly/senior housing developments shall be 20 acres and shall have at least two-hundred (200) feet of frontage on a public road in the General and Residential/Light Commercial Districts and four-hundred (400) feet of frontage in the Rural Residential district.
- 1102.1.4 The total number of elderly/senior housing units permitted under this Ordinance shall not exceed five (5) percent of the total dwelling units existing in the Town of Freedom at the time of the last decennial census (both occupied and unoccupied). In no case shall any one Elderly/senior Housing Development contain more than 30% of the total number of units allowed under this Ordinance.
- 1102.1.5 Dwelling units may not exceed the height requirements set forth in Section 308.3 of this ordinance. All dwelling units within the Elderly/Senior Housing Development shall be separated by a minimum distance of thirty-five (35) feet and shall be specifically designed to provide housing for elderly residents.
- 1102.1.6 Dwelling unit density shall not be greater than one (1) dwelling unit/acre or gross tract acre.
- 1102.1.6 On-site space shall be provided for off-street parking for two vehicles per dwelling unit plus one additional off-street visitor parking space shall be provided for every three units.
- 1102.1.7 The design and site layout of all such elderly/senior housing developments shall compliment and harmonize with the rural character of the Town of Freedom, and shall maximize the privacy of dwelling units, preserve the natural character of the land, and provide for separation of parking and living areas. Building massing and style shall be distinctly residential in character, drawing on historical design elements that are consistent with rural New England architecture and which feature characteristics such as steep pitched roofs, clapboard, or shingle siding, etc.
- 1102.1.8 The occupancy of all elderly/senior housing units shall be limited to family units in which the head of the household or spouse is at least 55 years of age.
- 1102.1.9 A minimum of 30% of the total land area shall be dedicated for passive and/or active recreation purposes, of which 50% of the area shall be contiguous upland.
- 1102.1.10 All elderly/senior housing developments shall provide for pedestrian access within the development and, where appropriate and possible, to off-site facilities. The adequacy of pedestrian access within the development shall be evaluated by both the location of sidewalks as well as the location of residential units/amenities within the development.
- 1102.1.11 Elderly/senior housing developments shall be landscaped to enhance their compatibility with surrounding areas, with emphasis given to natural features wherever possible.
- 1102.4.12 The perimeter of all such elderly/senior housing developments shall be treated with a landscaped buffer zone of a minimum of twenty-five feet (25') which may consist in whole or in part of existing natural growth.

## Section 1102 (continued)

1102.1.13 It shall be the responsibility of the developer/builder of each such elderly/senior housing development to establish a Homeowner's Association and to prepare and adopt appropriate Articles and By-Laws which are to be submitted in advance to the Planning Board and the Town Counsel for their review and approval. In preparing the Articles and By-Laws, consideration shall be given to accommodating the unique needs of the elderly/senior citizens and to ensuring that residents of such developments are guaranteed adequate and appropriate services. The creation of the Homeowner's Association and the Articles and By-Laws shall be at the sole expense of the developer/builder and the costs of the review by the Planning Board and Town Counsel shall also be borne by the developer/builder. Any association formed for the purpose of elderly/senior housing must have stipulated in their By-Laws and Declaration of Covenants that the Association will at all times be in compliance with Freedom's current ordinances governing elderly/senior housing.

1102.1.14 Undeveloped land must be left in its natural state. Approval of the final plat will include restrictions on further building within the development.

1102.2 The Planning Board shall maintain and exercise the authority to approve or disapprove all proposed elderly/senior housing developments. The Planning Board shall act reasonably in exercising such discretionary authority but shall take into consideration such factors, for example, as: the health, safety and general welfare of the citizens of Freedom; the aesthetic impact on immediately surrounding areas; whether the design is adequate to meet the unique needs of elderly/senior residents; whether the Articles and By-Laws operate to serve the unique needs of elderly/senior residents; the burdens created by additional demands on Town services; and whether the proposed development complies with the requirements of this Elderly/senior Housing Ordinance, as well as with the applicable requirements of Freedom's Zoning Ordinance and Subdivision and Site Plan Regulations.

## Section 1103            Elderly Group Home

1103.1 Definition: Elderly Group Home: A single-family residential style structure designed or adapted for communal living by unrelated persons aged 65 and older. The facility provides long-term housing and may provide limited support services that are residential in nature.

1103.2 Elderly Group Homes shall be permitted by Special Exception (and with Site Plan Review approval by the Planning Board) in all residential zones to provide expanded housing opportunities for Freedom's aging population. The following criteria shall be met before a Special Exception is granted:

1103.2.1 An Elderly Group Home may be located in an existing residence or a new building. If the Elderly Group Home requires the addition to an existing building or is an entirely new structure, the facades shall be consistent with rural New England architecture and designed to complement and harmonize with the surrounding neighborhoods.

1103.2.2 A maximum number of 8 individual bedrooms for rent as well as one single bedroom apartment for a caretaker are permitted.

## Section 1103 (continued)

1103.2.3 Elderly Group Homes shall have a kitchen, common living and dining areas.

1103.2.4 Parking shall be provided at a rate of 1.5 spaces per room, plus two additional spaces for the on-site caretaker. As Elderly Group Homes are a residential use located in residential neighborhoods, the location and configuration of the parking spaces shall be designed to maintain the residential character of the property. Reasonable efforts shall be made to avoid the creation of a commercial type parking lot.

1103.2.5 All buildings proposed for use as Elderly Group Homes shall meet all applicable building code requirements, State of NH Subsurface System requirements, and all other applicable code requirements.

## Section 1104                    Accessory Dwelling Units

1104.1 Intent: It is the specific intent and purpose of allowing accessory apartments in the Town of Freedom to provide the opportunity and development of small rental housing units designed in particular to meet the specific housing needs of low- and moderate-income couples and single persons both young and old.

1104.2 Definitions An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides independent facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An ADU is intended to be secondary and accessory to a principal single-family dwelling unit and may be either attached or detached to the principal dwelling unit as follows:

1104.2.1 Attached Accessory Dwelling Unit (AADU) located within or attached (bumped out) to a single-family residence or an attached garage or barn that is part of the structure.

1104.2.2 Detached Accessory Dwelling Unit (DADU) located within a detached accessory structure such as a barn or garage, BUT not a standalone dwelling unit.

1104.3 Applicability: ADUs are allowed in all districts if they meet these three minimum standards:

1104.3.1 The lot on which the ADU will be built meets the following three conditions:

1104.3.1.1 Conforms to the acreage requirements of the district.

1104.3.1.2 Contains one single-family detached dwelling which is a conforming use in the district.

1104.3.1.3 Contains no other accessory dwelling units.

1104.3.2 An accessory dwelling unit shall meet all setbacks, height, lot coverage, zoning, fire, building codes, and maximum occupancy per bedroom applicable to a single-family dwelling and shall require a certificate of occupancy. The ADU shall not increase any nonconforming aspect of any existing structure.

1104.3.3 All applicable septic regulations of the Town of Freedom and the State of NH NHDES Subsurface System Division shall be met before an ADU is permitted.

1104.3.4 A minimum of two off-street parking spaces shall be provided for the ADU on-site either within a garage, or parking area, and shall be accessed by the existing driveway only.

1104.3.5 ADUs are not intended for individual ownership. The title shall be inseparable from the primary dwelling. No ADU may be made into a condominium.

1104.3.6 Any additions to an existing home to be used in whole or in part of an ADU shall be architecturally compatible with the existing home and the neighborhood.

## Section 1104 (continued)

1104.3.7 No ADU (attached or detached) shall be used as a short-term rental.

1104.3.8 If the owner of the property no longer lives in either the primary residence or the ADU, the house shall immediately revert to a single-family residence.

### 1104.4 Attached Accessory Dwelling Units (AADU)

1104.4.1 An AADU that is attached to a single-family residence is allowed by right in all districts that permit single-family dwellings.

1104.4.2 Any AADU whether an addition to or contained within the single-family structure shall have a maximum of 800 square feet of living space unless granted a Special Exception under the terms of the Ordinance set forth below; in any case, the accessory apartment shall be subordinate and incidental to the primary use of the property as a single-family residence.

1104.4.3 A door is required (which is not required to be unlocked) between accessory dwelling units that are attached to the primary dwelling.

1104.4.4 Special Exceptions. A Special Exception may be granted by the Zoning Board of Adjustment in cases where an AADU is greater than 800 square feet, provided however that the following criteria are met, in addition to the requirements set forth in section 1104.3, above.

1104.4.4.1 In no case shall an AADU larger than 800 square feet be permitted if any part of the apartment is an addition to an existing home.

1104.4.4.2 Anyone seeking a Special Exception for an AADU exceeding 800 square feet shall provide the Zoning Board with floor plans of the existing home and of the proposed AADU. Floor plans shall be drawn to scale, and the use(s) of each room shall be labeled.

### 1104.5 Detached Accessory Dwelling Units (DADUs)

1104.5.1 A DADU is allowed by special exception in all districts if the DADU meets all requirements of section 1104.3 and of this section.

1104.5.2 A DADU may not be constructed on an existing nonconforming lot.

1104.5.3 The square footage of a DADU may not exceed 70% of the square footage of the “first floor finished” and “first floor unfinished” as shown on the property tax card, up to a maximum of one thousand (1,000) square feet.

1104.5.4 A DADU may exist within or attached to a detached accessory building, but not in a freestanding dwelling.

1104.5.5 A DADU may not be a mobile home nor be placed on a lot with a mobile home as the primary residence.

1104.5.5 A DADU must have a separate address.

1104.5.6 Remote DADUs, located greater than 500 feet from the primary dwelling, are prohibited as not meeting the general intention of this ordinance as accessory, incidental, and subordinate to the primary dwelling.

1105.5.7 A detached accessory dwelling unit (DADU) may become an individually owned private residence if the original lot is legally subdivided by application to the Freedom Planning Board into two or more separate lots that meet all the regular requirements for subdivision in the Freedom Zoning Ordinance and Subdivision Regulations without exception or special consideration. The former primary dwelling unit and lot and the new converted independent dwelling unit and lot may not be made nonconforming by the subdivision process, including lot size, all front and side

setbacks, road frontage, private septic, and utilities. In the granting of an DADU permit, no terms or conditions in this Article, expressed or implied, shall be interpreted as conferring any obligation by the Town to allow any future subdivision either by vested right or variance for hardship, special exception, or any other reason.

Deleted section 904.4.2 03/14/17, 904.4.3 renumbered  
Amended 03/08/2022

## Section 1105 Workforce Housing

1105.1 Purpose The purpose of this article is to accommodate the development of affordable workforce housing within the town of Freedom as provided by RSA 674:58-61, which seeks to ensure the continued availability of a diverse supply of home ownership and rental opportunities for affordable and workforce housing. This article was established in order to meet the goals related to the affordable housing provision set forth in the Freedom Master Plan (updated in May 2008). Additionally, in implementing this article, Freedom has considered the region's affordable housing need as defined in the Lakes Region Planning Commission's September 2004 Housing Needs Assessment. This workforce housing article is adopted under the authority of RSA 674:58-61.

1105.2 Applicability In accordance with the provisions of this article, workforce housing is permitted under the following conditions:

1105.2.1 Single Family Workforce Housing Overlay District: To meet the requirements of RSA 674:59, single family workforce housing will be permitted under the following conditions:

1105.2.1.1 Single-family workforce housing developments shall be permitted in all zoning districts, except Village Residential and Shorefront Overlay Districts.

1105.2.1.2 The minimum lot area of a single-family workforce housing development shall be 20 acres.

1105.2.1.3 The total number of workforce housing units permitted under this Ordinance shall not exceed five (5) percent of the total dwelling units existing in the Town of Freedom at the time of the last decennial census (both occupied and unoccupied).

1105.2.1.4 Each single-family dwelling will require one (1) acre in the General Residential, Residential/Light Commercial, and Rural Residential Districts.

1105.2.1.5 All lots on which these dwellings are constructed must have a twenty-five (25) foot opaque wooded buffer along the road. If the lot does not have a natural wooded buffer of a mix of trees and shrubs, the developer will plant vegetation to provide such a barrier which may consist in whole or in part of existing natural growth.

1105.2.1.6 Undeveloped land must be left in its natural state. Approval of the final plat will include restrictions on further building within the development.

1105.2.1.7 Road frontage requirements for a workforce housing development shall be two-hundred (200) feet in the Rural Residential District and one-hundred (100) feet in the General Residential and Residential/Light Commercial Districts.

## Section 1105 (continued)

1105.2.1.8 A minimum of 30% of the total land area shall be dedicated for passive and/or active recreation purposes, of which 50% of the area shall be contiguous upland.

1105.2.1.9 All single-family workforce housing developments shall provide for pedestrian access within the development and, where appropriate and possible, to off-site facilities. The adequacy of pedestrian access within the development shall be evaluated by both the location of sidewalks as well as the location of residential units within the development.

### 1105.2.2 Multi-Family Workforce Housing Overlay District:

To meet the requirements of RSA 674:59, multi-family workforce housing will be permitted under the following conditions:

1105.2.2.1 Buildings must be inside the Multi-family Workforce Housing Overlay District. Other facilities (parking, septic, etc.) are permitted outside this district. The entire lot of record does not have to fall within the Multi-family Workforce Housing Overlay District.

1105.2.2.2 Residential buildings must contain a minimum of five dwelling units and a maximum of eight dwelling units.

1105.2.2.3 Retention of existing vegetation will be based on a review by and agreement with the Planning Board.

1105.2.2.4 All lots on which these buildings are constructed must have an opaque wooded buffer along the road. If the lot does not have a natural wooded buffer of a mix of trees and shrubs, the developer will plant vegetation to provide such a barrier.

1105.2.2.5 Minimum road frontage of two hundred (200) feet along Route 25 or Route 153 is required for each building.

### 1105.3 Definitions (From RSA 674:58)

1105.3.1 “Affordable” means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household’s gross annual income as published annually by the Department of Housing and Urban Development (HUD).

1105.3.2 “Multi-family housing” for the purpose of workforce housing developments, means a building or structure containing five to eight dwelling units, each designed for occupancy by an individual household.

1105.3.3 “Workforce housing” means single-family and multi-family dwellings which are affordable through sale or rent to households that meet specific income requirements as stated in RSA 674:59. (For housing intended for sale, purchaser’s income may be no more than 100 percent of the area median income for a 4-person household. For rental housing, renter’s income may be no more than 60 percent of the area median income for a 3-person household for the metropolitan area or county. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this subdivision.)

#### 1105.4 Eligibility Requirements

1105.4.1 To ensure that the application is completed as permitted, the dwellings qualifying as affordable housing shall be made available for occupancy on approximately the same schedule as a project's market rate units, if any, except that the certificates of occupancy for the last 10 percent of the market rate units shall be withheld until certificates of occupancy have been issued for all the affordable and workforce housing units. A schedule setting forth the phasing of the total number of units in a project under this article, along with a schedule setting forth the phasing of the required affordable and workforce housing units shall be established prior to the issuance of a building permit for any development subject to the provisions of this article.

To ensure that only eligible households purchase/rent the designated workforce housing units, the purchaser/renter of an affordable and workforce housing unit must submit copies of their last three years' federal income tax returns and written certification verifying their annual income level, to document that they do not exceed the maximum level as established by this ordinance in section 1105.4.4d of this article. The tax returns and written certification of income must be submitted to the developer of the housing units, or the developer's agent, prior to the transfer of title. A copy of the tax return and written certification of income must be submitted to all parties charged with administering and monitoring this ordinance, as set forth in sections 1105.6.a through 1105.6.d of this article, within 30 days following the transfer of title.

1105.4.2 All applicants under this article must submit the following data to ensure project affordability:

1105.4.2.1 Number of units of workforce housing proposed for the project.

1105.4.2.2 Project Cost Estimate including land, development, and construction costs; financing, profit, and sales costs; and other cost factors.

1105.4.2.3 Description of each unit's size, type, estimated cost and other relevant data.

1105.4.2.4 Documentation of household eligibility as required in section 1105.4.1 through 1105.4.3 of this article.

1105.4.2.5 All agreements established as part of sections 1105.5.1 through 1105.5.3 of this article.

#### 1105.5 Assurance of Continued Affordability

To qualify as workforce housing under this article, the developer must make a binding commitment that the workforce housing units will remain affordable as required by the New Hampshire Housing Finance Authority (NHHFA) subsidy lien and restrictive covenant. The subsidy lien and restrictive covenant established to meet this criterion must make the following continued affordability commitments:

1105.5.1 Workforce housing units offered for sale (single family dwellings) shall require a lien, granted to the Town of Freedom, be placed on each affordable unit. The value of the lien shall be equal to the difference between the fair market value of the unit and its reduced "affordable" sale price, which is indexed according to the qualifying income standards. The municipality's lien is inflated over time at a rate equal to the Consumer Price Index (CPI). Future maximum resale values shall be calculated as

## Section 1105 (continued)

the fair market value minus the CPI adjusted lien value. The workforce housing units will comply with the affordability standards as specified in Section 1104.4.1 and 1104.4.3.

1105.52 Affordable and workforce housing rental dwelling units (dwelling units) shall limit annual rent increases to the percentage increase in the area median income, except to the extent that further increases are made necessary by hardship or other unusual conditions.

1105.5.3 Deed restrictions, restrictive covenants, or contractual arrangements related to workforce housing units established under this article must be documented on all plans filed with the Freedom Planning Board and the Registry of Deeds.

### 1105.6 Administration, Compliance and Monitoring

1105.6.1 This article shall be administered by the Planning Board or local planning department. Applications for the provisions provided under this article shall be made to the Planning Board and shall be part of the submission of an application for site plan or subdivision plan approval.

1105.6.2 No certificate of occupancy shall be issued for any workforce housing unit without written confirmation of the income eligibility of the tenant or buyer of the workforce housing unit and confirmation of the rent or price of the workforce housing unit as documented by an executed lease or purchase and sale agreement.

1105.6.3 Monitoring for compliance with resale and rental restrictions on workforce units shall be the ongoing responsibility of the New Hampshire Housing Finance Authority or their designee.

1105.6.4 The owner of a project containing affordable and workforce units for rent shall prepare an annual report, in compliance with NHHFA requirements, certifying that the gross rents of affordable and workforce units and the household income of tenants of affordable units have been maintained in accordance this article. Such reports shall be submitted to the New Hampshire Housing Finance Authority or their designee and shall list the contract rent and occupant household incomes of all affordable and workforce housing units for the calendar year.

## Section 1106 Multi Family Housing

1106.1 Purpose: Provision is made for the use of land for multi-family dwellings by locating this land use in the R/LC District which includes state highways. There is little or no demand for multi-family dwellings in the Town of Freedom. Amended 3/13/90

1106.2 Special Exception Standards: Multi-family dwellings are allowed in the Residential/Light Commercial District as a special exception use provided that the following requirements are met:

1106.2.1 The minimum area of the lot shall be equal to 1.25 acres multiplied by the number of individual single-family units in the building.

1106.2.2 There shall be a maximum of four dwelling units in any multi-family dwelling.

1106.2.3 Adequate off-street parking shall be provided as specified in Article 10 of this Ordinance.

1106.2.4 If more than one building is placed on a lot, the separation between the buildings shall be at least the requirements for front, side, and rear yard setbacks.

1106.2.5 Adequate playground area shall be provided.



Section 1107                      Manufactured Housing

- 1107.1 Intent: To allow for a broad range of housing types within the Town, manufacturing housing for single family dwelling units is allowed as a permitted use on individual lots in all Districts except the Village Residential District. Such manufactured housing located on individual lots shall comply with lot size, frontage requirements and other reasonable controls that conventional single-family housing in the same District must meet. Amended 3/13/99
- 1107.2 Definition: In order to more harmoniously integrate manufactured homes into the overall New England Style ambiance of the Town of Freedom, all manufactured homes not placed in manufactured home parks shall be of a combined transportable structure constructed on a permanent chassis with a combined structural width of not less than fourteen (14) wide and not less than thirty-eight feet (38') wide in length and designed to be used as a dwelling connected to required utilities which include plumbing, heating, electric and septic. A multi-story manufactured home shall be placed on a minimum of a full frost wall foundation. A one-story manufactured home may be on a full frost wall foundation or on a floating/monolithic slab with anchor bolts with utilities integrated into the slab.
- 1107.3 Flood Plain: Manufactured homes installed in the Flood Plain Area shall meet all requirements to satisfy all laws, ordinances and regulations pertaining to Flood Plain Areas.
- 1107.4 Installation: Manufactured homes installed after the adoption of this ordinance shall meet construction requirements of, and be certified by, the U.S. Department of Housing and Urban Development.
- 1107.5 Temporary Housing. The use of manufactured housing or any other type of housing as temporary housing (defined as housing for twelve (12) months or less) during the construction of primary housing is not permitted in any district unless the primary housing on the lot has been destroyed by fire or other catastrophic event, in which case manufactured housing may be utilized as temporary housing for a period not to exceed one year from the loss. Amended 03/11/03

## ARTICLE 12 RESIDENTIAL CAMPING

### Section 1201            Camping on Residential Lots

Recognizing the lure of New Hampshire for vacationers, the intent of this Section is to provide the opportunity for non-commercial recreational use of residential property for family and friends of the property owner or long-term renter.

- 1201.1 Temporary camping (in tents, camping trailers, and motor homes) is allowed on lots with an existing primary dwelling unit only
- 1201.2 Temporary camping is allowed during the period from Memorial Day weekend to Columbus Day weekend.
- 1201.3 Temporary camping for family reunions or other events is allowed for one period of up to ten consecutive days during the period described in section 1201.2.
- 1201.4 For extended camping (more than ten total days during the season) on a residential lot, the property owner or long-term tenant (greater than 30 days) shall obtain a permit. The zoning officer will issue a permit for no more than two camping units, only one of which shall be a motor home or camping trailer. Failure to abide by this condition may result in the revocation of the permit.
- 1201.5 Tents, camping trailers and motor homes shall not be located within the setbacks unless, due to lot size, topography, or configuration, it is impossible to avoid the setbacks. In this case, the zoning officer may permit a camping unit to be in the setback.
- 1201.6 Any lot on which residential camping occurs must have an operational state approved septic system which shall be available for use by all campers.
- 1201.7 This article does not allow any short-term rental (less than thirty (30) days) of the primary dwelling or any other structure, tent, camping trailer, or motor home on the lot.
- 1201.8 No commercial camping is allowed except in an authorized campground. If a property owner rents out the primary residence on the lot, this will constitute a commercial arrangement for the purpose of this article and the property owner shall not camp on this lot except under the terms of 1201.3

Added 03/09/2010

Amended 3/14/2011

Amended 03/08/2022

## **ARTICLE 13 OUTDOOR RECREATIONAL FACILITIES**

### Section 1301                      Intent

Outdoor recreational facilities are allowed in order to promote a diversity of recreational options for both residents and the seasonal population. At the same time, it is desirable to protect and maintain the quiet, residential nature of the town.

### Section 1302                      Special Exception Standards

Outdoor Recreational Facilities may be allowed by Special Exception provided that the following conditions are met:

- 1302.1 The use shall not generate unreasonable effects from traffic, parking, noise, vibration, glare, fumes, and odors.
- 1302.2 No structures shall be allowed as part of the facility except playing surfaces, maintenance buildings, and locker rooms or restrooms and office.
- 1302.3 The use shall make only incidental use of motor driven equipment, lights, and noise generating or amplifying equipment.
- 1302.4 There shall be only one on premise sign subject to all the provisions contained in Article 23 of this ordinance.

### Section 1303                      Home Recreational Facilities

Recreational facilities which are an accessory use to a residential dwelling are exempted from the requirements of this article.

## **ARTICLE 14                      TOURIST HOMES**

### Section 1401                      Special Exception Standards

Tourist homes may be allowed as a Special Exception provided that the following conditions are met:

- 1401.1 A tourist home shall be considered an accessory use on a residential lot.
- 1401.2 The sleeping rooms for the guests shall not exceed six.
- 1401.3 Such rooms shall be part of the primary residential building or contained within a smaller accessory building.
- 1401.4 The essential residential appearance of the lot shall not be affected.

## ARTICLE 15            SHORT-TERM RENTALS (STR)

### 1501            Purpose

- 1501.1 To preserve the traditional character of residential neighborhoods that can be negatively affected by this use.
- 1501.2 To protect water quality where an STR is in the shorefront district
- 1501.3 To help preserve the quality and quantity of the housing stock for year-round residential use.
- 1501.4 To ensure the safety of Short-Term Rental occupants.

### 1502            Districts

- 1502.1 STRs will be allowed as a permitted use in all districts.
- 1502.2 The permitting process will include notice to abutters by first class mail within five days of acting on an application.

### 1503            Permit Application Procedure: A conditional use permit as defined in RSA 674:21-II is required for all STRs

#### 1503.1 Obtaining a permit

- 1503.1.1 Any owner of record of property in Freedom may apply for a conditional use permit to use the primary dwelling on a lot as an STR
- 1503.1.2 All STR owners shall apply for and obtain a conditional use permit from the Freedom Select Board or their designee. The fee for the permit shall be set by the Select Board
- 1503.1.3 Permit applications are available at the town of Freedom website ([townoffreedom.net](http://townoffreedom.net)) or by request to the town office (603-539-6323). Only completed applications will be processed.
- 1503.1.4 Upon receipt of an application for a Short-Term Rental Conditional Use Permit, the Board of Selectmen shall forward the application to the Freedom Planning Board, which shall place the application on the agenda for its next meeting. The Planning Board shall review the application and shall provide the Board of Selectmen with written comments on the application. The Planning Board is not required to hold a public hearing on its review of the STR application.
- 1503.1.5 The permit shall be valid for one year and will run from January 1 to December 31. A permit issued during the year will expire on December 31. To allow sufficient processing time, applications for permit renewals for subsequent years shall be submitted by September 30 of the current year.
- 1503.1.6 Permits are not transferable. If the property is sold, the new owner shall obtain a permit before any STR occurs on the property.

#### 1503.2 Application Submissions:

The application will be approved or denied by the Board of Selectmen using the following criteria:

- 1503.2.1 The owner of a proposed STR unit shall provide the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.
- 1503.2.2 As part of the application process, the owner of the STR unit must sign an Affidavit and provide photographs which shall certify the following:
  - i. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.

### Section 1503 (continued)

- ii. Windows and/or doors designated for emergency egress are maintained and in operational order.
- iii. No basement space shall be used as a sleeping area unless there are two means of egress, which are properly sized windows and/or doors conforming to the NH State Fire Code and NH State Building Code.
- iv. A functional fire extinguisher is visibly installed in any kitchen area.
- v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the NH DES Septic approval (to be provided) plus two (2) additional people. In instances where there is no valid subsurface system operational approval on file with NH DES, owners shall certify that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The town shall confirm the number of bedrooms each septic system will support.
- vi. All vehicles shall be parked on the property and in designated parking areas.
- vii. Attest to the statement: the attached photographs are true and accurate depictions of the current condition of the dwelling unit to be rented.

#### 1503.3 Property Owner Responsibilities

1503.3.1 Complete the application and affidavit fully, with no false or misleading statements

1503.3.2 Meet all of the standards listed in section 1506 of this article

### 1504 Grounds for Denial, Imposition of Penalties, Suspension or Revocation of Permits

1504.1 Incomplete, false, or misleading statements on the application or affidavit

1504.2 Violation of any standards set forth in section 1506

1504.3 Violation of any state or federal laws, statutes, or town ordinances, rules, or regulations pertaining to short term rentals

1504.4 The operation is a threat to the public health, safety, or welfare

### 1505 Fee and Penalties

1505.1 Fees for an annual STR permit shall be set by the Freedom Board of Selectmen

1505.2 Failure to comply with all terms of the permit and the standards in this article will lead to the following sanctions as provided for in RSA 676:17:

1st offense: fine of \$275

2<sup>nd</sup> and subsequent offenses: \$550 per day. Each day that a violation continues shall be a separate offense

3rd offense or subsequent offense: The selectmen are authorized to revoke the permit for the rest of the year or 6 months, whichever is longer.

### 1506 Standards

1506.1 A short-term rental (STR) may not be established, advertised, or rented until a permit to operate a STR has been issued by the Board of Selectmen or their agent. The property owner shall submit an application to operate a STR to the Zoning Officer.

1506.2 To remain in compliance, a permit owner shall comply with all terms and conditions of the permit.

## Section 1506 (continued)

- 1506.3 Annual Maximum STR Use is 90 days in any calendar year.
- 1506.5 No owner shall cause or shall allow renters to exceed the occupancy limits of the STR as approved in the permitting process. If the renters do not comply, it remains the responsibility of the owner.
- 1506.6 All STR guest parking shall be off-street on the lot of the STR owner. All guest(s) of the STR shall park on the property. No renter or guest shall park on the street at any time.
- 1506.7 Owner and guests shall store all trash safely on site and/or shall remove trash at the end of each rental.
- 1506.8 Owner and guests shall comply with RSA 644:2, NH's disorderly conduct law.
- 1506.9 No use of fireworks shall be allowed except as permitted by Freedom's fireworks ordinance
- 1506.10 Owner or his/her delegated representative shall be accessible by telephone during all periods of STR occupancy and able to be physically present at the STR within one hour of being contacted, at any time.
- 1506.11 Owner or designated representative shall serve as the point of contact for Guests and receive and timely resolve complaints from neighbors regarding disruptive STR use.
- 1506.12 Owner shall post on site: their permit to operate an STR, the maximum occupancy, quiet hours, an evacuation diagram showing fire escapes, and all means of egress from the STR.
- 1506.13 In order to monitor compliance with maximum allowed rental days, the permit holder shall sign an affidavit stating the days and dates rented and provide a report of NH Room and Meals taxes paid. This affidavit must accompany the application for renewal and cover the prior twelve months.
- 1506.14 Outdoor fires. Fires in STRs are allowed only in firepits approved by the Freedom Fire Department and with a permit issued pursuant to RSA 227-L:17 from NHFirePermit.com or the Freedom Fire Warden/Chief or deputy.
- 1506.15 Signage is restricted to the following:
  - 1506.14.1 One non-illuminated sign not exceeding two square feet. If ground mounted the sign shall be set back at least ten feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first-floor windows.
  - 1506.14.2 Non-advertising auxiliary signs (such as "No Parking Here" and "Entrance to the Right")

## 1507 Prohibitions

- 1507.1 Incidental camping. A STR permit allows use of the primary residence on a lot only and does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.
- 1507.2 Subletting. Guests are prohibited from subletting a short-term rental. Only owners with a valid STR permit may advertise and rent a primary residence on a lot as a short-term rental.
- 1507.3 Special events. Short-term rental property shall not be used for special events.

## 1508 Definitions

- 1. Allowed Occupancy is the number of guests allowed in a permitted STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental

## Section 1508 (continued)

- Services Subsurface Division for septic capacity plus two. The number of beds in the STR is not the measure of allowed occupancy.
2. Annual Maximum STR Use means the maximum days in a calendar year (January 1 to December 31) which the STR may be rented to paying guests.
  3. Bedroom means a room that contains a minimum of seventy (70) square feet, a horizontal dimension of at least seven feet, and a window or opening that can be used for emergency egress. The construction of a bedroom advertised for an STR shall have been authorized by a building permit and meet all requirements of the International Residential Code adopted by the state of NH.
  4. Building Code means the code that is most recently adopted by the town of Freedom.
  5. Conditional Use Permit ("Permit") means the permit issued by the Freedom Select Board to a Freedom property owner to conduct STR
  6. Designated Representative means an individual who is personally available by telephone and who maintains the ability to be onsite in compliance with the requirements of the permit and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the designated representative.
  7. Guest/Guests means the individual or individual(s) paying the owner to occupy the short-term rental for the purposes of staying overnight. It also includes friends and acquaintances of the renters who visit the STR during the rental period.
  8. NFPA means the National Fire Prevention Association
  9. NFPA Life Safety Requirements means the codes and standards for protecting life safety published by the NFPA.
  10. On-site Parking means parking that is provided on the rental property for all guests and includes 1.5 for the first bedroom and 0.5 for each additional bedroom with the total equaling the next highest full space.
  11. Septic Approval means a copy of the official NH DES approval for the septic system located at the applicant's property.
  12. Short-Term Rental means the provision of transient lodging for compensation in the primary dwelling unit on a lot in Freedom for stays of between one and twenty-nine consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast. Exclusions: accessory dwelling units (attached and detached), campers, and camping trailers do not meet this definition and may not be rented as a STR.
  13. STR - Hosted means a dwelling unit where the owner is in residence on the same lot of record of the rental or resides in the rental unit as the guest(s) during the rental period.
  14. STR Permit means a conditional use permit granted by the Freedom Board of Selectmen (BOS) to a property owner who meets all requirements set forth in this article. (See permit application information at [townoffreedom.net](http://townoffreedom.net))
  15. STR Owner means the person or persons who is renting out their primary dwelling unit for a short-term rental.
  16. STR - Unhosted means the permitted owner of the STR is not occupying the STR dwelling unit, nor is the owner residing on the same lot of record as the guest(s) during the rental period.

## ARTICLE 16 CAMPS AND CAMPGROUNDS

### Section 1601            Intent

Campgrounds play an important role in the Town of Freedom, making good use of undeveloped land and water frontage without unduly burdening the Town. These provisions are intended to preserve and maintain the traditional camping atmosphere while, at the same time, complying with the standards contained in Article 16. Campgrounds are allowed in the Rural Residential (RR) District and the General Residential (GR) District by Special Exception, provided that the following conditions are met, in addition to the General Special Exception Standards contained in Section 306. Amended 3/10/98

### Section 1602            Special Requirements

- 1602.1 All Residence Camps, Recreational Campgrounds or Camping Parks shall be licensed by the appropriate State agency if applicable and shall comply with all applicable requirements of State agencies.
- 1602.2 The minimum lot size for Residence Camp, Recreational Campground or Camping Park shall be 25 acres.
- 1602.3 Dimensional requirements for Residence Camp, Recreational Campground or Camping Park: The dimensional requirements provided for all land uses in the GR and RR Districts shall apply to all Residence Camps, Recreational Campgrounds or Camping Parks.

### Section 1603            Conditions for Special Exception

The Zoning Board of Adjustment shall find that the proposed application for a Special Exception satisfies the following conditions:

- 1603.1 The public highways providing access to the lot shall be sufficient and have adequate capacity for the safety of vehicles, pedestrians, and bicycles.
- 1603.2 The traffic patterns on the lot shall be coordinated to compose a convenient system of internal roads intersecting with the access to the public highway.
- 1603.3 There shall be a proper arrangement of roadways, sidewalks, paths, trails, loading areas and parking areas within the lot so the proposed development shall not endanger the safety of vehicles, pedestrians, or bicyclists.
- 1603.4 There shall be adequate traffic access to and from the public highway to the Residence Camp, Residential Campground or Camping Park to ensure the safety of vehicles, pedestrians or bicycles including safe sight distances in each direction
- 1603.5 There shall be adequate access from the public highway and sufficient maneuvering room on the lot for fire, police, and emergency vehicles.
- 1603.6 All loading areas shall be designed so as not to interfere with other planned circulation on the lot and to provide adequate space and facilities.
- 1603.7 Provision shall be made for handling water drainage on the lot to prevent flooding of the lot or of another property.
- 1603.8 On-site lighting along roadways, walkways and parking areas shall be designed to assure adequate illumination for the safety of vehicles and pedestrian travel. Exterior lighting shall be installed and operated in such a manner that adjacent residential uses are suitably protected. Such lighting shall not interfere with traffic on nearby public highways.
- 1603.9 Directional signs may be allowed for the operation of the camp, if restricted to the purpose of directing pedestrian and vehicular travel in the campground and such signs are in keeping with the traditional camping atmosphere. The Zoning Board of Adjustment may limit the number of directional signs.



Section 1604                      Information for Application for a Special Exception

The application for this Special Exception shall include a plan and the following information:

- 1604.1     The perimeter boundaries of the lot including compass bearings, distances, and lot areas.
- 1604.2     The width and location of any and all rights-of-way and easements as determined by a property survey.
- 1604.3     The shape, size, height, and location of all existing and proposed structures located on the lot.
- 1604.4     The location of natural features such as streams, marshes, lakes, ponds or wetlands and manmade features such as existing roads, paths, trails, sidewalks, and structures.
- 1604.5     The abutting properties within 100 feet of the boundaries of the lot and their use shall be shown on the plan; roads and driveways within 200 feet of the boundaries of the lot.
- 1604.6     Proposed internal roads, driveways, parking spaces and sidewalks. The width of the traveled way of all internal roads, driveways and sidewalks and the total number of parking spaces shall be shown. Loading spaces and facilities used in connection with any structures on the lot shall be shown.
- 1604.7     A plan showing existing and proposed exterior lighting and signs with location.
- 1604.8     If any portion of the Residence Camp, Residential Campground or Camping Park is within a special flood hazard area the plan shall show the Basic Flood Elevation and special flood hazard area.
- 1604.9     Existing and proposed landscaping.
- 1604.10    The zoning designation and dimensional requirements under the Freedom Zoning Ordinance for the lot and for abutting properties within 100 feet of the boundaries of the lot.
- 1604.11    All existing and proposed surface and subsurface storm drainage facilities.
- 1604.12    A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation.
- 1604.13    Plans for fire protection.
- 1604.14    Limitation on Information Required for an Amendment of an Existing Special Exception:  
The information required for an amendment of an existing Special Exception for a Residence Camp, Recreational Campground or Camping Park existing as of March 10, 1998, shall be limited to the subject matter of the amendment. The information requirements of subsection A through M are not all intended to apply to each individual amendment. Instead, the information required would include the proposed location of the subject matter of the amendment in relation to existing buildings, parking, internal roadways, loading space if appropriate, fire protection plan, lighting, and signs.
- 1604.15    1604.1 through 1604.13 above shall not apply to any building replacement.
- 1604.16    All new construction other than described in paragraph 1604.15 and Section 1605, is required to conform to Sections 1603 (Conditions for Special Exception) and 1604 (Information for Application for a Special Exception).

Section 1605                      Special Exceptions for All Camps existing on March 10, 1998

All Residence Camps and Recreational Campgrounds or Camping Parks existing on March 10, 1998, shall be deemed to have a Special Exception conforming to the requirements of Article 16 as amended on March 10, 1998. That Special Exception may be amended in conformity with the applicable conditions of Section 1603 applicable to the subject of the amendment. Existing accessory buildings may be expanded without any amendment of this Special Exception. Existing accessory buildings may be removed and replaced with a new accessory building without any amendment of this Special Exception.



## ARTICLE 17 WIRELESS TELECOMMUNICATION SERVICE FACILITIES

### Section 1701                      Purpose

It is the express purpose of this Section to set forth the Site Plan Review requirements for wireless telecommunication service facilities (WTSF), which includes radio and TV towers, and personal wireless service facilities (PWSF) within particular areas of the Town of Freedom consistent with appropriate land use regulations designed to ensure compatibility with the visual and environmental features of the Town. Compatibility with the visual features of Freedom is measured based on the change in community scale and character in relation to the height, mass, materials, contrasts, or proportion within the surroundings of a proposed WTSF. This Section enables the review of the locating and siting of WTSF by the Town of Freedom so as to eliminate or mitigate the visual and environmental impacts of WTSF. This Section is structured to encourage owners/carriers to locate on existing buildings and structures whenever possible. New ground mounted WTSF are permitted, but only when the use of existing structures and buildings is found to be impracticable. Co-location is encouraged for all WTSF applications and the review of a WTSF shall be based on the site being built using all positions on the mount.

### Section 1702                      Applicability

The terms of this Section and the Site Plan Review Regulations shall apply to WTSF proposed to be located within the boundaries of the Town of Freedom, on property owned by the Town of Freedom, on privately-owned property, and on property that is owned by any other governmental entity that acts in its proprietary capacity to lease such property to a carrier.

### Section 1703                      District Regulations

1703.1 Location—Wireless telecommunication service facilities shall be permitted in all zoning districts. Applicants seeking approval for WTSF shall first evaluate existing structures for the siting of WTSF. Any WTSF proposed for the Village Residential (VR) and Shore Front (SF) Districts must be fully camouflaged. Only after finding that there are no suitable existing structures pursuant to Section 1704.2 herein, shall a provider propose a new ground-mounted facility.

#### 1703.2 Existing Structures:

1703.2.1 Policy-WTSF shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

1603.2.2 Burden of Proof—The applicant shall bear the burden of proving that there are no existing structures which are suitable to locate its WTSF and/or transmit or receive radio signals. To meet that burden, the applicant shall take all the following actions to the extent applicable:

1703.2.2.1 The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a WTSF. If the Planning Board informs the applicant that additional existing structures may prove satisfactory, the applicant shall contact the property owner(s) of those structures.

## Section 1703 (continued)

- 1703.2.2.2 The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the US Postal Service shall be provided for each owner of existing structures that was contacted.
- 1703.2.2.3 If the applicant claims that a structure is not capable of physically supporting a WTSF, an independent licensed professional civil engineer must certify this claim. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the personal wireless service facility without unreasonable costs. The estimated cost shall be provided to the Planning Board.

## Section 1704 Ground Mounted Facilities Policy

If the applicant demonstrates that it is not feasible to locate on an existing structure, ground-mounted WTSF shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to use of compatible building materials and colors, screening, landscaping, and placement within trees. See also Sections 1707.1 and 1707.2.

## Section 1705 Use Regulations.

WTSF shall require a building permit in all cases and may be permitted as follows:

- 1705.1 Existing Tower Structures: Subject to the issuance of a building permit that includes review by the Planning Board, which review shall be limited to issues relating to access, bonding, and security for removal, structural integrity and appropriate camouflage of such siting, carriers may locate a WTSF on any guyed tower, lattice tower, mast or monopole in existence prior to the adoption of this Ordinance, or on any WTSF previously approved under the provisions of this Ordinance so long as the co-location complies with the approved site plan. All the Performance Standards from this Ordinance shall be met. This provision shall apply only so long as the height of the mount is not increased, a security barrier already exists, and the area of the security barrier is not increased, otherwise, Site Plan Review procedure is required.
- 1705.2 Reconstruction of Existing Tower Structures: An existing guyed tower, lattice tower, monopole, or mast in existence prior to the adoption of this Ordinance may be reconstructed with a maximum 20-foot increase in height so as to maximize co-location so long as the standards of this Ordinance are met and so long as this 20-foot increase in height does not cause a facility previously existing at less than 175 feet to exceed 175 feet in height. The mount shall be replaced with a similar mount that does not significantly increase the visual impact on the community. Site Plan Review Procedure is required.
- 1705.3 Existing Structures: Subject to the provisions of this Ordinance and minor Site Plan Review under RSA 674:43: III and except as otherwise permitted under Section 1706.1, a carrier may locate a WTSF on an existing structure, building, utility tower or pole, or water tower. For the purpose of this section, new structures that are conforming to all other district zoning requirements shall be considered as existing structures.

Section 1705 (continued)

1705.4 Ground-Mounted Facility: A WTSF involving the construction of a ground mount shall require Site Plan Review and be subject to the provisions of this Ordinance.

Section 1706 Dimensional Requirements: General. Wireless Telecommunication Service Facilities shall comply with Freedom Zoning Board Regulations and the following requirements:

1706.1 Maximum Height: In no case shall a WTSF exceed 175 feet in height unless the mount for the facility was greater than 175 feet in height prior to the adoption of this Ordinance.

1706.2 Height:

1706.2.1 Existing Structures and Utility Poles: Carriers that locate new WTSF on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts, and monopoles may be permitted to increase the height of those structures no more than 15 feet at the discretion of the Planning Board if the additional height will not materially impair the visual impacts of the site. This increase in height shall only be permitted once for each structure.

1706.2.2 Other Existing Structures: The height of a WTSF shall not increase the height of a structure by more than 15 feet, unless the facility is completely camouflaged; for example, a facility completely within a pre-existing flagpole, steeple, or chimney. The increase in height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a WTSF on a building that is legally nonconforming with respect to height, provided that the provisions of this Ordinance are met.

1706.3 Ground-Mounted Facilities: Ground-mounted WTSF shall not project higher than 10 feet above the average tree canopy height within a 150-foot radius of the mount, security barrier or designated clear area for access to equipment, whichever is greater.

1706.4 Setbacks: All WTSF and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. Fences shall comply with setback provisions of the zoning district in which the facility is located if the fence is six feet or more in height.

1706.5 Fall Zone

1706.5.1 Ground Mounts: To ensure public safety, the minimum distance from the base of any ground-mount of a WTSF to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in Section 1709. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The areas of the easement shall be shown on all applicable plans submitted to the Town and the terms of the easement shall be provided as part of the Site Plan Review.

1706.5.2 Non-Ground Mounts: In the event that an existing structure is proposed as a mount for a WTSF, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing nonconforming structures, WTSF and their equipment shelters shall not increase any non-conformity.

1706.6 Planning Board Flexibility: Height—In reviewing a Site Plan application for a WTSF, the Planning Board may permit an increase in the height of a ground-mounted facility up to 40 feet above the average tree canopy height if no material increase in visual or environmental impacts will result. The visual and environmental criteria of this Ordinance and the Site Plan Review Regulations shall be the guidelines in making this determination.

## Section 1707 Performance and Design Standards.

### 1707.1 Visibility. Visual impacts are measured based on:

- 1707.1.1 Change in community scale, as exhibited in relative height, mass and/or proportion of the WTSF within their proposed surroundings.
- 1707.1.2 New visible elements proposed on a contrasting background.
- 1707.1.3 Different colors and textures proposed against a contrasting background.
- 1707.1.4 Use of materials that are foreign to the existing built environment.

### 1707.2 Enhancements are measured based on:

- 1707.2.1 Conservation of opportunities to maintain community scale, e.g., buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.
- 1707.2.2 Amount and type of landscaping and/or natural vegetation.
- 1707.2.3 Preservation of view corridors, vistas, and view sheds.
- 1707.2.4 Continuation of existing colors, textures, and materials.

### 1707.3 Visibility focuses on protecting, continuing, and enhancing the existing environment.

### 1707.4 Camouflage.

#### 1707.4.1 WTSF on Existing Buildings or Structures

- 1707.4.1.1 Roof Mounts. When a WTSF extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.
- 1707.4.1.2 Side Mounts. WTSF which are side-mounted shall blend with the existing building's architecture and, if individual antenna panels are over five square feet, the panels shall be painted or shielded with material consistent with the design features and materials of the building.

#### 1707.4.2 Camouflage for Ground-Mounted Facilities.

All ground-mounted WTSF shall be surrounded by a buffer of dense tree-growth that extends continuously for a minimum distance of 150 feet from the mount, security barrier or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions. These trees must exist on the subject property, planted on site or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate or alter the required buffer based on site locations. The 150-foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped unless the trees are dead or dying and present a hazard to persons or property.

### 1707.3 Color. To the extent that any WTSF extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings.

## Section 1707 (continued)

1707.4 Equipment Shelters. Equipment shelters for WTSF shall be designed consistent with one of the following design standards:

- 1707.4.1 Equipment shelters shall be located in underground vaults; or
- 1707.4.2 Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the WTSF; or
- 1707.4.3 Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
- 1707.4.4 If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.

1707.5 Lighting, Signage and Security

- 1707.5.1 Lighting. The mounts of WTSF shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles.
- 1707.5.2 Signage: Signs shall be limited to those needed to identify the property and the owner and to warn of any danger. All signs shall comply with the requirements of Section 2301 of the Freedom Zoning Ordinance.
- 1707.5.3 Security Barrier: The Planning Board shall have final authority on whether a security barrier should surround a ground mounted WTSF.

1707.6 Historic Buildings and Districts

- 1707.6.1 Any WTSF located on or within an historic structure shall not alter the character-defining features, distinctive construction methods or original historic materials of the building.
- 1707.6.2 Any alteration made to an historic structure to accommodate a WTSF shall be fully reversible.
- 1707.5.3 WTSF authorized by this subsection shall be concealed within or behind existing architectural features or shall be located so that they are not visible from public roads and viewing areas.
- 1707.6.4 WTSF located in the Town of Freedom Historic District shall comply with the provisions of the Historic District Commission.

1707.7 Scenic Landscapes and Vistas. Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, or abutting properties. A buffer of dense tree growth, as per Section 1707.2.2 shall surround all ground mounted WTSF.

1707.8 Driveways. If available, existing entrances and driveways to serve a WTSF shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic and environmental impact. New driveways to serve a WTSF shall not exceed 12-feet in width. A gravel or crushed stone surface is encouraged.

## Section 1707 (continued)

- 1707.9 Antenna Types. Any antenna array placed upon an existing or proposed ground mount, utility pole or transmission line mount shall have a diameter of no more than 4 feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a larger antenna array are negligible.
- 1707.10 Ground and Roof Mounts. All ground mounts shall be of a mast type mount. Lattice towers, guyed towers and roof-mounted monopoles are expressly prohibited, unless constructed as a part of a reconstruction project permitted under Section 1706.2
- 1707.11 Hazardous Waste No hazardous waste shall be discharged on the site of any WTSP. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided, with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
- 1707.12 Radio Frequency Radiation (RFR) Standards. All equipment proposed for a WTSP shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines), under Report and Order, FCC 96- 326, published August 1, 1996, and all subsequent amendments.

## Section 1708 Abandonment or Discontinuation of Use

- 1708.1 Maintenance. The owner of the facility shall maintain the WTSP in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier and the maintenance of the buffer areas and landscaping.
- 1708.2 Monitoring. As part of the issuance of the Site Plan approval or Building Permit, the property owner shall agree that the Town of Freedom may enter the subject property to obtain RFR measurements at the expense of the carrier. The Town shall provide reasonable written notice to the carrier and landowner and provide them with the opportunity to accompany the Town representatives when the measurements are conducted.
- 1708.3 Security for Removal Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned, and the facility owner is unwilling or unable to remove the facility in accordance with Section 1708.5. The amount of the security shall be based upon the removal cost plus 15 %, provided by the applicant and certified by an independent professional structural engineer licensed in New Hampshire. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by an independent professional structural engineer licensed in New Hampshire every five years from the date of the Site Plan approval by the Planning Board. If the cost has increased more than 15%, the owner of the facility shall provide additional security in the amount of the increase.



## Section 1708 (continued)

- 1708.4 Notification. At such time that a carrier plans to abandon or discontinue operation of a WTSF, such carrier will notify the town of Freedom by certified US mail of the proposed date of abandonment or discontinuation of operations. If a carrier fails to give such notice, the WTSF shall be considered abandoned upon such discontinuation of operations.
- 1708.5 Removal. Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the WTSF within 90 days of the date of abandonment or discontinuation of use. "Physically remove" shall include but not be limited to:
- 1708.5.1 Removal of antennas, mount, equipment shelters and security barriers from the subject property.
- 1708.5.2 Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- 1708.5.3 Restoring the location of the WTSF to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- 1708.6. Failure to Remove. If the owner of the facility does not remove the facility upon the order of the chair of the Planning Board, then the Board of Selectmen shall, after holding a public hearing with notice to the owners and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within 90 days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within 90 days, the Town of Freedom may execute the security to pay for this action. Adopted 3/12/02

## Section 1709 Definitions

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

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

Average Tree Canopy Height. An average height found by inventorying the height at above ground level (AGL) of all trees over twenty (20) feet in height for a defined area, such as the area delineated in Section 1707.4.2.

Camouflaged. A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

Carrier. A Company that provides personal wireless services, also sometimes referred to as a provider.

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

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

Equipment Shelter. An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for personal wireless service facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

Facility. See Personal Wireless Service Facility.

## Section 1609 (continued)

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

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

Height. The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.

Lattice Tower. A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and free-standing.

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

Monopole. A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel, concrete, or other material that is designed for the placement of antennas and arrays along the shaft.

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

Roof-mounted. Mounted on the roof of a building.

Side-mounted. Mounted on the side of a building.

Ground-mounted. Mounted on the ground.

Structure-mounted. Mounted on a structure other than a building.

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

Personal Wireless Services. The three types of services regulated by Section 17 of this Ordinance: commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.

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

Radio Frequency Radiation (RFR). The emissions from Personal Wireless Service Facilities.

Security Barrier. A wall, fence, or berm sufficient to restrict an area from unauthorized entry or trespass.

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

Wireless Telecommunication Facility (WTSF). Any facility and associated structure used for the wireless transmission/reception of data/information. Personal residential satellite antennae are not included.

## **ARTICLE 18                    HOME OCCUPATIONS**

### **Section 1801                    Intent**

Home occupations may be allowed as a Special Exception by the Board of Adjustment in order to provide diversity in the employment available to Town residents; to support the variety of uses characteristic of small towns and allow for reasonable growth. At the same time, the ordinance intends to ensure that the quiet, uncrowded, and scenic features of the Town are preserved, and that neighborhood character is maintained.

### **Section 1802                    Minor Home Occupation**

Minor home occupations are conducted in a way to have essentially no impact. To qualify as a minor home occupation, and not require a special exception from the ZBA, all the following standards must be met:

- 1802.1 Minimal or no outward evidence of the home occupation exists.
- 1802.2 No more than seven customers visit the site per day.
- 1802.3 No sign identifying the home occupation.
- 1802.4 Deliveries are limited to trucks of 12,000 gross vehicle weight (GVW) or less.
- 1802.5 No more than two commercial vehicles are parked at the site. Vehicles must be less than 12,000 GVW.
- 1802.6 No on-site employees.
- 1802.7 No hazardous materials used in the home occupation.
- 1802.8 Home occupation does not require any state or federal permits.

### **Section 1803                    Major Home Occupations**

Major home occupations are those that exceed the standards for minor home occupations. These home occupations require a special exception from the Zoning Board of Adjustment and are subject to the special exception standards listed below.

### **Section 1804                    Special Exception Standards**

The following standards define acceptable home occupations, and are intended to ensure compatibility with other uses, and to make clear that the home occupation is to be an accessory use to the primarily residential use of the main building.

- 1804.1 There shall be no exterior evidence of the conduct of a home occupation (including noise, smells, and other nuisances), except where other sections allow. The principal character of residential use shall not be changed by the home occupation.
- 1804.2 A home occupation shall be conducted only within the enclosed area of the dwelling unit or within an accessory structure, limited in area by the following:
- 1804.3 The home occupation located in a dwelling unit shall not occupy more than 25 percent of the total floor area of the dwelling unit.
- 1804.4 The home occupation located within an accessory structure shall occupy an area not to exceed 50 percent of the combined floor areas of the main dwelling unit and accessory structure.
- 1804.5 The percentage of floor area occupied may be increased by the Board of Adjustment for accessory structures which exist on the effective date of this Ordinance.
- 1804.6 The ZBA has the authority to approve reasonable, limited, and specified low impact exterior use that is in keeping with the spirit and intent of this ordinance and the Master Plan.

#### Section 1804 (continued)

- 1804.7 Home occupations shall be carried on by persons who live in the home. Only two non- resident on-site employees or sub-contractors are permitted for Major Home Occupations.
- 1804.8 Adequate off-street parking must be provided for employees, customers, and residents. Article 10 of this ordinance details the requirements for off-street parking.
- 1804.9 One sign, not to exceed six square feet, shall be allowed for the home occupation. This requirement supersedes the provisions for signs contained in Article 23 of this Ordinance.
- 1804.10 No unreasonable storage or display of materials, goods, supplies, or equipment related to the home occupation shall be visible from abutting properties or roads. Proposed storage and/or display area shall be included in the application.
- 1804.11 No activity shall be allowed which would interfere with radio or television transmission in the area.
- 1804.12 Home occupations must comply with all local and seasonal road postings and regulations regarding use of trucks for the home occupation or from deliveries to the home occupation.

#### Section 1805                      Exclusion

- 1805.1 The sale, rental, maintenance, or repair of automobiles, motor vehicles, or small engines shall not be permitted as a Home Occupation.
- 1805.2 Any uses specifically allowed by special exception (excluding major home occupation) shall not be approved as a home occupation.

#### Section 1806                      Inspections

By applying for a Major Home Occupation, the applicant thereby consents for reasonable, unannounced, or scheduled inspections by the Town's Code Enforcement Officer.

15 (now 18) Amended 03/13/2012

## **ARTICLE 19 LIGHT COMMERCIAL USES**

### Section 1901                      Intent

The Board of Adjustment may allow a light commercial use as a Special Exception. The purpose of this use is to provide for services and employment opportunities for Town residents.

### Section 1902                      Special Exception Standards

The following standards define allowable light commercial uses and are intended to minimize the potential conflict with other uses in the neighborhood. By limiting the size and effect of light commercial uses, the Town intends to preserve its residential and scenic character. These standards shall be in addition to the standards for special exceptions set forth in Section 306.

- 1902.1 The number of employees shall not exceed ten (10), subject to the right to request an increase by application to the Board of Adjustment. Any increase shall not adversely affect any of the requirements set forth in this Ordinance and shall be subject to all provisions herein.
  - 1902.2 The building (or buildings) shall not occupy more than ten percent (10%) of the area of the lot but not to exceed 10,000 square feet of floor area on any lot unless otherwise permitted by the Zoning Board of Adjustment as part of this special exception
  - 1902.3 The lot shall front on a Class V highway or better.
  - 1902.4 There shall be adequate off-street parking for residents, customers, and employees. The proposed use must meet all the applicable requirements set forth in Article 10 of this Ordinance.
  - 1904.5 There shall be only one on premise sign, subject to all the provisions contained in Article 23 of this Ordinance.
  - 1904.6 There shall be an adequate buffer consisting of natural vegetation and trees and/or additional planted vegetation to provide reasonable screening from adjoining abutting lots.
- Amended 3/13/93

## **ARTICLE 20:                      FOOD TRUCKS**

### Section 2001                      Purpose

The purpose of this article is to provide for the regulation of sales by food truck vendors in the town of Freedom to ensure the safety of motor vehicle and pedestrian traffic and to promote the public health, safety, and welfare of customers, while providing the opportunity for food truck vendors to operate.

### Section 2002                      Districts

- 2001.1 Food trucks or mobile food service vendors shall only operate in the Residential/Light Commercial district or on commercial properties (subject to site plan review)
- 2001.2 Food trucks operating in commercial properties, e.g., camps and campgrounds, shall serve only the members or residents of those locations. They may not be open to the general public.

### Section 2002                      Operating Standards

- 2002.1 Allowable hours of operation for food trucks or mobile food service vendors shall be from 8:00 a.m. to 9:00 p.m. unless otherwise specified by the Zoning Officer.
- 2002.2 The food truck operator is responsible for maintaining order at the site in compliance with Freedom's quiet hours and NH's disorderly conduct statute.
- 2002.3 All waste from the food truck must be removed from the location where the food truck is parked at the close of business each day.

## ARTICLE 21: SMALL WIND ENERGY SYSTEMS ORDINANCE

### Section 2101      Purpose:

This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety, and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

### Section 2102      Definitions:

Meteorological tower (met tower). Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period for either instantaneous wind information or to characterize the wind resource at a given location. For this ordinance, met towers shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

Modification. Any change to the small wind energy system that materially alters the size, type, or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

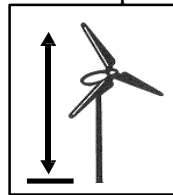
Net metering. The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

Power grid. The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

Shadow flicker. The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

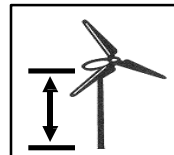
Small wind energy system. A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

System height. The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



Tower. The monopole, guyed monopole or lattice structure that supports a wind generator.

Tower height. The height above grade of the fixed portion of the tower, excluding the wind generator.



Wind generator. The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

## Section 2103                      Procedure for Review:

Building Permit: Small wind energy systems and met towers are an accessory use permitted in all zoning districts except the shorefront overlay district. No small wind energy system shall be erected, constructed, or installed without first receiving a building permit from the building inspector. A building permit shall be required for any physical modification to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed 3 years from the date the building permit was issued.

Application submitted to the building inspector shall contain a site plan with the following:

2103.2.1 Property lines and physical dimensions of the applicant's property.

2103.2.2 Location, dimensions, and types of existing major structures on the property.

2103.2.3 Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.

2103.2.4 Tower foundation blueprints or drawings.

2103.2.5 Tower blueprints or drawings.

2103.2.6 Setback requirements as outlined in this ordinance.

2103.2.7 The right-of-way of any public road that is contiguous with the property.

2103.2.8 Any overhead utility lines.

2103.2.9 Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.

2103.2.10 Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

2103.2.11 Sound level analysis prepared by the wind generator manufacturer or qualified engineer.

2103.2.12 Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.

2103.2.13 Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

2103.2.14 List of abutters to the applicant's property.

2103.4 Abutter and Regional Notification: In accordance with RSA 674:66, the building inspector shall notify all abutters and the local governing body by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the building inspector prior to the issuance of the building permit. The building inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the building inspector shall follow the procedures set forth in RSA 36:57, IV. The applicant shall bear the cost of abutter notification.

2103.5 Appeals: An appeal may be made to the building code board of appeals pursuant to RSA 674:34 or to the zoning board of adjustment pursuant to RSA 676:5, as may be appropriate.

## Section 2104                      Standards

The building inspector shall evaluate the application for compliance with the following standards:

2104.1.1 Setbacks: The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

2104.1.1.1 Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

2104.1.1.2 Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

2104.1.2 Tower: The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.

2104.1.3 Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe windstorms and utility outages.

2104.1.4 Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

2104.1.5 Signs: All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.

2104.1.6 Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

2104.1.7 Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

2104.1.8 Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

2104.1.8.1 The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the

2104.1.8.2 The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white, or gray.



## Section 2104 (continued)

2104.1.8.3 A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

- 2104.1.9 Approved Wind Generators: The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.
- 2104.1.10 Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.
- 2104.1.11 Access: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- 2104.1.12 Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

## 2105 Abandonment:

- 2105.1 At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- 2105.2 Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:
  - a. Removal of the wind generator and tower and related above-grade structures.
  - b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
- 2105.3 If an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After reviewing the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

### Section 2105 (continued)

2105.4.If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

### Section 2106                      Violations

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

### Section 2107                      Penalties

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.

## **ARTICLE 22                      SOLAR INSTALLATIONS**

### **Section 2201                      Purpose**

New Hampshire permits the regulation of solar energy systems by municipalities and supports solar energy system usage by statute. Freedom fosters good stewardship of the environment and fully adopts the state regulations pertaining to solar energy systems, specifically RSA 672:1, I and III-a, which encourages access to sunlight and prohibits unreasonable limits imposed on solar energy systems by municipal zoning powers. Therefore, Freedom will permit rooftop solar installations by right in all zoning districts.

### **Section 2202                      Ground and Pole Mount Restrictions**

Because Freedom recognizes the importance of solar energy systems and the need to balance state solar energy regulations with the wishes of the community to “retain the rural character and small- town feel,” the following restrictions are placed on solar energy systems as authorized by the state:

- 2202.1    Location: All ground-mount and pole-mount systems shall be located in inconspicuous locations, such as the side and rear yards, low to the ground and screened to limit visibility
- 2202.2    Buffers: All solar systems shall have a reasonable visual buffer providing screening along public ways and from abutting views.
- 2202.3    Setbacks: All solar systems shall comply with building setback requirements from lot lines for the entire system – including the panels
- 2202.4    Lighting: All solar systems lighting shall be minimal, limited to access and safety, downcast and shielded from abutting properties

### **Section 2203                      Approval Process**

If property owners or residents wish to install a ground or pole mount system, they must come to the planning board for a conditional use permit that shows they have met the conditions listed above.

### **Section 2204                      Decommissioning**

Solar systems shall be deemed to be abandoned if operations have been discontinued for more than 6 months without written consent of the municipality (such as for reasons beyond the control of the owner). An abandoned system shall be removed, and the site restored within 6 months of abandonment by the owner.

## ARTICLE 23                      SIGNS

### Section 2301                      Standards for Signs

2301.1 The following signs are allowed by permit:

2301.1.1 One on premise sign relating to the sale or use of the land. Such sign not to exceed 32 square feet with any additional signs affixed to the building being limited to no more than 32 square feet in the Residential/Light Commercial District and shall not exceed nine square feet in all other districts.

2301.1.2 Off premise directory signs. Such signs shall be rectangular in shape and shall not exceed four square feet each. Amended 3/11/97

2301.1.3 Signs shall be no closer than 15' from the edge of the traveled way.

2301.1.4 Signs shall be no higher than 10' from the grade of the traveled way.

2301.2 Signs shall not be placed in nor project over public rights of way. Excluded from this requirement are official street signs and traffic directions.

2301.3 Signs shall not be illuminated in any manner which causes undue distraction, confusion, or hazard to pedestrian or vehicular traffic.

2301.4 Flashing signs shall be prohibited.

2301.5 Signs shall be constructed of durable materials and maintained in good repair.

2301.6 Sign Area: Where a sign has two or more faces and where two such faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be taken either as the area of one face - if the two faces are of equal area, or the area of the larger face - if the two faces are of unequal area. Except as otherwise provided herein, the area of all faces of a sign shall be included in determining the area of the sign. Adopted 3/11/97

## ARTICLE 24

## DEFINITIONS

### Section 2401      Word Definitions

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall or will is mandatory, the word may is permissive.

The words used or occupied include the words intended, arranged to be used, or occupied.

### Section 2402      Term & Use Definitions

1. Accessory Building or Use: A building or use subordinate and customarily incidental to the main building or the permitted use or Special Exception use on the same lot. The term "accessory building" when used in conjunction with a farm, shall include all buildings customarily used for farm purposes. Amended 3/10/98
2. Agriculture: The science or art of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation of these products for man's use. Agriculture is a permitted use on any lot in any district.
3. Animal Hospital: A facility for the medical care of animals.
4. Automobile Service Station: A facility for selling fuel, repairing, and maintaining the automobiles of others. This use is a light commercial use. The maintenance and repair of one's own vehicle on one's property is allowed as an accessory use provided that the main use of the property is allowed under the terms of this ordinance.
5. Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state, or municipal flags, or the official flag of any institution or business shall not be considered banners.
6. Building: A constructed unit forming a shelter for persons, animals, or property and having a roof and being permanently located on the land. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".
7. Building Height: Vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof.
8. Bump out: An integral part of a trailer; factory installed. Amended 3/08/05
9. Camping Trailer: A non-self-propelled structure mounted on wheels, requiring for occupancy the unfolding or erection of articulated parts, and designed for travel, recreation, and vacation use.
10. Campground:
  - a) Residence Camp: A camp operation for four (4) or more consecutive twenty-four (24) hour days, at a place which is continuously or periodically used for a portion of a day by camp management whether it includes temporary or permanent structures and installed facilities.
  - b) Recreational Campground or Camping Park: A parcel of land on which five (5) or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only. Amended 3/10/98
11. Family or Group Family Childcare Center: A facility for providing day care for young children and is subject to the provisions of RSA 672:1 that is allowed as a permitted use if the operator has met all state requirements for the program and all local and state health and fire regulations.
12. Church: A place of public worship.
13. Clinic: An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments.

Section 2402 (continued)

14. Cluster Development: A residential subdivision of a tract where, instead of subdividing the entire tract into house lots of minimum lot area, a similar number of single-family dwelling units may be clustered on lots of reduced dimensions. The remaining land in the tract which has not been built upon is reserved as open space.
15. Community Building: A structure owned and/or maintained by a recognized Freedom organization for use by the community.
16. Coverage: That percentage of the lot area covered by the building. Where no coverage is specified, coverage of a lot shall be limited by front, side, and rear yard requirements.
17. Dwelling, Single-Family: A detached residential dwelling unit other than manufactured housing, designed for and occupied by one family only.
18. Dwelling, Multi-Family: A residential building designed for and occupied by two or more families with the number of families in residence not exceeding the number of dwelling units provided.
19. Dwelling Unit: A room, or rooms connected together, constituting a physically separated single habitable unit intended to be used for living, sleeping, cooking, and eating for owner occupancy, or for long-term rental or lease (30 days or more.) Amended 03/14/2023
20. Elderly/senior Housing Development Definition: Housing contained in a development featuring small single-family residences. Amended 03/14/2023
21. Family, related: Any number of persons related by blood or marriage.
22. Family, unrelated: Any number of persons not related by blood or marriage living together as a single non-profit housekeeping unit. The number of unrelated family members shall be limited by the number of bedrooms contained in the dwelling unit. There shall be one bedroom for the first two persons and one bedroom for each additional person. There shall be two parking spaces for the first two persons, and one space for each additional person thereafter. Where there are more than four persons living together as an unrelated family, there must be established to the satisfaction of the Zoning Officer that the septic system and water system is capable of handling more than four persons.
23. Food truck: Motor vehicles and trailers designed to be readily movable and from which food is prepared, sold, or served. The term includes, but is not limited to, a commercially manufactured vehicle, i.e., one that was originally manufactured for use as a mobile food preparation vehicle.
24. Food truck vendor: A hawker or peddler selling or offering for sale food and/or beverages from a food truck.
25. Footprint: The portion of a lot covered by all portions of any structure, including decks, porches, cantilevered sections, and roof overhangs.
26. Frontage: The width of a lot measured along its common boundary with the street line.
27. Ground Cover: Any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. Natural ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the N.H. Department of Agriculture, Markets and Food in accordance with RSA 430:53, III, exotic species as designed by rule of the N.H. Department of Environmental Services in accordance with RSA 487:24, VII, imported organic or stone mulch or other artificial materials.
28. Group Home: See Halfway House.
29. Halfway House: A center for formerly institutionalized individuals that is designed to facilitate their readjustment to private life. May be allowed as a special exception under Clinic, provided that the facility is operated and/or maintained by a recognized agency of the State of New Hampshire.
30. Home for The Aged: A residential facility designed to provide normal care for the elderly. May be allowed as a Special Exception under Clinic.

Section 2402 (continued)

31. Home Occupation: Any occupation or profession which is carried on in the principal residential dwelling unit or one structure customarily accessory to this dwelling for financial gain. All uses must be incidental and secondary to the use of the property for dwelling purposes and not change the essential residential character or appearance of such property. Amended 03/13/2012
32. Hospital: A place for the diagnosis, treatment, and care of human ailments.
33. Hotel: A building which contains living accommodations and may constitute the temporary abode for a person or persons whose primary residence is elsewhere. This shall include a hotel, motel, and inn. There shall be included in this use all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of guests including the service of alcoholic beverages.
34. Inn: See Hotel.
35. Kennel: An establishment for the care, boarding, and breeding of dogs. May be allowed as a light commercial or home occupation use by Special Exception.
36. Kindergarten: A school or class for young children. See School.
37. Laboratory: A place equipped for experimental testing in a science or for testing and analysis. May be allowed as a Light Commercial use.
38. Library: A place in which books, manuscripts, musical scores, or other literary and artistic materials are kept for use and only incidentally for sale, operated for non-profit, noncommercial purposes. Allowed as a municipal building in all Districts.
39. Light Commercial: An operation of a commercial nature which includes business and professional offices, retail stores, light assembly and fabricating operations, facilities for the storage of construction equipment and/or building supplies, and service establishments.
40. Living Space: Living space is space used for recreational activities, sleeping, storage, or other uses accessory to the primary home. Living space cannot include a stove and/or other cooking appliances. Inclusion of a stove or other cooking appliances creates a dwelling unit. Any living space used for sleeping must meet all building code and life safety requirements.
41. Lodging Facilities: Sleeping facilities with or without cooking facilities. (See specifically Motels, Hotels, and Tourist Homes.)
42. Lot: A lot of record used for one permitted use or one special exception use. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, area and provide such yards and other open spaces as herein required. All lots shown on a subdivision plan which has received final plat approval from the Planning Board shall be separate lots regardless of whether there is separate ownership or common ownership of contiguous lots. Amended 3/10/98
43. Lot Area: The horizontal area of the lot lying within the lot lines, exclusive of any area in a street.
44. Lot of Record: The term "lot of record" applies to lots in existence at the time of the adoption of a zoning regulation, October 6, 1987, establishing a minimum lot size. A lot is in existence which is part of a subdivision recorded in the office of the Carroll County Registry of Deeds, or a lot or parcel described as a separate lot or tract or parcel in a deed recorded in the Registry of Deeds as of the date of the adoption of a zoning regulation establishing a minimum lot size. Amended 3/8/94
45. Motor Home: A portable, temporary dwelling to be used for travel, recreation, and vacation. It shall be construed as an integral part of a self-propelled vehicle.
46. Nonconforming Structure: A structure which was lawful prior to the adoption of this Ordinance which does not now conform to the dimensional regulations for the district in which it is located.
47. Nonconforming Use: A use which was legal prior to the adoption of this ordinance which does not now conform to the use regulations for the district in which it is located.

Section 2402 (continued)

48. Nonresidential Use: All uses of buildings, structures, and land except single-family dwellings and multi-family dwellings.
49. Nursing Home: an establishment where maintenance and personal or nursing care are provided to individuals who are unable to properly care for themselves. Allowed by Special Exception as Hospital use.
50. Office: Place where the business of a commercial, industrial, service, or professional organization is transacted. Allowed by Special Exception as a Light Commercial use or allowed by Special Exception as a Home Occupation depending on the zoning district.
51. Produce Stand: A Structure designed for use in selling flowers, garden supplies, and agricultural produce. Allowed as an accessory use.
52. Restaurant: Restaurant shall include diner, cafe, and cafeteria and shall not include drive-in restaurants. It shall be an eating establishment which is primarily designed for its patrons to eat at tables, booths, or a counter. Take-out refreshments are only incidental to the main purpose of the establishment as is the serving of alcoholic beverages. Allowed by Special Exception as a Light Commercial use.
53. Retail Store: Includes a shop or store for the sale of retail goods or personal service shop.
54. Roads: See Streets.
55. School: A private facility for teaching students and allowed by Special Exception.
56. Service Establishment: Shall include barber, hairdresser, beauty parlor, shoe repair, photographic studio, and other similar business that primarily provide service to customers. Allowed by Special Exception as a Light Commercial use and as a Home Occupation use.
57. Sign: Any structure or part thereof or device attached thereto or painted or represented thereon, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction, or advertisement. Any device, fixture, banner, flag, etc. that uses any color, graphic, lighting, symbol, or writing to advertise, announce the purpose of, or identify the purpose of person or entity, or communicate any information of any kind to the public. For the purposes of this Ordinance, the word "sign" shall not include street, or traffic signs or warnings, or the flag, insignia, or pennant of any nation, state, city, or other governmental unit. (See Article 23.)
58. Special Events: Events that occur from time to time, including, without limitation, sports events, religious events, social, cultural, or political gatherings and music festivals
59. Special Exception: A use of a building or lot or other requirement allowed under this ordinance only by the issuance of a special exception by the Zoning Board of Adjustment. The landowner has the burden of establishing that the proposed requested special exception meets the requirements of general and/or specific standards for the issuance of that special exception as contained in this Ordinance.
60. Sports Club: A facility for individuals to take part in a sports activity whether indoors or outdoors, public, or private. May be allowed by Special Exception as a Light Commercial use.
61. Stable: A building in which domestic animals are sheltered and fed. Allowed as an accessory use to an agricultural use. Allowed as an accessory use to a residential use provided that the animals are the property of the residents and not used for monetary gain. A stable may also be allowed by Special Exception as a Home occupation or as a Light Commercial Use.
62. Storage Facility: See Warehouse.
63. Street: Shall mean a Class V or better highway, a private road on a subdivision plat approved by the Planning Board; or a Class VI highway provided that the requirements of RSA 674:41, I(c) are met.



## Section 2402 (continued)

64. Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include storage containers and portable sheds, garages, carports, barns, greenhouses, and storage enclosures which remain on the land for a period in excess of thirty (30) days.
65. Total Floor Area: The sum of the horizontal area of all floors of a building, measured from the interior surfaces of the walls, and not including cellars, attics, porches, etc. Amended 03/12/2012
66. Tourist Home: A lodging facility which is primarily a residential use but includes lodging facilities as an accessory use and includes "bed and breakfast."
67. Travel Trailer: A vehicular, portable, non-self-propelled structure built on a chassis and designed to be used as a temporary dwelling for travel, recreation, and vacation use. Identified as "Travel Trailer" by the manufacturer and having a body not exceeding 8 feet in width and 32 feet in length.
68. Variance: Such departure from the terms of this Ordinance as the Board of Adjustment, upon appeal in specific cases, is empowered to authorize under the terms of Section 2401 and applicable statutes of the State of New Hampshire.
69. Warehouse: A structure for the storage of merchandise or commodities. May be allowed by Special Exception as a Light Commercial Use.
70. Water Storage Facility: A facility for the storage of water for a pool, pond, or reservoir. Adopted 3/10/98
71. Workforce Housing Multi-Family Dwelling Unit: An apartment in a multi-family residential building designed for one family and designated as workforce housing under Section 1105 of this zoning ordinance. Adopted 03/10/2209
72. Workforce Housing Single Family Dwelling: A detached residential dwelling designed for and occupied by one family and designated as workforce housing under Section 1105 of this zoning ordinance. Amended 03/10/2209
73. Workforce Housing Open Space Cluster Development: A residential subdivision (designated as workforce housing under Section 1105 of this zoning ordinance) of a tract where, instead of subdividing the entire tract into house lots of minimum lot area, a number of single-family dwellings may be clustered on a portion of the tract with no lot line delineation between each single-family dwelling. The minimum distance between each single-family dwelling shall not be less than twenty feet. The remaining land in the tract which has not been built upon is reserved as open space. Amended 3/10/09

## ARTICLE 25 ADMINISTRATION AND ENFORCEMENT

### Section 2501                      Zoning Permit

- 2501.1 Written application for a zoning permit must be filed with the Town for any of the following, and except as provided in applicable statutes of the State of New Hampshire, until a permit has been obtained from the Zoning Officer (or, if the permit is denied, until the Zoning Board of Adjustment has directed that a permit be issued), none of the following shall be commenced:
- 2501.1.1 The erection or use of any new building, exterior sign, or other structure.
  - 2501.1.2 The alteration, restoration, moving, or demolition of any building, or part thereof, excluding alteration constituting normal maintenance.
  - 2501.1.3 Any use of the premises which would constitute a departure from the terms of this Ordinance, including, but without limiting the generality of the foregoing, a change in the nature of the use of any building or premises to a non-conforming use except as provided in Section 906, or any change in lot size or shape which would result in a violation of area or dimensional regulations.
- 2501.2 Application for a zoning permit shall be upon an appropriate form to be prescribed by the Town and shall be accompanied by such of the following as the Zoning Officer may require:
- 2501.2.1 Plans, drawn to scale, showing the actual shape, dimensions, and location of the lot to be used, of existing building upon it, or alterations proposed for existing buildings, and of proposed new buildings.
  - 2501.2.2 Information as to the existing and intended use of each building, lot, or part thereof, and as to the number of families, lodgers, or other occupants any building upon the premises is designed to accommodate.
  - 2501.2.3 Foundation/footing requirements for structures shall establish conformance with setback and/or variance requirements without requiring a full lot survey. The certification must be prepared by a NH licensed land surveyor and the location of the foundation/footings shall be approved by the zoning officer before the pouring of concrete.
    - 2501.2.3.1 In any case where the zoning officer is uncertain if a structure on a plot plan meets setback requirements, he/she has the authority to require a boundary/footing certification.
    - 2501.2.3.2 In any case where the Zoning Board of Adjustment grants a variance to place a structure into any setback, the applicant shall have a foundation/footing certification. Note: Variances are granted to the furthestmost point of the structure, so footings must be recessed to accommodate overhangs or other features.
  - 2501.2.4 Any other information with respect to the lot and the applicant's use thereof, as well as relative to other lots in the neighborhood which, in the judgment of the Zoning Officer, is necessary to determine whether the action or use for which a permit is sought is a conforming action or use under the terms of this Ordinance.
- 2501.3 The Zoning Officer shall determine whether an application for permit is in compliance with a permitted use or action as defined by this Ordinance. If the Zoning Officer determines that it is, the application for permit shall be granted. If the Zoning Officer determines that it is not or is uncertain, the application shall be denied. The Zoning Officer shall act upon any application within 30 days after it has been filed.
- 2501.4 Issuance of a zoning permit pursuant to this Ordinance constitutes approval by the Town of the proposed use only under the terms of this Zoning Ordinance.
- 2501.5 The issuance of a zoning permit for any use for which it is required shall precede or be in conjunction with the issuance of a building permit.

## Section 2501 (continued)

2501.6 A zoning permit shall become void if a building permit is not issued and construction is not begun thereunder within twelve (12) months from the date of issue of the zoning permit, or, if no building permit is required, a zoning permit shall become void if the rights conferred thereby are not exercised within twelve (12) months from the date of issue of the zoning permit. Zoning permits may be extended for no more than an additional 12 months by the Zoning Officer on receipt of a written request for extension at least fourteen (14) days prior to the expiration of the original permit.

2501.7 On approval by the Zoning Board of Adjustment of a or Special Exception, the Zoning Officer may issue a zoning permit.

## Section 2502                      Building Permit

2502.1 A building permit shall be required for any new construction and shall be signed by the landowner and the contractor if used. In addition, normal non-structural maintenance requirements “in-kind” type of replacements (windows, roofing, and siding) will be exempt. Maintenance that affects structural load beam changes or changes “in-kind” shall require the issuance of a Building Permit. The Permit shall be issued by the Board of Selectmen or their approved representative provided that the following conditions are met. Amended 3/13/90, 3/12/91, 03/11/03

2502.1.1 A valid zoning permit has been obtained from the Zoning Officer.

2502.1.2 If the buildings require sewage, the applicant shall supply an approval for construction from the Department of Environmental Services. Amended 3/13/90

2502.2 A building permit shall be void if:

2502.2.1 Operations did not begin within twelve (12) months from the date of issuance of the permit.

2502.2.2 At the end 12 months from the date of the building permit, the exterior of the building remains in an uncompleted condition, the Board of Selectmen or duly authorized agent shall order completion or removal at the expense of the owner of such uncompleted buildings, unless an extension of the zoning permit is granted from the Zoning Board of Adjustment.

2502.3 Septic System Plan Requirements:

2502.3.1 All plans for septic system to be installed in the Town of Freedom shall be submitted to the Board of Selectmen, or their designee, for review. Upon approval by the Town of Freedom, plans shall be forwarded to the State of New Hampshire, Department of Environmental Services for approval.

2502.3.2 No septic system in Freedom shall be installed unless approved by the Town of Freedom and the State of New Hampshire.

2502.3.3 In the case of a failed system, the process does not require prior review of the plan. The owner of a failed system must provide a copy of the DES plan approved to the town. The Board of Selectmen or their designee shall sign-off on this plan prior to installation commencing.

### 2503 Zoning Officer

The administrative and enforcement officer for this Ordinance shall be known as the Zoning Officer and shall be the Board of Selectmen or their duly appointed representative. The Zoning Officer shall administer the Zoning Ordinance literally and shall not have the power to permit any use of land or buildings which is not in conformance with this Ordinance.

### Section 2504 Enforcement and Penalty

2504.1 This Ordinance shall be enforced by the Board of Selectmen if any building or use of land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance. The Selectmen shall institute, in the name of the Town, any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate such construction or use or to prevent in or about the premises any act, conduct, business, or use constituting a violation.

2504.2 Any person who violates this Ordinance shall be fined as provided by applicable law. No action may be brought under this provision unless the alleged offender has had at least seven (7) days' notice by certified mail that a violation exists.

### Section 2505 Board of Adjustment

There shall be a Board of Adjustment as provided by New Hampshire statutes and its members shall have terms and powers hereby conferred upon the Board of Adjustment by law. (The members of the ZBA are appointed by the Board of Selectmen.)<sup>1</sup> Amended 3/12/91

2505.1 The Board of Adjustment shall have the following powers as conferred by law.

2505.1.1 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning officer in the administration of this ordinance.

2505.1.2 To hear and decide Special Exceptions to the terms of this Ordinance upon which the Board of Adjustment is required to pass as provided herein.

2505.1.3 To authorize upon appeal in specific cases such Variances from the terms of this 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 will be observed, and substantial justice done. In so doing, The Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and the community.

2505.1.4 In exercising the above-mentioned powers, the Board of Adjustment may reverse or affirm wholly or in part or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Zoning Officer from whom the appeal is taken.

2505.1.5 The concurring vote of a simple majority of the membership of the Board of Adjustment shall be necessary to reverse any action of the Zoning Officer or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance or to affect any variation in this Ordinance.

<sup>1</sup> See confirming vote of the Town Meeting, Article 19, March 11, 1997.

## Section 2505 (continued)

2505.2 The following rules shall apply in all proceedings before the Board of Adjustment:

- 2505.2.1 All appeals and applications to the Board of Adjustment shall be in writing on forms prescribed by that Board. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth the interpretation, the Special Exception, or Variance for which application is made.
- 2505.2.2 Whenever a notice of appeal is filed for a Variance or an application made for a Special Exception, the Board of Adjustment shall hold a public meeting and notice shall be given as required by law.
- 2505.2.3 The Board of Selectmen shall establish such appropriate fees as will compensate the Town for the cost of processing and reviewing all appeals and applications submitted to the Board of Adjustment. The applicant shall pay the established fee upon submission of the appeal or application.
- 2505.2.4 The provisions contained herein are intended to comply with applicable provisions of New Hampshire Revised Statutes Annotated, Title LXIV, as amended. Any such amendment shall constitute a similar amendment herein without further action.

## Section 2506                      Variance

- 2506.1 The Board of Adjustment may, on an appeal, grant a Variance from the provisions of this Ordinance, if the Board determines that the following five requisite standards are met, namely:
- 2506.1.1 No diminution in value of surrounding properties would be suffered;
  - 2506.1.2 Granting the permit would be of benefit to the public interest;
  - 2506.1.3 Denial of the permit would result in unnecessary hardship to the owners seeking it;
  - 2506.1.4 By granting the permit, substantial justice will be done;
  - 2506.1.5 The use must not be contrary to the spirit of this Ordinance.

In determining whether these standards are met, the Zoning Board of Adjustment shall find the following facts and so specify in its decision:

1. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot, size, or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions the property cannot be used in strict conformity with the provisions of this Ordinance and that the authorization of a Variance is therefore necessary to enable the reasonable use of the property.
3. That the Variance if authorized will not diminish the value of surrounding properties.
4. That the Variance if authorized will represent the minimum Variance that will afford reasonable relief.

2106.2 In authorizing a Variance, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and community, as to the use of the land.

## Section 2507                      Fees

The fee for any permit or appeal required under this Ordinance shall be established by the Board of Selectmen. Such fee shall accompany each application for permit.

## **ARTICLE 26            MISCELLANEOUS PROVISIONS**

### Section 2601            Separability Clause

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

### Section 2602            Effective Date

This ordinance shall take effect immediately upon its adoption.

### Section 2603            Amendments

This ordinance and its accompanying maps may be amended in accordance with the provisions of the applicable statutes of the State of New Hampshire.

### Section 2604            Validity

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

## APPENDIX A DISTRICT BOUNDARIES

Page 1

### Village Residential District: Amended 03/14/06 Amended 03/11/2014 Amended 03/10, 2020

- (1) The length of Route 153 from the Effingham Town line to lots 9 and 11 on Map 44 inclusive, and also including lots 1-2 and 6 on Map 44;
- (2) And 500 feet east of Elm Street along Village Road to Elm Street, inclusive and ending at lots 3-58 and 51-1, 51-2, and 51.3.
- (3) North along Elm Street to and 500 feet up to Cushing Corner Road and 500 feet to up Moulton Road.
- (4) East from the end of Elm Street along Old Portland Road to 500 feet beyond Scarboro Road

### General Residential District: Amended 3/13/90

- (1) All land West of Route 153 - except that portion lying within the Residential/Light Commercial district described, and South of Bennett and Ossipee Lake Road to the intersection of Babcock Road and Ossipee Lake Road and South to Ossipee Lake, Broad Bay, Leavitt Bay, Berry Bay and the Ossipee River;  
Plus 1000 feet north of the center lines of Bennett Road and Ossipee Lake road to a point opposite the intersection of Babcock Road and Ossipee Lake Road;  
Plus, North along East Danforth Pond Road and 1000 feet East of the center line of that road; plus 1000 feet North and East of Independence Drive;  
Plus, easterly along the West Danforth Pond Road to Danforth Pond and westerly 1000 feet from the center line of that road.
- (2) 1000 feet either side of center line of Cushing Corner Road from the intersection of Route 153 to the intersection of Moulton Hill Road except for the Residential/Light Commercial District and the Village District.
- (3) All land East of the Residential/Light Commercial District on Route 153, and easterly along Freedom Village road to a point 500 feet West of Elm Street;  
Plus, all land from 1000 feet North of the Freedom Village road South to the Residential/Light Commercial District on Route 25 - this North-South description is bounded by the Ossipee River, Loon Lake, and Round Pond.

Rural Residential District: All land not described in the other named Districts.

### Residential/Light Commercial District:

- (1) The length of Route 153 north from the northern boundary of lots 9 and 11 on tax map 44 North to its intersection with Bennett Road and the Cushing Corner Road and extending 500 feet each side of the center line of the road.
- (2) Five hundred (500) feet from the center line of either side of that portion of Route 25 from the Ossipee River Bridge to the Maine State border, South to the Ossipee River.
- (3) From the center line of Route 25 from the Ossipee River Bridge to the Maine State border north 500 feet on each side.

## APPENDIX A (continued) DISTRICT BOUNDARIES

Page 2

Shore Front District: Refer to Section 304.5 - Location of Shore Front District.

### Wetlands Conservation Overlay District:

The Wetlands Conservation Overlay District is an environmental overlay district superimposed over the Zoning districts shown on the Zoning Map. The Wetlands Conservation Overlay District is defined as those areas delineated as very poorly and poorly drained soils by the U.S. Department of Agriculture, Natural Resource Conservation Service, in the Soil Survey of Carroll County, New Hampshire, dated December 1977. The Wetlands Conservation Overlay District also includes those areas such as swamps, marshes and bogs that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation adapted for life in saturated soil conditions.

Amended 3/13/90

### Multi-family Workforce Housing Overlay District

- (1) That portion of Route 25 from the Ossipee River Bridge to the Maine State border, south to the Ossipee River, extending five hundred (500) feet each side from the center line of the road.
- (2) The length of Route 153 from the Town line at Effingham Falls north to Bennett Road extending five hundred (500) feet on each side of the centerline of the road.
- (3) The length of Route 153 from Bennett Road to the Madison town line, extending five hundred (500) feet on each side of the centerline of the road. Amended 03/10/09

### Single Family Workforce Housing Overlay District

The limits of the Single-Family Workforce Housing Overlay District are delineated on the Single-Family Workforce Housing Overlay District Map, which is on file at the Town Office. Amended 03/10/09