

**Zoning Ordinance
Precinct of Haverhill Corner
Town of Haverhill, New Hampshire**

Article I

Title

- 1 Pursuant to the authority conferred by New Hampshire Revised Statutes Annotated 674:16 and in conformity with the Haverhill Corner Precinct Master Plan the following ordinance is hereby enacted. This ordinance shall be known and may be cited as the Haverhill Corner Zoning Ordinance - hereinafter referred to as "this Ordinance".

Article II

Purpose

- 2 This Ordinance is designed to promote the health, safety, and general welfare of the inhabitants of the Precinct of Haverhill Corner, to protect the value of property, to prevent the overutilization of municipal services, to avoid undue concentration of population, and to facilitate the adequate provisions of other public services and facilities.

Article III

Definitions

- 3 For the purpose of this Ordinance, the present tense includes the future tense and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed" or "arranged" to be used or occupied, and certain terms or words shall be interpreted as follows:
 - 3.01 ABUTTER. Any person whose property adjoins or is directly across the street or stream from the land under consideration. For the purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
 - 3.02 ACCESSORY BUILDING OR USE. A building or use located on the same lot as the principal building or use, including but not limited to, detached garages, swimming pools, and equipment sheds. The building use is subordinate to and customarily associated with the principle use.
 - 3.03 CLUSTER DEVELOPMENT. A subdivision of a tract of land where instead of subdividing the entire tract into house lots of conventional size, the land is subdivided into small lots upon which buildings are placed with the use of the balance of the land to the benefit of all the lot owners and reserved for open space. Cluster development is intended to encourage flexibility in the design of single-family subdivisions. It should represent a more efficient use of the land and/or of services than the traditional single home subdivision. The overall density of the development shall not exceed the number of units allowable under 5.01 if clustering were not allowed.
 - 3.04 COMMERCIAL. Establishments engaged in the purchase and sale of goods and services.
 - 3.05 DWELLING. A structure designed for residential occupancy by one or more families but excluding hotels, motels, tourist homes or overnight cabins.

4.21

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- 3.06 EXISTING ROADS. Includes all roads in the Precinct of Haverhill Corner accepted by the town or state as of the date of passage of the ordinance.
- 3.07 FRONTAGE. The length of a lot at its front lot line which borders on a public street or a private street that has been approved by the Planning Board in a subdivision.
- 3.08 HEIGHT. The vertical distance from the average finished grade surrounding the building to a point midway between the highest and lowest points of the highest roof. Residential television and radio antennas, church towers, and silos are exceptions.
- 3.09 HOME OCCUPATION. A home occupation is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling, subject to the conditions in Article 7.01. The home occupation shall be clearly secondary to the use of the property as a residence.
- 3.10 LOT. A parcel of land of at least sufficient size to meet the minimum requirements of this ordinance for use, area, setback and other open spaces. There should be no more than 1 dwelling per lot except where provision is made for multifamily housing, where the lot meets the requirement for multifamily housing, and an application is made thereof.
- 3.11 LOT LINE, FRONT. Any lot line that coincides with a line of a street or a right-of-way.
- 3.12 LOT LINE, REAR. The lot line most distant from the front line, except that in the case of a corner lot the owner shall have the option of choosing which of the lot lines shall be the rear lot line.
- 3.13 LOT LINE, SIDE. Any lot line not a front or rear lot line.
- 3.14 MANUFACTURED HOUSING. A structure, transportable in one or more sections, which exceeds either 8 body feet in width or 40 body feet in length, built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. A manufactured housing unit shall be treated as a traditionally constructed dwelling.
- 3.15 MULTI-FAMILY HOUSING. A residential building designed for and occupied by two or more families, regardless of the type of ownership, such as, but not limited to, town house, apartments or other common wall or row-type housing units of the same type. The number of dwelling units shall not exceed the number of single family dwelling units which may be placed on the property in the same zone.
- 3.16 NON-CONFORMING USE. A lawful use of a property at the time this ordinance is adopted, that does not conform to the provisions and/or requirements of this ordinance.
- 3.17 PERMITTED USE. A use of a property which is allowed by right in a zoning district.
- 3.18 SETBACKS:
- FRONT. The depth of the front yard as measured from the street right-of-way (front lot line) to the nearest front line of the principal building or an accessory building.
- SIDE. The depth between the side of the closest principal or accessory building and the nearest side lot line.
- REAR. The depth of the rear yard shall be measured from the rear lot line to the rear line of the closest principal or accessory building.
- 3.19 SIGNS. Any medium, including its structure and component parts, which is used or intended to be used to advertise a business or identify a non-business owner or occupant.

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- 3.20 WETLANDS. An area composed of hydric soil that in its undrained condition is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor growth and regeneration of hydrophyllic vegetation.
- 3.21 FLOODPLAIN See paragraph 4.03, District 3, Page 3
- 3.22 STREET. A thoroughfare, road, avenue, freeway, highway, and other way open to public use whether or not this way is maintained by the town. "Street" shall mean the entire width of the right-of-way whether unimproved or improved.
- 3.23 VARIANCE. As defined in RSA 674:33, a relaxation of the terms of this Ordinance granted by the Zoning Board of Adjustment on appeal as long as it is not contrary to the public interest; and if owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship; and so that the spirit of the ordinance shall be observed and substantial justice done.

**Article IV
Districts**

4. DISTRICTS. The Precinct shall be divided into the following districts:
- strict 1. Haverhill Corner Historic District
 - District 2. Residential/Agricultural District
 - District 3. The Wetlands and Flood Prone Areas Conservation District
 - District 4. The Commons District
- 4.01 DISTRICT 1. It shall consist of the Haverhill Historical District as entered in the National Register of Historic Places on August 27, 1987 excluding the Commons District and any floodplain. Its uses shall be compatible with and designed to preserve and/or compliment the historical character of existing and traditional uses.
- 4.02 DISTRICT 2. It shall consist of all parts of the Precinct not in Districts 1,3 or 4. It shall be rural residential/agricultural.
- 4.03 DISTRICT 3. It shall consist of all land in the Floodplain as shown by the Zoning Map. It shall be for agricultural and recreational use, as so delineated in the Flood Hazard Analysis for Haverhill, New Hampshire, developed by the Federal Emergency Management Agency.
- 4.04 DISTRICT 4. It shall consist of the "Commons", an area of land bordered by Route 10, School Street and Park Street and bisected by Court Street as shown by the Zoning Map. No use shall be permitted in this zone except those that are for the common use or for the common benefit of all landowners in the Precinct. A vote of two thirds of those present and voting at a duly held meeting of the precinct voters at which the matter had been warned shall constitute prima facie evidence of such common use and/or benefit.

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Article V
Area Regulations

5.01 LOT SIZE. Lots on existing roads shall be at least one acre minimum in size, or larger, depending on soil and slope conditions, as may be suitable to sustain development according to state standards. Lots on existing roads shall have a minimum road frontage of 150 feet. Lots not on the above rights-of-way shall be at least three acres minimum in size, or larger, depending on soil and slope conditions, as may be suitable to sustain development according to state standards. In determining lot size, no part of the land which is wetland or has a slope greater than 25° will be counted towards the minimum size.

5.02 SETBACKS:

A. Districts 1 & 2:

FRONT: A minimum distance of fifty feet shall be required between any building and the front lot line.

SIDE: A minimum distance of thirty feet shall be required between and building and a side lot line. Small detached accessory buildings may, as a special exception, be approved to within 15 feet of a side lot line if the Board of Adjustment finds this would not be detrimental to the neighborhood.

REAR: A minimum distance of forty feet shall be required between any rear lot line and building. Small detached accessory buildings may, as a special exception, be approved to within twenty feet of a rear lot line if the Board of Adjustment finds this would not be detrimental to the neighborhood.

HEIGHT: Maximum height of any building shall be thirty five feet.

Article VI
Permitted Uses

6.01 District 1:

A. Residential Uses:

1. Single family dwellings
2. Two apartments in a dwelling if the owner has his primary place of residence in one of the apartments.
3. Accessory uses customarily incidental to the permitted use such as buildings to house automobiles, equipment, supplies, pets or animals.

B. Other Uses Permitted

1. Home products and produce may be bought and sold and exposed for sale.
2. Yard sales may be held up to twelve days per year.
3. Multifamily housing and cluster development may be permitted by Special Exception.

C. Prohibited Uses

1. Manufactured housing.

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6.02 District 2:

In addition to the use in 6.01 the following uses are permitted in District 2:

- A. Agricultural use which includes but not limited to dairy farming, greenhouses, animal and poultry husbandry, horticultural uses and pasturage as defined in RSA 21:34a.
- B. Manufactured housing is permitted.

6.03 Districts 1 and 2:

Commercial ventures other than those mentioned previously may be given special exception by the board of adjustment upon submission and approval of a site plan. The following regulations and restrictions shall be observed:

- 1. No business, or commercial venture or use shall be permitted which could cause any undue hazard to health, safety or property values or which is offensive to the public because of noise, vibration, excessive traffic, unsanitary conditions, noxious odor, smoke or other similar reason.
- 2. Sufficient acreage shall be included to allow the following setbacks:
 - (a) Not less than seventy five feet from a front lot line to any building or parking lot having both an exit and an entrance and with grass or beautification in the buffer area.
 - (b) Not less than fifty feet from a building or parking lot to the side or rear lot line.
- 3. Uses likely to generate more than twenty five auto trips per hour in total to and from the premises in the busiest hour of the day in the month with the highest average use shall be allowed only if directly served by Route 10 or 25.

6.04 Every use now being lawfully made of land, structures or buildings in the Precinct of Haverhill Corner on the effective date of this Ordinance, may be continued and such use is not affected by this Ordinance.

6.05 In District 1 for dwellings fronting directly on Route 10, Court Street or the Common, yard size and set back distances in existence at the time of the enactment of this ordinance shall be observed in the replacement of a destroyed building or discontinued use, except that the board may by special exception allow the usual yard set back requirements to apply.

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Town of Haverhill, New Hampshire**

6.06 District 3:

A. Permitted Uses:

Any use that does not result in the erection of any dwelling or commercial structure or alter the ground surface configuration by the addition of fill or dredging. Such uses include:

- 1 forestry and tree farming,
- 2 water impoundments and well supplies,
- 3 drainage on fields not designated as wetlands and normal (routine) maintenance of drainage ways, streams, creeks and other paths of normal run-off,
- 4 wildlife refuge,
- 5 parks and such recreation uses as are consistent with the purpose of creating the Wetlands and Flood Prone Areas Conservation District,
- 6 conservation areas and nature trails,
- 7 open space as permitted by the Precinct's land use regulations,
- 8 access ways if essential to the productive use of the land,
- 9 utility rights of way or easements including power lines and pipe lines.
- 10 agricultural accessory buildings

B. Prohibited Uses:

1. Any development or encroachment (including fill) which would result in any increase in flood levels during the base flood discharge is prohibited.
2. Wetlands drainage.

6.07 Existing nonconforming uses may be expanded only by special exceptions with the approval of the Zoning Board of Adjustment which shall first find: a) such an expansion or extension does not create a greater nuisance or detriment and b) the expanded use meets all other requirements of this Ordinance.

6.08 A nonconforming use may be changed to a more conforming use, and once changed to a more conforming use, no structure or land shall be permitted to revert to a less conforming use except as provided in 6.04. Upon the granting of a special exception from the Zoning Board of Adjustment, the use of the premises may be changed from one nonconforming use to another that is no more objectionable.

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**Article VII
General Regulations**

7.01 HOME OCCUPATIONS. Home occupations shall be permitted provided that the following conditions are met:

- A. The home occupation is carried on wholly within the principal structure.
- B. There are no exterior signs, alterations to a building, or outdoor storage.
- C. The occupation consumes no more than fifty percent of the total floor space of the principle building.
- D. No objectionable noise, vibrations, smoke, dust, odors, heat, glare, or electronic or other interference is generated.

7.02 OFF-STREET PARKING. A parking space shall be 9 feet x 20 feet. The following are guidelines for off-street parking:

- A. Residential - Two spaces for each family unit.
- B. Commercial - One space for each two anticipated patrons or employees on the premises at the same time.
- C. Restaurant - One space for each 4 seats.
- D. Tourist Accommodation - One space for each unit.
- E. Other - Adequate parking for accessory uses, i.e., tennis courts, swimming pools, and/or other public or private recreation facilities must be provided.

7.03 SIGNS.

- A. All signs must be maintained in good condition and repair at all times.
- B. The area of one side of a sign shall be regarded as the total area of the sign. This includes the advertising surface and any framing or molding but excludes the supporting structure.
- C. The maximum number of signs allowed, free standing or attached is 2 per lot for commercial purposes and 1 per lot for residential use.
- D. For any residential use a sign not exceeding 4 square feet is allowed which announces the name, address, or profession of the occupant of the premises on which said sign is located.
- E. For all other uses a maximum of 20 square feet for each sign and a maximum of 50 square feet for all signs will be allowed. These signs can be attached or free standing.
- F. The maximum height for any sign shall be twenty-five feet or, when attached to a building, it shall not exceed the height of the roof line.
- G. Signs shall not be allowed that interfere with the line of sight for street traffic or are within public pedestrian walkways.
- H. All free standing signs shall be set back at least 10 feet from the edge of the pavement or traveled portion of any public right-of-way.
- I. Only one sign per lot may be lit and then only by white non-flashing light. In no event shall sign lighting shine directly into a road so as to annoy or interfere with the vision of motorists or pedestrians.

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**Article VIII
Administration**

- 8.01 ENFORCEMENT. It shall be the duty of the Precinct Commissioners or their designees to administer this Ordinance.
- 8.02 PERMITS. A permit shall be required for an owner to erect a new structure or an addition to an existing structure.
- 8.03 PENALTIES. Except as provided in 8.02, the Precinct Commissioners or their designees, upon well founded information of any violation, are hereby authorized to initiate immediate steps for enforcement of this Ordinance by issuing due notice to cease and desist such violation and/or be subject upon conviction, of one hundred dollars (\$100) for each day the violation continues.

**Article IX
Board of Adjustment**

- 9.01 BOARD OF ADJUSTMENT. A 5 person Board of Adjustment and 3 alternates will be appointed by the Precinct Commissioners as provided by RSA 673 and 673:3. The Board may upon application:
- A. Review and decide on alleged error in administrative finding, or
 - B. Review and decide on a special exception request, or
 - C. Grant a variance.
- 9.02 SPECIAL EXCEPTION. A Special Exception is a relaxation of a requirement of this ordinance which may be permitted under this ordinance only upon formal application to the Board of Adjustment and subject to the approval of that Board when such use would not be detrimental to the public health, safety, and general welfare and only in cases where the words "Special Exception" in this Ordinance pertain. A special exception shall be allowed if the following conditions are met:
- A. The specific site is an appropriate location for such a use,
 - B. Property values in the district will not be reduced by such a use,
 - C. No nuisance or unreasonable hazard shall result,
 - D. Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.

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E. Uses Permitted under a Special Exception

The following additional uses are permitted by Special Exception by the Zoning Board of Adjustment.

1. Restaurants
2. Antique stores
3. Bed and Breakfast establishments and tourist homes
4. Schools
5. Nursery schools (day care)
6. Multifamily Dwellings
7. Church, parish house, or other religious use
8. Community center, hall, lodge, park or playground if each is operated by a non-profit organization.
9. In home professional services including but not limited to medical offices, accountants, etc.

F. Conditions may be attached to the Special Exceptions by the Zoning Board of Adjustment consistent with the intent and purpose of this Ordinance to protect the health, safety and general welfare of the Town's residents. The site design shall make the reasonably efficient use of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and river views from public ways and minimize intrusion into the character of existing development.

9.03 FEES. Fees will be set by the Zoning Board of Appeals and shall be sufficient to cover the expenses of the Board.

**Article X
Amendments**

10. This Ordinance may be amended according to the provisions of NH RSA 674 as it is or may be amended.

**Article XI
Saving Clause**

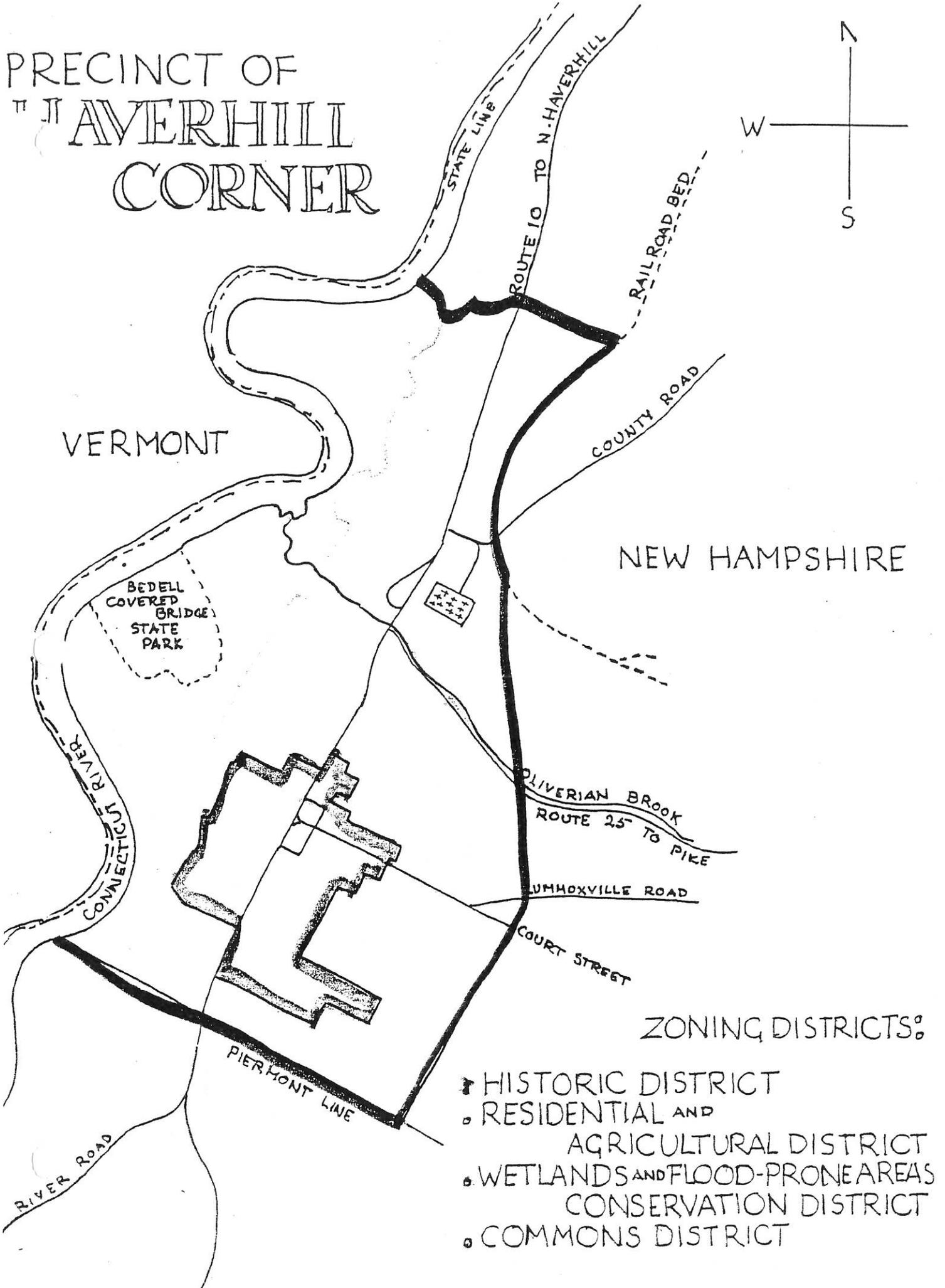
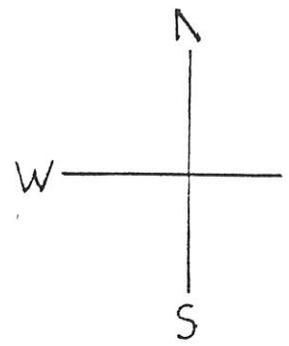
11. The invalidity of any provision of this Ordinance shall not effect the validity of any other provision of this Ordinance.

**Article XII
Effective Date**

12. This Ordinance shall become effective immediately upon its passage.

February 27, 1989

PRECINCT OF "AVERHILL CORNER"



VERMONT

NEW HAMPSHIRE

BEDELL
COVERED
BRIDGE
STATE
PARK

OLIVERIAN BROOK
ROUTE 25 TO PIKE

LUMBROOKVILLE ROAD

COURT STREET

PIERMONT LINE

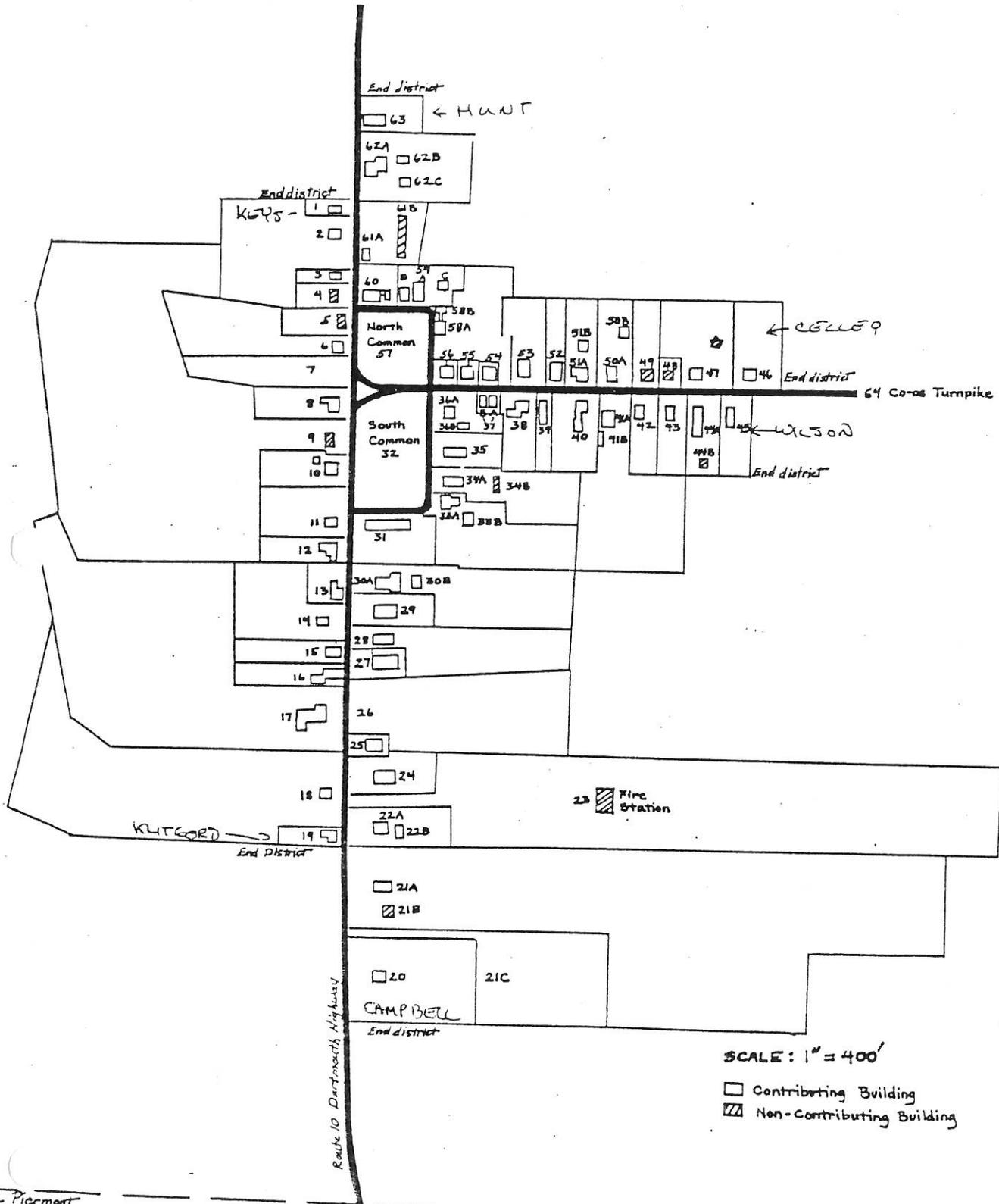
ZONING DISTRICTS:

- HISTORIC DISTRICT
- RESIDENTIAL AND AGRICULTURAL DISTRICT
- WETLANDS AND FLOOD-PRONE AREAS CONSERVATION DISTRICT
- COMMONS DISTRICT

RIVER ROAD

CONNECTICUT RIVER





Haverhill Corner Historic District

source: Town Tax Map 1982

Maps prepared by North Country Council are to be used for planning purposes and are

line Piermont

**ZONING ORDINANCE AMENDMENT
PRECINCT OF HAVERHILL CORNER
TOWN OF HAVERHILL, NH 03765**

2007

Insert Underlined Changes Into Present Zoning Ordinance
(This amendment deletes no language within the present ordinance.)

Article III
Definitions

- 3.23 JUNK YARD means 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. Does not include any establishment or place of business registered with the Director of NH Motor Vehicles which is primarily engaged in doing auto body repair work, to make repairs, to tow vehicles, or to render a motor vehicle serviceable. As used in this ordinance, the term further includes, but is not limited to all types of junk yards defined in Chapter 236:112.
- 3.24 PERSON. Means any individual person, association, company, corporation, partnership, or any other natural or unnatural person.
- 3.25 SEMI-TRAILER Shall mean a vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle, and not including a pair or set of wheels commonly used as an implement for other purposes than transportation, provided, however, that the word "semi-trailer" shall not include any vehicle as described in this section if used exclusively for agricultural purposes unless said vehicle be of the type constructed specifically to be towed by a tractor-type truck.
- 3.26 MOTOR VEHICLE means "motor vehicle" as defined by RSA 259:60, I, namely, and self-propelled vehicle not operated exclusively upon stationary tracks, including ski area vehicles.

Article IV
Districts

- 4.01 Junk Yards are prohibited in this district.
- 4.02 Junk Yards are prohibited in this district.
- 4.03 Junk Yards are prohibited in this district.
- 4.04 Junk Yards are prohibited in this district.

Article VIII
Administration

8.01 ENFORCEMENT.

It shall be the duty of the Precinct Commissioners or their agent(s) to administer this Ordinance. Any person, including, but not limited to a landowner, the landowner's agent or a contractor, who is determined by the Precinct Commission or its agent(s) to be in violation of the junk yard provisions within this ordinance or the Statutes of the State of New Hampshire is subject to penalties, local enforcement, injunctions, and civil penalties as identified in Chapter 236:127, Chapter 236:128, or other pertinent local legislation or State of New Hampshire Statute.

8.04 NON CONFORMING USE AS APPLIES TO JUNK YARDS

No non-conforming use shall be changed to another non conforming use and no such non-conforming use shall be enlarged or extended at the time the non-conformance commenced.

These amendments take place immediately upon Precinct of Haverhill Corner approval.

**Precinct of Haverhill Corner
Haverhill, New Hampshire 03765**

2007 WARRANT FOR ANNUAL MEETING

To the inhabitants of the Precinct of Haverhill Corner, in said Haverhill, who are qualified to vote in Precinct affairs:

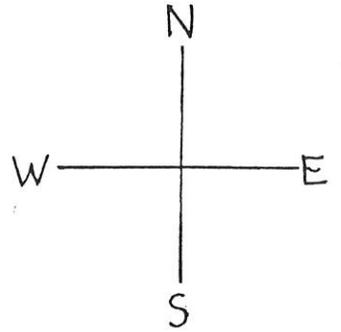
You are hereby notified to meet in the Parish House (Chapel) in said precinct, on Thursday, March 22nd, 2007 at 7:30pm in the evening to act upon the following articles:

- ARTICLE I. To elect a Moderator for the term of one year.
- ARTICLE II. To elect a Clerk for the term of one year.
- ARTICLE III. To elect a Precinct Commissioner for the term of three years.
- ARTICLE IV. To approve the Commissioners' choice of Treasurer for the term of one year.
- ARTICLE V. To approve the Commissioners' choice of Auditor for the term of one year.
- ARTICLE VI. To see if the Precinct of Haverhill Corner will adopt the following amendment to the Zoning Ordinance as proposed by the Haverhill Corner Planning Board: amend the Zoning Ordinance as necessary to prohibit junk yards in all districts within the Precinct of Haverhill Corner.
- ARTICLE VII. To hear and accept the reports of the Treasurer, Other Agents, and minutes as printed in the Town Report.
- ARTICLE VIII. To raise and appropriate \$216,811.00 for the ensuing year, as printed in the Town Report.
- ARTICLE IX. To transact any other business proper to come before this meeting.

Precinct Commissioners


Albion Estes Roderick Ladd Michael Lavoie

PRECINCT OF HAVERHILL CORNER



VERMONT

NEW HAMPSHIRE

BEDELL
COVERED
BRIDGE
STATE
PARK

CONNECTICUT RIVER

STATE LINE
ROUTE 10 TO N. HAVERHILL

RAILROAD BED

COUNTY ROAD

OLIVERIAN BROOK
ROUTE 25 TO PIKE

LUMHOXVILLE ROAD

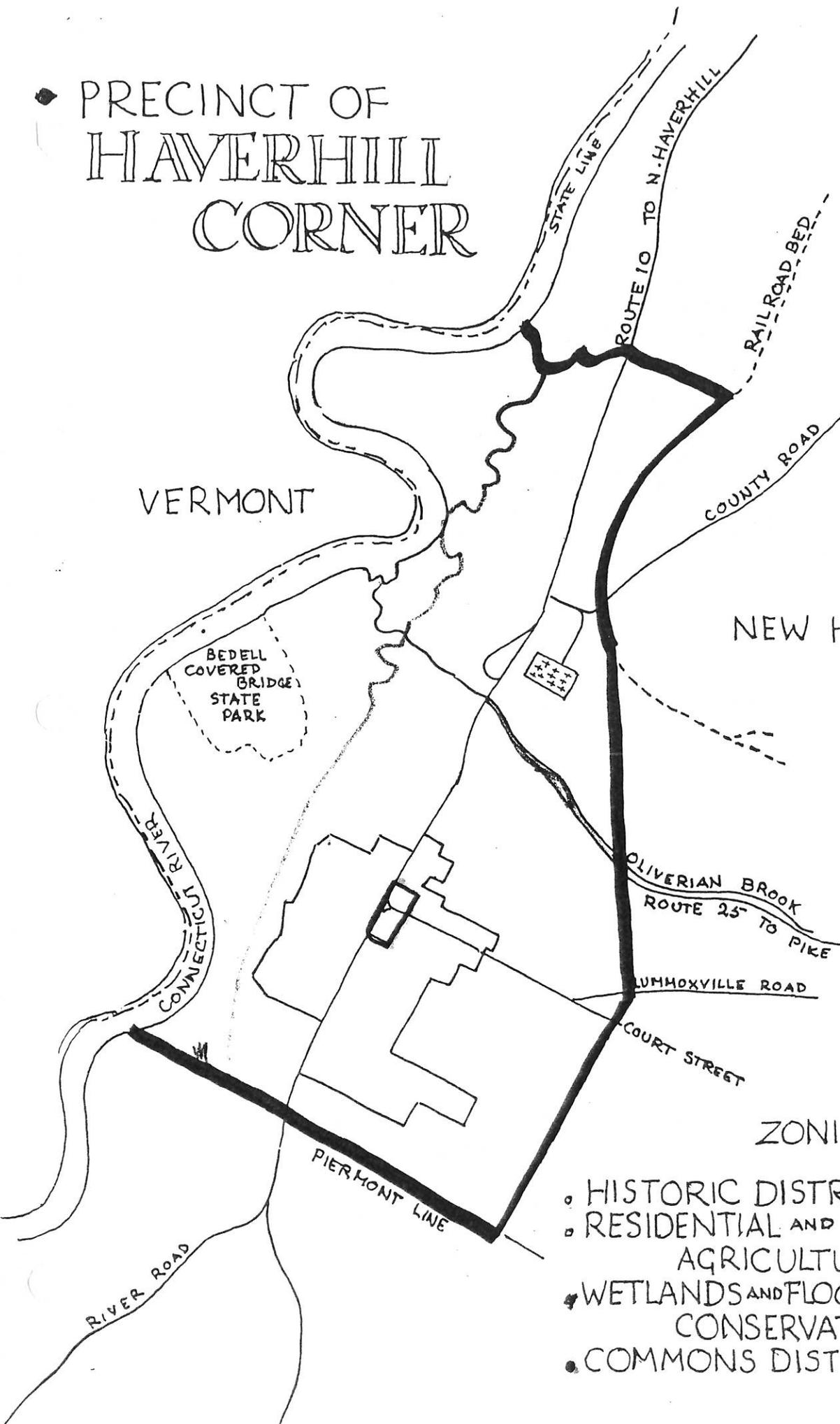
COURT STREET

PIERMONT LINE

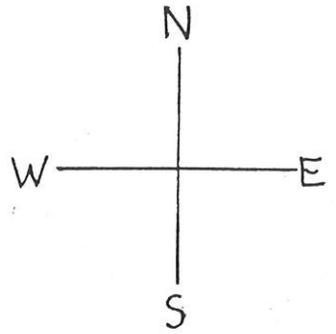
RIVER ROAD

ZONING DISTRICTS:

- HISTORIC DISTRICT
- RESIDENTIAL AND AGRICULTURAL DISTRICT
- WETLANDS AND FLOOD-PRONE AREAS CONSERVATION DISTRICT
- COMMONS DISTRICT



PRECINCT OF HAVERHILL CORNER



VERMONT

NEW HAMPSHIRE

BEDELL
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STATE
PARK

CONNECTICUT RIVER

OLIVERIAN BROOK
ROUTE 25 TO PIKE

LUMHOXVILLE ROAD

COURT STREET

PIERMONT LINE

RIVER ROAD

- ZONING DISTRICTS:
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 - WETLANDS AND FLOOD-PRONE AREAS CONSERVATION DISTRICT
 - COMMONS DISTRICT

