TOWN OF SWANZEY

OFFICE OF PLANNING & COMMUNITY DEVELOPMENT

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Swanzey Planning Board Agenda
November 19, 2026
6:00 PM

A regular meeting of the Swanzey Planning Board will be held on **Thursday, November 19, 2026, at 6:00 p.m. The meeting is upstairs at Whitcomb Hall (17 Main Street, Swanzey).** More information on public access to the meeting is available on the Town's website at: www.swanzeynh.gov.

1) Call to Order

2) Approval of Minutes
   A. November 5, 2026

3) Public Hearings
   A. **Zoning Ordinance Amendments 1 through 6.**

4) Discussions/Other Business

5) Adjournment

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – November 5, 2026
Whitcomb Hall, Main Street, Swanzey, NH

Note: Draft Minutes are subject to review, correction and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.

CALL TO ORDER:
The meeting of the Swanzey Planning Board was called to order at 6:00pm by Chair Victoria Ames. The meeting was held at Whitcomb Hall. Other members present: Michael York, Richard Lane, Mark Scalera, Jane Johnson, Charlie Harbeck, and Selectman's Representative Alan Gross. Also present was Director of Planning Adam Paquette.

The Chair called the roll and read the agenda for the evening. A quorum was present.

Absent:
Stacy Goodale, Scott Self, Brandon Self

SEATING ALTERNATES:
The chair seated Harbeck for S.Self and Johnson for B.Self

Others Present:

MINUTES:
The meeting minutes of October 22, 2026 were considered. A motion was made by York to approve the meeting minutes as presented. There was a second by Johnson. All were in favor. Corrections were presented by Chair Ames, the motion passed.

Corrections:
- Chair Ames represented the proposed pathway as a way to preserve the proposed landscaping.
- Chair Ames presented the removal of summer wine ninebark as a way to make way for a proposed pathway.
- Governmental uses on page 6, third bullet point under 10 needs to be revisited.

REGIONAL IMPACT
A motion was made by Lane that there was no regional impact. There was a second by Scalera. All were in favor. With no further discussion, the motion passed.

APPLICATIONS AND PUBLIC HEARING(S):
None

Discussions and Other Business:

- **Amendment Discussion**
  - Ames starts by going over her recommended changes**,** which staff has made, but tweaked slightly to still comply with RSAs
  - Ames reads the amendments in order.
  - York asks a question about if the note will be visible on the warrant, Paquette answers yes.
  - **The board votes by consensus to accept Amendment 1.** The amendment reads:

Amendment No. 1 Are you in favor of the adoption of Amendment No. 1, as proposed by the Planning Board, to replace Section IX of the Swanzey Zoning Ordinance with the New Hampshire Office of Planning and Development's "Model D" Floodplain Management Ordinance, keeping Swanzey's existing higher standards and updating all related references throughout the ordinance?

Note: This amendment aligns Swanzey's floodplain management ordinance with federal and state standards. This action protects property, secures continued resident access to the National Flood Insurance Program (NFIP), and preserves the town's existing, more stringent local protections.

The full language of this amendment is available for inspection at the Town Clerk's office.

  - **The board votes by consensus to accept Amendment 2.** The amendment reads:

Amendment No. 2 Are you in favor of the adoption of Amendment No. 2, as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance to incorporate amended and consolidated definitions throughout the entire ordinance, giving each land use one name and one definition?

Note: This amendment is a housekeeping measure designed to eliminate redundant, conflicting, or vague terms by establishing uniform definitions across all sections of the zoning regulations.

The full language of this amendment is available for inspection at the Town Clerk's office.

  - **The board votes by consensus to accept Amendment 3.** The amendment reads:

Amendment No. 3 Are you in favor of the adoption of Amendment No. 3, as proposed by the Planning Board, to amend in its entirety Swanzey Zoning Ordinance Section III-AA, which regulates Accessory Dwelling Units (ADUs), and thereby to bring related local regulations into compliance with state statutory standards?

DRAFT

Note: This amendment completely updates Section III-AA to align Swanzey's Accessory Dwelling Unit regulations with current New Hampshire statutory standards.

The full language of this amendment is available for inspection at the Town Clerk's office.

- **The board votes by consensus to accept Amendment 4.** The amendment reads:

Amendment No. 4 Are you in favor of the adoption of Amendment No. 4, as proposed by the Planning Board, to incorporate Section III-C into the Swanzey Zoning Ordinance to regulate family day care homes, family group day care homes, and child care centers, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to clearly define and regulate where and how different types of childcare facilities can operate in Swanzey, ensuring alignment with state statutes.

The full language of this amendment is available for inspection at the Town Clerk's Office.

- Ames asks if some language in the note for Amendment 4 can be repeated in Amendments 5 and 6. Paquette accepts.
- Lane speaks about agriculture uses and definitions. York speaks about state law. Lane asks to reference RSA language and Ames states that it is listed in the newly proposed section.
- Johnson speaks about potential issues by agricultural uses in the residence district.
- **The board votes by consensus to accept Amendment 5.** The amendment reads:

Amendment No. 5 Are you in favor of the adoption of Amendment No. 5, as proposed by the Planning Board, to incorporate Section III-D into the Swanzey Zoning Ordinance to regulate agricultural uses, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to clearly define and guide farming and agricultural operations, ensuring local regulations align with state protections.

The full language of this amendment is available for inspection at the Town Clerk's office.

- **The board votes by consensus to accept Amendment 6.** The amendment reads:

Amendment No. 6 Are you in favor of the adoption of Amendment No. 6, as proposed by the Planning Board, to incorporate Section III-E into the Swanzey Zoning Ordinance to regulate multi-family dwellings and the adaptive reuse of existing buildings, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to align with state law, allowing multi-family housing in commercial zones, provided there is adequate infrastructure, and the project passes local site plan review. It also promotes adaptive reuse by exempting existing buildings from setback, height, and frontage rules during conversion, as long as the original footprint and height do not increase.

The full language of this amendment is available for inspection at the Town Clerk's office.

- **Accessory Dwelling Unit**
  - Ames asks if the pre-emptive headings should be included, Paquette disagrees saying that it doesn't fit the rest of the ordinance structure. Paquette and Ames discuss that it could be revisited next year.
  - Lane asks about converting existing structures and whether the Board would see it. Paquette states it would come before the building department.
  - Paquette will add remaining text in Section II-AA.
- **Day care discussion**
  - Ames starts to discuss the proposed Section III-C.
  - Ames asks about adding "Child Care Center as defined in Section XIII" to that section.
  - The Board accepts through consensus. The language is as follows:

1. Child care centers, as defined in Section XIII, shall be permitted and regulated in accordance with RSA 674:81, as amended.

- **Agricultural uses discussion**
  - The Board accepts through consensus. The language is as follows:

SECTION III-D
AGRICULTURAL USES

Agricultural operations and activities shall be permitted and regulated in accordance with RSA 672:1, RSA 674:32-a through RSA 674:32-d, and the definitions of farm, agriculture, and farming contained in RSA 21:34-a. The tilling of soil and the growing and harvesting of crops and horticultural commodities, as either a primary or accessory use, shall be permitted in all zoning districts.

- **Multi-family discussion**
  - Paquette discusses changes to density limits. The Board discusses.
  - Ames discusses the RSA that regulates this section
  - York discusses water supply
  - Ames suggests an addition to Section III-E – D to show pedestrian safety
  - Paquette will send new draft before hearing. The proposed language with pedestrian safety language will read as follows:

1. Developments shall demonstrate the potential impact on local vehicle and pedestrian traffic by submitting data showing existing conditions and expected traffic generation. The Planning Board may require a formal traffic impact study in accordance with NH RSA 674:80, I(a), as amended.

- **General**
  - Add agriculture and farming as permitted in every district. Paquette will amend districts to show this.
- **Code of Conduct**
  - Ames discusses the code of conduct document approved by the Select Board.
  - Ames discusses that members of the Planning Board are elected officials and the Select Board does not have the authority to impose these standards. Ames submits a letter to the Select Board.
  - The Board discusses further.
  - Lane asks about a line from the Select Board minutes.
  - Scalera states the code of conduct was not as comprehensive as it could have been.

- Gross and Paquette discuss the previous public hearing, regarding the post office traffic, specifically large trucks accessing the post office and the Planning Board's request to amend the site plan to revert back to previous conditions. Paquette states that refuting expert evidence (in this case the DOT driveway permit) must come from the Board's own expert source and must not come from anecdotal evidence. The Board discussed and will revisit further if needed.

ADJOURNMENT
A motion to adjourn was made by Scalera. There was a second to the motion by Harbeck with further discussion regarding CIPC from York. All were in favor and the m*otion passed.* Adjournment occurred at 7:40pm.

Next Meeting: November 19, 2026

Respectfully Submitted,
Adam Paquette, Director of Planning & Community Development
Approved on

Article 2 To vote by ballot on the following amendments proposed by the Swanzey Planning Board to the Town of Swanzey Zoning Ordinance (new text in *italics*, deleted text in ~~strikethrough~~):

Amendment No. 1 Are you in favor of the adoption of Amendment No. 1, as proposed by the Planning Board, to replace Section IX of the Swanzey Zoning Ordinance with the New Hampshire Office of Planning and Development's "Model D" Floodplain Management Ordinance, keeping Swanzey's existing higher standards and updating all related references throughout the ordinance?

Note: This amendment aligns Swanzey's floodplain management ordinance with federal and state standards. This action protects property, secures continued resident access to the National Flood Insurance Program (NFIP), and preserves the town's existing, more stringent local protections.

Amend Section II, Article A.7 as follows:

7. ~~Flood Plain~~ *Floodplain* District. The ~~Flood Plain~~ *Floodplain* District is herein established as an overlay district. The underlying permitted uses shall be allowed only by special exception provided they meet the additional requirements set forth in Section IX of this ordinance. The ~~Flood Plain~~ *Floodplain* District includes all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its 'Flood Insurance Study for the County of Cheshire, NH' dated May 23, 2006 or as amended together with the associated Flood Insurance Rate Maps (FIRM) dated May 23, 2006 or as amended, on file with the Town Clerk, Planning Board and Building Inspector. These maps as well as the accompanying Swanzey Flood Insurance Study, are incorporated herein by reference.

Amend Section III, Article V as follows:

V. TEMPORARY MANUFACTURED HOUSING PERMITS

(Adopted March 14, 1995) (Amended March 14, 2006)
During construction or rehabilitation of any permanent structure, the Board of Selectmen may permit the temporary occupancy of a manufactured housing unit or recreational vehicle on any lot in any district*, except the Floodplain District,* for a period not to exceed six (6) months, provided the manufactured housing unit meets all other requirements of this ordinance. Such temporary permit shall automatically expire six (6) months after issuance.

Amend Section IX as follows:

The full text is available in Appendix A

Amendment No. 2 Are you in favor of the adoption of Amendment No. 2, as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance to incorporate amended and consolidated definitions throughout the entire ordinance, giving each land use one name and one definition?

Note: This amendment is a housekeeping measure designed to eliminate redundant, conflicting, or vague terms by establishing uniform definitions across all sections of the zoning regulations.

Amend Section III, Article A.4 as follows:

4. No more than one "~~one-family~~ *single-family* dwelling" may be permitted on a lot. (Amended March 10, 1998; Amended March 10, 2009)

Amend Section III, Article Q.1 as follows:

Table #1: Schedule of Minimum Parking Requirements	
~~One-family~~ *single-family* dwelling & two-family dwelling	1 space per unit
Multi-family dwelling	1 space per unit
Hotel, motel, inn, etc.	1 space per unit
Restaurant, theater, church, or other places of indoor assembly	1 space for every 3 seats
Retail sales	1 space per 250 square feet gross floor area
Retail sales – furniture, appliance, motor vehicle sales	1 space per 500 square feet gross floor area
Personal services	1 space per 250 square feet gross floor area
~~Automobile repair and services~~ *Motor vehicle repair facility*~~-~~	4 spaces per service bay
Nursing homes, hospitals, etc.	1 space per staff person on the largest shift plus 1 space per every 3 beds
Offices	1 space per 250 square feet gross floor area
Industrial use	1 space per employee on largest shift
~~Warehouse~~ *Warehousing and distribution*	1 space per 1,000 square feet gross floor area
Place of public assembly not measurable in terms of seats	1 space per 500 square feet gross floor area

Amend Section III, Article Q.2 as follows:

2. Except for parking spaces for ~~one-family~~ *single-family* dwellings and two-family dwellings, off-street parking spaces shall be located a minimum of thirty (30) feet from the front property line and ten (10) feet from the side and rear property lines, unless otherwise specified in a specific Zoning District.

Amend Section III-B, Article 1 as follows:

1. Purpose The purpose of a Conservation Residential Subdivision (CRS) is to encourage developers of *single-family* and ~~duplex~~ *two-family dwellings* ~~housing~~ in the Town of Swanzey to use alternate subdivision design that preserves Swanzey's rural character and the natural and historic features on specific property. A Conservation subdivision design groups homes together on one portion of a property, with the undeveloped portion permanently protected from future development.

Amend Section IV, Article A.1.a, e, and k as follows:

A. RURAL/AGRICULTURAL DISTRICT

1. PERMITTED USES. In the Rural/Agricultural District, no buildings or premises shall be erected, altered or used and no land shall be used for any purposes except:

a. ~~One-family~~ *Single-family* dwelling; (Amended March 9, 1999)

e. ~~Roadside stands for the sale of home grown produce~~ *Farm roadside stand,* provided that they are so located on the lot as to not create roadside hazards or undue congestion;

k. Hospital, ~~or licensed nursing home~~ *Nursing Home*. (Adopted March 10, 1992)

Amend Section IV, Article A.2.a, b, j, k, l, m, and n, as follows:

2. In addition to the aforementioned permitted uses, the following are permitted after the issuance of a Special Exception by the Board of Adjustment:

a. ~~Gift shop, antique shop or craft shop;~~ *Retail establishment;*

b. ~~Manufactured uses~~ *Manufacturing*, business offices and industrial parks; (Amended March 11, 2025)

j. ~~Educational or religious institution, club, or lodge when the primary function is indoors; (Amended March 10, 1998)~~ *Educational institution or religious use*

k. *Club or Lodge* ~~*when the primary function is indoors*~~

~~**k**~~ **l.** Telecommunications Facility, with Special Exception by the Zoning Board of Adjustment. Telecommunications Facilities may exceed 45 feet in height if it is necessary to fulfill their function subject to the requirement that the height of any tower shall not exceed the average height of the surrounding tree canopy

by more than a factor of two (2). Requirements for granting a Special Exception, in addition to those requirements set forth in Section XII.C.2. of the Swanzey Zoning Ordinance, shall be as follows:

~~l~~ **m.** ~~The following recreation uses conducted as a business or by a private club or organization, whether they are conducted indoors or outdoors, are permitted after the issuance of a Special Exception by the Board of Adjustment:~~ *Commercial recreation facility, club or lodge*

~~Summer camp~~
~~Golf course/country club~~
~~Campground~~
~~Riding stables/riding trails/riding ring~~
~~Petting zoo~~
~~Farm recreation: sleigh rides, hayrides, farm demonstrations~~
~~Nature-related recreational activity: nature centers~~
~~Playing fields~~
~~Cross-country ski trails~~
~~Associated uses to any of the above uses including, but not limited to, snack-bar, pro-shop, etc.~~

Construction of permanent facilities for racing, time trials or endurance events for cars, purpose-built race cars, OHRVs (off-highway recreational vehicles) or motorcycles is prohibited in the Rural/Agricultural Zoning District. Special events ~~such as benefit mud bogs, ice drags, poker runs, etc.~~ will be handled under the existing special event ordinance administered by the Board of Selectmen. (Adopted March 11, 2003)

~~m~~**n.** Accessory buildings having a footprint of 1000 s.f. or greater or 25 feet or more in height. (Adopted March 11, 2008)

Amend Section IV, Article B.1.a, b, and c as follows:

1. USES PERMITTED. In the Residence District, no building or premises shall be erected, altered or used and no land shall be used for any purpose except:

a. ~~One-family~~ *Single-family* dwelling; (Amended March 9, 1999)

b. ~~Customary agricultural uses including gardens, nurseries and greenhouses~~ *Agriculture and Farming, subject to Section III-D*;

c. ~~Roadside stands for the sale of home grown produce~~ *Farm roadside stands,* provided that they are located on the lot as not to create roadside hazards or undue congestion;

Amend Section IV, Article B.2.d, e, and f as follows:

2. In addition to the aforementioned permitted uses, the following are permitted after the issuance of a Special Exception by the Board of Adjustment: (Section IV.B.2. Amended March 9, 1999)

d. *Educational institution, religious use, or governmental use*;

e. *Rooming or boarding house; bed and breakfast facility*

~~d~~***f.*** Accessory building having a footprint of 1000 s.f. or greater or 25 feet or more in height. (Adopted March 11, 2008)

Amend Section V, Article A.1.a as follows:

1. USES PERMITTED. In the Village Business District I no building or premises shall be erected, altered or used and no land shall be used for any purposes except:

a. ~~One-family~~ *Single-family* dwelling; (Amended March 9, 1999)

Amend Section V, Article A.2.a as follows:

2. In addition to the aforementioned permitted uses, the following are permitted after the issuance of a Special Exception by the Board of Adjustment: (Section V.A.2. Amended on March 9, 1999)

a. ~~Recreational facility conducted as a business only when such business activity is conducted indoors; daycare facility; (Amended March 14, 2000; Amended March 11, 2003) (Amended March 2024)~~ *Commercial recreation facility;*

Amend Section V, Article B.1.c, i, q, r, t, and y as follows:

B. BUSINESS DISTRICT.

1. USES PERMITTED. In the Business District, no buildings or premises shall be erected, altered or used and no land shall be used for any purpose except:

c. ~~Educational, governmental, or religious facility~~ *Educational institution, religious use, or governmental use*;

i. ~~Private~~ club or lodge;

q. ~~Recreation facility conducted as a business; (Added March 8, 2022)~~ *Commercial recreation facility;*

r. Research and development *facility*; (Added March 8, 2022)

t. ~~One-family~~ *Single-family dwelling* to two-family dwelling conversions that do not change the footprint of the existing ~~one-family~~ *single-family* dwelling shall be considered a permitted use in the Business District; (Amended March 2024)

y. Manufacturing

Amend Section V, Article B.2.a, h, and j as follows:

2. In addition to the aforementioned permitted uses, the following are permitted after the issuance of a Special Exception by the Board of Adjustment: (Section V.B.2. Amended March 9, 1999)

a. ~~Daycare facility~~; gasoline service stations; ~~repair garage or body shop~~ *motor vehicle repair facility*; motor vehicle dealership; wholesale *establishment*; warehousing *and distribution,* ~~or manufacturing facility~~; industrial park; vehicle wash facility; (Amended March 14, 2000, Amended March 8, 2022, Amended March 2024)

h. ~~Licensed nursing home~~ *Nursing Home*; (Adopted March 8, 2022)

j. ~~Bulk storage and distribution of large quantities of material, liquid, solid, or gaseous intended for resale~~ *Bulk storage and distribution*. (Adopted March 8, 2022)

Amend Section V, Article B.5 as follows:

5. A ~~one family~~ *Single-family* dwelling, two-family dwelling, or manufactured housing dwelling established prior to the adoption of this subparagraph on a lot in the Business District shall be considered to be a permitted use in the Business District and shall not be subject to Section XI, Article A of this Ordinance. (Adopted March 8, 2022)

Amend Section V, Article C.1.b, g, and h as follows:

1. USES PERMITTED. In the Village Business District II no building or premises shall be erected or used and no land shall be used for any purposes except:

b. ~~Education, government or religious facility;~~ *Educational institution, religious use, or governmental use*;

g. Printing and publishing establishments~~;~~

h. ~~Recreational facility~~ *Commercial recreation facility*;

Amend Section V, Article C.3.a, b, and d as follows:

3. In addition to the aforementioned permitted uses, the following are permitted after the issuance of a Special Exception by the Board of Adjustment: (Section V.C.2. Amended March 9, 1999)

a. Manufacturing ~~facility~~ (Amended March 2024)

b. Research and *development facility* ~~testing laboratories~~ (Amended March 2024)

d. Wholesale *establishment*, ~~warehouse or storage facilities with office~~ *warehousing and distribution*, ~~repair and customer service areas~~ (Amended March 2024)

Amend Section VI, Article A.1.d.1, 2, 3, 4, 5, 9, 14, 20, 21, and 22 as follows:

d. USES PERMITTED. In the Commercial/Industrial Zone no building or premise shall be erected, altered or used and no land shall be used for any purpose except:

1) ~~Establishments engaged in the manufacturing, assembly, compounding, processing/packaging, treatment or distribution of products~~ *Manufacturing,* including primary product production from raw materials but excluding such establishments which produce or emit dust, refuse matter, toxic or noxious gases, odors or fumes, excessive noise, vibration or electrical interference, or similar substances or conditions into adjacent or other properties;

2) ~~Wholesale, warehouse and storage facilities~~ *Wholesale establishment, warehousing and distribution*;

3) Research and *development facility* ~~testing laboratories devoted to the research, testing, design, and experimentation of products and processing and fabrication operations that are incidental thereto~~;

4) Printing and publishing establishments~~;~~

5) ~~Educational activities;~~

9) ~~Educational, governmental, or religious facility~~ *Educational institution, religious use, or governmental use*;

14) ~~Private~~ club or lodge;

20) Gasoline service station, ~~repair garage and body shop~~ *motor vehicle repair facility*, motor vehicle dealership, vehicle wash facility; (Amended March 14, 2000)

21) ~~Recreational facility conducted as a business.~~ *Commercial recreation facility;*

22) ~~Bulk storage and distribution of large quantities of material, liquid, solid, or gaseous intended for resale~~ *Bulk storage and distribution*. (Adopted March 8, 2022)

Amend Section VI, Article B.2.a, b, d, e, f, and g as follows:

2. USES PERMITTED In the Industrial Park District, no buildings or premises shall be erected, altered, or used, and no land shall be used for any purposes, except: (Amended March 8, 2022; March 14, 2023)

a. Manufacturing~~, production, fabrication, processing, packaging assembly, refurbishing and/or repair of goods~~; (Amended March 8, 2022)

b. Research and development *facility*; (Amended March 8, 2022)

d. ~~Publishing companies~~ *Printing and publishing establishment*; (Amended March 8, 2022)

e. Warehousing *and distribution*; (Amended March 8, 2022)

f. ~~Wholesaling~~ *Wholesale establishment*; (Amended March 8, 2022)

g. ~~Recreation facility conducted as a business; (Adopted March 12, 2002; Amended March 8, 2022)~~ *Commercial recreation facility;*

Amend Section VI, Article B.3.a as follows:

3. In addition to the aforementioned permitted used, the following are permitted after the issuance of a Special Exception by the Board of Adjustment: (Adopted March 8, 2022)

a. ~~Bulk storage and distribution of large quantities of material, liquid, solid, or gaseous, intended for resale~~ *Bulk storage and distribution*; (Adopted March 8, 2022)

Amend Section VII, Article E.1.i as follows:

E. USES PERMITTED

1. Provided that all required permits have been obtained, the following uses are permitted in the Wetlands Conservation District without a Conditional Use permit. The Wetland Conservation District shall be maintained in a natural state to the maximum extent possible.
    i. Scientific research ~~and educational activities;~~

Amend Section XIII as follows:

The full text is available in Appendix B

Amendment No. 3 Are you in favor of the adoption of Amendment No. 3, as proposed by the Planning Board, to amend in its entirety Swanzey Zoning Ordinance Section III-AA, which regulates Accessory Dwelling Units (ADUs), and thereby to bring related local regulations into compliance with state statutory standards?

Note: This amendment completely updates Section III-AA to align Swanzey's Accessory Dwelling Unit regulations with current New Hampshire statutory standards.

Amend Section III-AA as follows:

The full text is available in Appendix C

Amendment No. 4 Are you in favor of the adoption of Amendment No. 4, as proposed by the Planning Board, to incorporate Section III-C into the Swanzey Zoning Ordinance to regulate family day care homes, family group day care homes, and child care centers, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to clearly define and regulate where and how different types of childcare facilities can operate in Swanzey, ensuring alignment with state statutes.

Add Section III-C as follows:

The full text is available in Appendix D

Amend Section IV, Article A.2.o as follows:

~~***no***~~. *Child care center, subject to Section III-C*

Amend Section IV, Article B.2.c as follows:

c. ~~Daycare facility~~ Child care center, subject to Section III-C; ~~educational, governmental, or religious facility; rooming or a boarding house; bed and breakfast facility.~~

Add Section V, Article A.1.m as follows:

m. Child care center, subject to Section III-C

Add Section V, Article B.1.w as follows:

w. Child care center, subject to Section III-C

Add Section V, Article C.1.u as follows:

u. Child care center, subject to Section III-C

Add Section VI, Article A.1.d.25 as follows:

25) *Child care center, as accessory to a principal use permitted in the district, exclusively serving the children of employees of that principal use, subject to Section III-C.*

Amend Section VI, Article B.2.h as follows:

h. Child care *center, as accessory to a principal use permitted in the district, exclusively serving the children of employees of that principal use, subject to Section III-C* ~~facility~~. (Adopted March 12, 2002)

Amendment No. 5 Are you in favor of the adoption of Amendment No. 5, as proposed by the Planning Board, to incorporate Section III-D into the Swanzey Zoning Ordinance to regulate agricultural uses, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to clearly define and guide farming and agricultural operations, ensuring local regulations align with state protections.

Add Section III-D as follows:

SECTION III-D
AGRICULTURAL USES

Agricultural operations and activities shall be permitted and regulated in accordance with RSA 672:1, RSA 674:32-a through RSA 674:32-d, and the definitions of farm, agriculture, and farming contained in RSA 21:34-a. The tilling of soil and the growing and harvesting of crops and horticultural commodities, as either a primary or accessory use, shall be permitted in all
zoning districts.

Amend Section IV, Article A.1.d as follows:

d. ~~General farming, including horticulture, dairying, livestock and poultry raising and other agricultural enterprises or uses.~~ *Agriculture and farming, subject to Section III-D.* ~~Farming as a business will require a Special Exception from the Board of Adjustment and Site Plan review from the Planning Board; (Amended March 10, 1998)~~

Amend Section IV, Article B1.b as follows:

b. ~~Customary agricultural uses including gardens, nurseries and greenhouses~~ *Agriculture and Farming, subject to Section III-D*;

Add Section V, Article A.1.o as follows:

o. *Agriculture and farming, subject to Section III-D.*

Amend Section V, Article B.1.k as follows:

k. ~~Commercial greenhouse or nursery~~ *Agriculture and farming, subject to Section III-D*;

Add Section V, Article C.1.v as follows:

v. *Agriculture and farming, subject to Section III-D.*

Amend Section VI, Article A.1.d.16 as follows:

16) ~~Commercial greenhouse or nursery~~ *Agriculture and farming, subject to Section III-D*;

Add Section VI, Article B.2.j as follows:

j. *Agriculture and farming, subject to Section III-D.*

Amendment No. 6 Are you in favor of the adoption of Amendment No. 6, as proposed by the Planning Board, to incorporate Section III-E into the Swanzey Zoning Ordinance to regulate multi-family dwellings and the adaptive reuse of existing buildings, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to align with state law. It allows multi-family housing in commercial zones, provided the site has adequate infrastructure and receives Planning Board site plan approval. The amendment also removes density limits in commercial districts and encourages the reuse of existing buildings. Under these rules, existing structures converting to multi-family housing are exempt from setback, height, and frontage requirements, as long as the building's original footprint and height do not increase.

Add Section III-E as follows:

The full text is available in Appendix E

Add Section V, Article A.1.n as follows:

n. *Multi-family dwelling(s), subject to Section III-E.*

Add Section V, Article B.1.x as follows:

x. *Multi-family dwelling(s), subject to Section III-E.*

Amend Section V, Article B.2.b as follows:

~~**b.** Multi-family dwelling(s): The density requirement for a multi-family dwelling(s) shall be one (1) acre for the first dwelling unit and one half (1/2) acre for each additional dwelling unit, unless connected to public sewer. The maximum density permitted for a multi-family dwelling(s) connected to public sewer shall be twelve (12) units per acre. The minimum number of units for a multi-family dwelling in the Business District shall be five (5) units; (Amended March 14, 2000, Amended March 8, 2022)~~

Amend Section V, Article C.1.s as follows:

s. Multi-family dwelling(s), *subject to Section III-E:* ~~The density requirement for a multi-family dwelling(s) shall be one (1) acre for the first dwelling unit and one half (1/2) acre for each additional dwelling unit, unless connected to public sewer. The maximum density permitted for a multi-family dwelling(s) connected to public sewer shall be six (6) units per acre. The minimum number of units for a multi-family residential dwelling in the Business District shall be three (3) units. (Amended March 10, 2020; Amended March 2024)~~

Appendix A

SECTION IX
FLOODPLAIN DISTRICT REGULATIONS

LOCAL STANDARDS
The following local standards apply in addition to the Floodplain Management Ordinance below.

A. In addition to the floodplain development permit required by Item III, all development in a special flood hazard area is prohibited except by special exception granted by the Zoning Board of Adjustment.

B. In addition to the general special exception criteria in Section XII.C.2, no special exception shall be granted under Local Standard A unless:

1. The proposed use is permitted, or permitted by special exception, in the underlying zoning district. Where the underlying district also requires a special exception for the use, the Zoning Board of Adjustment may consider both special exceptions in a single application;
2. The applicant demonstrates that the proposed development will not result in any increase in flood levels during the base flood discharge; and
3. Upon granting a special exception under Local Standard A, the Zoning Board of Adjustment shall notify the applicant in writing that a permit must also be obtained from the Building Inspector and that the requirements of the Floodplain Management Ordinance apply to that permit.

C. No new manufactured home park or subdivision, no expansion of an existing manufactured home park or subdivision, and no placement of a new manufactured home shall be permitted in a special flood hazard area, and no special exception shall be granted for such use. Existing manufactured homes may be repaired or substantially improved in accordance with Item IX.2.c.

FLOODPLAIN MANAGEMENT ORDINANCE

ITEM I – PURPOSE

Certain areas of the Town of Swanzey, New Hampshire are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Swanzey, New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

ITEM II – ESTABLISHMENT

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Swanzey Floodplain Management Ordinance. The regulations in this ordinance shall overlay

and supplement the regulations in the Town of Swanzey Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof. It shall be the duty of the Board of Selectmen (or their designee) to enforce and administer the provisions of this Ordinance in accordance with RSA 676.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Cheshire, N.H." dated May 23, 2006 or as amended, together with the associated Flood Insurance Rate Maps dated May 23, 2006 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

ITEM III – PERMITS

All proposed development in any special flood hazard area shall require a permit.

ITEM IV – CONSTRUCTION REQUIREMENTS

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

a. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
b. Be constructed with flood damage-resistant materials;
c. Be constructed by methods and practices that minimize flood damages; and
d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

ITEM V – WATER AND SEWER SYSTEMS

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

ITEM VI – CERTIFICATION

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the Building Inspector:

a. The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) and include whether or not such structures contain a basement.
b. If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed.
c. Any certification of floodproofing.

The Building Inspector shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.

ITEM VII – OTHER PERMITS

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

ITEM VIII – WATERCOURSES

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.

2. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

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

4. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the proposed development will not result in any increase in flood levels during the base flood discharge.

5. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement: “No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

ITEM IX – SPECIAL FLOOD HAZARD AREAS

1. In a special flood hazard area, the Building Inspector shall determine the base flood elevation in the following order of precedence according to the data available:
   a. In Zone AE, refer to the base flood elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
   b. In Zone A, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals). Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.
   c. **[Retain only if Zone AO appears on the effective FIRM:]** In Zone AO, the flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least 2 feet.

2. The Building Inspector's base flood elevation determination will be used as criteria for requiring in special flood hazard areas that:
   a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation.
   b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood elevation; or together with attendant utility and sanitary facilities, shall:
      i. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
      ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
      iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
   c. All manufactured homes to be substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
   d. All recreational vehicles placed on sites within a special flood hazard area shall either:
      i. Be on the site for fewer than 180 consecutive days; or
      ii. Be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.
   e. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
      i. The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
      ii. The area is not a basement;
      iii. Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this

requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all flood openings shall be no higher than one foot above grade. Flood openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

f. **[Retain only if Zone AO appears on the effective FIRM:]** Proposed structures to be located on slopes in special flood hazard areas, Zone AO shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

ITEM X – VARIANCES AND APPEALS

A. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I, the applicant shall have the burden of showing in addition to the usual variance standards under state law that:

a. The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
b. If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
c. The variance is the minimum necessary, considering the flood hazard, to afford relief.

C. The Zoning Board of Adjustment shall notify the applicant in writing that:

a. The issuance of a variance to construct below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
b. Such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

D. The community shall:

a. Maintain a record of all variance actions, including the justification for their issuance, and
b. Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ITEM XI – DEFINITIONS

The following definitions shall apply only to this Floodplain Management Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Swanzey.

1. **Area of Shallow Flooding [retain only if Zone AO or AH appears on the effective FIRM]** means a designated AO, AH, or VO zone on the Flood Insurance Rate Map (FIRM) with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.

2. **Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year.

3. **Base Flood Elevation (BFE**) means the elevation of surface water resulting from the "base flood."

4. **Basement** means any area of a building having its floor subgrade on all sides.

5. **Building** – see "structure."

6. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.

7. **FEMA** means the Federal Emergency Management Agency.

8. **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

9. **Flood Insurance Rate Map (FIRM)** means the official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Swanzey.

10. **Flood Insurance Study (FIS)** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

11. **Flood Opening** means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

12. **Floodplain or Flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

13. **Flood proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

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

15. **Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

16. **Historic Structure** means any structure that is:

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

17. Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

18. Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

19. Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

20. Mean sea level means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

21. New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

22. Recreational Vehicle is defined as: a. built on a single chassis; b. 400 square feet or less when measured at the largest horizontal projection; c. designed to be self-propelled or permanently towable by a light duty truck; and d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

23. Special flood hazard area is the land in the floodplain within the Town of Swanzey subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zones A and AE **[update if the effective FIRM adds other zones].**

24. Start of Construction includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

25. Structure means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

26. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

27. Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

29. Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

Appendix B

SECTION XIII
DEFINITIONS

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration.

Accessory Building: A free-standing building incidental to primary structure, for any use customarily incidental, related and clearly subordinate to a principal or main use established on the same lot or premises. (Adopted March 8, 1994)

Accessory Use: Any use customarily incidental, related and clearly subordinate to a principal or main use established on the same lot or premises.

Adaptive Reuse: *The repurposing of existing buildings or structures in whole or in part for residential purposes. (RSA 674:79, III, as amended.)*

Agriculture and Farming: *All operations or activities of a farm, as defined in RSA 21:34-a, II, as amended, including:*

1. *The cultivation, conservation, or tillage of the soil.*
2. *The storage and use of or spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.*
3. *The use of or application of agricultural chemicals.*
4. *The husbandry of livestock which shall include but not be limited to all beef or dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (Cervus canadensis), fallow deer (Dama dama), red deer (Cervus elephus), or reindeer (Rangifer tarandus).*
5. *The husbandry, boarding, training, or riding instruction of equines.*
6. *The husbandry and harvesting aquaculture products including fresh or saltwater finfish, shellfish, or other aquatic organisms grown for consumption or processing.*
7. *The husbandry of poultry or game birds or production of eggs.*
8. *The husbandry of bees or production of honey.*
9. *The husbandry of domesticated strains of fur-bearing animals.*
10. *The production of greenhouse crops.*
11. *The production, cultivation, growing, or harvesting of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees or tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any plant that can be legally grown or harvested extensively for profit or subsistence.*
12. *Any practice or activity on the farm incident to, ancillary to, or in conjunction with such farming operations, as listed in RSA 21:34-a, II(b), including preparation for market, transportation of supplies, materials, and farm workers, forestry or lumbering operations, marketing and agritourism, irrigation, the use of dogs for herding, working, or guarding livestock, and the production and storage of compost.*

Bed and Breakfast Facility: An existing residential building that is used as a residence and which contains not more than six (6) sleeping rooms for rental accommodations to tourists, for duration of less than two weeks which serves breakfast to guests. An accessory building to a residence is not a Bed and Breakfast Facility. (Adopted March 8, 1994)

~~**BOCA Code or BOCA National Building Code:** (Adopted March 10, 1992; definition deleted March 14, 2006)~~

Building: Any structure for the shelter, support or enclosure of persons, animals or property having a roof. (Amended March 9, 1999)

Bulk Storage and Distribution: *A facility principally used for the storage of large quantities of liquid, solid, or gaseous material in bulk, such as fuel, propane, or aggregate, and the distribution of that material for resale. This term does not include Warehousing and Distribution.*

Business Offices: Building or buildings used primarily for conducting the affairs of a business, industry, or government, which may include ancillary services for office workers. (Adopted March 11, 2025)

Child Care Center: *A child day care agency, other than a family day care home or family group day care home, that provides child day care outside of a residence through one or more of the following program types: group child day care center, infant and toddler program, night care program, preschool program, school-age program, small group child day care center, or any combination thereof, as defined in RSA 170-E:2, IV(c), IV(d), IV(e), IV(f), IV(g), and IV(i), and regulated by the New Hampshire Department of Health and Human Services. This term is intended to correspond with "child care center" as defined in RSA 674:81, as amended.*

~~**Club or Lodge:** An organization of persons pursuant to the provisions of membership cooperative law or the benevolent orders law which is the owner, lessee or occupant of an establishment operated solely for recreational, social, patriotic, political, benevolent, or athletic purposes, but not operated for pecuniary gain and includes the establishment so operated.~~

Club or Lodge: *A building or facility used by an organization for social, educational, recreational, or similar purposes, with participation generally limited to members and their guests.*

Commercial Recreation Facility: *A recreation facility operated as a business and open to the general public for a fee.*

Drive-through Facility: Any facility where retail sales, food sales, or other services are provided to customers who drive up to a window or to an automobile device to receive the sales or services provided on the premises. (Adopted March 9, 2021)

~~**Duplex:** See Dwelling, two-family. (Adopted March 9, 1999)~~

Dwelling: A building or part of a building which contains living and sleeping accommodations for permanent occupancy.

~~**Dwelling, one family:** A detached building designated for, or occupied solely by one family.~~

Single-Family Dwelling*: A structure containing one dwelling unit designed for residential occupancy.*

~~**Dwelling, two-family:** A residential building designed for or occupied by two families living independently of each other in individual dwelling units attached by a common wall or ceiling/floor. Also known as a duplex. (Amended March 9, 1999)~~

Two-Family Dwelling: *A building containing two independent dwelling units.*

~~**Dwelling, multi-family:** A dwelling or group of dwellings on one lot containing separate dwelling units for three or more families, having separate or joint entrances, services or facilities.~~

Multi-Family Dwelling: *A structure containing more than two dwelling units.*

Dwelling Unit: Any room or rooms connected together forming a habitable unit for one family with its own bathing and toilet facilities and its own kitchen, living, eating and sleeping areas wholly within such rooms, or rooms connected together. (Adopted March 9, 1999)

Educational Institution: *A public, parochial, or private institution that provides educational instruction to students.*

Expansion of Non-conforming Use: Any increase in the size of the building/structure supporting the use, increase in the hours or days of operation, increase in the number of employees, increase in the products produced, increase in the number of services provided, or increase in the land area supporting the use. (Adopted March 9, 1999)

Family Day Care Home: *A family day care home as defined in RSA 170-E:2, IV(a), as amended. Child care provided in an occupied residence for less than 24 hours per day, except in emergencies, generally for up to 6 children from one or more unrelated families, subject to applicable State licensing requirements. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.*

Family Group Day Care Home: *A family group day care home as defined in RSA 170-E:2, IV(b), as amended. Child care provided in an occupied residence for less than 24 hours per day, except in emergencies, generally for 7 to 12 children from one or more unrelated families, subject to applicable State licensing requirements. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and any local ordinance.*

Farm: *Any land, buildings, or structures on or in which agriculture and farming operations or activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock; in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in the operations or activities named in RSA 21:34-a, II(a) or (b) or any combination of such individual operations or activities.*

Farm Roadside Stand: *A farm roadside stand that remains an agricultural operation and is not considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner. (RSA 21:34-a, III, as amended.)*

Footprint: The area of a lot upon which a building/structure stands, including, but not limited to, attachments such as porches and decks. (Adopted March 9, 1999)

Frontage: The length of that boundary of a lot that borders on a public street. All lots must have frontage on a public street. On any lot bounded on more than one side by a street, the street boundary that is to be the lot "front" shall be so designated in the application for a permit to build on such lot. Frontage shall be measured along a continuous line connecting the points of intersection of the side lot lines and the front lot line. (Amended March 14, 2000)

Function Hall: A building or part thereof used primarily for conducting activities such as suppers, banquets, receptions, meetings and other functions attended by large groups of people for a single event. Function halls may or may not include kitchen facilities. (Adopted March 10, 2009)

Garage, private: Building for the non-commercial storage of motor driven vehicles. (Adopted March 10, 1992)

Garage, public: A building other than a private garage used for the storage of motor driven vehicles for remuneration. (Adopted March 10, 1992)

Governmental Use: *A use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, the community college system of New Hampshire, or by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature. (RSA 674:54, I, as amended.)*

Home-Based Business: A commercial use not otherwise permitted in the zone conducted by not more than three people (at least one of whom is an inhabitant of the dwelling), which is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof. See Section III.U. for additional requirements. (Adopted March 12, 2019)

Home Occupation: The non-apparent use of no more than 300 square feet of a dwelling or an accessory structure for the purpose of generating income. See Section III.U. for additional requirements. (Amended March 12, 2019)

Homemade Shelter: A rudimentary structure intended for protection from the elements. Typically built in a hap-hazard way and not to any construction standard. (Adopted March 14, 2006)

Hotel or Inn: A building, or a portion thereof, where lodging is offered to transient guests for compensation and by which there are more than five sleeping rooms. The accommodations shall constitute the temporary abode, for 30 days or less, of persons whose primary residence is

elsewhere. A hotel or inn may also include customarily accessory facilities, services, and activities, such as outdoor and indoor facilities for dining, relaxation, or recreation for guests and the general public. (Revised March 8, 2016)

Lot: A plot or parcel of land, occupied or capable of being occupied, in conformity with these regulations by one principal building and the accessory uses customarily incidental thereto, including such open spaces as are required by these regulations. In the case of ~~multiple dwellings~~ *multi-family dwellings,* row dwellings, institutional uses, industrial or commercial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

Lot of Record: A parcel, the plat or description of which has been recorded at the Cheshire County Registry of Deeds. (Adopted March 9, 1999)

~~**Manufactured Housing or Mobile Home:** Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and forty body feet or more in length, or when erected on site, it 540 square feet or more, and which is building on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein. Manufactured housing as defined in this Ordinance shall not include presite built housing as defined in this Ordinance. (Amended March 10, 1992; Amended March 8, 1994)~~

Manufactured Housing: *Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a.*

~~**Manufactured Housing Park or Mobile Home Park:**~~

Manufactured Housing Park: Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate two or more manufactured houses. Nothing herein shall be construed to apply to premises used solely for storage or display of manufactured housing. (See RSA 205-A)

~~**Manufacturing:** The act of making goods or articles from raw materials or unfinished products. Including processing and assembling. (Adopted March 10, 1992)~~

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including assembly of component parts and blending of materials.

Mixed-Use: *A type of development that combines residential, commercial, cultural, institutional, or entertainment uses within a single building or development area. (RSA 674:79, II, as amended.)*

Motor Vehicle Dealership: An enterprise which sells or rents new or used trucks, motorcycles, cars and other motorized vehicles. May also include repair garages, paint shops, and vehicle body shop accessory to the main use. (Adopted March 10, 1992)

Motor Vehicle Repair Facility: *An establishment where service or repair work is performed on motor vehicles. (Adapted from RSA 358-D:1, V.)*

Motel: A building or a group of buildings providing lodging of persons, generally having private outside entrances for each room or suite of rooms and for each of which rooms or suite of rooms automobile parking is provided on the premises.

Non-conforming Building/Structure: Any building/structure or part thereof not in compliance with the setback, building separation or building height requirements in the district in which it is located. (Adopted March 9, 1999)

Non-conforming Lot: Any parcel of land not meeting the lot size, density, frontage or shore frontage requirements of this Ordinance. (Adopted March 9, 1999)

Non-conforming Use: Any use of a building, structure or land legally existing at the time of the adoption of this Ordinance or any amendments thereto, and which does not conform with the use regulations of the district in which it is located.

Nursing Home: *Any institution or facility, whether proprietary or non-proprietary, defined as a nursing home for licensing purposes pursuant to RSA 151, or the equivalent facility or facilities as defined by the secretary of the United States Department of Health, Education and Welfare. (RSA 151-A:1, IV, as amended.)*

Parking Space: Off street space available for parking motor vehicles and having an area of not less than one hundred sixty-two (162) square feet and not less than nine (9) feet wide. (Amended March 14, 2000)

Pool (Permanently Installed Swimming or Wading Pool): Those that are constructed in or on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage.

Pool (Storable Swimming or Wading Pool): A pool with a maximum dimension of fifteen (15) feet and a maximum wall height of three (3) feet and is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

Presite Built Housing: Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation on the building site. For the purposes of this Ordinance, presite built housing shall not include manufactured housing as defined by this Ordinance. (Adopted March 8, 1994)

Printing and Publishing Establishment: *An establishment principally engaged in printing, reproducing, publishing, binding, or engraving written or graphic materials.*

~~**Processing:** To prepare a product for sale by either a special treatment or to change it through a series of steps, but not the original manufacture of a component. (Adopted March 10, 1992)~~

Rear Lot: A lot meeting the minimum lot area requirements and all other requirements of these

regulations, but which is situated to the rear on existing property so as to be unable to meet the frontage requirement of the District in which it is located.

~~**Recreation Facility Conducted as a Business:** Uses to include, but are not limited to, campground, summer camp, golf course, country club, athletic facilities, paintball facility, nature centers, etc. (Adopted March 11, 2003)~~

Recreation Facility: *A facility or area used for active or passive recreation, such as playing fields, courts, trails, or nature areas, that is owned or operated by a public entity or a nonprofit organization and is not a Commercial Recreation Facility.*

Recreational Vehicle: A vehicle which is built on (i) a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Adopted March 14, 2006)

Religious Use: *Use of land or structures primarily for religious purposes.*

~~**Repair Garage:** A building or structure or part thereof, or any premises used for making repairs and adjustments to motor vehicles including structural changes or repairs, including work involving the use of machinery. (Adopted March 10, 1992)~~

Research and Development Facility: *A facility principally used for research, development, testing, design, or experimentation, excluding mass manufacturing except for incidental prototype development.*

~~**Retail Establishment:** Sales in small quantities and/or direct to the consumer. (Adopted March 11, 2025)~~

Retail Establishment: *An establishment principally engaged in selling goods or merchandise directly to the ultimate consumer.*

Service Establishment: Provides a skilled service, personal labor, or expertise as opposed to providing a product or tangible commodity. (Adopted March 11, 2025)

Setback: The distance between any property line and the nearest point to which any building or structure can be erected. Measurement shall be to the outermost vertical plane nearest the property line. The only amenities that may be located within the first 30 feet of a **front** setback area are as follows:

a. Driveway (paved or unpaved);
b. Landscaping;
c. Underground utilities;
d. Utility poles;
e. Lighting fixtures;
f. Fences;
g. Drainage devices;
h. Fire ponds and/or underground cisterns;
i. Signs as permitted under the terms of the zoning ordinance;

j. Mail boxes.

Items specifically not permitted to be located within the first 30 feet of a front setback area are as follows: Accessory buildings; buildings; structures; parking spaces except for parking spaces serving ~~one-family~~ *a single-family dwelling* and two-family dwellings~~;~~ parking lots; pavement not part of a driveway; and product display. (Adopted March 11, 2008)

Signs, general: Any identification, description, illustration or device, whether illuminated or not, which is visible to the general public and directs attention to a business, product or service.

a. Business Sign – An on-premises sign which directs attention to any primary business, commodity, service or other activity which is sold, offered or conducted on the premises.

b. Corner Sign – A sign facing more than one street frontage or attached to more than one (1) side of a primary business building.

c. Double Faced Sign – A freestanding sign or projecting sign which has wording, designs or messages on both sides back-to-back.

d. Freestanding Sign – Permanent installed self-supporting sign resting on the ground or supported by means of poles or standards in the ground.

e. Secondary Sign – Any sign attached to a freestanding sing.

f. Off-premises Sign – A sign which pertains to a business, industry or activity which is not located on the premises upon which the sign is displayed.

g. Sign Face – That portion of the sign that contains wording and/or designs which convey a message or attract attention.

h. Sign Face Area – The area of sign faces enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face. Sign face area does not include foundations, supports or other essential structures which do not serve as a backdrop or border to the sign. Only one side of a double faced sign is counted. When signs are constructed of individual pieces attached to a building wall, the sign face area is determined by a perimeter drawn around all the pieces.

i. Sign Cabinet – A framework, freestanding or attached,
containing one or more inserted signs than can be replaced or exchanged without increasing the total square footage of the sign cabinet. (Adopted March 12, 2019)

Slope: Slope is a percentage determined by dividing vertical distance (rise) by horizontal distance (run). (Adopted March 11, 2003)

Special Exception: A Special Exception permits the inclusion into the zoning pattern of uses considered to be essentially desirable, but where the nature of the use is such that its location must be considered in light of special restrictions or conditions tailored to fit the unique problems which the use may present. The Special Exception relates to a specific use in a specific location and the regulations controlling these Special Exceptions are contained in the regulations.

Steep Slope: Steep slope is a slope of twenty-five percent (25%) or greater over any 100 foot segment prior to cut or fill. (Adopted March 11, 2003)

Street/Road: The street or public way giving access to a lot and is intended to include only those ways that are maintained by the state or town as Class I, II, III, IV and V highways. (Amended March 11, 2008)

Structure: Anything constructed with a fixed location on the ground, or attached to something having a fixed location on the ground. Items such as buildings, manufactured housing, swimming pools, sheds, gazebos, garages, docks and boathouses are included in the definition whether prefabricated or site built. Items such as underground waste disposal systems, driveways, water wells, fences, retaining walls, gates, signs, lampposts, mail boxes, flagpoles, well coverings, stairs, walkways and uncovered patios are excluded from this definition. (Adopted March 9, 1999)

Telecommunications Facility: Any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed, wireless services, cellular phone services, specialized mobile radio communications, personal communications services and common carrier wireless exchange access services, operated as a business. (Adopted March 14, 2000)

Tent: A portable shelter consisting of canvas, skins or nylon type material stretched over poles. (Adopted March 14, 2000)

Variance: An act of the Board of Adjustment which allows a variation from the terms of these Regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Regulations will result in unnecessary hardship, and so that the spirit of the Regulations shall be observed and substantial justice done.

Vehicle Wash Facility: A facility dedicated to the cleaning of the interior and/or exterior of vehicles. (Adopted March 14, 2000)

~~**Warehousing:** Inside or outside storage of goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private facility. (Adopted March 10, 1992; Amended March 9, 1999)~~

Warehousing and Distribution: *A facility principally used for the storage, wholesale handling, or distribution of manufactured products, supplies, or equipment and not principally engaged in manufacturing or production.*

~~**Wholesaling:** The receipt, storage and sale of bulk goods for resale, including outside storage of liquid fuels. (Adopted March 10, 1992)~~

Wholesale Establishment: *An establishment principally engaged in selling or distributing merchandise to retailers, businesses, institutions, professional users, or other wholesalers.*

Appendix C

SECTION III-AA
ACCESSORY DWELLING UNIT ORDINANCE

Authority
This section is enacted in accordance with RSA 674:71 through RSA 674:73, as amended.

Purpose
To provide expanded housing opportunities and flexibility in household arrangements, consistent with State law.

Definitions
Accessory dwelling unit: A residential living unit on the same parcel of land as the principal single-family dwelling it accompanies, which provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, as defined in RSA 674:71, as amended.

Attached accessory dwelling unit: A unit that is within or attached to the principal dwelling unit. (RSA 674:71, II, as amended.)

Detached accessory dwelling unit: A unit that is neither within nor physically connected to the principal dwelling unit. (RSA 674:71, III, as amended.)

A. Standards

1. One accessory dwelling unit, which may be either attached or detached, shall be permitted as a matter of right in all zoning districts that permit single-family dwellings. Except as provided in this section, an accessory dwelling unit shall not be subject to additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit.

2. No more than one accessory dwelling unit shall be permitted per single-family dwelling or lot.

3. Accessory dwelling units shall not be permitted in association with multiple single-family dwellings attached to each other, such as townhouses, or in association with rented or leased land.

4. The total living space of an accessory dwelling unit shall not exceed 1,000 square feet.

5. An accessory dwelling unit shall have no more than two bedrooms.

6. One of the dwelling units shall be owner occupied. The owner shall demonstrate that one of the units is the owner's principal place of residence. The Town shall not specify which unit the owner must occupy.

7. A familial relationship between the occupants of the accessory dwelling unit and the occupants of the principal dwelling unit shall not be required.

8. An attached accessory dwelling unit shall have either an independent means of ingress and egress or ingress and egress through a common space shared with the principal dwelling, at the owner's choice.

9. Parking for the principal dwelling unit shall be provided as required by Section III.Q. No more than one additional parking space shall be required for the accessory dwelling unit. Required parking may be provided either on-site or at a legally dedicated off-site location, at the property owner's discretion.

10. The applicant shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. Prior to constructing an accessory dwelling unit, an application for approval of a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced. The Town shall not impose greater septic requirements for a single-family dwelling with an accessory dwelling unit than those required by the New Hampshire Department of Environmental Services.

11. An accessory dwelling unit may be converted from an existing structure, including but not limited to a detached garage, regardless of whether the structure violates current dimensional requirements for setbacks or lot coverage.

a. For the purposes of this section, "existing structure" means a structure existing on or before July 1, 2025. Any structure containing an accessory dwelling unit approved and built after July 1, 2025 shall receive protection from future zoning changes in accordance with RSA 674:39, II, provided the structure meets the time periods in RSA 674:39, I.
b. If an existing structure does not comply with current dimensional requirements for setbacks and lot coverage, the applicant for the building permit shall demonstrate either that the structure qualifies as a preexisting nonconforming structure under RSA 674:19 or Section XI of this ordinance, or that it received a prior zoning approval or determination exempting it from those requirements.
c. Conversion of an existing structure to an accessory dwelling unit shall not constitute a change of use that causes the structure to lose its status as a preexisting nonconforming structure.

12. The Town shall not deny the establishment of a separate electrical panel and separate electrical service to the accessory dwelling unit.

13. A building permit shall be approved and issued before construction of an accessory dwelling unit. The accessory dwelling unit shall meet all applicable building, fire, and life-safety codes. Prior to occupancy, the owner shall obtain an occupancy permit from the Code Enforcement Officer.

14. The principal dwelling unit and the accessory dwelling unit shall remain in common ownership. Conveyance of the accessory dwelling unit as a condominium unit separate from the principal dwelling unit is prohibited.

SECTION III-C
FAMILY DAY CARE HOME, FAMILY GROUP DAY CARE HOME, AND DAY CARE CENTER

A. Family Day Care Home and Family Group Day Care Home

1. Family day care homes and family group day care homes, as defined in Section XIII, shall be permitted by right as accessory uses on any lot where primary residential use is permitted or lawfully exists, provided that the program complies with all applicable requirements of the New Hampshire Department of Health and Human Services under He-C 4002 and RSA 170-E.
2. Family day care homes and family group day care homes may be conducted within the primary dwelling or within an existing accessory structure located on the same lot as the primary residential use.
3. Family day care homes and family group day care homes shall not require a special exception and shall not be subject to local site plan review. They shall not be regulated as home occupations or home-based businesses under Section III.U.
4. Nothing in this section shall exempt the use from applicable state licensing, building, fire, health, life safety, water supply, or sewage disposal requirements.
5. Nothing in this section shall be construed to override any private covenant, including homeowners' association covenants.

B. Child Care Center

1. Child care centers, as defined in Section XIII, shall be permitted and regulated in accordance with RSA 674:81, as amended.
2. A child care center with a licensed capacity exceeding 30 children shall be subject to site plan review in accordance with the Town's Site Plan Review Regulations.
3. A child care center shall not be permitted on a lot containing an existing industrial or manufacturing use, or on a lot adjacent to an existing industrial or manufacturing use, unless the child care center is intended exclusively for the children of employees of the industrial or manufacturing use.

C. Definitions

1. **Child Care Center:** A child day care agency, other than a family day care home or family group day care home, that provides child day care outside of a residence through one or more of the following program types: group child day care center, infant and toddler program, night care program, preschool program, school-age program, small group child day care center, or any combination thereof, as defined in RSA 170-E:2, IV(c), IV(d), IV(e), IV(f), IV(g), and IV(i), and regulated by the New Hampshire Department of Health and

Human Services. This term is intended to correspond with "child care center" as defined in RSA 674:81, as amended.

2. **Family Day Care Home:** A family day care home as defined in RSA 170-E:2, IV(a), as amended. Child care provided in an occupied residence for less than 24 hours per day, except in emergencies, generally for up to 6 children from one or more unrelated families, subject to applicable State licensing requirements. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.
3. **Family Group Day Care Home:** A family group day care home as defined in RSA 170-E:2, IV(b), as amended. Child care provided in an occupied residence for less than 24 hours per day, except in emergencies, generally for 7 to 12 children from one or more unrelated families, subject to applicable State licensing requirements. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and any local ordinance.

Appendix E

SECTION III-E
MULTI-FAMILY DWELLINGS AND ADAPTIVE REUSE IN COMMERCIAL DISTRICTS

A. In accordance with RSA 674:80, as amended, the Town of Swanzey permits multi-family dwelling units and adaptive reuse, as defined in RSA 674:43, I, as amended, on commercially zoned land. For the purposes of this section, the following districts are considered commercial:

1. Business District
2. Village Business District I
3. Village Business District II

B. Where multi-family dwellings are permitted by right in a commercial district, adequate infrastructure, including roads, water, and sewage systems, shall be available to support the development, in accordance with RSA 674:80, I, as amended. Where infrastructure is not adequate, it may be provided by the applicant in accordance with regulations. Multi-family dwellings shall be subject to site plan review in accordance with the Town's Site Plan Review Regulations.

C. Pre-existing nonconforming structures may be converted to multi-family dwellings or mixed-use developments, provided that the structural envelope is not expanded or altered in a manner that increases or worsens any nonconforming dimensional attribute, in accordance with RSA 674:80, V, as amended. Additionally, within commercial districts, any building converted to multi-family or mixed-use through adaptive reuse shall be exempt from the dimensional requirements of this ordinance regarding setbacks, height, and frontage, provided that the conversion does not change the building's existing floor area, height, or setbacks, in accordance with RSA 674:80, IV, as amended.

D. Proposed multi-family dwellings and adaptive reuse projects shall demonstrate adequate infrastructure and utility capacity by satisfying the following requirements:

1. Developments shall demonstrate the potential impact on local vehicle and pedestrian traffic by submitting data showing existing conditions and expected traffic generation. The Planning Board may require a formal traffic impact study in accordance with NH RSA 674:80, I(a), as amended.
2. Developments connecting to a public water and sewer system shall provide written connection approval from the system owner, operator, or designated authority. This approval must specify the number of authorized dwelling units and bedrooms, the approved water demand or wastewater design flow in gallons per day (GPD), and any infrastructure improvements or conditions required to provide service.

    a. In the absence of public systems, developments shall provide compliant on-site infrastructure. On-site water supplies must be designed and approved in accordance with NH RSA 482-B and RSA 485, as amended. On-site sewage disposal systems must comply with all applicable state and local design and engineering standards.

E. Pursuant to RSA 674:80, II, as amended, the Planning Board may deny an application if the Board determines that:

1. Road infrastructure is inadequate;
2. Pedestrian safety is not ensured;
3. Sufficient water supply cannot be secured; or
4. Wastewater cannot be adequately disposed of.

Article 2 To vote by ballot on the following amendments proposed by the Swanzey Planning Board to the Town of Swanzey Zoning Ordinance

Amendment No. 1 Are you in favor of the adoption of Amendment No. 1, as proposed by the Planning Board, to replace Section IX of the Swanzey Zoning Ordinance with the New Hampshire Office of Planning and Development's "Model D" Floodplain Management Ordinance, keeping Swanzey's existing higher standards and updating all related references throughout the ordinance?

Note: This amendment aligns Swanzey's floodplain management ordinance with federal and state standards. This action protects property, secures continued resident access to the National Flood Insurance Program (NFIP), and preserves the town's existing, more stringent local protections.

The full language of this amendment is available for inspection at the Town Clerk's office.

Amendment No. 2 Are you in favor of the adoption of Amendment No. 2, as proposed by the Planning Board, to amend the Swanzey Zoning Ordinance to incorporate amended and consolidated definitions throughout the entire ordinance, giving each land use one name and one definition?

Note: This amendment is a housekeeping measure designed to eliminate redundant, conflicting, or vague terms by establishing uniform definitions across all sections of the zoning regulations.

The full language of this amendment is available for inspection at the Town Clerk's office.

Amendment No. 3 Are you in favor of the adoption of Amendment No. 3, as proposed by the Planning Board, to amend in its entirety Swanzey Zoning Ordinance Section III-AA, which regulates Accessory Dwelling Units (ADUs), and thereby to bring related local regulations into compliance with state statutory standards?

Note: This amendment completely updates Section III-AA to align Swanzey's Accessory Dwelling Unit regulations with current New Hampshire statutory standards.

The full language of this amendment is available for inspection at the Town Clerk's office.

Amendment No. 4 Are you in favor of the adoption of Amendment No. 4, as proposed by the Planning Board, to incorporate Section III-C into the Swanzey Zoning Ordinance to regulate family day care homes, family group day care homes, and child care centers, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to clearly define and regulate where and how different types of childcare facilities can operate in Swanzey, ensuring alignment with state statutes.

The full language of this amendment is available for inspection at the Town Clerk's Office.

Amendment No. 5 Are you in favor of the adoption of Amendment No. 5, as proposed by the Planning Board, to incorporate Section III-D into the Swanzey Zoning Ordinance to regulate agricultural uses, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to clearly define and guide farming and agricultural operations, ensuring local regulations align with state protections.

The full language of this amendment is available for inspection at the Town Clerk's office.

Amendment No. 6 Are you in favor of the adoption of Amendment No. 6, as proposed by the Planning Board, to incorporate Section III-E into the Swanzey Zoning Ordinance to regulate multi-family dwellings and the adaptive reuse of existing buildings, and to insert all related references throughout the ordinance?

Note: This amendment creates a dedicated section in the zoning ordinance to align with state law. It allows multi-family housing in commercial zones, provided the site has adequate infrastructure and receives Planning Board site plan approval. The amendment also removes density limits in commercial districts and encourages the reuse of existing buildings. Under these rules, existing structures converting to multi-family housing are exempt from setback, height, and frontage requirements, as long as the building's original footprint and height do not increase.

The full language of this amendment is available for inspection at the Town Clerk's office.