

Article II Zoning Districts

2.01 Division into Districts

The Town of Boscawen, New Hampshire, is hereby divided into seven (7) Zoning Districts to be designated as follows:

Full Name	Short Name
Agricultural - Residential	A-R
Residential - Low Density	R-1
Residential - Medium Density	R-2
Commercial	C
Industrial	I
Mill Redevelopment District	MRD
Village District	VD

The restrictions and regulations specifically applicable to each of the above mentioned Districts are shown in Articles IV and V of this Ordinance, which use the short names for each District. General restrictions and regulations applicable to all Districts are included throughout this Ordinance.

2.02 Description of Districts

a.) **Agricultural - Residential (A-R):**

A zone designed to preserve land for agriculture, forestry, and related uses, with adequate provisions for transition to unrelated uses. Land in the zone is usually unsubdivided with a minimum of roads and public services. Land in the zone may or may not be suitable for cultivation, but should be generally suitable for some agricultural or silvacultural uses, considering a broad definition of agriculture and silvaculture. The A-R zone is intended to discourage the scattered intrusion of uses not compatible with a rural environment.

b.) **Residential - Low Density (R-1):**

The purpose of the zone is to maintain primarily single family housing on large lots with provisions for further development of single family neighborhoods, related land uses, and limited land uses unrelated to single family neighborhoods.

c.) **Residential - Medium Density (R-2):**

A residential zone intended to provide a suitable environment for single and multi-family residential neighborhoods. Adequate provisions are made for home occupations and related uses, but non-residential activities are generally prohibited. Land in the zone is generally serviced or planned to be serviced by both municipal water and sewer.

d.) **Commercial (C):**

A business zone intended for both individual business establishments and for unified developments of commercial and office centers. Residential uses are not generally encouraged in the zone. The zone should provide space for business activities serving neighborhoods, the town, or the region. Land in the zone is generally located on or having good access to major arterial roads and is generally serviced or planned to be serviced by both municipal water and sewer.

e.) **Industrial (I):**

The zone is intended to accommodate a variety of business, warehouse, and light industrial uses. Residential uses are generally prohibited in the zone. Land in the zone has generally been set aside to promote economic and industrial development while avoiding conflicts with other land uses. Land in the zone should have good access over major arterial roads to the state highway network and should be serviced or be planned to have service by both municipal water and sewer.

f.) **Mill Redevelopment District (MRD):**

A zone intended to accommodate a variety of commercial and industrial uses, and to encourage redevelopment of formerly industrial properties and related land and buildings. The zone is comprised of the following Industrially-zoned properties located along Commercial Street and Crescent Street in the Town of Boscawen: the properties designated by the Boscawen Tax Collector as Map 183-C, Lots 43 and 62; and Map 183-D, Lots 134, 135, 136, 137, 138, 149, 150 and 151. The uses permitted in the Mill Redevelopment District consist of the combined uses permitted in the Industrial and Commercial zones, and include Hotels and Inns. Institutional uses including hospitals, sanatoriums and rehabilitation facilities will be allowed by Special Exception only.

g.) **Village District (VD):**

The Village District (VD) is based on zoning that is focused on protecting the character of Boscawen's built environment so that new development blends in and is compatible with surrounding land uses, architecture, and physical form. The District implements the Town's master plan vision for the area and supports the results of community input regarding the District. This zoning district is intended to reinforce the historic development pattern of the District, and provide a range of defined standards for site development and buildings that preserve the character of the District. The District is intended to promote an appropriately scaled mix of uses including shopfronts, restaurants, and upper story residences and offices as well as civic uses, commercial enterprises, and residential.

2.03 **Zoning Map**

The location and boundaries of the Zoning Districts are shown on the "Zoning Map for the Town of Boscawen, New Hampshire" dated as of the effective date of this Ordinance and signed and certified by the Town Clerk. Where any uncertainty exists with respect to the boundary of any District as shown on the Zoning Map, the following rules shall apply:

1. Where a boundary is indicated as a highway, street, alley, railroad, watercourse, or Town

Boundary, it shall be construed to be the centerline thereof on such boundary.

2. Where a boundary is indicated as approximately parallel to a highway, etc., it shall be construed as parallel thereto and at such distance from as shown on the Zoning Map.
3. If no dimension is given on the Zoning Map, the location of any boundary shall be determined by use of the scale shown on the Map.
4. Where a boundary line coincides within ten (10) feet or less with a lot line, the boundary shall be construed as the lot line.

Article III
General Provisions

- 3.01 Required Conformance with Regulations
In any District, no building, structure or land shall hereafter be originally occupied, erected, moved or altered in bulk until a Certification of Zoning Compliance has been issued in accordance with the provisions of Article X of this Ordinance, insuring that the undertaking conforms with the provisions of the Ordinance.
- 3.02 Non-conformance with Use or Dimensional Regulations
Any Property that does not conform to the use or dimensional regulations of this Ordinance at the effective date of this Ordinance shall be allowed to continue, but must comply with the provisions of Article IX.
- 3.03 Undemolished Buildings
No owner or occupant of land in any District shall permit fire or other ruin to be left, but within one year shall remove or refill the same to clear ground level; or shall repair, rebuild or replace the structure. An extension of time may be granted by Special Exception.
- 3.04 Land Use in all districts shall comply with Federal and/or State pollution control standards.
- 3.05 The list of uses in Table 1 of Article IV identifies the uses permitted within the Zoning Districts of the Town of Boscawen. Any use not indicated as a permitted use or allowed by special exception in the Table of Uses is prohibited and shall not be permitted except by variance. Any substantive change of use must be reviewed and approved by the Zoning Board.

Article IV
Use Regulations

4.01 In any District, uses of land and buildings shall be permitted as indicated in Table 1.

TABLE 1 District Regulations

The Town of Boscawen, New Hampshire, is divided into seven (7) Zoning Districts that are designated as follows:

Full Name	Short Name
Agricultural – Residential	A-R
Residential - Low Density	R-1
Residential - Medium Density	R-2
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Industrial	I
Mill Redevelopment District	MRD
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The Table of Uses specifies the uses that are permitted by right, are permitted by Special Exception, are permitted by Conditional Use Permit or are prohibited.

- Permitted or Allowed uses are designated in the Table by “A”,
- Uses which require the granting of a special exception by the Zoning Board of Adjustment are designated with “SE”,
- A use denoted by the letters "CU" is a use, which may be authorized by a Conditional Use Permit in that zoning district. The Planning Board may grant a Conditional Use Permit in accordance with the procedures set forth in Article XXI, Conditional Use Permit.
- Prohibited uses are designated with an X.
- General restrictions and regulations applicable to all Districts are included throughout this Ordinance.

Table of Uses – Agriculture & Forestry Uses	AR	R1	R2	C	I	MRD	VD
Agriculture, including the grazing care, and keeping of livestock and poultry.	A	SE	SE	SE	SE	SE	SE
Agriculture, Small Flock of Hens	A	A	A	A	A	A	A
Agriculture, but excluding commercial greenhouses, the grazing, care, and keeping of livestock and poultry.	A	A	A	A	A	A	A
Agricultural Retail Outlets, offsite farm produce, plants, vegetable stands and Farmers’ Markets ²	A	SE	SE	A	SE	A	A
Barns, Sheds, or other major nonresidential farm buildings.	A	SE	SE	SE	A	A	A
Commercial Greenhouses, Garden Center and Supply Establishment	A	SE	SE	A	A	A	A
Forestry, growth and harvesting of forest products, nursery, tree farms, orchards and similar uses.	A	A	A	A	A	A	A

Table of Uses – Agriculture & Forestry Uses - Continued	AR	R1	R2	C	I	MRD	VD
Offsite Farm Produce, Plants or Vegetable Stands	A	SE	SE	A	SE	A	A
Open storage of lumber and building materials.	A	X	X	A	A	A	X
Non-Residential Open Space Accessory Structure	A	A	SE	A	A	SE	A
Sawmills, Planing Mills and lumber treatment establishments.	SE	X	X	X	SE	SE	X

Table of Uses-Commercial	AR	R1	R2	C	I	MRD	VD
Airport, Heliport & Airstrips	SE	SE	X	SE	SE	SE	X
Animal Hospitals	SE	X	X	A	A	SE	SE
Automobile Sales – Motorized Vehicle Sales & Service	X	X	X	A	A	A	SE
Automotive Services - Motorized Vehicle Sales & Service	X	X	X	A	A	A	SE
Bed & Breakfast	SE	SE	A	A	X	SE	A
Boarding, Rooming or Lodging House	SE	SE	A	A	X	A	A
Cemetery, Private	SE	SE	X	SE	SE	X	X
Child Day Care, (home-based)	SE	SE	SE	SE	SE	SE	SE
Correctional Facilities/Jails, Private	X	X	X	X	X	X	X
Day Care Facility	SE	SE	SE	SE	SE	SE	SE
Day Care and Kindergarten Facilities, Private (State Licensed)	SE	SE	SE	SE	SE	SE	SE
Dormitories	SE	SE	SE	SE	SE	SE	SE
Drive-In Establishments/Window	X	X	X	A	A	SE	SE
Educational Facility, Private	SE	SE	SE	SE	SE	SE	SE
Flea Market ¹	SE	SE	SE	A	A	SE	SE
Fuel Station - Including facilities for minor repairs, but not requiring outdoor storage of unregistered or inoperative vehicles.	SE	X	X	SE	SE	SE	SE
Funeral Establishments/Mortuary/Crematory	X	X	X	A	A	SE	SE
Golf Course and related utility buildings, including Executive Par Three Courses	SE	SE	SE	SE	SE	SE	SE
Golf Course restaurants, Pro-Shops, and related commercial activities.	SE	SE	SE	SE	SE	SE	SE
Health Care Facility	SE	X	X	A	A	SE	SE
Home Business - Minor -The home business operator must reside in and continue to reside in the dwelling.	A	A	A	A	A	A	A
Home Business – Major	SE	SE	SE	A	A	SE	A
Hotels, Inns & Event Centers	SE	X	X	A	A	A	A
Junk Yard	X	X	X	X	SE	SE	X
Junk Yard, Motor Vehicle - which are in conformance with the provisions of N.H. RSA 236:111-129, as amended from time to time.	X	X	X	X	SE	SE	X
Table of Uses-Commercial - Continued	AR	R1	R2	C	I	MRD	VD

Kennels	SE	X	X	A	A	SE	SE
Laundry, Dry-Cleaners and similar uses	X	X	X	A	A	A	A
Light Manufacturing – Non-Home Based	SE	SE	X	SE	A	A	SE
Manufacturing, Research and Testing Laboratories, including assembly, fabrication, processing and reprocessing of materials, provided all resulting cinders, dust, clashing, fumes, gases, odors, smoke or electro-magnetic transmission shall be so regulated as to be not perceptible without the use of instruments at the boundary of the zone in which the use is located.	X	X	X	X	A	A	X
Membership Club: Indoor or Outdoor	SE	X	X	A	A	A	A
Motel	X	X	X	A	A	SE	A
Nursery School	SE	SE	SE	SE	SE	SE	A
Nursing Home	SE	SE	SE	A	A	SE	A
Office establishments - Less than 5000 sq. ft. floor area	SE	SE	SE	A	A	A	A
Office establishments - More than 5000 sq. ft. floor area	X	X	X	SE	SE	A	SE
Open storage of lumber and building materials.	A	X	X	A	A	A	SE
Outdoor Commercial Recreational Facility, such as, but not limited to campgrounds	SE	SE	X	SE	SE	SE	SE
Outdoor Vehicle Storage Facility	X	X	X	A	A	SE	SE
Personal Service Establishment	X	X	X	A	A	A	A
Recreation Facility, Indoor	SE	X	X	A	A	A	SE
Recreational Facility, Outdoor	SE	X	X	A	A	A	SE
Recreational Vehicle Park	SE	X	X	SE	SE	SE	SE
Residential Care Home	SE	SE	SE	A	A	A	A
Restaurant	SE	SE	SE	A	A	A	A
Restaurant, Fast Food	SE	SE	SE	A	A	A	SE
Retail	SE	SE	SE	A	A	A	A
Salt Storage Shed	X	X	X	A	A	SE	X
Seasonal Dwelling Unit (Rental)	SE	SE	X	X	X	X	X
Sewage Disposal Facility/Septage Lagoon	X	X	X	X	X	X	X
Sexually Oriented Business per Article XVII	X	X	X	SE	X	X	X
Shopping Center	X	X	X	A	A	A	SE
Storage Units	SE	X	X	SE	A	A	SE
Truck Terminal	X	X	X	SE	A	SE	X
Warehouse	SE	X	X	A	A	A	X
Wholesale Bakery & Food Processing	SE	X	X	A	A	A	SE
Wholesale Establishments, Fuel Storage and Distribution Center, and other activities involving a substantial amount of trucking.	X	X	X	SE	A	A	SE
Yard Sales – As Permitted	A	A	A	A	A	A	A
Table of Uses - Excavation & Filling	AR	R1	R2	C	I	MRD	VD
Commercial removal of Gravel, Stone, Loam, Clay,	CU	CU	CU	CU	CU	CU	CU

Sand or other types of soil. Must comply with the provisions of RSA 155-E as may be amended from time to time.							
Filling of land with clean organic or inorganic fill, (50 cubic yards or more), as a means of preparing the land for eventual use by a conforming and permitted use, but not part of the normal activities incidental to actual construction. The project must comply with the provisions of RSA 155-E as may be amended from time to time and may not impact wetland areas.	CU	CU	CU	CU	CU	CU	CU

Table of Uses – Events	AR	R1	R2	C	I	MRD	VD
Temporary Events	SE	SE	SE	SE	SE	SE	SE

Table of Uses - Miscellaneous	AR	R1	R2	C	I	MRD	VD
Non-Conforming Use - One time expansion, up to 25%	SE	SE	SE	SE	SE	SE	SE

Table of Uses - Public & Institutional	AR	R1	R2	C	I	MRD	VD
Any Publicly Owned and Operated Facility or Use	A	A	A	A	A	A	A
Cemetery, Public	A	A	A	A	A	A	X
Place of Worship	CU	CU	CU	CU	CU	CU	CU
Public Correctional Facilities/Jails	X	X	X	X	CU	X	X
Public Educational Facility	A	A	A	A	A	A	A
Public Utility (Essential Services)	CU	CU	CU	CU	CU	CU	CU
Telecommunication Facility (Essential Services)	CU	CU	CU	CU	CU	CU	CU
Utility Substation (Essential Services)	CU	CU	CU	CU	CU	CU	CU
Water Supply Works (Essential Services)	CU	CU	CU	CU	CU	CU	CU

Table of Uses - Residential	AR	R1	R2	C	I	MRD	VD
Accessory Building, Non-Residential	A	A	A	A	A	A	A
Single-Family Dwelling Unit	A	A	A	A	CU	CU	A
Two-Family Dwelling Units	CU	CU	CU	A	X	CU	A
Three to Twelve Family Dwelling Units	X	X	CU	CU	X	CU	CU
Three to Twelve Family Dwelling Units, Elderly (Age 62 +)	X	X	CU	CU	X	CU	CU
Thirteen to Sixteen Family Dwelling Units	X	X	CU	CU	X	CU	CU
Accessory Dwelling Unit – Article XXIII.	CU	CU	CU	CU	CU	CU	A
Accessory Dwelling Unit designed for and occupied by a person employed on the same premises	CU	X	X	CU	CU	CU	A
Cluster Developments as defined by Article XIV	CU	CU	CU	X	X	X	X

Table of Uses – Residential - Continued	AR	R1	R2	C	I	MRD	VD
Dwelling Units, Age Specific, (Elderly)	CU	CU	A	A	X	CU	CU
Manufactured Home Parks and Subdivisions in accordance with existing Regulations. (See Article XII, Definitions)	X	X	CU	CU	A	X	X
Manufactured Housing (mobile homes) on individual lots not within a Manufactured Home Park or Subdivision except pre-site built as per RSA 674:31-a.	X	X	X	X	X	X	X
Planned Unit Development	CU	CU	CU	X	X	X	X
Pre-site Built Housing as per RSA 674:31-a.	A	A	A	A	X	A	X
Seasonal Dwelling Unit (Owner occupied)	CU	CU	X	X	X	X	X

Table of Uses - Signs	AR	R1	R2	C	I	MRD	VD
Signs identifying or advertising an occupant or activity other than the occupant or activity of the lot on which the sign is located.	SE	SE	SE	SE	SE	SE	SE
Signs, which are not addressed in Article VII, which identify or advertise an occupant or activity of the lot on which the sign is located.	SE	SE	SE	SE	SE	SE	SE

¹Flea Market. The following parcels are allowed to host Flea Markets by right but remain subject to Site Plan Review by the Planning Board or its Technical Review Committee. The parcels are: The Sovereign Grace Fellowship (Tax Map 47, Lot 31, Sublots B & BA), Boscawen Congregational Church Park, (Tax Map 81D, Lot 78), Jamie Welch Park, (Tax Map 81, Lot 1), Boscawen Elementary School, (Tax Map 81B, Lot 46, Town Hall, (Tax Map 81D, Lot 21), Boscawen Fire Department, Tax Map 81D, Lot 71), and the Municipal Office Complex, (Tax Map 183D, Lot 74).

²Farmers Market. The following parcels are allowed to host Farmers Markets by right but remain subject to Site Plan Review by the Planning Board or its Technical Review Committee. The parcels are: The Sovereign Grace Fellowship (Tax Map 47, Lot 31, Sublots B & BA), Boscawen Congregational Church Park, (Tax Map 81D, Lot 78), Jamie Welch Park, (Tax Map 81, Lot 1), Boscawen Elementary School, (Tax Map 81B, Lot 46, Town Hall, (Tax Map 81D, Lot 21), Boscawen Fire Department, Tax Map 81D, Lot 71) and the Municipal Office Complex, (Tax Map 183D, Lot 74).

Article V
Lot Dimensions and Area

5.01 **Minimum Area, Yard, Height, Frontage and Coverage Standards.** Subject to other provisions within this Ordinance, the following table presents the minimum area, yard, height, the frontage, and coverage requirements.

TABLE 2 Minimum Dimensional and Area Requirements

(a) (b) (c) see footnotes following tables.

Lot Area/Dwelling Unit (in Thousands of Square Feet)		Zoning Districts						
		AR	R1	R2	C	I	M R D	VD
	<i>One Unit</i>	120	80	40	40	-	*	40
	With either water or sewer (a)	80	40	20	30	-	*	40
	With both water and sewer (a)	40	40	10	20	-	*	40
	<i>Two Units</i>	120	80	40	40	-	*	40
	With either water or sewer (a)	80	60	30	30	-	*	40
	With both water and sewer (a)	60	40	20	20	-	*	40
	<i>Three Units</i>	160	120	60	60	-	*	See VD
	With either water or sewer (a)	120	80	40	40	-	*	See VD
	With both water and sewer (a)	80	60	30	30	-	*	See VD
	<i>Four Units</i>	180	140	80	80	-	*	See VD
	With either water or sewer (a)	140	100	60	60	-	*	See VD
	With both water and sewer (a)	100	80	40	40	-	*	See VD
	<i>Each Additional Unit</i>	20	20	20	20	-	*	See VD
	With either water or sewer (a)	20	20	15	15	-	*	See VD
	With both water and sewer (a)	20	20	10	10	-	*	See VD
	<i>Commercial and Industrial Uses</i>	120	-	-	80	80	*	See VD
Yard (Setback) - Requirements (in feet) (b)								
	Front	50	40	30	50	50	*	See VD
	Side	25	20	10	10	10	*	See VD

	Rear	50	40	10	20	20	*	See VD
Height Limits (in feet) (c)		35	35	35	50	50	*	See VD
Frontage Requirements (in feet)		200	150	100	10 0	200	*	See VD
	With either water or sewer (a)	160	125	80	10 0	200	*	See VD
	With both water and sewer (a)	120	125	80	10 0	200	*	See VD
Coverage limits (percentage of lot covered with Buildings or structures)		20	25	30	40	40	*	75

- a.) As used here, water and sewer mean municipal water and/or sewer service or an approved community water and/or sewer service system.
- b.) Where more than one principle structure is located on a single lot, each structure shall meet the yard requirements as if it were on a single lot.
- c.) Height limits do not apply to spires, belfries, cupolas, clerestories, antennas, satellite dishes, water towers or tanks, chimneys or smokestacks, solar collectors, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

Churches, schools, hospitals, nursing or retirement homes, or publicly owned buildings may exceed the height limits if the yard (setback) requirements are exceeded by one (1) foot for each one (1) foot by which the structure exceeds the height limit.

- * Per the adoption at the March, 1998 Town Meeting, the required "Lot Area/Dwelling Unit" for all lots with water and sewer in the "Mill Redevelopment District" (MRD) that have preexisting buildings is a minimum of 10,000 square feet of lot area with 100 foot frontage, allowable by Special Exception only. Furthermore, "grandfathering" of side and rear setbacks to accommodate the subdivision of pre-existing buildings along their natural architectural divisions is allowed.