

Proposed Changes to the  
Jaffrey Land Use Code  
January 14, 2020

## ZONING ORDINANCES

Effective: March 10, 1981

Amended, Town Meeting: March 9, 1982; March 8, 1983; March 13, 1984; March 12, 1985; March 11, 1986; March 8, 1988; March 14, 1989; March 13, 1990; March 12, 1991; March 16, 1991; March 10, 1992; March 9, 1993; March 12, 1994; March 18, 1995; March 16, 1996; March 11, 1997; March 14, 1998; March 13, 1999, March 18, 2000, March 17, 2001, March 16, 2002, March 12, 2003, March 13, 2004, March 19, 2005, March 18, 2006, March 17, 2007, March 15, 2008, March 14, 2009, March 13, 2010, March 17, 2012, March 12, 2013, March 11, 2014, March 21, 2017, March 13, 2018, March 12, 2019, March 10, 2020.

### SECTION I: PURPOSE

The purposes of this Plan are to promote and conserve the health and welfare of the inhabitants of the Town; to secure safety from fire; to facilitate the adequate provision of transportation, water, sewerage, and other public requirements, to conserve the value of land and buildings; to avoid undue concentration of population; to encourage the most appropriate use of land; and to further increase the general welfare of its inhabitants by preserving, promoting, and developing its many outstanding characteristics such as open space, ridgelines, hillsides, areas of forestry, wetlands, and other prominent natural features which contribute notable scenic views or vistas and the quality of life, all in accord with Chapters 672-677 Revised Statutes Annotated of the State of New Hampshire, and any amendments thereto. (Amended 2001). No building, structure or land shall be used for any purpose or in any manner other than that which is permitted in the district in which it is located.

### SECTION II: DEFINITIONS

For the purposes of this ordinance, certain terms and words are herein defined as follows:

ACCESSORY DWELLING UNIT (ADU) - An independent living unit subordinate to a single-family dwelling and under the same ownership as the primary residence. The ADU may be attached to the primary residence or located in an accessory building on the property. (Added 1992, AMENDED 2017)

ACCESSORY BUILDING - A subordinated building and located on the lot with the main building, the use and of which is customarily incidental to that of the main building or to the use of the land.

ACCESSORY USE - A use customarily incidental to that of the main building or to the use of the land.

APARTMENT HOUSE/APARTMENT BUILDING - A structure containing more than two (2) dwelling or living units. Alternatively, one or more living units in the same structure as another kind of permitted use, such as a living unit in the same structure as a retail store.

BED AND BREAKFAST ESTABLISHMENT - Means an owner-occupied residence, a portion of which is used for lodging overnight guests for compensation and where the only meal served is breakfast.

**BUILDING** - The word building shall be deemed to include structure, and in addition, shed, garage, stable, greenhouse and other accessory buildings.

**BUFFER AREA** - A land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may be treed, landscaped, or left in its natural state, and might include fencing or some other type of protective facility. (Amended 2000)

**CHILD CARE AGENCY** - Any establishment located either in the home of the provider(s) or separate from, maintained for or the care of children, whether known as day nursery, nursery school, kindergarten, cooperative, or day care center, and which is licensed or approved by the State of New Hampshire.

**CONDOMINIUM** - Real property lawfully submitted by recording of condominium instruments pursuant to Chapter 356B RSA, State of NH, and conforming to the provisions of that Chapter.

**CONDOMINIUM BUILDING** - A structure containing commonly held condominium facilities, condominium living units, or any combination of these.

**CONDOMINIUM UNIT** - A portion of a condominium designed and intended for individual ownership and use, together with the undivided interest in the common areas appertaining to the unit.

**CONDOMINIUM LIVING UNIT** - A condominium unit, any portion of which is intended for habitation by one family.

**DWELLING** - A structure designed for residential occupancy, but excluding hotels, motels, and tourist homes.

**DUPLEX** – A structure containing two dwelling units, each of which has direct access to the outside.

**DWELLING UNIT OR LIVING UNIT** - Means the living quarters for one family. Such units shall include separate and complete kitchen, sleeping and bathroom facilities for each family (Amended 2017).

**FAMILY** - A small number of individuals living together on the premises as a single housekeeping unit.

**FORMULA RESTAURANT** – A restaurant regulated by contractual or other arrangement to offer standardized menus, ingredients, food preparation, interior/exterior design and/or uniforms.

**FORMULA RETAIL** – A type of retail sales activity which is required by contractual or other arrangement to offer a standardized array of services and/or merchandise, trademark, interior/exterior design and /or uniforms.

**FRONTAGE** - The horizontal distance measured along a lot line dividing a lot from a street that meets the minimum requirements of Appendix A, Section III, to the Jaffrey Rules and Regulations to Control Subdivisions. Driveways to interior lots shall not be construed as frontage for the front lot.

**FRONT YARD** - A front yard is an open unoccupied space on the same lot with a main building and extending the full width of the lot situated between the street line and the front line of the main building projected to the side lines of the lot.

**GROUP HOME OR GROUP RESIDENCE FACILITY** - Means an establishment that provides room and board to persons who are residents by virtue of receiving supervised specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licensed or certified agents,

or any other responsible nonprofit social service corporation. These services shall be provided in a family environment and only to persons under 18 years of age; physically or developmentally disabled of any age; or elderly (62 or more years of age) who are in need of supervision and specialized services. This category shall not include facilities for persons 19 or more years of age, released from or under the jurisdiction of a governmental bureau of corrections or similar institution. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one responsible adult shall be available to the residents on a 24-hour-a-day basis while the residents are on the premises.

HOME OCCUPATIONS - A use conducted by the residents of a dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. Such use is clearly incidental and secondary to the nature of the dwelling and does not change the residential character of the district. On-site retail sales are not considered a home occupation. (Amended 1992)

MAJOR RESIDENTIAL DEVELOPMENT - The creation of more than four lots (unless restricted from residential use), or construction of more than four dwelling units within a two-year period from or on a property or set of contiguous properties in common ownership.

MINOR SITE PLAN — An adjustment to an approved site plan or a building lawfully erected prior to May 1980 that does not alter the approved usage but involves external construction of at least 100 square feet but less than 1,000 square feet (Amended 2013).

MULTI-FAMILY - More than two families.

NONCONFORMING USE OF LAND OR BUILDING - An existing use of land or of a building that does not conform to the provisions of the district in which such use of land, structure, or building exists.

PERSONAL WIRELESS SERVICE FACILITY (PWSF) – Facility or device for the provision of personal wireless services, as defined by the telecommunications act of 1996, as amended. (Amended 2002)

PLACES OF AMUSEMENT - Primarily commercial facilities that offer amusement facilities to the public. These include theaters, bowling alleys, pool or billiard halls, coin-operated facilities such as video arcades, and any other facilities deemed to be similar.

PUBLIC RECREATION - Facilities where the public may partake of park or beach recreation or of active sports, physical activities, and outdoor life. These include State- or Town-owned and -operated parks, beaches, and picnic areas; camping facilities, golf courses, athletic and fitness centers such as gymnasiums, tennis courts, and swimming pools. Public recreation does not include activities such as massage parlors or places of amusement.

REAR YARD - A rear yard is an open space on the same lot with the main building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building and projected to the side lines of the lot.

ROOMING HOUSE - A residential building with three or more sleeping rooms for lodgers, no dining facilities are maintained for the lodger.

SETBACK - The minimum horizontal distance between the property line and the nearest part of a structure.

## SECTION IV: DISTRICT REGULATIONS AND PERMITTED USES

### 4.1 Rural District:

- 4.1.1 Farms and housing related to the farm, nurseries, greenhouses, and the sale of produce primarily raised on the premises, provided that no stand for the sale of such produce shall be within thirty (30) feet of the street line. (Amended 2004)
- 4.1.2 Detached single-family dwellings.
- 4.1.3 Duplex, two family and multifamily units provided such units are located only in Open Space Development Plan; however, no more than four dwelling units are permitted in one building or structure. (Amended March 8, 2005)
- 4.1.4 Open Space Development Plan ~~and/or Village Plan Alternatives~~ are permitted in accordance with the provisions of XIII. (Amended March 2003)
- 4.1.5 Public recreation facilities.
- 4.1.6 Churches, parish houses, religious schools, religious reading rooms, schools, public libraries and museums.
- 4.1.7 Nursery school or other agency for the day care of children.
- 4.1.8 Manufactured housing/mobile home subdivisions, which must have received subdivision approval in accordance with the Jaffrey rules and regulations to control subdivision.
- 4.1.9 Manufactured housing/mobile home parks are permitted in accordance with the provisions of the Jaffrey mobile home park ordinance.
- 4.1.10 Conversion apartments in accordance with the provisions of Section ~~IV~~ 5.3.8.
- 4.1.11 Bed and Breakfast establishments and rooming houses.
- 4.1.12 Nursing homes, but only in those rural areas served by the Town's water system and in accordance with the provisions of Section IV.
- 4.1.13 Signs, as regulated by Town Ordinances.
- 4.1.14 Excavation of Earth, as governed by Town of Jaffrey's Regulation of Excavation of Earth.
- 4.1.15 Fireworks Warehousing. To establish, by special exception and subject to Planning Board site plan review and documented compliance with all state and federal controlling regulations, that fireworks warehousing be permitted in the rural zone, provided, when the land ceases to be used for fireworks warehousing, the special exception terminates.

4.1.16 Interior Lots. In keeping with the objective of preserving and enhancing the rural character of the town, as expressed by Jaffrey's Master Plan, interior lots, established in accordance with the provisions of Section V, are authorized in the Rural District.

4.2 Residence A:

4.2.1 Detached single-family ~~dwelling~~ residences.

4.2.2 Churches, parish houses, religious schools, religious reading rooms, schools, public libraries and museums.

4.2.3 Customary home occupations, as defined and governed by paragraphs 2-18 and 5.17.

4.2.4 Nursery school or other agency for the day care of children.

4.2.5 Group homes by special exception and in accordance with the provisions of Section IV and 5.15.

4.2.6 Signs, as regulated by Town Ordinances.

4.2.7 Open Space Development Plan, subject to the provisions of Sections VI and XIII, and having a minimum tract area of acres 10 acres. (Amended 2000, March 8, 2005, 2017)

4.3 Residence B:

4.3.1 All uses authorized for the Residence A Districts.

4.3.2 Duplex and two-family dwellings.

4.3.3 Apartments and condominiums. (See Section 5.28)

4.3.4 Open Space Development Plan in accordance with the provisions of Sections VI and XIII and having a minimum tract area of 10 acres. (Amended March 2005, March 2008, 2017)

4.3.5 Funeral homes and mortuaries.

4.3.6 Bed and Breakfast establishments and rooming houses.

4.3.7 Manufactured housing/mobile home subdivisions that must have received subdivision approval in accordance with the Jaffrey rules and regulations to control subdivision.

4.3.8 Manufactured housing/mobile home parks are permitted in accordance with the provisions of the Jaffrey mobile home park ordinance.

4.3.9 Nursing homes in accordance with the provisions of Section V.

4.4 General Business District:

4.4.1 Detached single-family dwellings.

- 4.4.2 Duplex and two-family dwellings.
- 4.4.3 In an enclosed building or structure: Retail stores, sales rooms, retail services, restaurants, taverns, cafes, and other places for serving foods and alcoholic beverages, business and professional offices, banks, private clubs, hotels, inns, rooming houses, bed and breakfast establishments, theaters, halls, clubs, and other places of assembly, shops for custom work or the making of articles to be sold on the premises, upholstery, newspaper production and job printing. Also permitted are sales and repairs of automobiles and similar vehicles, commercial or public parking, gasoline service stations and any uses similar to the foregoing (Amended March 2000, 2014)
- 4.4.4 Signs, as regulated by town ordinances.
- 4.4.5 Apartment Houses/ Apartment Buildings/Condominiums (Amended March 2017).
- 4.4.5 Mixed use development: apartments, or rooms in a building for which the principal use is business, if such apartments/rooms are located above the ground floor or behind the street facing business if on the same level (Amended March 2017).
- 4.4.6 Group homes by special exception and in accordance with the provisions of Section V.
- 4.4.7 Nursing homes in accordance with the provisions of Section V.
- 4.4.8 Public recreation facilities. (Amended March 2006)
- 4.5 General Business District “A” (Amended 2018):
  - 4.5.1 Detached single-family dwellings.
  - 4.5.2 Two-family dwellings.
  - 4.5.3 Conversion apartments as specified in Section 5.3.8.
  - 4.5.4 Multi-family, apartments, condominiums as specified in Section 6.3
  - 4.5.5 Boutique and specialty stores, restaurants, cafes, business and professional offices. Boutique shall mean a small shop that offers highly specialized services or products. Specialty store shall mean a store that sells one type of thing.
  - 4.5.6 Bed and breakfasts.
  - 4.5.7 Churches, parish houses, schools, libraries, museums and civic organizations.
  - 4.5.8 Home occupations.
  - 4.5.9 Day care, nursery school.
  - 4.5.10 Group homes and senior housing, by special exception, in accordance with Section V.
  - 4.5.11 Open space development Plan in accordance with the provisions of Sections VI and XIII and having a minimum of 10 acres.

Gasoline Service Stations..... NP  
 Commercial kennel/Veterinary hospital..... NP

Industrial:

Earth Excavation ..... NP  
 Manufacturing, assembly, compounding, processing/packaging, treatment or  
 distribution of products ..... NP  
 Wholesale, warehouse and storage ..... NP  
 Motor freight terminals ..... NP  
 Warehousing and truck repair ..... NP  
 Truck and heavy equipment sales, service, and repair ..... NP  
 Automotive, truck, utility trailer, and equipment rental..... NP  
 Storage facilities for lease ..... NP  
 Distributing plants ..... NP  
 Beverage bottling/distribution..... NP  
 Research and testing laboratories..... NP  
 Industrial Parks ..... NP  
 Carpenter, electrical, plumbing, welding, blacksmith, heating, ventilation, refrigeration,  
 air conditioning, sheet metal fabrication ..... NP  
 Laundry and clothes cleaning and dyeing ..... NP  
  
 Printing and publishing ..... NP  
 Building materials supply ..... NP  
 Bulk storage and distribution of petroleum products ..... NP  
 Recreation vehicle and marine sales, service, repair, and storage ..... NP  
 Utility operations ..... NP

4.8.4 ~~Mountain District Boundary — Monadnock: The district shall start at the mountain side of the Dublin/Jaffrey town line on Dublin Road proceeding southerly to Route 124 (Mountain Road) a distance of approximately 3.15 miles. All land within 500 feet from the edge of the Dublin Road right of way, away from the mountain, is included. From the corner of Route 124 (Mountain Road) and Dublin Road proceeding westerly on Route 124 (Mountain Road), all lands on the mountainside to the Troy/Jaffrey boundary, a distance of approximately 4.4 miles. All lands 500 feet from the edge of the right of way on the southerly side of Route 124 (Mountain Road), away from the mountain, are included. A section of Shaker Road, approximately .82 miles, all lands on the mountainside and 500 feet from the edge of the right-of-way on the westerly side of Shaker Road away from the mountain.~~

~~Mountain District Boundary — Gap Mountain: The mountain side starting at the corner of Gap Mountain Road and Old Mill Road proceeding on Old Mill Road to the Troy town boundary, a distance approximately .36 miles. All land away from Gap Mountain 500 feet from the edge of the right of way to the north of Old Mill Road is included. From the corner of Old Mill Road and Gap Mountain Road proceeding in a southerly direction to the intersection of Old County Road a distance of approximately .76 miles. Then on Gap Mountain Road to the corner of Cobleigh Hill Road, a distance of .7 miles. Cobleigh Hill Road to the Troy~~

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~~boundary line; a distance of .5 miles. All lands 500 feet from the edge of the right-of-way to the east of Old County Road and Gap Mountain Road to all land 500 feet south of Cobleigh Hill Road.~~

- 4.8.5 Notwithstanding any other provision of this ordinance, the following provisions shall apply to any Open Space Development Plan ~~and/or Village Plan Alternative~~ located in the Mountain Zone: (Added March 2008)
- a) Only single-family detached units shall be permitted;
  - b) Minimum setbacks between dwelling structures shall be 60 feet;
  - c) Incentives—OSDP or VPA in the Mountain Zone will include no base density bonus. If at least 50% of the total parcel minus wetlands is conserved as permanent open space, the developer may receive a 5 % bonus. A developer may receive a 5% bonus for setting aside open space contiguous with existing permanently preserved open space or conservation easement.

**SECTION V: GENERAL PROVISIONS THAT MAY APPLY TO MORE THAN ONE ZONING DISTRICT** (Amended March 17, 2007, 2017)

- 5.1 Any person or organization who rents, leases, or otherwise permits the use of land, buildings or structures or any portion thereof is responsible for obtaining the required permits and for complying with all appropriate ordinances before permitting occupancy or use of such land or buildings. (Amended 2001)
- 5.2 Site plan approval by the Jaffrey Planning Board is required for the following uses of land and/or buildings and structures or for any related construction: (Amended 2001)
- a) Multifamily structures
  - b) Commercial and industrial uses/structures
  - c) Institutional uses/structures
  - d) Recreation facilities including public/semipublic, private or commercial
  - e) Any other nonresidential uses/structures
  - f) Any multifamily structures, specifically including living units in Open Space Development Plan, and conversions of single-family dwellings (Amended March 8, 2005)
  - g) Multifamily housing, specifically including apartments, condominiums, and living units in Open Space Development Plan if these involve multifamily structures and specifically including conversions of single-family dwellings. (Amended 2000, March 8, 2005)
  - h) Land Application of Sludge and Septage
- 5.2.1 Minor Site Plan: An adjustment to an approved site plan or a building lawfully constructed before December 31, 1980, that does not alter the approved usage but involves construction of at least 100 square feet but less than 1000 square feet. (Amended 2012, 2014)



by the total number of dwelling units in the conversion.  
Then multiply the previous product by ( 66.7%) to determine  
the minimum lot area.

- 5.4 Accessory Dwelling Units (ADU) are permitted in all ~~residential~~-districts which allow single family dwellings by Special Exception of the Board of Adjustment, providing the following conditions are met (Amended 1992, 2017):
- 5.4.1 Only one ADU is permitted per single-family dwelling unit.
  - 5.4.2 Either the primary or accessory dwelling unit is occupied by the owner, except for *bona fide* temporary absences.
  - 5.4.3 The accessory apartment shall have a minimum floor area of 400 square feet, but in no case shall the floor area comprise more than the greater of 750 square feet or 30% of the gross living area of the primary residence.
  - 5.4.4 Adequate provision shall be made for the disposal of sewage, waste and drainage.
  - 5.4.5 Adequate provision shall be made for off-street parking.
  - 5.4.6 All setback requirements for the respective zoning district shall be observed.
- 5.6. Building height: In all districts, buildings and structures shall not exceed either three stories or forty-five (45) feet measured from the highest natural ground level.
- 5.7. Accessory buildings and accessory uses on residential lots: One or more detached accessory buildings may be located on the same lot as the principal building, provided that no more than twenty-five percent (25%) of the lot area, excluding the area occupied by the principal building, shall be so occupied and that all setback and site plan requirements are met. (Amended 2017)
- 5.8. The establishment or use of private or commercial facilities for the storage and/or disposal of hazardous wastes (as defined by the Atomic Energy Act of 1954, as amended) is prohibited.
- 5.9. Owners, developers, and users of land and buildings should be aware of the following Town of Jaffrey regulations that also govern the use of land and buildings (Amended 2017):
- a) Site Plan Review Regulations
  - b) Rules and Regulations for Controlling Subdivisions
  - c) Driveway Regulations
  - d) Regulations Governing Earth Excavations
  - e) Manufactured Housing/Mobile Home Park Regulations
  - f) Historic District Regulations

5.15.6 Annual recertification:

The sponsoring agency or sponsor shall file annually, with the Board of Selectmen or the Building Inspector, information indicating that the facility continues to satisfy the conditions of the original approval.

The sponsoring agencies shall be notified by mail of the annual filing date thirty (30) days prior to such date. Ten (10) days after the filing, an advertisement will be placed in the local newspapers for one day listing those agencies that have applied for recertification and requesting comments from residents and community organizations within thirty (30) days from the date of the advertisement. Individuals or organizations wishing to file a complaint should do so in writing to the governing body.

Change of sponsorship or of any conditions of original approval shall constitute a new use and the full procedure for obtaining a new use shall be exercised.

5.16 ~~Elderly Senior~~ Housing

5.16.1 Purpose: In recognition of its inherent obligation to its elder citizens, the Town of Jaffrey hereby allows ~~elderly senior~~ housing by special exception. Where the Town zoning regulations differ from the provisions contained in this section, this section shall take precedence. This Section supercedes Section 6.3 with respect to density.

5.16.2 Definition: For the purpose of this section, the term "elderly housing" shall mean any housing that is specifically funded, or the construction of which is specifically funded, or the construction of which is specifically assisted by the local, state or federal government or agencies or private individuals or organizations for the use of elderly persons.

5.16.3 Applicability: The overlay district created in this section shall only apply to the Residence B and General Business Districts and the Residence A Districts, excepting the Historic District.

- a) Density: In recognition of the desirability of locating elderly housing in reasonable proximity to available support systems and in recognition of the social, cultural, and physical advantage of living in a balanced community environment, not more than ten units per acre for elderly housing shall be allowed.
- b) Parking: As a requirement for elderly housing, there shall be one parking space for every dwelling unit.
- c) Site Plan: The proposed use shall be subject to the provisions of the Site Plan Review Regulations of the Town of Jaffrey.

5.17 Home Occupations

DEFINITION: A home occupation/home-based business is an accessory use to a residence involving the manufacture, provision or sale of goods and/or services. The use shall be clearly incidental and secondary to the primary use of the residence and does not change the character thereof or adversely affect the uses permitted in the zoning district in which it is located. In the

## SECTION IX: APPEALS

Per RSA 676:5, Appeals to the Board of Adjustment may be taken by any person aggrieved or affected by an administrative decision or action taken by the code officer enforcing this zoning ordinance adopted pursuant to RSA 674:16.

## SECTION X: GUIDELINES FOR THE BOARD OF ADJUSTMENT

### 10.1 General - The distinction between a Special Exception and a Variance.

A special exception can be defined as a stated exception to the ordinance if certain terms and conditions are met, while a variance is a provision for non-enforcement of the ordinance as it may apply under special circumstances to a particular piece of land, which special circumstances have not been specifically provided for in the wording of the ordinance.

### 10.2 Unless otherwise specifically provided, the Board of Adjustment shall, before granting a Special Exception (RSA 674:33), find that, in their judgment, all of the following conditions are met:

- 10.2.1 The specific site is an appropriate location for such a use, structure, or condition;
- 10.2.2 The use, structure, or activity will not be detrimental to the neighborhood nor significantly alter the characteristics of the district;
- 10.2.3 Adequate and appropriate facilities will be provided for the proper operation of the proposed use; and
- 10.2.4 Such exception, if granted, will not adversely affect any other district or portion thereof.
- 10.2.5 Special Exceptions authorized by the Board of Adjustment shall be valid if exercised within 2 years from the date of final approval, or as further extended by the Board for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception (2017).

10.2.6 Special Exceptions authorized before August 19, 2013 and which have not been exercised are scheduled to terminate March 10, 2022. Special Exceptions may be extended by the zoning board of adjustment for good cause. (Amended 2020)

### 10.3 The power to grant variances stems from RSA 674:33. All of the following conditions must be found by the Board of Adjustment before they can grant a variance. (Amended 2005, 2017)

- 10.3.1 The variance will not be contrary to the public interest.
- 10.3.2 The variance is consistent with the spirit of the ordinance.
- 10.3.3 Substantial justice is done.

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- 10.3.4 The value of surrounding properties will not be diminished; and
- 10.3.5 Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.
- a) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:
- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
  - (ii) The proposed use is a reasonable one
- b) If the criteria in subparagraph a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of “unnecessary hardship” set forth in paragraph 10.3.5 shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance (2017).

- 10.3.6 Variances authorized by the Board of Adjustment shall be valid if exercised within 2 years from the date of final approval, or as further extended by the Board for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception (2017).

~~10.3.7 Variances authorized before August 19, 2013 and which have not been exercised are scheduled to terminate March 10, 2022. Variances may be extended by the zoning board of adjustment for good cause. (Amended 2020)~~

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#### 10.4 Appointment of Alternates (Amended 2020)

~~10.4.1 The Zoning Board of Adjustment shall consist of 5 members appointed by the Board of Selectmen. Members shall be residents of the Town of Jaffrey. Appointed members of the Zoning Board of Adjustment shall serve a term of 3 years.~~

~~10.4.2 The Board of Selectmen may appoint up to 5 members to the Zoning Board of Adjustment to serve as alternates with terms of 3 years. Alternates may sit on public hearings as nonvoting members subject to rules of procedure as set by the Zoning Board of Adjustment.~~

~~10.4.3 If a regular, sitting member of the Zoning Board of Adjustment is absent or disqualified from sitting on a land use application, the Chairman of the Zoning Board may, at his or her discretion, appoint an alternate to sit in the place of that member. Said alternate shall be responsible for attending all meetings and hearings in connection with the application, and for voting on the application in the stead of the regular member they replaced.~~

10.4.4 In the event of a vacancy by a member of the Zoning Board, the Board of Selectmen may appoint a new member to fill out the remainder of the term, or in the alternative, they may promote an alternate to fill the seat. In the event of a vacancy, until a new appointment is made, the Chairman of the Zoning Board may appoint an alternate to serve in the place of the regular member.

## SECTION XI: AMENDMENT

11.1 Ordinances embodied in the Jaffrey Land Use Code may be amended by a majority vote at Town Meeting when such amendment is published in the warrant calling for the meeting and when such amendment has received a public hearing, which hearing has been advertised and given legal ten-day (10) notice, all in accordance with RSA 675:3 and 4.

## SECTION XII: GUIDE TO ZONING DISTRICT[S] IN THE TOWN OF JAFFREY (Description)

### 12.1 General

Districts are designated by name for ease in identification. The following shall pertain in determining district boundaries:

- 12.1.1 Points of road intersection shall be measured from the center line of the traveled way unless otherwise specified (*e.g.*, 500' south of Route 124 means 500' south of the center line of Route 124).
- 12.1.2 When the edge of a road is specified, it means the edge of the legal road property or right-of-way.
- 12.1.3 When the shoreline of a body of water is specified, it means the shoreline at the normal high water mark.
- 12.1.4 Distances are to be read as stated, not as rounded-off approximations.
- 12.1.5 ~~In cases of a conflict of district lines, the more restrictive district requirements should prevail.~~ Split Zoned Property. In the event that a single parcel lies in two or more zoning districts, permitted uses on the parcel shall be designated by the zone in which that particular portion of the parcel lies within: a use which is permitted in one district but not another district must be confined to the geographical area of the lot in the zone in which that use is permitted. Notwithstanding, for a parcel partially located in an overlay district, the language of the overlay district shall control over this provision.

and running North 02° 53' 37" West, a distance of 227.06 feet to an iron pin. Thence turning and running North 39° 54' 12" East, a distance of 463.73 feet to a point. Thence turning and running North 85° 13' 42" West, a distance of 122.45 feet to a point. Thence turning and running North 04° 46' 18" East, a distance of 50.00 feet to a point. Thence turning and running South 70° 47' 45" East, a distance of 1,384.39 feet to the drill hole first mentioned above and the point of beginning.

The Town of Jaffrey Planning Department shall maintain plans on file which visually depict the boundaries of Tract A.

#### 12.17 Industrial District (Annett)

Starting at the intersection of Squantum Road and Mill Road and running along the west side of Mill Road and the west side of Prescott Road to a point 500 feet north of Squantum Road; thence paralleling Squantum Road at a distance of 500 feet north of Squantum Road, running westerly a distance of 1,100 feet; thence southerly 500 feet to Squantum Road; thence easterly on the north side of Squantum Road to the intersection of the east edge of Sherwin Hill Road; thence southerly along the east side of Sherwin Hill Road to the Jaffrey/Rindge line; thence east along the Jaffrey/Rindge line 600 feet; thence northeast 500 feet to the intersection of Squantum Road and Mill Road, being the point of beginning. (Rewritten March 13, 1990)

#### 12.18 Mountain Zone (Amended 1992, 2008)

The boundaries of the Mountain Zone are described in Section 4.7. (Amended 1992, 2008) Mountain District Boundary - Monadnock: The district shall start at the mountain side of the Dublin/Jaffrey town line on Dublin Road proceeding southerly to Route 124 (Mountain Road) - a distance of approximately 3.15 miles. All land within 500 feet from the edge of the Dublin Road right-of-way, away from the mountain, is included. From the corner of Route 124 (Mountain Road) and Dublin Road proceeding westerly on Route 124 (Mountain Road), all lands on the mountainside to the Troy/Jaffrey boundary, a distance of approximately 4.4 miles. All lands 500 feet from the edge of the right-of-way on the southerly side of Route 124 (Mountain Road), away from the mountain, are included. A section of Shaker Road, approximately .82 miles, all lands on the mountainside and 500 feet from the edge of the right-of-way on the westerly side of Shaker Road away from the mountain.

Mountain District Boundary - Gap Mountain: The mountain side starting at the corner of Gap Mountain Road and Old Mill Road proceeding on Old Mill Road to the Troy town boundary, a distance approximately .36 miles. All land away from Gap Mountain 500 feet from the edge of the right-of-way to the north of Old Mill Road is included. From the corner of Old Mill Road and Gap Mountain Road proceeding in a southerly direction to the intersection of Old County Road a distance of approximately .76 miles. Then on Gap Mountain Road to the corner of Cobleigh Hill Road; a distance of .7 miles. Cobleigh Hill Road to the Troy boundary line; a distance of .5 miles. All lands 500 feet from the edge of the right-of-way to the east of Old County Road and Gap Mountain Road to all land 500 feet south of Cobleigh Hill Road.

#### 12.19 Rural

All land not specifically identified in the above-defined districts.

## APPENDIX B: PLANNING BOARD AUTHORITY

### RSA 674:36 - Subdivision Regulations

~~I.~~ Before the Planning Board exercises its powers under RSA 674:35, the Planning Board shall adopt subdivision regulations according to the procedures required by RSA 675:6.

I-a. The Planning Board shall consist of seven (7) members appointed by the Board of Selectmen. Appointments shall serve a term of 3 years. Appointments shall be staggered in time to insure no more than three members are appointed in one year.

(A) The Board of Selectmen shall appoint one (1) member of the Board of Selectmen or an administrative official of the Town of Jaffrey to serve as an *ex officio* member of the Board, and the remainder of appointments shall be residents of the Town of Jaffrey.

(B) The Board of Selectmen may appoint up to 5 members to the Planning Board to serve as alternates with terms of 3 years, including one alternate for the *ex officio* member of the Board. Alternates may sit on public hearings as nonvoting members subject to rules of procedure as set by the Planning Board.

(C) If a regular, sitting member of the Planning Board is absent or disqualified from sitting on a land use application, the Chairman of the Planning Board may, at his or her discretion, appoint an alternate to sit in the place of that member, with the exception that only the alternate *ex officio* member of the Board may serve in the place of the regular *ex officio* member. Said alternate shall be responsible for attending all meetings and hearings in connection with the application, and for voting on the application in the stead of the regular member they replaced.

(D) All alternate members of the Planning Board shall be subject to New Hampshire R.S.A. 673:7, and subject to the same limitations on serving on multiple municipal boards as regular members.

(E) In the event of a vacancy by a member of the Planning Board, the Board of Selectmen may appoint a new member to fill out the remainder of the term, or in the alternative, they may promote an alternate to fill the seat. In the event of a vacancy, until a new appointment is made, the Chairman of the Planning Board may appoint an alternate to serve in the place of the regular member.

II. The subdivision regulations that the Planning Board adopts may accomplish the following:

- (A) Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.
- (B) Provide for the harmonious development of the municipality and its environs.
- (C) Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality.
- (D) Provide for open spaces of adequate proportions.