

**ZONING AND BUILDING ORDINANCE
TOWN OF SHARON, NEW HAMPSHIRE**

ARTICLE I: Purposes

For the purpose of forming a Master Plan of growth for the Town of Sharon. . .

For the purpose of promoting the health, safety, prosperity and general welfare of the inhabitants of the Town of Sharon, by securing safety from fire, by providing adequate areas between buildings and various rights of way. . .

For the purpose of promoting the most appropriate use of land; facilitating economical and efficient use of public services; allowing land use patterns which preserve trees, water purity, outstanding natural topography and geologic features.

For the purpose of preserving open land for conservation and recreation. . .

For the purpose of preserving the natural rural charm now possessed by the Town of Sharon. . .

Now, therefore, the following ordinance is hereby enacted by the said Town, pursuant to the authority conferred by Chapters 672 to 677 of the New Hampshire Revised Statutes Annotated, 1990.

ARTICLE II: Land Use Policies

In order to achieve the purposes set forth in Article I, the policies for land use shall be as follows:

- A. Open space shall be favored even as orderly development takes place.
- B. Development of wetlands shall be severely restricted in order to avoid water pollution and unnecessary flooding.
- C. Development of lands with steep slopes shall be restricted in order to avoid erosion, sedimentation and surface water pollution.
- D. Non-residential development shall be subject to review by the Town in such matters as the location of buildings, parking areas, sewage facilities, access, landscaping and other design requirements.
- E. Public access to recreational trails, parks and commons shall be encouraged.
- F. Public acquisition of land in the Town for future Town buildings, open space conservation and recreation shall be encouraged.
- G. Gravel removal from the Town shall be subject to permitting and review.
- H. Development in the Town of Sharon shall not impose undue economic hardships on the Town nor jeopardize the safety, health or general welfare of the Townspeople.
- I. The Town shall preserve its rural-residential character.
- J. Orderly procedures, ordinances and regulations shall be set forth in order to implement these policies.
- K. The Town of Sharon favors a plan for the future by which land owners would voluntarily grant access along back boundaries of properties, streams, shore lines and abandoned roads. These accesses, when linked, would provide trails for recreational purposes.

ARTICLE III: Districts

For the purpose of this ordinance, there shall be a Wetlands Conservation District and a Rural-Residential District.

ARTICLE IV: Provisions Applicable to All Districts**A. Land Requirements****1. Lot Dimensions:**

- a. **Area:** In order to preserve the rural character and appearance of the Town of Sharon; the minimum building lot area for all lots which are not buildable back lots shall be five (5) acres.
- b. **Frontage:** Unless otherwise specified in this Ordinance, frontage for all lots shall be no less than three hundred (300) feet on a street defined in accordance with RSA 674:41 (1986).
- c. **Depth:** Depth of all lots shall be not less than one hundred twenty five (125) feet.

2. Front Yard: There shall be between the nearest edge of the right of way and the extreme front of any building or accessory building, a minimum distance of one hundred (100) feet.**3. Side and Back Yards:** No building or accessory building, or any part thereof, shall be located nearer than fifty (50) feet from the property lines of any abutter.**4. Construction on a Back Lot:**

- a. **Construction of a dwelling or other building on a back lot will be permitted only if the back lot fulfills all of the criteria and requirements, with the exception of frontage, of a "buildable lot" as defined in Article XVII of this Ordinance, and the back lot has also been demonstrated to meet the additional requirements of this section. Such back lots shall be called buildable back lots.**
- b. **Uses Permitted on Buildable Back Lots:** The only uses permitted on buildable back lots shall be those set forth at Article VII of this Ordinance.
- c. **Access to Private Way:** Each buildable back lot must have direct access to a private way (as defined in Article XVII). Vehicular Access between the back lot and the public way must be achieved by way of a driveway over the private way, which driveway meets the requirements of Article XVIII. In addition
 - (i) Each private way shall have a width of no less than fifty (50) contiguous feet;
 - (ii) In recognition of the potential for future subdivision of land behind or beyond a buildable back lot, each private way must be suitable for upgrade to road construction standards as specified in the Sharon Subdivision Regulations;
 - (iii) No private way shall be located within five hundred (500) feet of an existing, approved or proposed private way on the same side of the public road; and
 - (iv) Each buildable back lot shall have no less interest in the private way accessing that buildable back lot than a deeded easement allowing free, unobstructed, and unlimited right to use the private way as a means of access.
- d. **Area:** The minimum lot size for a buildable back lot shall be ten (10) acres.
- e. **Number of Buildable Back Lots:** No more than two buildable back lots shall be accessed over a single private way.
- f. **Building Setback from Public Way:** There shall be a minimum distance of three hundred (300) feet between the nearest edge of the public right of way or road accessed by the private way and the nearest edge of all buildings or structures located on a buildable back lot.

- g. Building Setback from Private Way:** There shall be a minimum distance of one hundred (100) feet between the nearest edge of the private way and the nearest edge of all buildings or structures located on a buildable back lot.
- h. Application of Zoning Regulations:** Buildable back lots, and all structures and buildings located thereon, are subject to all Zoning Ordinance provisions and requirements not specifically affected or contradicted by this section.
- i. Future Subdivision:**
- (i) Any future subdivision obtaining access over a private way shall be permitted only if the private way is upgraded to Town road construction standards and if all roads in the subdivision are constructed to Town standards.
 - (ii) No future subdivision to be accessed by or over an existing private way will be permitted if the subdivision will create a non-conforming use with respect to an existing buildable lot.
 - (iii) Additionally, no future subdivision to be accessed by or over an existing private way will be permitted unless the subdivision shall have the effect of bringing existing buildable back lots accessed by the same private way into conformance with all of the conditions and requirements imposed by this Zoning Ordinance on lots other than buildable back lots. Accordingly, and without limiting the further application of this subsection, if a future subdivision includes the use of an existing private way as a means of vehicular access between a public street or road and the proposed subdivision: (1) then any existing buildable back lot accessed by that same private way must have a minimum of three hundred (300) feet of frontage on a right of way or road included in the proposed subdivision plan; and (2) any building or structure located on such buildable back lot, must be no closer than one hundred (100) feet from the edge of such proposed right of way or road.

B. Sanitary Protection

1. No privy, cesspool, septic tank or sewage disposal area shall be constructed or maintained less than seventy-five (75) feet from a well, from adjoining property or from a dwelling other than that to which it is appurtenant.
2. No septic tank or leach field may be located closer than one hundred (100) feet to any wetland.
3. No waste or sewage shall be permitted to run freely into a public water body or be discharged in such a way that may be offensive or detrimental to the health of others. All such wastes shall be conveyed away underground through the use of an accepted sanitary system or in such a way that it will not be offensive or detrimental to health.
4. All dwellings and sanitary systems shall be constructed and maintained in accordance with standards set and enforced by the New Hampshire Department of Health and Human Services and the New Hampshire Water Supply and Pollution Control Commission.

C. Junk Yards

No junk yards or places for the storage of discarded machinery, vehicles, glass, cordage, paper refuse or other waste or discarded material shall be maintained in the Town.

D. Fires, Ruins, Pits and Cellar Holes

No owner or occupant of land shall permit fire or other ruins to be left for a period of more than one year and shall within said year remove and/or refill the same to ground level or repair, rebuild, or replace the structure. No pit or cellar hole shall be left in an unsightly or hazardous condition.

E. Detrimental or Offensive Uses

Any business or industry which would be seriously detrimental or offensive to owners of adjoining property or to the Town or would tend to radically reduce property values of adjoining or other property is prohibited. Commercial piggeries and the storage of poultry manure are specifically prohibited.

F. Signs

1. Any and all signs shall be constructed of painted or carved wood, or have the appearance thereof, and shall be unlighted.
2. Property owners with approved business, professional or service enterprises in the Town of Sharon shall be allowed two (2) advertising signs not in excess of twelve (12) square feet in area for each sign.
3. All business signs shall be restricted to the place of business only.
4. Any property owner shall be allowed two (2) signs, not in excess of twelve (12) square feet in area for each sign, pertaining to the lease, sale, or use of a lot or building on which placed.
5. With the exception of those signs permitted in the above paragraph, all out of door advertising signs and/or structures are prohibited.

G. Height

1. The height of any building or structure, or accessory building or structure, shall not exceed forty-five (45) feet above the lowest point of land abutting the building or structure. The Zoning Board of Adjustment may grant Special Exceptions allowing the construction or expansion of such buildings and structures used as farm silos, church spires, antennas, flagpoles, and wind energy systems providing such construction or expansion is found by the Zoning Board of Adjustment to be appropriate in accord with the conditions set forth in Article XII of this Ordinance.
2. Excepted from the provisions of this requirement are antennas and related supporting structures used exclusively in the amateur radio services as referenced in RSA 674: 16 and 674:17.

ARTICLE V: Wetland Conservation District**A. Authority & Purpose**

In order to promote the public health, safety and general welfare of the Town and as authorized by the provisions of New Hampshire RSA 674:16-17 and 674:20-21 (Zoning Ordinances/Districts/Land Use Controls), a Wetland Conservation District is established for the following purposes:

1. Prevent development on wetlands of structures and land uses that could contribute to the pollution of surface and ground water by sewage or toxic substances;
2. Prevent the alteration or destruction of wetlands, which provide flood protection, recharge of groundwater supply or augmentation of stream flow during dry periods or are important for reasons as cited in RSA 482-A (Fill and Dredge in Wetlands) or any other applicable statute or regulation;
3. Protect potential water supplies, existing aquifers and aquifer recharge areas;
4. Protect wildlife habitats and maintain ecological balances;
5. Allow uses that can occur harmoniously, appropriately and safely in wetland areas;
6. Maintain conservation corridors along rivers, streams and other naturally occurring waterways;

7. Prevent the Town from incurring unnecessary or excessive expenses related to the provision and maintenance of essential services and utilities, which could arise due to improper use of wetlands;
8. Protect, preserve and enhance those aesthetic values associated with the wetlands of the Town.

In all cases where the Wetland Conservation District is superimposed over another zoning district in the Town of Sharon, the most restrictive regulations shall apply.

B. Function of Wetlands

Wetlands provide the following functions:

- Protect the town's water supplies by removing pollution from waters that flow through them, and by interacting directly with the groundwater in aquifers.
- Prevent serious flooding by storing water during the wettest parts of the year.
- Provide critical breeding, feeding and nesting habitats for a wide variety of fish and wildlife, including migratory birds, as well as habitat for rare native plants.
- Provide opportunities for scientific research and education, and a general appreciation of the aesthetic beauty of the natural landscape.

C. Identifying Wetlands Boundaries

The Wetlands Conservation District includes all wetlands equal to or greater than ten thousand (10,000) square feet.

1. The term "wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for a life in saturated soil conditions. Wetlands include but are not limited to swamps, marshes, bogs and similar areas.
2. The edge of a wetland shall be determined by on-site inspection of all of the three characteristics of wetlands, namely:
 - Hydrology, and
 - Hydric Soils, and
 - Hydrophytic Plants,

as recognized by the criteria established in and defined by the Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Lab., Dept. of the Army, 1987 or revision thereof. Such inspection shall be undertaken by a certified soil scientist, certified wetland scientist or certified septic system designer using the Army Corps Delineation Methods described in the aforementioned Wetlands Delineation Manual. When a boundary of a wetland is disputed, or in the event that an area is incorrectly designated on the United States Fish and Wildlife Service National Wetland Inventory Maps, the Planning Board and/or the Conservation Commission may require the applicant to engage a certified soil or wetland scientist to determine the exact location of the wetland, at the applicant's expense. The soil or wetland scientist's report shall include, at a minimum, a map of the area in question delineating the wetland boundary, if any, and a written report of an on-site field inspection. The Planning Board shall reserve the right to withhold action on any plan pending the results of an on-site inspection by the Planning Board or its appointed agents.

D. Permitted Uses

Permitted uses within the limits of the Wetland Conservation District are those uses that will not require the erection or construction of any structure or building, will not alter the natural surface configuration by the addition of fill or by dredging except as necessary for a permitted use, and shall include the following or similar uses only:

1. Forestry, which is performed in accordance with best management practices as described in the most recent Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, published by the NH Department of Resources and Economic Development, Division of Forests and Lands, and with suitable notification to the New Hampshire Wetlands Bureau.
2. Agriculture, which is performed in accordance with best management practices in the most recent Manual of Best Management Practices for Agriculture in New Hampshire published by the NH Department of Agriculture, Markets and Food, provided that such use is shown not to cause significant increases in surface or groundwater contamination by pesticides, herbicides, fertilizers or other toxic or hazardous substances, and that such use will not cause or contribute to soil erosion.
3. Wells and well supply lines.
4. Wildlife habitat development and management.
5. Conservation areas and nature trails.
6. Recreational uses consistent with the purpose and intent of this article, such as hunting, snowshoeing, skiing, hiking, fishing and nature observation.

Dredging, filling, draining or otherwise altering the surface configuration of surface waters, wetlands or lands within the Wetland Conservation District shall require permitting by the New Hampshire Department of Environmental Services or the Wetlands Bureau.

E. Dimensional Requirements

The dimensional and setback requirements outlined in the table below should be calculated from the wetlands boundary as defined in Section C.

Item	Setback Requirement
1. Buildings, additions, impervious surfaces	75 feet
2. Septic Systems	100 feet
3. Salt Storage Sheds	125 feet
4. Storage of chemicals, petroleum products or hazardous materials	125 feet
5. Application of fertilizer	25 feet
6. Manure Storage	100 feet of vegetated buffer
7. Livestock Pastures	25 feet
8. Off-road operation of wheeled or motorized vehicles, including ATVs and OHRVs	25 feet
9. Maintenance of a natural woodland and/or vegetated buffer	75 feet
10. Satisfaction of minimum lot size requirements	No more than 50% shall be Wetland Conservation District

F. Definitions

Unless otherwise defined in town ordinances, the following definitions shall apply:

1. Best Management Practice - When referring to forestry, Best Management Practices are defined in "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire," prepared by the New Hampshire Department of Resources and Economic Development, Division of Forests and Lands (January, 2001), as amended. When referring to agriculture, Best Management Practices are defined in "Manual of Best Management Practices for Agriculture in New Hampshire," prepared by the Agricultural Best Management Practices Task

Force and the USDA Natural Resources Conservation Service for the New Hampshire Department of Agriculture, Markets and Food (May, 2001), as amended.

2. **Bog** - As defined in "The New Hampshire Code of Administrative Rules, Wetlands Bureau, WT 101.08" or as amended. A bog is distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil and/or water conditions.
3. **Buffer** - The vegetated upland area adjacent to wetlands or surface waters.
4. **Ground Cover** - Any herbaceous plant of any height, and any woody plant, which grows to a mature height of three (3) feet or less.
5. **Natural Woodland Buffer** - A forested area consisting of various species of trees, saplings, shrubs and ground covers in any combination thereof.
6. **Ordinary High Water Mark** - The line on the shore, running parallel to the natural water body, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark is not easily discernable, the ordinary high water mark may be determined by the Department of Environmental Services. For artificially impounded water bodies refer to the Department of Environmental Services definition of Reference Line to determine ordinary high water mark.
7. **Sapling** - Any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than five (5) inches at a point four and one-half (4 ½) feet above the ground.
8. **Shrub** - Any woody plant that normally grows to a mature height of greater than three (3) feet and less than 20 feet.
9. **Site Specific Soil Mapping** – “Site Specific Soil Mapping Standards for NH & VT Version 2.0” adopted by the Society of Soil Scientists of Northern New England (publication #3, 1999) as revised.
10. **Tree** - Any woody plant which normally grows to a mature height greater than twenty (20) feet and which has a diameter of five (5) inches or more at a point four and one-half (4 ½) feet above the ground.
11. **Vernal Pool** - Typically a temporary body of water providing essential habitat for certain amphibians and invertebrates that does not support fish.
12. **Wetlands** - Refer to Section C, "Identifying Wetlands Boundaries."

ARTICLE VI: General District

Repealed March 2001

ARTICLE VII: Rural-Residential District

A. Definition

The Rural- Residential District shall consist of all land within the Town of Sharon which is not specifically included in the Wetland Conservation District. A building may be erected, altered or used, and a lot may be used in the Rural-Residential District only in accordance with the following provisions:

B. Permitted

1. **Single family, detached unit residences and farms.**
2. **Home Occupation/Home Based Business.**

Home Occupations and Home Based Businesses are accessory uses to a residence and involve the manufacture and provision or sale of goods and/or services. Such use shall be clearly incidental and secondary to the primary residential use of the property. It shall not adversely affect or undermine the rural residential character of the neighborhood or Town.

A "Home Occupation" shall be differentiated from a "Home Based Business" by the impact either may have on the neighborhood or Town.

- a. Home Occupations are permitted in the Rural-Residential District subject to the following standards:
 - (i) The activity shall be carried out only by the residents of the premises and involve only a service provided or goods produced on those premises by those residents.
 - (ii) It shall be operated entirely within the dwelling unit.
 - (iii) It shall result in no external evidence of the activity or change in the residential character of the dwelling.
 - (iv) The activity shall have no adverse effect on the environment or the surrounding properties as a result of noise; odor; smoke; dust; light; traffic; soil, water, or air pollution, or electrical or electronic interference of any kind beyond the property wherever or whenever such might occur.
 - (v) A Town resident intending to start a Home occupation shall inform the Board of Selectmen of that intent. If the Selectmen agree that the standards noted in paragraphs 1 through 4 above are met, the resident may proceed with the Home Occupation without further review.
 - (vi) Any activity that does not meet all of the standards of the preceding paragraphs 1 through 5 shall be considered a Home Based Business. Approval of a Home Based Business must be sought from the Zoning Board of Adjustment in accord with the provisions of the following paragraph (b).
- b. Home Based Businesses are permitted in the Rural-Residential District subject to approval by Special Exception from the Zoning Board of Adjustment and the following criteria:
 - (i) The business shall be conducted by the residents and a number of non-resident others as approved by the Board of Adjustment.
 - (ii) Any outdoor display of goods shall be approved by the Zoning Board of Adjustment. Any outdoor storage of materials or equipment shall be screened from roads and surrounding properties in such manner as approved by the Board of Adjustment.
 - (iii) Any hazardous material used or generated by the business shall be disposed of off-site and not allowed to accumulate on-site.
 - (iv) The volume of traffic generated by the business shall not create any hazard, nuisance, or disturbance in the neighborhood or Town.
 - (v) There shall be no change to the exterior appearance of the residence or any other structure(s) on the property unless approved or required by the Board of Adjustment. New construction related to the business shall be accomplished in such character as is

commonly associated with residential use and as approved by the Zoning Board of Adjustment.

- (vi) The activity shall not have an adverse effect on the environment or the surrounding properties as a result of noise; odor; smoke; dust; light; soil, water, or air pollution; or electrical or electronic interference of any kind beyond the property wherever or whenever such might occur.
- (vii) Parking areas shall be located at the side or rear of the property, subject to the set back requirements for accessory structures, and be screened from roads and surrounding properties in such manner as approved by the Zoning Board of Adjustment.

C. Control of Land Filling and Excavating

It is hereby declared to be in the best interests of the citizens of Sharon, and to promote their health, welfare and well-being, to control the excavation, quarrying and removal of loam, sand, gravel, clay, stone or similar earth materials and the filling of land with any material. Therefore, no such excavation, etc., as set forth in this paragraph, shall be allowed except by Special Exception of the Board of Adjustment. See Article XII.C for conditions under which such a Special Exception may be allowed. If the Special Exception is allowed, the applicant must then apply to the Planning Board for an excavation permit. Application procedures are given in "Site Plan Review Regulations Governing Earth Excavations in the Town of Sharon, New Hampshire".

**ARTICLE VIII: Cluster Development
Repealed March 1988**

ARTICLE IX: Building Regulations

A. Residential Dwellings

All residential dwellings built, or buildings converted for residential purposes within the boundaries of the Town of Sharon shall meet the following standards:

1. All dwellings except seasonal camps hereinafter erected shall have masonry footings and foundations. Footings for eight (8) inch foundations shall be not less than eight (8) inches deep and not less than sixteen (16) inches wide. Footings for twelve (12) inch foundations shall be not less than eight (8) inches deep and not less than twenty (20) inches wide. All footings shall extend below frost action. The presence of ledge, however, shall be considered as sufficient footing and/or foundation.
2. Seasonal camps may be built on masonry piers provided that such piers extend below frost action.
3. Sidewalls shall be finished with permanent materials. Two years from the start of construction will be allowed for the application of the above sidewall materials.
4. Electric wiring shall be installed so as to conform with the National Electric Code.

B. Building Site Inspector

There shall be a Building Site Inspector, such official to be chosen annually by the Selectmen.

C. Growth Management

The Board of Selectmen shall issue any and all building permits requested when such permit is in accordance with the provisions of this ordinance. The fee for such permits shall be determined by the Board of Selectmen and payable to the Town, and shall be related to the costs incurred by the Town in inspecting the premises involved.

1. Preamble and Purpose:

The Town of Sharon hereby identifies a Comprehensive Planning Program dated 1983 and as amended. In recognition of this document and based on the information and materials developed in accordance with the foregoing, it is hereby determined that the Town of Sharon must limit and control the rate of growth within the Town in order to prevent an excessive expenditure of public funds for the provision of services to accommodate the growth. In this regard, reference is made to the comprehensive plan, and certain conclusions and findings made therein, that indicate that the Town of Sharon is unique in the area in that it currently has no facilities, other than the Meeting House and town roads, and that it is uniquely susceptible to serious consequences and impact in the event of even a small increase in the population of the Town.

Additionally, it is noted that the town intends to be prepared for and receive its share of regional growth but must do so in a manner that does not place an unreasonable burden on the current taxpayers to finance the cost of public improvements necessitated by the growth, and also in a manner that does not destroy the character of the town as it currently exists, to the extent that the town has dedicated itself to the preservation of the same as outlined in the comprehensive plan.

2. Building Permits:

The Board of Selectmen is hereby instructed to issue building permits to qualified applicants in any given year up to a maximum number of permits as determined below. The calendar year of January 1 to December 31 will control the purposes of this ordinance and the Selectmen are instructed to issue permits on a first come first serve basis to those parties applying for the same.

In the event that the work has not commenced as applied for in the permit within a period of ninety (90) days after issuance of the permit, and the Selectmen have determined this by inspection of the premises which are the subject matter of the application for the permit, then the permit shall be revoked by the Board of Selectmen for such noncommencement and any other permits that are pending which have not been issued as a consequence of the limitation having been reached shall then be considered for approval in the order received. Such ninety-day limitation shall be printed in bold faced type on the permit.

This regulation with respect to building permit limitation shall apply only to new residential construction and shall not limit in any way the Selectmen's right or obligation to issue permits for remodeling, rehabilitation or expansion of existing dwellings or uses.

3. Limitation Formula:

- a. The maximum number of permits that the Selectmen shall be entitled to issue, so long as this ordinance remains in effect, shall be determined by the application of the following formula:

**Base Population times 5% divided by the average population per household
equals the number of permits per year.**

In this regard it is noted that the base population will be defined as the most recent estimate of the town's population either as calculated by the Town using available building permit data or the most recent inventory information, or as estimated by the Office of State Planning, unless another, more accurate, figure is available. The person per household figure shall be calculated using the most recent US Census statistics unless other, more accurate, data is available. Conventional 5/4 rounding shall be used to arrive at a round number of permits.

It is hereby declared that the purpose of this regulation is to provide for and limit the growth rate of the Town to no more than five percent (5%) in any given year.

- b. In the event that the Board of Selectmen have not issued the maximum number of permits available for any given year the entitlement in the forthcoming year shall not include any unused portion from the previous year and shall be computed based upon the formula set forth in Section C:3.a and limited to that number.
- c. It is acknowledged that the Town, in establishing the within limitation, is addressing a problem that is perceived to exist based on the studies indicated above and the knowledge of the regional

growth experience and the needs of the other towns in the area. In this regard the within ordinance and the limitations imposed shall continue to be the subject matter of the Planning Board inquiry into the continued need for the same as well as the trends in growth within the Town and region.

When and if the Planning Board in its continuing efforts and study of the regional growth trends as well as the planning for the Town of Sharon determines that the limitation imposed is no longer necessary or is capable of being modified within the considerations that they are addressing, the Planning Board shall make such recommendations to the Town and propose such amendments to this ordinance as needed to reflect changes in the circumstances as they may come to exist.

4. It shall be unlawful to erect or locate any residential dwelling, including accessory buildings, that (1) require construction of a sewage disposal system, or (2) would increase the load on an existing sewage disposal system within the meaning of RSA 485-A:38 without first obtaining a building permit from the Board of Selectmen. All structures shall meet existing setback requirements. Building permits issued for the relocation within the Town, shall not be counted in the growth management limitations.
5. No permit shall be required for repairing or remodeling unless additional occupancy space is created, or such repair or remodeling increases the load on the sewage disposal system, within the meaning of RSA 485-A:38.
6. No permit shall be issued until an approval for construction of the sewage disposal system has been received from the New Hampshire Department of Environmental Services, Subsurface Systems Bureau.
7. No building structure or land shall hereafter be used, occupied or erected, moved, or structurally altered unless in conformity with all of the regulations herein specified.

ARTICLE X: Non-conforming Uses and Buildings

Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Ordinance or amendments thereto and not in conformance with the provisions of this Ordinance shall be considered to be a non-conforming use. Any non-conforming use of land or buildings may continue but it may not be expanded, enlarged or changed to a different non-conforming use except by Special Exception granted by the Zoning Board of Adjustment. See Article XII.D for criteria. A non-conforming use may not be re-established after discontinuance for one year.

Record Lots: In any district, notwithstanding limitations imposed by other sections and the definition of Record Lot in Article XVII of this ordinance, single lots of record at the effective date of this ordinance or subsequently having obtained subdivision approval from the Planning Board prior to August 4, 1992 may be transferred, and may be built upon provided that all conditions of this ordinance other than lot size are complied with.

ARTICLE XI: Enforcement

- A. It shall be the duty of the Board of Selectmen to enforce the provisions of this ordinance.
- B. Upon any well-founded information that this Ordinance is being violated, the Board of Selectmen shall, on its own initiative, take immediate steps to enforce the provisions of the Ordinance by seeking an injunction in Superior Court or by taking any other appropriate legal action.
- C. The interpretation of these regulations shall be the sole province of the Planning Board, which may seek legal advice and counsel as it deems necessary.
- D. Each day of infraction shall constitute a separate offense.

ARTICLE XII: Zoning Board of Adjustment

The Selectmen shall make appointments to a Zoning Board of Adjustment of five members having the powers authorized in Chapter 674 and operating under procedures described in Chapters 676-677, New Hampshire Revised Statutes Annotated, 1990, as amended. The Moderator shall make appointments to fill vacancies on the Zoning Board of Adjustment until the next annual Town Meeting. The members of the Board of Adjustment shall serve without remuneration.

The said Board may, in appropriate cases and subject to appropriate conditions and safeguards, make Special Exceptions to the terms of this ordinance in harmony with its general purposes and intent and in accordance with the general and specific rules therein contained. The only cases for which Special Exceptions are allowable are listed below, along with the appropriate conditions and safeguards for each case:

A. Special Exception for Wetlands

1. Special Exceptions may be granted by the Zoning Board of Adjustment for the following uses within the Wetland Conservation District:
 - a. Those uses essential to the productive use of land not involved in the Wetland Conservation District, if located and constructed to minimize any detrimental impact upon the wetlands. Those uses include but are not limited to the construction of streets, roads, other access ways; utility rights of way and easements, including power lines and pipe lines; and water impoundments for agriculture and wildlife.
 - b. The undertaking of a use not otherwise permitted in the Wetland Conservation District which may include the erection of a structure, dredging, filling, draining, or otherwise altering the surface configuration of the land, if it can be shown that such proposed use will not conflict with the purpose and intention of the Wetlands Conservation District and if such proposed use is otherwise permitted by the Zoning and Building Ordinance. Proper evidence to this effect shall be submitted in writing to the Zoning Board of Adjustment and shall be accompanied by the findings of a review by the Hillsborough Conservation District and, if deemed necessary, the Sharon Conservation Commission of the environmental effects of such proposed use upon the wetlands in question. If a wetland is only partially located on the property for which application for a Special Exception for development has been submitted, then the Zoning Board of Adjustment shall take into consideration the potential impacts of the proposal on those portions of the wetland located on adjacent properties.
2. Each application for a Special Exception with the Wetland Conservation District shall include, but not be limited to, the following:
 - a. Site-specific plan(s) showing roads, streets or access ways, utility rights of way, projected impacts to wetlands and planned sediment and erosion controls;
 - b. Plans showing all contiguous or hydrologically-connected waterways above and below the impacted wetland areas;
 - c. A descriptive narrative describing the need for the project, the impacts to wetland functions, the types of wetland to be impacted and a mitigation plan that demonstrates avoidance and minimization of wetland impacts, as well as the ways in which any lost functions and values of impacted wetland will be compensated for.
3. For any application for a Special Exception for Wetlands, the Sharon Conservation Commission shall receive notice no less than fifteen (15) days prior to the scheduled hearing by the Zoning Board of Adjustment, and may tender an advisory opinion to the Zoning Board of Adjustment on said application.

B. Special Exception for Temporary Sawmills

The Zoning Board of Adjustment may grant a Special Exception for temporary saw mills in the Rural-Residential District if it can be demonstrated that the proposed use will not be seriously detrimental or offensive to residents or property owners or to the Town.

C. Special Exception for Excavation and Land Fills

The Zoning Board of Adjustment may grant a Special Exception for the excavation, quarrying or removal of loam, sand, gravel, clay, stone or similar earth materials or the filling of land with any such material. Before allowing such a Special Exception, the Zoning Board of Adjustment must affirmatively determine that such excavation, etc., will not devalue surrounding property, will not create a public nuisance, will not disturb the neighborhood through excessive noise or traffic, that the public streets leading to the excavation area, etc., are not only adequate to handle the volume and weight of traffic, but that such streets during periods of such traffic will be safe and secure for the travel of vehicles and pedestrians on those streets, and that the hours of operation will be limited as described in Section VII, Operational Standards, of "Site Plan Review Regulations Governing Earth Excavations in the Town of Sharon, New Hampshire". If the Special Exception is granted, the applicant must then apply to the Planning Board for an excavation permit. Application procedures are given in the above referenced Site Plan Review Regulations.

D. Special Exception for expansion of non-conforming use

The Zoning Board of Adjustment may grant a Special Exception for expansion, enlargement or change of an existing non-conforming use in the Rural-Residential District under the following conditions:

1. That the scale of the proposed modification is appropriate to the size and character of the lot;
2. That the proposed modification will not have a detrimental effect on the neighborhood or on property values;
3. Enlargement of a structure may be allowed if the enlarged structure encroaches no further into any setback than the existing structure. Small entranceways and steps may be allowed to encroach a reasonable distance further into a setback.

Expansion means increasing the intensity of the existing use within the limits of the existing structure.

Enlargement means increasing the area of the footprint of the structure.

Change means a difference in the type of activity taking place on the property.

The Zoning Board of Adjustment shall grant or refuse all Special Exceptions in accordance with the procedures stated in RSA 676:5-7 and RSA 677.

ARTICLE XIII: Amendments

The ordinance may be amended as provided by New Hampshire Revised Statutes Annotated Chapter 675.

ARTICLE XIV: Fines and Penalties

Pursuant to the provisions of RSA 676: I 7, any violation of this ordinance may be punishable, as determined by the Board of Selectmen by either: (a) A civil fine of not more than two hundred and seventy-five dollars (\$275.00) for the first offense and five hundred and fifty dollars (\$550.00) for subsequent offenses for each day that such a violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the town that he is in violation of this ordinance, whichever date is earlier; or (b) A criminal penalty, which shall be a misdemeanor if the violation is by a natural person; or a felony if the violation is committed by any other person.

ARTICLE XV: Saving Clause

If any section, provision, portion, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court, such holding shall not affect, impair or invalidate any other section, provision, portion, clause or phrase of this Ordinance.

ARTICLE XVI: When Effective

This Ordinance shall take effect upon passage.

ARTICLE XVII: Definitions

Accessory Building means a building subordinate to the main building on a lot used for purposes customarily incidental to those of the main building.

Back Lot means a lot of record which does not meet the frontage requirements set forth in Article IV-A:I.b.

Buildable Lot means any lot, which has been demonstrated to fulfill all state and local requirements for lot size, frontage, building setbacks and sewage disposal capability. The Planning Board may, at its discretion, approve a subdivision where one or more lots have not yet been demonstrated to be buildable, provided that a note to that effect is entered on the plat. Before a building permit can be issued for such a lot, its buildability must be demonstrated.

Buildable Back Lot means a back lot which has been demonstrated to satisfy all of the conditions and requirements of Article IV-A.4, as well as the additional elements comprising the definition of Buildable Lot set forth in this Article.

Driveway means a privately owned road which provides vehicular access across privately owned land onto either a public right of way or a "private way" owned by another.

Frontage means the length of the lot bordering on a public right of way.

Front Yard means a space extending for a full width of a lot between the extreme frontline of a building and the nearest edge of the right of way.

Home Produce and Products means and includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident, also such articles as are manufactured or altered by members of the household or the bona fide resident of any property.

Junk means any old metals, bottles, cotton or woolen mill waste, unfinished cotton or woolen mill yarns, old paper products, two or more unregistered motor vehicles and other secondhand articles, the accumulation of which is detrimental or injurious to the neighborhood.

Manufactured Housing means any and all forms of modular, unitized, or prefabricated housing as well as mobile homes which are brought to and assembled on a building site, placed on a foundation and tied into all conventional and necessary utility systems and which are intended to be used as a permanent dwelling unit. Manufactured housing does not include housing or mobile homes which are fully constructed on the site.

Non-conforming Building or Structure, the use of which in whole or in part does not conform to the use regulations of the Town of Sharon and which was established or constructed prior to the enactment of this ordinance.

Overlay district means an area within a particular district that has certain specified characteristics or allowed uses. For example, the Wetland Conservation District consists of all areas in the other defined district that are wetlands as defined below.

Owner means the owner, his agent or servant, the person in charge, the person apparently in charge, whether it be owned by any individual, corporation, partnership or in any other manner.

Private Way means a privately owned means of access, no less than fifty (50) feet wide, from or across a buildable back lot to a public street meeting the criteria of either paragraph (a) or (b) of RSA 674:41,1 (1986). A private way may traverse more than one lot whether or not such lots have the same owner as the buildable back lot. The Town of Sharon shall have no easement over, or responsibility for maintenance of, a private way.

Record Lot means land designated as a separate and distinct parcel in a legally recorded deed filed in the Registry of Deeds, Hillsborough County, New Hampshire provided, however, that it is not contiguous with other land of the same owner. All of the contiguous land owned by the same owner shall be considered as one parcel, and shall be the record lot.

Right of Way means and includes all town, state and federal highways and the land on either side of same as covered by statutes to determine the width of the rights of way.

Sign means any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, figured or colored material on any building, structure or surface; provided, however, the signs placed or erected by the town, state or federal government for the purpose of showing street names or traffic directions or regulations or for other municipal or governmental purposes shall not be included herein, nor shall this include signs that are part of the architectural design of the building.

Structure means anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in the ground, exclusive of fences.

Wetland: See Article V, C.1.

ARTICLE XVIII: Driveway

Whenever a driveway or access to a public way under the jurisdiction of the Town of Sharon is proposed, and before said driveway is constructed, a Driveway Permit shall be obtained from the Board of Selectmen.

- A. **Application**. A completed driveway permit shall be submitted along with engineering drawings and the payment of an application fee (set by the Board of Selectmen) to the Board of Selectmen. Information required in descriptive or drawing form shall be as follows:
1. Location of the proposed driveway.
 2. Drainage structures or traffic control devices to be installed by the applicant,
 3. All grades of the roadway and the driveway, and
 4. Location of pertinent features within five hundred (500) feet of the proposed driveway, including Location of pertinent features within five hundred (500) feet of the proposed driveway, including but not limited to other driveways or access ways, curves in the road, ditches, stone walls, trees and other vegetation which could affect sight distances, embankments and road surface conditions.
- B. **Review**. The Board of Selectmen shall review the application with consideration for the safety of the users and especially the traveling public. The driveway shall be constructed so as to protect and promote adequate drainage and allow for safe and controlled access to the roadway in all seasons of the year. Such issues as safe sight distance, slope, and drainage shall be considered in the determination of the safety of the proposed driveway.

ARTICLE XIX: External Lighting

A. Purpose and Intent

Good outdoor lighting at night benefits everyone. To recognize that inappropriate and poorly designed or installed lighting causes unsafe and unpleasant conditions, limits residents' ability to enjoy the nighttime sky, contributes to sky glow, and detracts from the rural character of the Town of Sharon, the following regulations are established.

B. Regulations

All public and private lighting installed in the Town of Sharon shall be in conformance with the requirements established by this ordinance.

1. Control of Glare - Luminaire Design Factors

- a. Any luminaire with a lamp or lamps rated at a total of more than 900 lumens shall not emit any light above the horizontal plane through the lowest direct-light-emitting part of the luminaire, nor shall they produce disability glare or horizontal luminance.
- b. Any luminaire with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of a luminaire may not exceed twenty-five (25) feet.

2. For the purpose of these regulations, the mounting height of a luminaire shall be defined as the vertical distance from the bulb to the ground directly below.

3. No luminaire shall be directed or focused such as to cause the shining or reflectance of light produced by a luminaire beyond the boundaries of the property on which it is located. Light trespass is prohibited.

4. Lighting of streets or parking areas shall use full cut-off fixtures. The lamps shall be High Pressure Sodium (HPS) not greater than 50 watts, or equivalent. Such fixtures shall not produce disability glare, nor direct or indirect light that causes light trespass.

5. Seasonal (3 month) holiday lighting using multiple low-wattage bulbs during the months of November, December and January will be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.

6. Temporary lighting and emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicle luminaries, shall be exempt from the requirements of this article.

7. Law governing conflicts: Where any provision of federal, state, county or town statutes, codes or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

C. Prohibitions

1. **Laser source light: The use of laser source light or any similar high-intensity light for outdoor or entertainment purposes, such that light is projected off-site, is prohibited.**
2. **Searchlights: The operation of searchlights for other than public safety purposes is prohibited.**
3. **Internal or external illumination of outdoor signs is prohibited.**
4. **Up lighting is prohibited.**

D. Effective Date and Grandfathering of Nonconforming Luminaires

1. This ordinance shall take effect immediately upon approval by the voters of the Town of Sharon at an annual or special Town Meeting, and shall supercede and replace all previous ordinances pertaining to outdoor lighting.
2. All luminaries lawfully in place prior to date of this ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this ordinance.
3. Grandfathered luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists shall be either shielded or re-directed within 90 days of notification.

E. Violations, Legal Actions and Penalties

1. If the Board of Selectmen determines that any provision of this ordinance is being violated, it may institute such proceedings as it deems appropriate, including the issuance of cease and desist orders pursuant to RSA 676:17-a, and the issuance of citations for the commission of violations pursuant to RSA 676:17-b; provided, however, that notice of such violation shall be given by hand delivery or certified mail, return receipt requested, to the owner and/or to the occupant of such premises, demanding that such violation be abated by the owner and/or occupant at least thirty (30) days prior to the commencement of such proceedings.
2. Penalties: A violation of this ordinance, or any provision thereof, shall be punishable by a civil penalty of fifty dollars (\$50), and each day of violation after the expiration of the thirty-day period provided in Paragraph 1 shall constitute a separate offense for the purpose of calculating the civil penalty.

F. Definitions

1. Disability Glare is caused by stray light within the eyes, producing a veiling luminance upon the retinal image of an object to be seen, resulting in reduced object visibility.
2. Foot-candle: A unit of measure for luminance. A unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.
3. Full cut-off fixture: A luminaire that by design of the housing does not allow any light dispersion or direct glare to shine at a vertical angle above 90 degrees above vertical axis or nadir.
4. Horizontal luminance: The measurement of brightness from a light source, measured in foot-candles or lumens, which is taken through a light meter's sensor at a horizontal position.
5. Light trespass: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.
6. Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this ordinance, the lumen-output value shall be the initial lumen output rating of a lamp.
7. Luminaire: A complete lighting unit consisting of a lamp or lamps and ballasting (when applicable) together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
8. Up lighting: Any light source that distributes illumination above a vertical angle of 90 degrees above vertical axis or nadir.