

ZONING ORDINANCE
Town of Groton, New Hampshire

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Article 1: Purpose

The Zoning Ordinance of the Town of Groton, New Hampshire is intended to regulate land use within the Town. It was designed to take into account the impacts of land uses and to encourage the most appropriate use of land to help Groton meet change responsibly by guiding growth in an orderly, constructive manner. This Ordinance is meant to promote the health, safety, and general welfare of all residents and visitors to Groton as set forth in Chapter 674, Sections 16 to 23, New Hampshire Planning and Land Use Regulations, as amended. The following ordinance is hereby adopted by the voters of the Town of Groton.

Article 2: Title

This ordinance shall be known and hereafter may be cited as "The Town of Groton Zoning Ordinance", hereinafter referred to as "this Ordinance".

Article 3: Districts and District Regulations

The Town of Groton shall be composed of the following districts:

- A. Rural Residential
- B. Forestry and Conservation
- C. Renewable Energy and Forestry
- D. Floodplain and Aquifer Overlay

These districts, as established, are shown in Appendix A and B, "Zoning Maps of the Town of Groton" which are hereby declared to be a part of this Ordinance. Where there is doubt as to the location of a zoning district boundary, the Board of Adjustment, subject to consultation with the Planning Board, shall determine the location of such boundary consistent with the intent of this ordinance and the zoning map.

Rural Residential District

Purpose Statement

The purpose of the **Rural Residential District** is to direct the majority of Groton's future development activity to the portions of the community that are most appropriate for development. This District is currently where the largest number of structures are located, provides access to existing private, town and state roads, and has the least constraints to development. However, this District is also the most densely populated and visible to residents and visitors alike and will require careful future development to protect Groton's rural character, environment and precious natural resources.

Subject to approval, land in the Rural Residential District may be developed, and dwellings or other structures may be erected or altered, only for the following uses:

Permitted Uses (as defined in Article 10)

- Single Family Residential Dwelling
- Home Occupation and Home Business
- Forestry
- Agriculture
- Conservation

Dimensional Requirements

- Minimum Lot Size: 3 acres (excluding wetlands and slopes > 20%)
- Frontage: 200 feet
- Front Setback: 50 feet
- Side and Rear Setbacks: 25 feet
- Lot Coverage: <20%
- Height Limit: 35 feet



Above is a diagram outlining dimensional requirements for properties within the Rural Residential District. This image is not to scale.

Related Provisions:

- Environmental Performance Standards
- Conservation Subdivisions
- Accessory Dwelling Units (ADU)
- Home Occupation and Home Business Guidelines
- Residential Dwelling and ADU, limit one of each and additional outbuildings by permit
- Agricultural Standards
- Floodplain Development Regulations

Forestry and Conservation District

Purpose Statement

The purpose of the **Forestry and Conservation District** is to encourage working forests, protect wildlife habitat, and protect water quality while requiring a very low density of development. The District is characterized by unfragmented areas and large single parcels, extensive conservation land, and historically, its use has centered around the wood-products industry and recreational opportunities. Access to these areas is challenging and the majority of the land is heavily constrained due to the presence of steep slopes, wetlands and other critical natural resources.

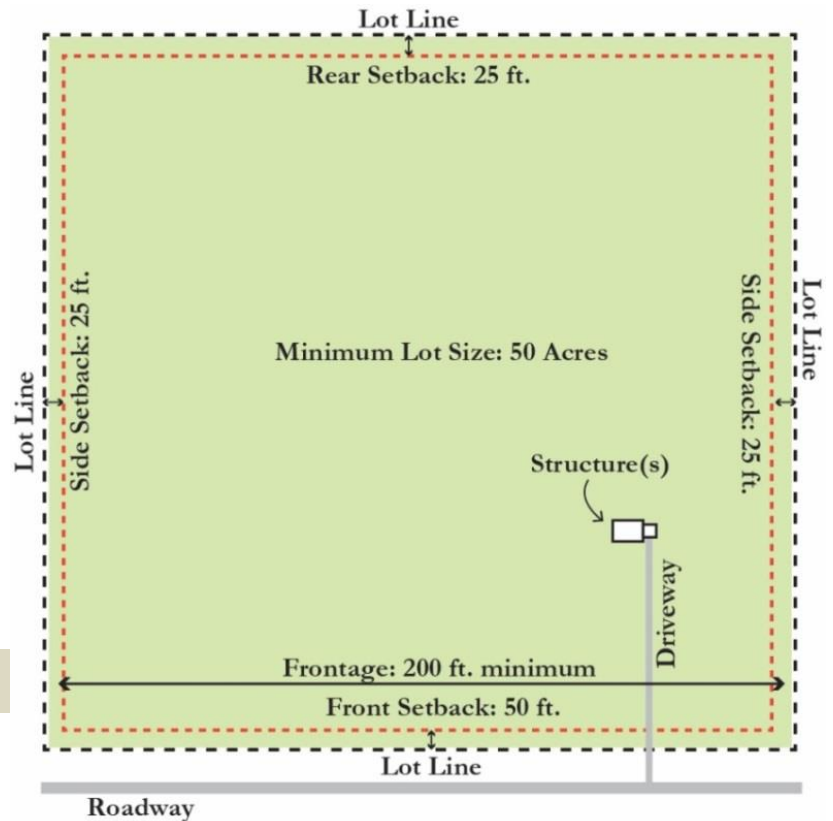
Subject to approval, land in the Forestry and Conservation District may be developed, and dwellings or other structures may be erected or altered, only for the following uses:

Permitted Uses (as defined in Article 10)

- Single Family Residential Dwelling
- Home Occupation and Home Business
- Forestry
- Agriculture
- Conservation

Dimensional Requirements

- Minimum Lot Size: 50 acres
- Frontage: 200 feet
- Front Setback: 50 feet
- Side and Rear Setbacks: 25 feet
- Height Limit: 35 feet



Above is a diagram outlining dimensional requirements for properties within the Forestry and Conservation District. This image is not to scale.

Related Provisions:

- Environmental Performance Standards
- Conservation Subdivisions
- Accessory Dwelling Units (ADU)
- Home Occupation and Home Business Guidelines
- Residential Dwelling and ADU, (limit 1 of each) and outbuildings by permit
- Agricultural Standards
- Floodplain Development Regulations

Renewable Energy and Forestry District

Purpose Statement

The purpose of the **Renewable Energy and Forestry District** is to provide a location for the establishment of commercial wind and solar installation in a portion of the community that has the least number of residents and reasonable access to Route 25. This portion of the community is currently the location of a large commercial wind operation but does include land areas with additional development potential. Considering its location adjacent to the area developed as a business district for the Town of Rumney, proximity to Plymouth's Commercial District and limited access points from Groton or Route 25, it is likely to be best suited to forestry or commercial energy related businesses.

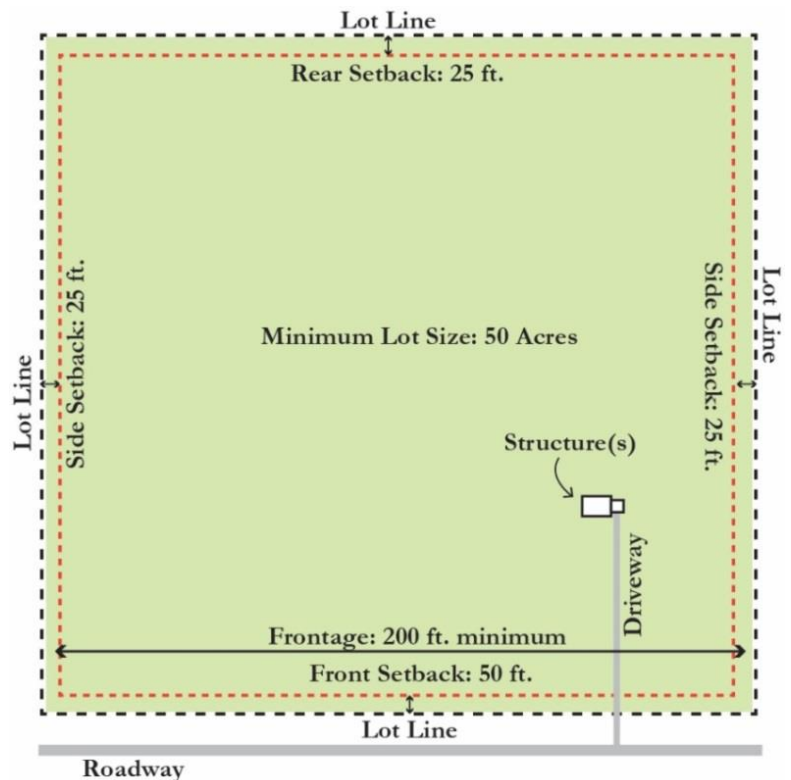
Subject to approval, land in the Renewable Energy and Forestry District may be developed, and other structures may be erected or altered, only for the following uses:

Permitted Uses (as defined in Article 10)

- Commercial Wind and Solar Energy Facilities
- Forestry
- Agriculture
- Conservation

Dimensional Requirements

- Minimum Lot Size: 50 acres
- Frontage: 200 feet
- Front Setback: 50 feet
- Side and Rear Setbacks: 25 feet
- Height Limit: 35 feet



Above is a diagram outlining dimensional requirements for properties within the Renewable Energy and Forestry District. This image is not to scale.

Related Provisions:

- Environmental Performance Standards
- Large Wind Energy Systems (LWES)
- Agricultural Standards

Article 4: General Provisions

4.1 Obnoxious Use

Any use that may be obnoxious or injurious by reason of production, emission of odor, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health and safety of the community or leading to its disturbance or annoyance, is prohibited.

4.2 Agriculture Performance Standards

The keeping of animals shall be prohibited within one hundred (100) feet of surface waters.

BMP reference needed – Text coming from Deb

4.3 Environmental Performance Standards

Environmental performance standards have been developed to protect the long-term quality of the natural environment in Groton. Best management practices must be followed for all development and forestry activities. Below are some additional standards applicants must comply with:

Steep Slopes Performance Standards

For the purposes of this section, steep slope areas shall be defined as naturally existing, continuous areas of land, with a contiguous area of 0.25 acre or more, which have an average slope of 20% or greater.

Restrictions in Steep Slope areas:

In order to guard against potential hazards created by development of steep slope areas, development within these areas shall be limited and shall be subject to the following restrictions:

- No portion of a steep slope area shall be used for the construction of leaching beds or trenches which are part of a subsurface sewage disposal system;
- No temporary or permanent structures shall be erected on a steep slope area;
- Not more than 25% of a steep slope area shall be cleared of healthy existing vegetation;
- Portions of a steep slope area affected by construction activities shall be given special attention with regard to erosion control; and
- No portion of a steep slope area shall be subject to discharge from a stormwater management system.

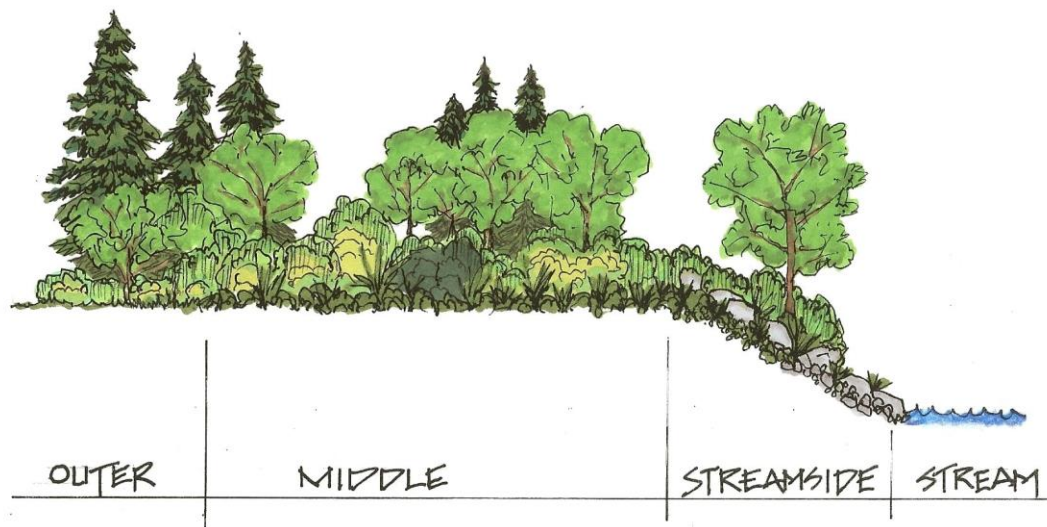
Surface Water Buffer Performance Standards

For the purposes of this section, surface water shall be defined as rivers, streams, ponds, lakes, and wetlands larger than 0.25 acre.

Protective Surface Water Buffer:

- The setback for surface waters shall be measured from the outermost limit of that water body;
- All development activities shall require a 50' vegetative buffer from any surface water body; and
- Nothing in this ordinance shall relieve any person of the obligation to comply with all applicable vegetative buffer provisions of the Water Quality Protection Act, (SWQPA) RSA 483-B: 1-22, as the same may be amended from time to time.

Figure _ Example of a Surface Water Buffer



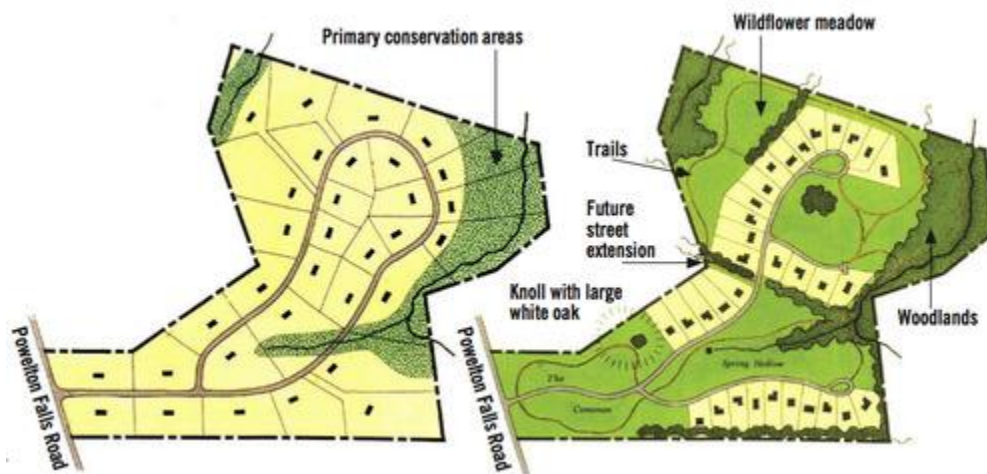
4.4 Conservation Subdivisions

- A. Conservation subdivisions are developments intended to conserve open space, protect natural resources and the environment, and to maintain rural character by allowing structures to be built on lots of reduced dimensions. All subdivision developments are encouraged to utilize a

conservation subdivision approach in Groton. The specific objectives of conservation subdivision developments include:

- to locate buildings and structures on those portions of the site that are most appropriate for development and avoiding developing in areas ill-suited for development (such as those with highly erodible soils, steep slopes, wetlands, etc.);
- to preserve areas of high ecological value;
- to create a contiguous network of open spaces or greenways by linking common open spaces within the subdivision, and to adjacent open space and conservation lands wherever possible;
- to reduce the impacts on water resources by minimizing land disturbance;
- and to reduce the extent of roads and other infrastructure that must be built and maintained.

Figure _ Example of a Traditional Subdivision and a Conservation Subdivision



- B. Land area not used for individual lots, construction of buildings, roads or on site sewer or water systems shall be permanently maintained by conservation easement for the purposes of forestry, wildlife habitat, and recreational opportunities with public access rights.

- C. The conservation land placed in a conservation easement shall be held, managed, and maintained by the developer only until it can be held in one or more of the following ways:
1. By a Homeowner's Association, set up and made a part of the deed or agreement for each lot or dwelling unit in order to ensure that the common land will be held in perpetuity as conservation land.
 2. By a Conservation Trust, or non-profit organization which will ensure that the common land will be held in perpetuity as conservation land.

In any of the above situations, the Groton Conservation Commission or a Land Trust should be named as a secondary easement holder, and shall be responsible for ensuring the primary conservation easement holder follows the easement language as recorded.

- D. Base Number of Dwelling Units: the initial number of dwelling units that may be constructed on the property will be determined by the underlying zoning district and the land area of the development.
- E. Incentives: Additional dwelling units and/or lots, not to exceed 20 percent over and above the base number of dwelling units permitted, may be awarded at the discretion of the planning board for incorporating any of the following:
1. Conservation of greater than 50 percent of the buildable area of the parcel within the designated open space shall receive a 5 percent increase in the number of dwelling units allowed for every additional 10 percent of open space protected, up to a maximum increase of 15 percent over the base number of dwelling units allowed.

2. Developments that grant public access, i.e. not limited to residents of the subdivision, to the designated conservation land shall be eligible for up to a 10 percent increase in the number of dwelling units allowed.
3. Developments that provide a stewardship fund payment for the conservation easement that includes participation with a recognized conservation organization, or land trust, shall be eligible for a 10 percent increase in the number of dwelling units allowed.

Conservation Subdivision Example: a developer wanting to build 4 dwellings could cluster them on one area in the Forestry and Conservation District, but this would require a minimum of 200 acres to do so. The developer would also be required to place a significant amount of that land under conservation easement (open space with no future development rights). This approach to development would help conserve open land and also provide small communities for those who prefer neighborhood

4.5 Junk Yards

Junk yards or places for the storage, selling or transferring of discarded machines, motor vehicles, or other scrap materials are not permitted within the Town of Groton. Except for:

- Public facilities that are owned or operated by the Town, and
- Those junk yards approved, properly licensed and fully compliant with all state and local requirements prior to the first legal notice of proposed changes for this Ordinance or amendment thereto.

4.6 Damaged Structures or Hazardous Conditions

Any structure suffering extensive or obvious damage by fire, wind or other casualty or any condition which constitutes a hazard shall be repaired or removed within one (1) year of such

occurrence. All debris shall be removed and cellar holes, abandoned wells or similar excavations shall be filled to ground level or guarded by covers, fences or other means in a manner acceptable to the Selectmen.

4.7 Non-Conforming Parcels or Usage

1. Non-Conforming Uses. Any existing non-conforming use shall not be changed to another non-conforming use.

2. Non-Conforming Lots. A non-conforming lot of record as of the effective date of this Ordinance, or amendment thereto, may be built upon, without the need for a variance, provided that all provisions of this Ordinance except lot size and/or frontage can be met.

4.8 Residential Dwelling Limit

Within the Town of Groton only one single family residential dwelling and one attached Accessory Dwelling Unit (ADU) shall be allowed on a buildable lot. The ADU is subject to Article 4.9 below.

4.9 Accessory Dwelling Units

An attached accessory dwelling unit shall be permitted by conditional use permit in all zoning districts that permit single family dwellings, subject to the following:

- A. Only one (1) ADU shall be permitted for each single-family dwelling.
- B. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.

- C. The ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
- D. The ADU shall be attached to the principal dwelling unit. In order to be considered an attached ADU there must be a common wall between the principal dwelling unit and the ADU. Detached accessory dwelling units are prohibited.
- E. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property.
- F. The ADU shall not exceed 750 square feet in habitable floor area.
- G. An ADU shall be provided a minimum of two (2) off-street parking spaces.
- H. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services.
- I. An attached ADU must meet lot area requirements provided for the principal dwelling unit. This includes frontage and all lot setback requirements.

4.10 Home Occupation and Home Business Standards

A. Intent: Home based opportunities are important to the Town in order to provide tax diversity, employment prospects, and to support the variety of service needs characteristic of small towns. At the same time, the ordinance intends to ensure that the Town and neighborhood character is not changed, property values are protected, private roads/easements are maintained and plowed equably among neighbors, the Town's natural resources and environment are protected and the quiet, rural and scenic features of Groton are preserved.

B. Home Occupation: The Home Occupation must be conducted on-site, within the dwelling or an accessory subordinate structure to the dwelling, by member(s) of the domiciled family that own the dwelling. The use must be clearly incidental and secondary to the use of the dwelling as a residence.

C. Home Business: The Home Business must be conducted on-site, transacted within the dwelling or an accessory subordinate structure to the dwelling, or entirely off-site, by member(s) of the domiciled family that own the dwelling. A Home Business may have 1 – 4 employees who are not family members or domiciled at the dwelling. Following required application to the Planning Board and Site Plan Review, the Board will consider and act upon the Home Business application.

The Home Occupation or Home Business use must comply with the following requirements/prohibitions:

1. There shall be no external effects including noise, odor, vibration, dust, smoke, or emissions and there shall be no hazard to person or property.
2. One non-obstructive, non-glaring outside light (directed down and away from neighbors) and one sign, non-flashing, not to exceed four (4) square feet is allowed.
3. There shall be no window displays or other characteristics or features normally associated with business use.
4. There shall be no waste (liquid or solid or vegetation) or any other trash/disposal issues on the property.
5. There shall be no significant generation of traffic not normally associated with a residence. If the Home Occupation or Home Business is located on a private road or right-of-way easement, that access shall be maintained and plowed. The domiciled family must contribute a proportional share of the maintenance and plowing/sanding expenses, and may be required to sign an agreement describing his/her obligations.
6. There shall be no on-street parking.
7. All septic and water systems must comply with state and local requirements of design, capacity and maintenance.

8. There shall be no material accumulation, display of goods, or storage/parking of equipment and vehicles (associated with the Occupation or Business) unless satisfactorily screened from roads and neighboring properties by natural or structural means to the extent, and in such a manner as may be specifically required and approved by the Planning Board.
9. All local, state, and federal laws and permits must be complied with.
10. Reasonable requests by local, state, and federal officials to inspect the property, dwelling and accessory structures must be complied with.
11. There shall be no electrical interference, or a nuisance to the surrounding neighbors.

Article 5: Flood Plain Development

Coming from NH OSI

Article 6: Large Wind Energy Systems (LWES)

Posted on Town web site

Article 7: Board of Adjustment

A. Groton's Board of Adjustment shall consist of five (5) members conforming in duties to the provisions of Chapter 674:33 of the New Hampshire Planning and Land Use Regulations. In addition to the general powers granted said Board of Adjustment by said Chapter 674, it may, in harmony with its general purposes and intent, make special exceptions to the terms of the ordinance if the Board finds:

1. That the granting of such special exception is not contrary to promoting the public interest and convenience of the citizens of Groton.
2. That the granting of such special exception will not result in diminution of the

values of surrounding properties.

3. That for any uses involving vehicles, the special exception will be granted only if adequate provisions for off-street parking is provided and the applicant contributes a proportional share of the maintenance and plowing/sanding expenses for any private road and where appropriate signs an Agreement describing his/her obligations.

4. That the granting of such special exception will not be contrary to the spirit of this Ordinance.

B. Any variance approving a use, which use has not commenced within one year from the granting of said variance, shall lapse.

Article 8: Enforcement and Penalties

A. Authority. It shall be the duty of the Board of Selectmen, and they are hereby empowered to administer and enforce the provisions of this Ordinance.

B. Penalties. Penalties shall be as set forth by the Town.

C. The Selectmen shall be authorized to seek enforcement, conviction and injunction in the appropriate court and the violator shall, in addition to the fines, be liable for the Town's expenses in seeking said conviction and/or injunction.

Article 9: -Validity

A. Separability: If any section, subsection, paragraph, sentence, clause, provision, word or phrase of this Ordinance is held to be invalid or unconstitutional by any court or any competent authority, such holding shall not effect, impair or invalidate any other section, subsection, paragraph, sentence, clause, provision, word or phrase of this Ordinance.

B. Amendments

This Ordinance may be amended in the manner provided in New Hampshire Planning and Land Use Regulations, Chapter 674, as amended.

C. Effective Date

This Ordinance is enacted by the voters of the Town of Groton, New Hampshire in official Town Meeting convened March 13, 2019. The Ordinance will take effect immediately upon passage.

Article 12: Definitions

Accessory Dwelling Unit. An "accessory dwelling unit" (or "ADU") is a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Agriculture.

Conservation.

Forestry.

Frontage.

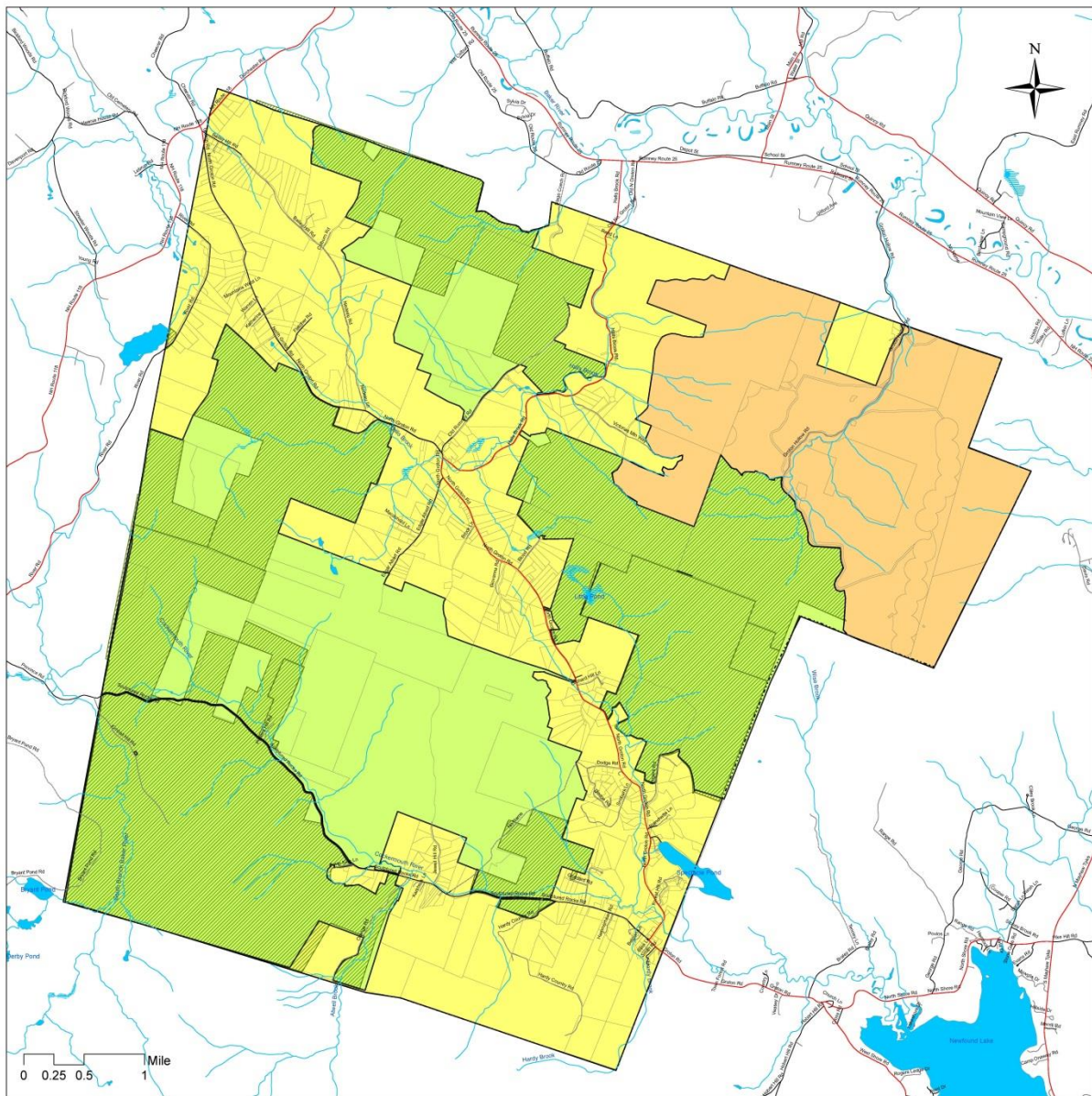
Home Business.

Home Occupation.

Setback.

Single Family Residential Dwelling

Appendix A:



--- Municipal Boundary
 --- Tax Parcels
 --- Transportation Line
 --- Streams
 --- Lakes & Ponds
Local Roads & Highways
 --- State
 --- Local
 --- Private
 --- Not Maintained

Conservation & Public Lands - 2018
Proposed Zoning Districts
 Foresty & Conservation
 Renewable Energy & Forestry
 Rural Residential
 com_1_unreserved
 Tax Parcels

Data Sources:

1. Conservation & Public Lands: GRANIT GIS database
2. Hydrography: GRANIT GIS database
3. Roads: NHDOT - 2016
4. Slope: USGS Digital Elevation Model - 30 meter
5. Soil: NRCS Soil Survey - Grafton County
6. Wetlands: USFWS National Wetlands Inventory
7. Wetlands Habitat: NH Fish & Game, NHWAP - 2015
8. Floodplains: GRANIT GIS database
9. Aquifers: USGS & GRANIT
10. Wildlife Habitat: NH Fish & Game, NH Wildlife Action Plan - 2015

Map Notes:

1. The purpose of this map is to inform discussion by the Groton Planning Board and related committees on the proposed delineation of new zoning districts in the town.
2. Mapping of the zoning districts relies on tax parcel mapping prepared and maintained by Terra Map, a division of Altair Associates of New England, Inc. Tax maps are considered cadastral survey documents and may not reflect actual landownership boundaries.
3. The municipal boundary of the Town of Groton as shown in the map is taken from the tax parcel data and may vary from other boundary data used in other Groton map.

Summary of Preliminary Zoning Statistics

Town of Groton 9/12/2018				
Zone	Total Acres	Percent of Town	Acres Conserved	Percent Zone Conserved
Rural Residential	8,626	34.4%	0	0.0%
Forestry & Conservation	22,756	89.8%	8,504	46.7%
Renewable Energy & Conservation	3,713	14.8%	0	0.0%
Totals	25,095		8,504	33.9%

Town of Groton Draft Zoning Map



A Project of the Town of Groton Planning Board

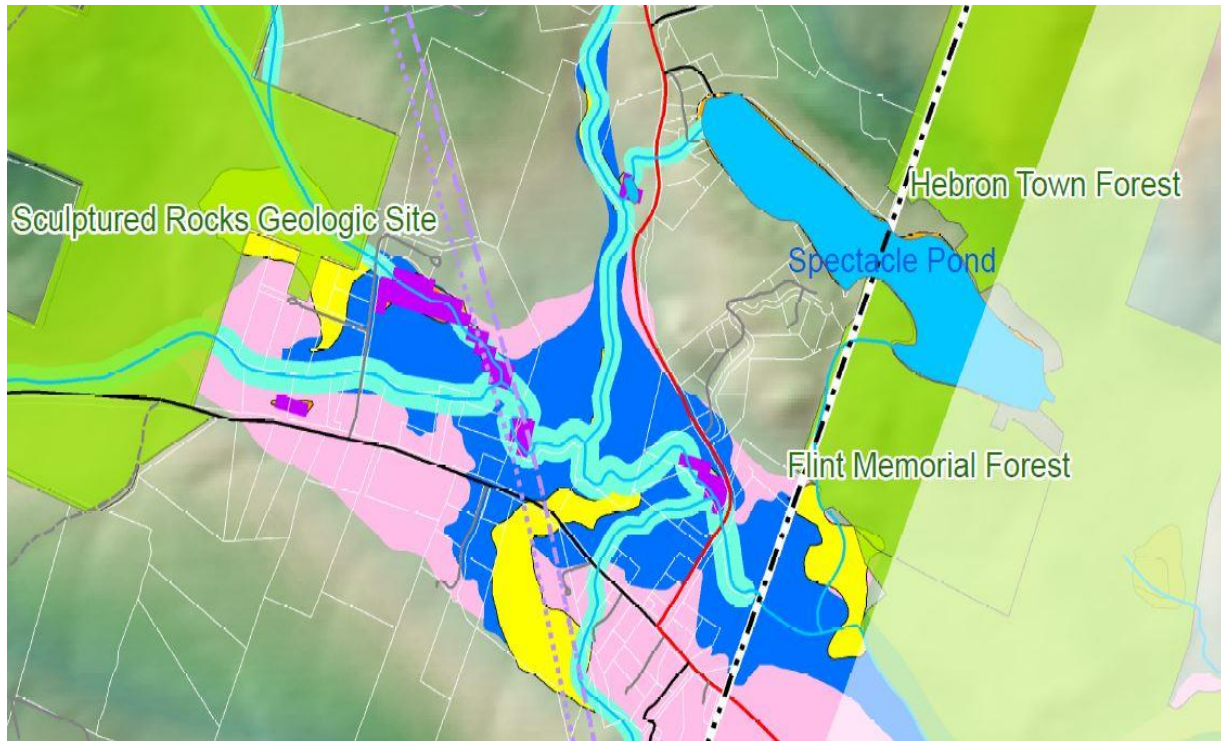
Master Plan & Land Use Consultant:
Resilience Planning & Design



Mapping & Analysis by
GreenFire GIS
September 12, 2018

Appendix B:

Floodplain & Aquifer Overlay



Key: Blue – Flood Plain
Pink – Aquifer
Yellow – Hydric Soils
Light Blue – Surface Waters
Purple – Marsh/Wetland

Permitted Uses. Permitted uses are those uses which do not involve the erection or construction of any structures, do not alter the natural surface configuration by the addition of fill or by excavation or dredging, and are uses that are otherwise permitted by this ordinance. Such uses include the following:

1. Forestry and tree farming using best management practices.
2. Agriculture using best management practices.
3. Wildlife refuges for the preservation of habitat and wildlife corridors.
4. Outdoor recreation uses consistent with the objectives of protecting and preserving the environment and natural resources.
5. Conservation areas and nature trails.