

4.01 Establishment of Districts and Statement of Purpose of Each

B. Overlay Districts

Certain lands within the Town of Bow are hereby included in the following Overlay Districts for the purposes so stated, and as shown on the Official Zoning Map (Section 4.02A). The Overlay Districts are superimposed upon the Base Districts so that the regulations pertaining to the Overlay Districts shall be in addition to the regulations of the Base Districts such that land so encumbered may be used if and to the extent that such use is permitted in the applicable Base and Overlay Districts. Where regulations differ between the Base and Overlay Districts, the regulations that are more restrictive or impose the higher standards shall control.

1. Wetlands Conservation (WC) District ~~The purpose of the Wetlands Conservation District, in the interest of the public health and welfare, is to protect and regulate the use of wetlands and wetland buffer areas in the Town of Bow. The WC District is intended to:~~

- ~~a. Control the development of structures and land uses within the WC District that would contribute to the pollution of surface waters and groundwater;~~
- ~~b. Prevent the destruction of wetlands which provide flood protections, ground water recharge, pollution abatement, and the augmentation of stream flow during dry periods, and which are important for such other reasons cited in RSA 482-A:1;~~
- ~~c. Prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of unwise use of water resources;~~
- ~~d. Encourage those uses that can be appropriately and safely located in the WC District;~~
- ~~e. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;~~
- ~~f. Preserve and enhance those aesthetic values associated with the Surface Waters and Wetlands of the Town;~~
- ~~g. Protect wildlife habitats and maintain ecological balances; and~~
- ~~h. Protect unique and unusual natural areas.~~

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

~~The Floodplain District is established for the following purposes:~~

- ~~a. To reduce the hazards of floods upon the public health, safety, and welfare;~~
- ~~b. To protect floodplain occupants from a flood that is or may be caused by their own land use;~~
- ~~c. To protect the public from the burden of extraordinary financial expenditures for flood control and relief; and~~
- ~~d. To protect the capacity of floodplain areas to absorb, transmit, and store runoff.~~

3. Aquifer Protection (AP) District ~~The Aquifer Protection District is established for the following purposes:~~

- ~~a. To preserve and maintain the existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the Town, and protect them from adverse development or land use practices;~~
- ~~b. To preserve and protect present and potential sources of drinking water supply for the public health and safety; and~~
- ~~c. To conserve the natural resources of the Town of Bow.~~

5.11 Table of Use Regulations

Article 05

TABLE OF USE REGULATIONS

Use Regulations

PRINCIPAL USES	DISTRICTS								Supplementary Regulations Reference
	RU	R	R-1	C	I-1	I-2	CV		

A. RESIDENTIAL									
1. Single Family	P	P	P	-	-	-	-		
2. Housing for the Elderly	P	P	P	-	-	-	P	Section 7.05	
3. Manufactured Housing Park	C	-	-	-	-	-	-	Section 7.03	
4. Manufactured Housing Subdivision	P	-	-	-	-	-	-	Section 7.03	
5. Boarding or Rooming House	S	S	S	-	-	-	-		

6. Open Space Residential Development	P	P	P	-	-	-	-	Section 7.02
<u>7. Multi-family</u>	-	-	-	P	-	-	-	<u>Section 7.28</u>

ACCESSORY USES	DISTRICTS								Supplementary Regulations Reference
	R	U	R	R-1	C	I-1	I-2	CV	

A. RESIDENTIAL								
1. Home Occupation	P	P	P	P	P	P	P	Section 7.06
2. Cottage Industry	S	S	S	S	S	S	S	Section 7.07
3. Storage of Equipment / Surplus Associated with an Off-Premise Occupation	S	S	S	S	S	S	-	
4. Accessory Structures and Facilities including but not limited to Tool Sheds, Greenhouses, Swimming Pools, and Tennis Courts	P	P	P	P	P	P	P	Section 7.15
5. Grazing, Care, Raising, and/or Keeping of Livestock for Personal Use	P	P	P	S	S	S	S	Section 7.18
6. Accessory Dwelling Unit								Section 7.04
a. Attached	P	P	P	P	P	P	P	
b. Detached	G P							
7. Home Based Day Care (RSA 672:1 V-a)	P	P	P	P	P	P	P	Section 7.08
8. Storage and Use of a Registered Boat, Recreational Vehicle, Camping Trailer, or Motor Vehicle	P	P	P	P	P	P	P	Section 7.17

7.04 Accessory Dwelling Units

Definition Section

Dwelling Unit, Accessory - a residential living unit that is subordinate and within or attached to a single-family dwelling, or is located in a detached structure, and located on a lot containing a single-family dwelling 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. Accessory dwelling units may be constructed at the same time as the principal dwelling unit.

Attached unit - a unit that is within or physically connected to the principal dwelling unit or completely contained within a preexisting detached structure.

Detached unit - a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

Only one accessory dwelling unit per lot shall be permitted. An accessory dwelling unit may be incorporated within or attached to any single-family dwelling in any zoning district. A detached accessory dwelling unit may be permitted by Conditional Use Permit. An Existing structure may be converted into an accessory dwelling unit regardless of whether such structure violates existing dimensional requirements for setbacks or lot coverage.

The following provisions apply to all types of accessory dwelling units:

A. The single family dwelling is located on a lot having at least the minimum lot area or frontage required by the Ordinance, or is located on a non-conforming lot which is served by a municipal sewer;

BA. An on-site septic system for the combined ADU and single-family home shall comply with NHDES requirements. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. For lots with access to municipal utilities, permission to connect the ADU may be necessary. The single family dwelling is located on a lot either served by municipal sewer, or is connected to a septic system with adequate capacity to service the total number of bedrooms within the single family residence and the accessory dwelling unit;

CB. The accessory dwelling unit shall not exceed 800 square feet of Habitable Floor Area; and

DC. At least One of the dwelling units shall be occupied by a deeded owner of the property.

7.28 Multi-family Housing in the Commercial District

In accordance with RSA 674:80, multi-family residential development is permitted in the Commercial District, provided that adequate infrastructure, including roads, water, and sewage systems, is available to support the development. A determination of adequate infrastructure is to be made by the Planning Board during its Site Plan review process. All available ground floor space in such buildings must be dedicated to retail or similar uses.

10.01 Wetlands Conservation (WC) District

A. Authority and Purpose for the WC District

The WC District is adopted pursuant to Section 1.03, Authority, of this Ordinance, and in accordance with the provisions of RSA 674:21, Innovative Land Use Controls. The WC District is considered to be an innovative land use control as environmental characteristics zoning. Within the WC District, the Planning Board is authorized to administer and grant conditional use permits in accordance with Article 12, Conditional Use Permits, of this Ordinance. Reasonable Exceptions from the terms of Section 10.01 may only be approved through a Conditional Use Process by the Planning Board where the applicant, in addition to the standards contained in Section 10.01 F. 1 through 3 and Article 12, meets the additional standards of Section 10.01 F. 4.

The purpose of the Wetlands Conservation District, in the interest of the public health and welfare, is to protect and regulate the use of wetlands and wetland buffer areas in the Town of Bow. The WC District is intended to:

1. Control the development of structures and land uses within the WC District that would contribute to the pollution of surface waters and groundwater;
2. Prevent the destruction of wetlands which provide flood protections, ground water recharge, pollution abatement, and the augmentation of stream flow during dry periods, and which are important for such other reasons cited in RSA 482-A:1;
3. Prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of unwise use of water resources;
4. Encourage those uses that can be appropriately and safely located in the WC District;
5. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;
6. Preserve and enhance those aesthetic values associated with the Surface Waters and Wetlands of the Town;
7. Protect wildlife habitats and maintain ecological balances; and
8. Protect unique and unusual natural areas.

B. Establishment of the WC District

1. The WC District is established in accordance with, and for the purposes so stated ~~in Section 4.01, Establishment of Districts and Statement of Purpose of Each, of this Ordinance above.~~
2. The WC District shall consist of the following lands:

- a. Lands as indicated in Section 4.02, Zoning Map, of this Ordinance;
- b. Lands that meet the definition of Wetlands, Vernal Pools, or Surface Waters as specified in Article 3, Definitions, of this Ordinance (collectively "Wetlands Resources");
- c. Lands designated as Prime Wetlands pursuant to RSA 482-A:15, N.H. Administrative Rules Env-Wt 700, and this Section; and
- d. Buffers to Wetlands, Vernal Pools, Prime Wetlands, and Surface Waters as designated pursuant to this Section (collectively "Wetlands Buffers").

3. If a boundary of the WC District is disputed by either the Planning Board or an applicant, the exact location of the boundary shall be determined by the Planning Board in consultation with the Conservation Commission. The Planning Board, at the applicant's expense, may engage a certified wetland scientist to determine the precise location of the WC District boundary, using the methodology consistent with N.H. Administrative Rules Env-Wt 100-900, and in accordance with the "1987 Corps of Engineers Wetlands Delineation Manual", as modified by the 2011 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*, or most current methodology accepted by NH DES Wetlands Bureau and providing documentation in the form of the US Army Corps of Engineers WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region. ~~In the alternative, the applicant may retain such a scientist, acceptable to the Planning Board and Conservation Commission, to make such determination.~~ A report of the scientist's findings shall be submitted to the Planning Board and the Conservation Commission, and shall include, if warranted, a revised wetland map of the area in question along with a written report of the results of the investigation together with the completed data forms.

4. Signage Required. Required Wetlands Buffers on parcels for which conditional use permits, subdivisions, and site plans have been approved shall be marked at 50' intervals with signs approved by the Conservation Commission.

C. Prime Wetlands

Wetlands designated as Prime Wetlands by the town of Bow, within the scope of RSA 482-A and N.H. Code of Administrative Rules Env-Wt 700, are described in the Bow Wetlands Report dated December 1989 and ~~include the following wetlands~~are listed below:

PRIME WETLANDS

WETLAND NUMBER	LOCATION	TAX MAP SHEET NO.
32	Great Meadow Swamp Woodhill-Hooksett Road	33, 38
34	Center Brook and Horse Brook	33, 34, 38
35	Bow Bog Brook upstream of Interstate 93	34, 35
43	Brown Hill Road and	13, 18

	Dunbarton Center Road	
44	White Rock Brook Branch Londonderry Turnpike West	13
45	Headwaters of White Brook	13, 18, 23
55	White Rock Brook Birchdale Road area	3, 4, 5
56	Turee Pond	8, 9, 10, 14, 15

D. Buffers to Wetlands and Setbacks from Wetlands

1. The minimum Wetland Buffer shall ~~consist of be maintained as ungraded and~~ undisturbed land in accordance with the following regulations. As set forth in the Table of Minimum Wetlands Setbacks, certain uses must adhere to setback requirements that are more restrictive than the applicable Wetlands Buffer in the Table of Minimum Wetlands Buffer.

2. TABLE OF MINIMUM WETLAND BUFFERS

All dimensions are given in feet.

A. Buffers to Prime Wetlands	150'
B. Buffers to Surface Waters, Wetlands with very poorly drained soils, Vernal Pools ¹	75'
C. Buffers to Wetlands ² 0.25 acre or larger	50'
D. Buffers to other Wetlands, less than 0.25 acre	30'

~~The Wetland Buffers described above shall consist of ungraded and undisturbed upland.~~

3. Buffers shall not be required if the Wetland or Surface Water is one of the following types:

- A. A constructed vegetated swale, roadside ditch, or driveway ditch;
- B. A stormwater management facility such as a detention or retention basin; or
- C. An excavated agricultural, irrigation, or fire pond currently in use as such.

¹ This shall include vernal pools in the RU, R, R-1, and CV Districts.

² This shall include vernal pools in all zones except RU, R, R-1, and CV Districts.

4. TABLE OF MINIMUM WETLAND SETBACKS

All dimensions are given in feet.

- A. Setbacks from Prime Wetlands
- B. Setbacks from Surface Waters, Wetlands with very poorly drained soils, Vernal Pools.
- C. Setbacks from Wetlands 0.25 acre or larger
- D. Setbacks from other Wetlands less than 0.25 acre

A.	B.	C.	D.	Uses and Activities
150	75	75	75	On-site waste disposal systems for one and two family dwellings
150	125	125	125	On-site waste disposal systems for all other uses
150	75	50	30	Buildings, parking lots, and all accessory structures including residential fuel tanks
200	200	200	200	Underground chemical and fuel tanks, except for fuel tanks accessory to a single family dwelling

Where an existing use within the buffer or setback is destroyed or in need of extensive repair, it may be rebuilt provided that such rebuilding is completed within one year of the event causing destruction. The new or rebuilt use shall not extend further into the wetland or setback area than the original use. The buffer shall consist of natural vegetation.

F. Standards for Granting of a Conditional Use Permit in the WC District

1. An application for a conditional use permit in the WC District shall be filed with the Planning Board pursuant to Section 12.02, Application and Review Procedure, of this Ordinance. The Planning Board shall refer the application to the Conservation Commission for review and comment prior to the public hearing on the application. In acting on the application, the Board shall consider any report received from the Commission and information obtained during a site walk.
2. In addition to the requirements of Article 12, Conditional Use Permits, of this Ordinance, the applicant shall provide adequate documentation in order for the Planning Board to make a finding that the proposed use or activity meets the following conditions:
 - a. The proposed activity or use is consistent with the purposes of the WC District;
 - b. The proposed activity minimizes the degradation to, or loss of Wetlands Resources and Wetlands Buffers, and minimizes any adverse impact to the functions and values of Wetlands Resources and Wetlands Buffers as determined by a Wetlands Resources evaluation in accordance with an established methodology such as *The Highway Methodology Workbook Supplement* (1999) of the US Army Corps of Engineers;
 - c. The proposed activity minimizes the environmental impact to abutting or downstream property and/or hydrologically connected water and/or Wetlands Resources;
 - d. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the Wetlands Resources;

e. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the Wetland Buffer;

f. Federal and/or state permit(s) have been received for the proposed activity including those in accordance with N.H. Administrative Rules Env-Wt 100-900, Env-Wq 1400, and the Federal Section 404 Permit; and

g. Where applicable, applicant has provided proof of compliance with all other state and/or federal regulations to the Planning Board.

3. The Planning Board, in acting on an application for a conditional use permit in the WC District, may attach conditions to its approval including but not limited to requirements for more extensive buffers, additional plantings in areas to be revegetated, performance guarantees, and a reduction in proposed impervious surfaces as mitigation measures to offset the adverse impacts to Wetland Resources and Wetlands Buffers.

For uses or activities that involve construction within 25 feet of a Prime Wetland Buffer, or where a Wetlands Buffer is present, in advance of any site disturbance:

- a) Erosion control measures that are appropriate to the site and seasonal conditions shall be installed to protect the Wetlands Resources and Wetlands Buffer;
- b) Barriers to restrict access to sensitive resources during construction (such as orange construction fencing) shall be installed as required by the Planning Board.

All construction, forestry and agricultural activities within one hundred feet (100') of any Wetlands Resource shall be undertaken with special care to avoid erosion and siltation into the Wetlands Resource. When deemed appropriate to protect water quality or a sensitive resource, documentation of Best Management Practices in place may be required by the Planning Board or the Conservation Commission.

4. Reasonable exceptions. The TABLE OF USES FOR THE WETLAND CONSERVATION (WC) DISTRICT specifically authorizes certain Uses and Activities within Wetlands Resources and Wetlands Buffers. The TABLE OF WETLAND BUFFERS specifies the minimum standards for buffers to wetlands. Reasonable exceptions may only be granted by the Planning Board through the Conditional Use Permit process where the applicant additionally demonstrates that granting the exception:

- a. is consistent with the purposes of the Zoning Ordinance,
- b. will not cause undue financial burden on the Town or adjacent properties,
- c. creates a balance between the adverse impacts to Wetlands Resources and Wetlands Buffers and the reduction of adverse impacts to private property, and
- d. is necessary for reasonable use of the property.

~~In addition, the Planning Board may require mitigation measures to offset the adverse impacts to Wetlands Resources and Wetlands Buffers.~~

10.02 Floodplain (F) District

A. Authority and Purpose for the F District

The F District is adopted pursuant to Section 1.03, Authority, of this Ordinance, and in accordance with the provisions of RSA 674:21, Innovative Land Use Controls. The F District is considered to be an innovative land use control as environmental characteristics zoning. Within the F District, where so specified herein, the Planning Board is authorized to administer and grant conditional use permits in accordance with Article 12, Conditional Use Permits, of this Ordinance.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Merrimack, N.H." dated April 19, 2010 or as amended together with the associated Flood Insurance Rate Maps dated April 19, 2010 or as amended, both as adopted by the Board of Selectmen (see Resolution 2010-1 adopted March 9, 2010), which are declared to be a part of this ordinance and are hereby incorporated by reference.

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

The Floodplain District is established for the following purposes:

1. To reduce the hazards of floods upon the public health, safety, and welfare;
2. To protect floodplain occupants from a flood that is or may be caused by their own land use;
3. To protect the public from the burden of extraordinary financial expenditures for flood control and relief; and
4. To protect the capacity of floodplain areas to absorb, transmit, and store runoff.

B. Establishment of the F District

The F District is established in accordance with, and for the purposes so stated ~~in Section 4.01, Establishment of Districts and Statement of Purpose of Each, of this Ordinance above~~, and encompasses lands as indicated in Section 4.02, Zoning Map, of this Ordinance.

10.03 Aquifer Protection (AP) District

A. Authority and Purpose for the AP District

The AP District is adopted pursuant to Section 1.03, Authority, of this Ordinance, and in accordance with the provisions of RSA 674:21, Innovative Land Use Controls. The AP District is considered to be an innovative land use control as environmental characteristics zoning. Within the AP District, the Planning Board is authorized to administer and grant conditional use permits in accordance with Article 12, Conditional Use Permits, of this Ordinance.

The Aquifer Protection District is established for the following purposes:

1. To preserve and maintain the existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the Town, and protect them from adverse development or land-use practices;
2. To preserve and protect present and potential sources of drinking water supply for the public health and safety; and
3. To conserve the natural resources of the Town of Bow.

B. Establishment of the AP District

1. The AP District is established in accordance with, and for the purposes so stated ~~in Section 4.01, Establishment of Districts and Statement of Purpose of Each, of this Ordinance above~~, and encompasses lands as indicated in Section 4.02, Zoning Map, of this Ordinance.

D. Performance Standards

The following Performance Standards apply to all uses in the Aquifer Protection District unless exempt under Section I. Exemptions:

1. For any use that will render impervious more than 15% or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the planning board determines is consistent with New Hampshire Stormwater Manual, ~~December 2008 February 2025, Volumes II and III~~.

14.05 Duration of Permits and Approvals

B. Special Exceptions, Variances, and Conditional Use Permits

~~With the exception of approvals for excavation (for which the Planning Board may specify a date upon which the expiration expires, not to exceed two years, pursuant to Section 7.14 and RSA 155 E:8),~~

Conditional Use Permits issued by the Planning Board or Special Exceptions and Variances issued by the Zoning Board of Adjustment shall automatically expire two (2) years after the date of approval if at that time:

1. The conditions of approval have not been met; or
2. Any related state or local permit or approval is outstanding; or
3. The action authorized by the land use board(s) has not commenced.

Pursuant to Section 7.14 and RSA 155-E:8, the Planning Board shall specify a date upon which excavation approvals expire. Said date shall correlate with progress plan update requirements specified in the New Hampshire Department of Environmental Services Alteration of Terrain (AOT) Permit. If no AOT permit is required for the approved excavation, the permit shall expire five years from the date of Planning Board approval.