

**ENACTED 1989**  
**AMENDED 1990, 1991, 1992**



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# LAND USE AND DEVELOPMENT REGULATIONS AND ORDINANCES

## TOWN OF BRADFORD, NEW HAMPSHIRE

	DATE OF ADOPTION	DATE OF AMENDMENT
Bradford Master Plan	1987	
<b>Regulation or Ordinance</b>		
Zoning Ordinance	March 14, 1989	March 13, 1990 March 12, 1991 March 10, 1992
Wetlands Ordinance	March 14, 1989	
Floodplain Ordinance	March 8, 1988	March 10, 1992
Mobile Home Ordinance	March 9, 1972	
Subdivision Regulations	February 1, 1981	September 9, 1986 January 9, 1990
BOCA National Building Code	March 11, 1987	
Most recent amended		
<b>State of NH Regulations</b>		
Energy Code	RSA 155-D	
BOCA Plumbing Code	RSA 329-A	
Sewerage Disposal Systems	RSA 485-A:29-44	
Fill & Dredge in Wetlands	RSA 482-A:1-15	
Protective Well Radii	RSA 485:35-a	
Life Safety Code	RSA 153:4	

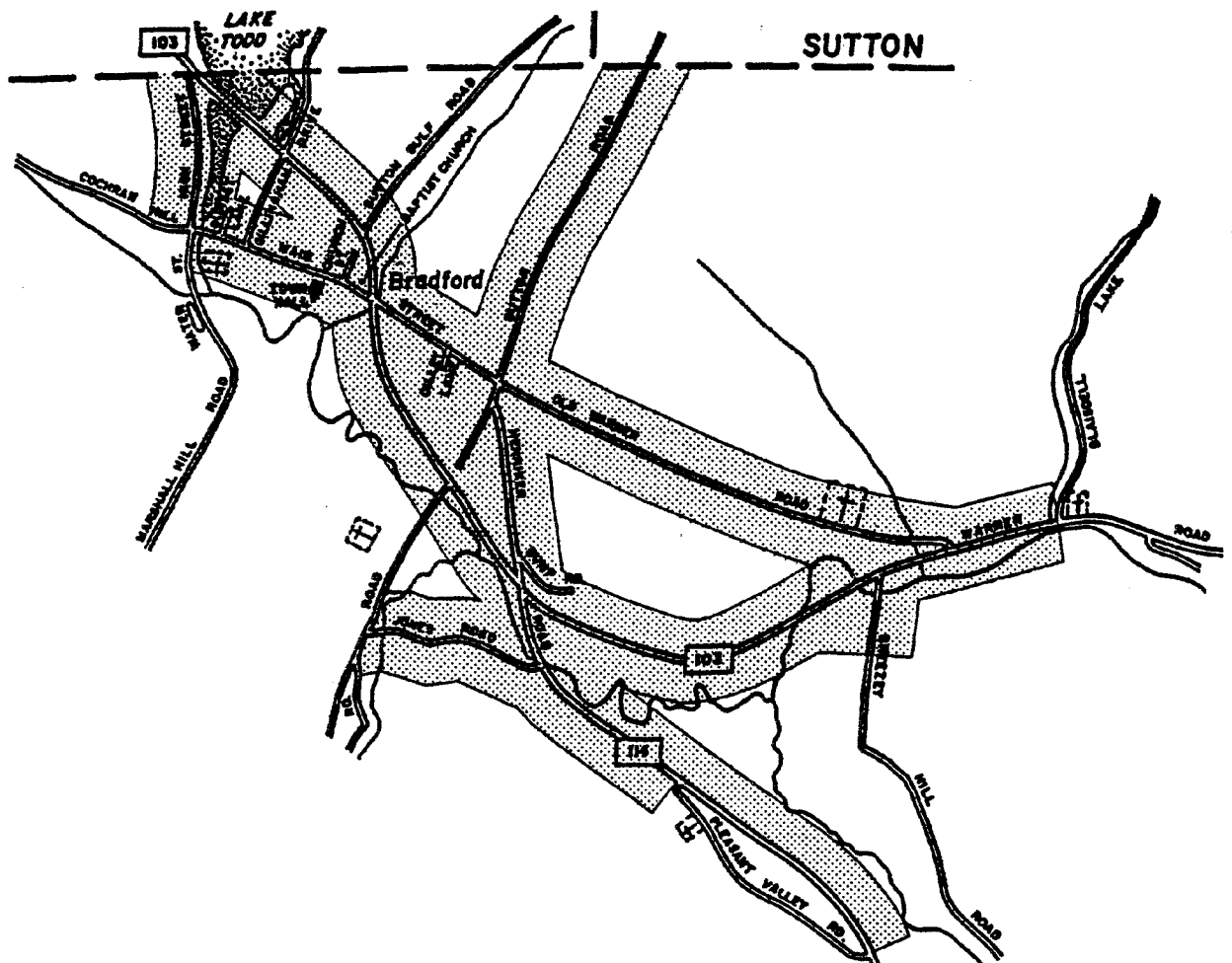
# SUMMARY OF ZONING REGULATIONS

## Residential Business District

Approximate area: 740 Ac.

% of TOTAL area: 3.1%

1. One dwelling or business unit per 2 acres. Additional business or dwelling units may be allowed on the same lot by special exception and shall require an additional 1/2 acre per unit.
2. Each lot to have a minimum contiguous frontage of 250 feet.
3. Sufficient off-street parking to be provided.
4. A larger lot is required where topography, soil, or adequate sewage area requires such.
5. Location of dwelling or business unit:
  - A. Minimum of 50 feet from the edge of the right of way of an accepted public road or 75 feet from the center of an accepted public road, whichever is greater.
  - B. Minimum of 30 feet from abutters' property lines.
6. Maximum height of any building to be 35 feet.



## Conservation District

Approximate area: 5950 Ac.

% of TOTAL area: 25.4%

1. This district contains all land within the town boundaries which is above 1200 feet in elevation.
2. This land is valuable for its open spaces, forest resources, recreational opportunities, and scenery. This district is generally not well suited for development due to its slope, soils conditions and inaccessibility. Based on the merits of site specific conditions, development is allowed for dwelling units, forestry, and agriculture.
3. Each lot shall be a minimum of 5 acres.
4. Each lot to have a minimum contiguous frontage of 400 feet.
5. Off street parking to be provided.
6. Location of dwelling unit:
  - A. Minimum of 50 feet from the edge of the right of way of an accepted public road or 75 feet from the center, whichever is greater.
  - B. Minimum of 30 feet from abutters' property lines.
7. Maximum height of any building to be 35 feet.



## Residential Rural District

Approximate area: 16,775 Ac.

% of TOTAL area: 71.5%

1. One dwelling unit per 2 acres.
2. Each lot to have minimum contiguous frontage of 250 feet .
3. Off street parking to be provided.
4. Location of dwelling unit:
  - A. Minimum of 50 feet from the edge of the right of way of an accepted public road or 75 feet from the center, whichever is greater.
  - B. Minimum of 30 feet from abutters' property lines.
5. Maximum height of any building to be 35 feet.



# ARTICLE I

## General Statement of Purpose

In pursuance of the Laws of the State of New Hampshire (Title LXIV N.H. Statutes Annotated), in accordance with the intent of the current Bradford Master Plan and in order to protect and promote the general welfare of the Town by preserving its rural charm and natural resources and promoting open space and a strong business climate, the following Ordinance is enacted by the voters of the Town of Bradford, New Hampshire.

# ARTICLE II

## Definitions

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. Abutter - means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.
2. Accepted Public Road - means:
  - A. any highway, road, or right-of-way which the state or county has an obligation to maintain; and
  - B. any highway, road, or right-of-way dedicated to and accepted by the town of Bradford.Note: "accepted public road" shall not include any road or right-of-way which has been discontinued as an open highway or made subject to gates and bars or which shall not have been maintained and repaired by the town in suitable condition for travel for five (5) successive years or more.
3. Accessory Dwelling Unit - means a second dwelling unit, attached or detached, to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit.
4. Accessory unit - intended to shelter animals or property.
5. Building - means any structure used or intended for supporting or sheltering any use or occupancy.
6. Building Inspector - means the Board of Selectmen or that person whom they shall designate.
7. Business unit - intended to shelter a single business, industry, corporation, partnership, joint venture or sole proprietorship for the purpose of conducting business for the public.
8. Cluster Subdivision - means a form of residential subdivision that permits dwelling units to be grouped on lots with dimensions, frontages, and setbacks reduced from conventional sizes, providing that the density of the lot as a whole shall not be greater than that allowed under the existing regulations and the remaining land area is devoted to common open space.
9. Dwelling unit - intended to shelter people in a single housekeeping unit.

10. Floodplain - means the area of special flood hazard in accordance with the Floodplain Management Ordinance.
11. Frontage - means the length of a lot bordering on an accepted public road or on a proposed street on a subdivision plat approved by the Planning Board.
12. Home Business - means any business use conducted entirely within a dwelling unit or an accessory unit which is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and in connection with which there is no outside display or storage, nor emission of dust, noise, fumes, vibration, or smoke.
13. Junk - means any old metals; old bottles; solid textile mill waste, unfinished cloth; textile mill yarns; old paper products; two or more unregistered motor vehicles which are unfit for use on highways; used parts and materials of motor vehicles; and other second hand or waste articles, the accumulation of which is detrimental or injurious to the neighborhood.
14. Lot - means a parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and other open spaces in the district in which the lot is located.
15. Manufactured Housing - means structures as defined in RSA 674:31, and mobile homes and trailers as defined in the Bradford "Mobile Home and Trailer Ordinance." These are considered dwelling units for the purpose of this ordinance.
16. Nonconforming Building - means any building, the size, dimension, or location of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails by reason of such adoption or amendment to conform to the present requirements of the zoning district.
17. Nonconforming Use - means a use or activity which was lawful prior to adoption or amendment of the zoning ordinance, but which fails by reason of such adoption or amendment, to conform to the present requirements of the zoning district.
18. Parking Space - means an off street space having the dimensions of 10 feet by 20 feet, or more, suitable for use of parking one motor vehicle, together with reasonable access.
19. Person - means an individual, firm, association, organization, partnership, trust, company or corporation.
20. Rear Lot - means a lot which has no frontage and is served by at least a fifty (50) foot wide deeded right-of-way, corridor, or common driveway.
21. Sign - means a structure, building wall or other outdoor surface, or any device used in visual communication for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of any person.
22. Special Exception - means a particular use that is permitted in conformance with the provisions of the district, which must meet the conditions in Article VIII.B., and may be granted by the Board of Adjustment following a public hearing.
23. Variance - means a relaxation of the provisions of the zoning ordinance where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.



24. Wetlands - means those areas identified and delineated as poorly drained or very poorly drained soils by the National Cooperative Soil Survey as shown on a map or maps designated as the Town of Bradford Wetlands Map. The use of Wetlands is governed by the Town of Bradford Wetlands Protection Ordinance.

## **ARTICLE III**

### **General Provisions**

#### **1. Prohibited Uses:**

Any use that may be obnoxious or injurious by reason of production or emission of odor, dust, smoke, radioactivity, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the health or safety of the community is prohibited. Enforcement shall be in accordance with Article VII of this ordinance.

#### **2. Mining or Excavation**

- A. Before mining, excavation or removal of soil, rock, sand, gravel or similar material is allowed, the owner of said property upon which the mining, excavation, or removal is to take place shall apply for a permit pursuant to RSA 155-E:3. The Planning Board shall apply the provisions of Chapter 155-E of the Revised Statutes Annotated and any amendments thereto to determine whether a permit is required, whether the intended mining, excavation, or removal is prohibited and if not, will proceed to conduct the necessary hearings pursuant to RSA 155-E to determine whether the granting of the permit is appropriate. The Board shall require the applicant to conform to all the zoning provisions required in the particular zoning district in which the activity is to take place, to also post a bond in an amount to be determined by the Board to ensure compliance with RSA 155-E and any further requirements imposed by the Board.
- B. Alteration. Any future enlargement of the commercial use or alteration of that use can be made only with the approval of the Board of Adjustment by special exception.
- C. Expiration. A permit shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than one year for any reason.

#### **3. Fire or Other Ruins**

No owner or occupant of a lot in any district shall permit fire or other ruins to remain. Within one (1) year of the event causing the ruins, the owner or occupant shall remove or refill the same to clear ground level or shall repair, rebuild, or replace the building.

#### **4. Minimum Setbacks and Height Regulations**

The following shall be observed in the construction of new buildings or in the relocation or modification of existing ones:

- A. Minimum distance between any building and the edge of a public right-of-way or an accepted public road shall be fifty (50) feet; or seventy-five (75) feet from the center, whichever provides the greater set back distance.
- B. Minimum distance from any building to an abutter's property line shall be thirty (30) feet.
- C. Minimum distance from the shoreline, as determined by the natural high water mark, to any building shall be 75 feet.
- D. Maximum height of any building shall be thirty-five (35) feet with the determination being the vertical distance from the average finished grade surrounding the building to a point midway be-

tween the highest and lowest points of the highest roof. Silos, barns, and church towers are exceptions.

## **5. Off-Street Parking Requirements**

The following minimum number of parking spaces shall be provided and maintained by the owner of the property for each building that is erected or enlarged in all districts after passage of this ordinance.

- A. Dwelling unit - at least two (2) spaces for each unit.
- B. Business use - at least two parking spaces for each business unit and one additional parking space for each five hundred (500) square feet of floor space.
- C. Churches, auditoriums, theaters, or other places of assembly - at least the number of parking spaces equal to one-third (1/3) of the total seating capacity.
- D. Health care facilities and nursing homes - at least one (1) parking space for each employee on the major shift and one (1) parking space for every three (3) patients' beds.
- E. Industrial and manufacturing establishments - at least one (1) parking space for each employee on the major shift.

## **6. Temporary Structures**

- A. The Board of Selectmen may approve the temporary use of a trailer or mobile home to be maintained as living quarters by a person employed in adjoining construction work or for whom a residence is being built, or as an office, storeroom or shop in connection with construction work, provided that such use is only during the period the construction work is in progress. The use will conform with the sanitary protection requirements of the State of New Hampshire. Permits shall be issued by the Board of Selectmen for a six-month period, renewable upon request if warranted.
- B. Any property owner or lessee may accommodate one (1) trailer or mobile home of a non-paying guest for a period not exceeding ninety (90) days in any one (1) year.

## **7. Junk Yards and Motor Vehicle Junk Yards**

Junk yards and motor vehicle junk yards are allowed by special exception and only in the Residential Rural District. Motor vehicle junk yards must conform to state regulation RSA Chapter 236, 1981, Sections 111-129.

## **8. Lots in More Than One District**

The regulations of a particular zoning district shall govern any portion of a lot falling within that district.

## **9. Lot Size Regulations**

### **Minimum Lot Size**

Minimum lot size is determined by the minimum lot size required by the particular zoning district and as per the current Town of Bradford Road Classification.

- |                      |                  |                  |
|----------------------|------------------|------------------|
| A. Zoning District   | Minimum Lot Size | Minimum Frontage |
| Residential Business | 2 Acres          | 250 Feet         |
| Residential Rural    | 2 Acres          | 250 Feet         |
| Conservation         | 5 Acres          | 400 Feet         |
- B. Rear lots, as defined in Article II, may be allowed in any zoning district providing that all other requirements of the zoning district are met and that the development is consistent with the general purpose and objectives of the Master Plan and other Town ordinances and regulations. Any development of more than two lots must conform to either the frontage requirements for the district or the cluster development requirements.
- C. A lot having either frontage or area or both less than required by Section 9, A Zoning District may be considered to be in compliance therewith provided that:
- a. the lot had received final subdivision approval prior to the enactment of this Ordinance and meets the requirements of RSA 674:39 and provided that,
  - b. the lot is capable of supporting a well and septic system designed and installed in compliance with all applicable Town and State of N.H. regulations.
- D. Lots on Class V roads which are designated as roads to summer cottages, under the provisions of RSA 231:79-81, shall have a minimum lot size of ten (10) acres.
- E. Land bordering on ponds whose surface is at least 10 acres and/or bordering on a river shall have a minimum shore frontage of 150', or as required by the State of New Hampshire.

## **10. Cluster Residential Development**

- A. The purpose of the cluster development option is to permit greater flexibility in design and to discourage developmental sprawl; provide a more efficient use of land in harmony with its natural characteristics; preserve more usable open space, agricultural land, recreational areas, or scenic vistas; and to expand the opportunity for development of affordable housing without increasing the development's overall density.
- B. The cluster development option shall be permitted only in the rural residential district on parcels of ten (10) acres or more. Only dwellings, accessory units, and incidental recreational uses are permitted. The lot size for clustering may be reduced below the minimum lot size required for that district. All reductions in lot size shall be offset by an equivalent amount of land set aside in common open space, or as may be determined by the Planning Board. All sections of the subdivision regulations or this ordinance which are not superseded by the cluster development options shall be applicable.
- C. Cluster residential development proposals are submitted to the Planning Board and shall comply with the applicable provisions of the subdivision regulations. Where there is a conflict with this ordinance or the other sections of the subdivision regulations, the provisions of the cluster development section shall take preference.

## **11. Floodplain Development Ordinance**

The current Floodplain Development Ordinance, as amended, shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provisions of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

## ARTICLE IV

### Establishment of Districts and District Provisions

#### 1. Zoning Map and Districts

The Zoning map officially entitled "Bradford Zoning Map" is hereby adopted as part of this ordinance. The Town of Bradford Zoning Map shows a division of the Town into the following districts: Residential Business, Conservation, and Residential Rural. The official Zoning Map shall be located in the Selectmens' office.

#### 2. Description of Districts

##### A. Residential Business District

This district provides for business and residential development that is in conformance with the capability of the land, in an area chosen to make the best utilization of existing community services.

This district shall include all lands excepting wetlands, land currently owned by the Town of Bradford, the Kearsarge Regional School District, or the State of New Hampshire lying within five hundred (500) feet of the center of the following streets: Main Street, High Street, Old Warner Road, Jones Road, Greenhouse Lane, the easterly side of Route 114 beginning at the southerly end of Pleasant Valley Road to the Sutton Town line, the westerly side of Route 114 beginning at the northerly end of Pleasant Valley Road to the Sutton Town line, Route 103 from Blaisdell Lake Road to the Newbury Town line, and Breezy Hill Road from Route 103 to a point 1,000 feet from Route 103. See page iii for a diagram of Residential Business District.

##### Provisions

- a. The owners or their authorized agent of any proposed business or multi-unit dwelling shall submit a Site Plan to the Planning Board for review and approval.
- b. Sufficient off-street parking shall be provided. (See general provisions.)
- c. Each lot shall be a minimum of two (2) acres. The density of this district shall not exceed one dwelling or business unit per lot, except that additional business or dwelling units may be allowed on the same lot by special exception and shall require an additional 1/2 acre per unit.
- d. Each lot shall have a minimum contiguous frontage of 250 feet.
- e. Wherever required by reason of topography, subsoil or the need for adequate sewage area, the Planning Board may require a larger lot size.
- f. The conversion of a dwelling unit and/or a business unit to multiple or other uses will require full compliance with State regulations and applicable sections of this ordinance. A site plan must be reviewed and approved by the Planning Board prior to the start of any such conversion.

##### B. Conservation District

This district contains all land within the town boundaries which is above twelve hundred (1200) feet in elevation. See page iv for a diagram of this district. This land is valuable for its open space, forest resources, recreational opportunities, and scenery. This land is generally not well suited for development due to its slope, soil conditions and inaccessibility.

##### Provisions

- a. Based on the merits of site specific conditions, development is allowed for dwelling units, forestry, and agriculture.

- b. Each lot shall be a minimum of five (5) acres. Each dwelling unit shall require a minimum of five (5) acres.
  - c. Each lot shall have a minimum contiguous frontage of 400 feet.
- C. Residential Rural District

This district includes all lands not within the Residential Business and Conservation Districts. See page v for a diagram of this district.

Provisions

- a. Each lot shall be a minimum of two (2) acres. Each dwelling unit shall require a minimum of two (2) acres. No more than one dwelling unit shall be allowed per lot, except that one accessory dwelling unit may be allowed on the same lot by special exception.
- b. Each lot shall have a minimum contiguous frontage of 250 feet.
- c. Home businesses are permitted and require full compliance with applicable sections of this ordinance. Use of an accessory building may be permitted for home businesses by special exception.
- d. Commercial or industrial establishments may be permitted within the residential rural district by special exception only. Review and approval of a site plan by the Planning Board is required.

## **ARTICLE V**

### **Nonconforming Building and Nonconforming Use**

#### **1. Existing Building or Use**

Any lawful building or use of a building or land or parts thereof in existence at the time of adoption or amendment of this ordinance may continue.

#### **2. Nonconforming Building**

- A. A nonconforming building may be enlarged or altered providing the enlargement or alteration complies with the provisions of this ordinance.
- B. To enlarge or alter a pre-existing building which is nonconforming due to lot size or lot shape, the Board of Adjustment may, by special exception, reduce the setback requirements if such an adjustment:
  - a. is consistent with the intent of this ordinance, and
  - b. is necessary to fairly utilize the lot.

#### **3. Nonconforming Use or Activity**

- A. When any existing nonconforming use of a building or use of land has been discontinued for one year, the building or land shall thereafter be used only in conformity with this ordinance, except by special exception.
- B. No nonconforming use of a building or use of land shall be changed to another nonconforming use except by special exception.
- C. No increase in the extent of a nonconforming use of a building or use of land shall be permitted except by special exception.

#### **4. Motor Vehicle and Machinery Junk Yards**

No motor vehicle and machinery junk yard may continue as a nonconforming use for more than one year after the effective date of this ordinance, except that such junk yard may continue as a nonconforming use if within that period it complies with the standards set and enforced by the N.H. Revised Statutes Annotated, 1955, Chapter 236, 111-129, and also in accordance with the requirements of the Board of Selectmen.

### **ARTICLE VI**

#### **Signs**

##### **1. General Provisions**

- A. **Illumination:** Signs may be illuminated only by continuous lighting. Illumination fixtures shall be arranged to direct the light away from streets so that they will not constitute a hazard to street or highway driving by glare. They shall also be directed away or screened from nearby structures.
- B. **Location:** No sign shall be placed closer than 35 feet from the center of a road, or as mandated by State law. No sign shall be placed where it will interfere with the sight distance from drive-ways, intersections, along streets or roads, or otherwise present a safety hazard.
- C. **Nonconformity:** Any nonconforming sign erected prior to the adoption of this ordinance may be continued and maintained. Any changes thereafter to such sign shall be made in conformance with this ordinance.

##### **2. Residential Business District**

- A. **Building Mounted Signs:** Not to exceed 32 square feet in size and not to extend more than 3 feet beyond and above the building.
- B. **Free Standing Signs:** One sign for each business site, shall not exceed 24 square feet for the first business, then 6 square feet of additional area for each additional business up to a total not to exceed 54 square feet. Maximum height is 15 feet.
- C. **Off-Premise Signs:** Not to exceed 6 square feet in area and limited to 4 per business.

##### **3. All Other Districts**

Size not to exceed 6 square feet.

### **ARTICLE VII**

#### **Enforcement**

##### **1. Authority**

- A. The Board of Selectmen, after consultation with the appropriate town officials, is hereby given final power and authority to enforce the provisions of this ordinance.
- B. Upon any well-founded information that this ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction to the Superior Court or by any other legal action.
- C. Upon conviction thereof, every person, firm, or corporation violating any of the provisions of this ordinance shall be fined as appropriate for a civil or criminal offense, for each day such violation exists.

## **ARTICLE VIII**

### **Board of Adjustment**

Board of Adjustment members are elected in accordance with RSA 673:3 who shall appoint alternate members in accordance with RSA 673:6, II-a. Their duties shall conform to the provisions of Chapter 673 and 674 of the New Hampshire Revised Statutes Annotated, 1983.

1. The Zoning Board of Adjustment shall have the power to:
  - A. Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
  - B. Authorize, upon appeal, special exceptions when the following conditions are met:
    - a. The site is appropriate for the proposed use or structure;
    - b. The proposal is not detrimental or injurious to the neighborhood;
    - c. There will not be undue nuisance or hazard to pedestrian or vehicular traffic;
    - d. Adequate provisions have been made for sanitary facilities;
    - e. Adequate and appropriate facilities will be provided for parking and utilities to ensure the proper use of the structure;
    - f. A site plan has been submitted to the planning board for approval and for recommendations from the selectmen, conservation commission, road agent, and police and fire chiefs, as appropriate; and
    - g. The proposal is consistent with the spirit of this ordinance and the intent of the Master Plan.
  - C. Grant variances in accordance with RSA 673:33.
2. In exercising its powers under paragraph 1, the zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall have all the powers of the administrative official from whom the appeal is taken.
3. The concurring vote of 3 members of the board shall be necessary to decide on any matter on which it is required to act.
4. If within one (1) year after the granting of a variance or special exception by the Board of Adjustment, any required building permit for work covered by the variance or special exception has not been executed, then such variance or special exception shall become null and void except in any case where legal proceedings to the variance or special exception shall have caused an undue delay in the execution of the required building permit or an extension has been granted by the Board of Adjustment.

## **ARTICLE IX**

### **Amendments**

This ordinance may be amended as provided for in RSA 673:3, 4, and 5. Upon petition of 25 or more registered voters to the Board of Selectmen for an amendment to this Ordinance, the procedures set forth in RSA 675:4 shall be followed. Petitions shall be received during the period of time 120 to 90 days prior to the annual Town Meeting.

**ARTICLE X**  
**Saving Clause**

The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

**ARTICLE XI**  
**When Effective**

This ordinance shall take effect upon its passage.

**ARTICLE XII**  
**Renumbering**

The Planning Board shall have the authority to renumber the Ordinance after amendments have been passed, so as to make the numbering consistent.