

Town of Allenstown New Hampshire



Zoning Ordinance

Adopted February 18, 1978

Updated November 01, 2023 ~~February 17,~~
~~2022~~

Effective Date March 8¹², 202²⁴

Town of Allenstown, New Hampshire
16 School Street, Allenstown NH 03275

Chapter 2. Definitions

- 120. Right-of-Way** – An easement held by the municipality or the state over the land owned by the adjacent property owners that allows the holder of the easement to exercise control over the surface and above and below the ground of the right-of-way.
- 121. Road (Arterial)** – A road whose primary function is mobility, moving people and goods over long distances quickly and efficiently.
- 122. Road (Backage)** – Refers to a road located to the rear of a parcel that is not counted as, or is long enough to be frontage per density requirements in this Ordinance.
- 123. Road (Collector)** – A road connecting arterial roads to local roads, whose function is divided between providing mobility and access.
- 124. Road (Curb)** – A stone, concrete or other improved boundary usually marking the edge of the roadway or paved area.
- 125. Road (Curb Cut)** – The opening along the curb line at which point access to a public roadway is provided.
- 126. Road (Local)** – A road whose primary function is to provide access to adjacent development.
- 127. Road (Median)** – A barrier placed between lanes of traffic flowing in opposite directions or between parking spaces.
- 128. Road (Sideage)** – Refers to a road located on the side of a parcel that is not counted as, or is long enough to be frontage per density requirements in this Ordinance.
- 129. Senior Housing** – Housing that houses at least one person who is 55 years of age or older in at least 80% of the OCCUPIED units and adheres to a policy that demonstrates an intent to house persons who are 55 years of age or older. This definition shall also include over 62 age-restricted communities.
- 129-130. Short-Term Residential Rental** – means any transient occupancy of a dwelling unit or any portion thereof under a written or unwritten lease, license, or agreement for a term of thirty (30) days or less
- 130-131. Signs** – See Chapter 12 for definitions and regulations.
- 131-132. Single Family Dwelling** – Is a detached, free-standing residential building. It is home to no more than one family.
- 132-133. Site** – The lot or lots on upon which development is to occur or has occurred.
- 133-134. Street** – A street or road is any vehicular way that is: 1) an existing state or municipal roadway; 2) shown upon a plat approve pursuant to law; or 3) approved by other official action; including rights-of-way, whether improved or unimproved.
- 134-135. Snow Dump** – For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.
- 135-136. Soil - Redoximorphic features** – Also called soil mottling. These are color patterns in the soil formed by the oxidation and reduction of iron or manganese or both caused by saturated conditions within the soil. Redoximorphic features are used to estimate the depth to seasonal high-water table.

Chapter 2. Definitions

mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

- 147.148. Solar - Small-Scale Solar (Solar Siting)** – For purposes of this Article, the term “small-scale solar” refers to solar photovoltaic systems that produce up to ~~ten~~thirty kilowatts (kW) per hour of energy (AC Coupled) or solar-thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings.
- 148.149. Solar Storage Battery (Solar Siting)** – A device that stores energy from the sun and makes it available in an electrical form.
- 149.150. Solar-Thermal Systems (Solar Siting)** – Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.
- 150.151. Solid Waste** - See Chapter 22 for definitions and regulations.
- 151.152. Solid Waste - Recycling Facility, Household Waste** – Facility involved in the processing of used household materials (including but not limited to glass, paper, metal, plastic) into raw materials for use in new products. Includes facilities engaged in actual materials processing as well as collection stations (i.e., “transfer stations”) and shall be consistent with RSA 149-M, as amended. Does not include materials associated with RSA 236:112, (I), as amended.
- 152.153. Stable (Commercial)** – A site where horses are kept and housed for commercial purposes, a majority of which are not owned by the person/entity that owns the site.
- 153.154. Stormwater** – As defined per RSA 149-I:6-a.II and means stormwater runoff from precipitation, snow melt runoff, and street wash waters related to street cleaning or maintenance, infiltration, and drainage.
- 154.155. Stormwater - Curve Number (CN)** – A numerical representation used to describe the stormwater runoff potential for a given drainage area based on land use, soil group, and soil moisture, derived as specified by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA/NRCS).
- 155.156. Stormwater - Disconnected Impervious Cover** – Impervious cover that does not contribute directly to stormwater runoff from a site, but directs stormwater runoff to on-site pervious cover to infiltrate into the soil or be filtered by overland flow so that the net rate and volume of stormwater runoff from the disconnected impervious cover is not greater than the rate and volume from undisturbed cover of equal area.
- 156.157. Stormwater - Drainage Area** – Means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.
- 157.158. Stormwater - Effective Impervious Cover** – Impervious cover that is not disconnected impervious cover.
- 158.159. Stormwater - Erosion** – The detachment and movement of soil, rock, or rock fragments by water, wind, ice or gravity.
- 159.160. Stormwater - Groundwater** – As defined in RSA 485-C.2.VIII, as amended and means subsurface water that occurs beneath the water table in soils and geologic formations.

Chapter 6. Open Space and Farming Zone

Section 601. Uses

In an Open Space and Farming Zone, land may be used and buildings may be erected for or used for:

1. Single-family dwellings, provided that no such dwelling shall be located on a lot with less than two hundred (200) feet of frontage along one street with a minimum of five (5) acres in size. Two family dwellings may also be permitted on lots with two hundred (200) feet of frontage along one (1) street with a minimum of ten (10) acres in size.
2. General purpose farm, forestry, agriculture or nurseries, or the selling of produce provided such uses are located and conducted in a manner not injurious, offensive and/or obnoxious to the general neighborhood and traffic.
3. Municipal Recreation (Outdoor)
4. Golf courses
5. Family child care home
- 5.6. Short-Term Residential Rental
- 6.7. Small-Scale Solar Siting
- 7.8. Small Wind Systems
- 8.9. Cluster Housing (Refer to **Section 1311. Cluster Housing**)
- 9.10. Carports that do not encroach on setbacks.

Section 602. Special Exceptions and Conditional Uses

1. **Exceptions.** In an Open Space and Farming Zone, the following exception may be permitted upon approval of the Board of Adjustment, subject to such conditions as may be imposed by the Board of Adjustment:
 1. Motels, hotels or lodging houses
 2. Campgrounds or overnight camps
 3. Airports
 4. Cemeteries
 5. Governmental Uses
 6. Removal of fill, gravel, stone, or loam from the premises
 7. Warehouses
 8. Carports that would encroach on setback requirements
 9. Telecommunication Towers
 10. Private Recreation (Outdoor or Indoor)

Chapter 7. Residential Zone

Section 701. Uses

In a Residential Zone, land may be used and buildings may be erected or used for:

1. Single-family dwellings
2. Community Center
3. Family Child Care Home
4. Municipal Recreation (Outdoor or Indoor)
5. Private Recreation (Outdoor or Indoor)
6. Gardens when incidental to primary residential use by excluding any use injurious, noxious or offensive to the neighborhood
7. Accessory Small-Scale Solar
8. Cluster Housing - Refer to **Section 1311. Cluster Housing**
9. Carports that do not encroach upon setbacks

[9.10. Short-Term Residential Rental](#)

Section 702. Exceptions

In a Residential Zone, the following may be permitted upon approval of the Board of Adjustment, subject to such conditions as may be imposed by the Board of Adjustment:

1. Public utility uses necessary for public welfare
2. Funeral parlors
3. Professional offices
4. Two-family dwellings
5. Carports that would encroach on setback requirements
6. Group childcare center (more than 6 children)
7. Kindergartens
8. Multi-family dwelling
9. Home Occupation
10. Assisted Living Facility
11. Adult Daycare
12. Personal Service less than 5,000 Square Feet of the structure
13. Sit-Down/Take out restaurant less than 5,000 Square Feet (no drive in)

Chapter 8. Business Zone

29. Kindergarten
30. Group child care center (7 or more children)
31. Accessory Small-Scale Solar

Section 802. Exceptions

1. Telecommunications Towers
2. Carports
3. Manufacturing
4. Motor vehicle Sales
5. Veterinary Office/Hospital
6. Motor vehicle Rental
7. Multimodal Transportation Hub/Facility

7.8. Short-Term Residential Rental

Section 803. Uses Not Permitted

1. In a Business Zone, no land, building, structure or premises shall be used for a coal yard, lumber yard or any other purpose injurious, noxious or offensive to the neighborhood by reason of emission or odor, fumes, dust, smoke, vibration, noise, or other cause.
2. The keeping of livestock.

Section 804. Dimensional Restrictions

The following restrictions apply in a Business Zone:

1. No structure shall exceed three (3) stories or forty-five (45) feet in height from the ground to the highest point on any one side, exclusive of accessory chimneys or accessory antennas.
2. No structure shall be erected closer than fifteen (15) feet to any side lot line, unless a fire wall, approved by the Fire Chief, shall protect both structures facing such side lot line.
3. No structure shall be erected closer than forty (40) feet to the nearest rear lot line.
4. No structure shall be erected closer than twenty (20) feet to the front lot line.
5. No more than seventy (70%) percent of the land area of any lot may be covered by buildings or structures.
6. No lot shall have less than seventy-five (75) feet frontage on any one accepted street.

Chapter 9. Industrial Zone

Section 903. Uses Not Permitted

In an Industrial Zone, no land, building, structure or premises shall be used for a short-term residential rental, a coal yard, or for any other purpose injurious, noxious or offensive to the neighborhood by reason of emission of odor, fumes, dust, smoke, vibration, noise, or other cause.

Section 904. Dimensional Restrictions

The following restrictions apply in an Industrial Zone:

1. No structure shall exceed three (3) stories or forty-five (45) feet in height from the ground to the highest point on any one side, exclusive of accessory chimneys or accessory antennas.
2. No structure shall be *erected closer than fifteen (15) feet to any side lot line*, unless a fire wall, approved by the Fire Chief, shall protect both structures facing such side lot line.
3. No structure shall be erected closer than forty (40) feet to the rear lot line.
4. No structure shall be erected closer than twenty (20) feet to the front lot line.
5. When parking is provided other than in front of the building, a setback from the sidewalk line of not less than five (5) feet shall be required. When parking is provided in front of a building, a setback from the sidewalk line of not less than twenty (20) feet shall be required.
6. No more than seventy (70%) percent of the land area of any lot may be covered by buildings or structures.
7. No lot shall have less than seventy-five (75) feet frontage on any one accepted street.
8. Keeping of livestock may be permitted by the Zoning Board of Adjustment by special exception upon the applicant meeting the following conditions:
 1. Livestock shall be housed in an appropriate structure.
 2. Livestock shall not be kept closer than 250 feet to any abutting residence.
 3. Livestock shall not be kept closer than 200 feet from any abutting property line.
 4. All livestock housing shall be erected prior to allowing animals to be kept on the property.
 5. Submission of a detailed manure management plan consistent with the Manual of Best Management Practices for Agriculture in New Hampshire.
 6. The property is suitable for the keeping of livestock such as, but not limited to, grazing area, etc.
 7. The keeping of livestock will not diminish surrounding property values.
 8. The use shall be consistent with the character of the neighborhood.
 9. The use shall not be contrary to the spirit of the zoning ordinance.
 10. Submission of a surface water runoff plan which shall include, but is not limited to, the impact of runoff from the livestock operations on surface water, groundwater, abutting properties and municipal sewers. The use shall not adversely impact surface water or groundwater, abutting properties or municipal sewers.
 11. Implementation of appropriate measures to mitigate odor, noise, and vectors and shall provide an appropriate visual buffer.
 12. The use shall not otherwise adversely affect the environment, public health or safety.

Section 1002. Exceptions

Telecommunications Towers

Short-Term Residential Rental

Section 1003. Uses Not Permitted

In a Commercial/Light Industrial Zone, no land, building, structure, or premises shall be used for a coal yard, or for any other purpose injurious, noxious or offensive to the neighborhood by reason of emission of odor, fumes, dust, smoke, vibration, noise, or other cause.

Section 1004. Dimensional Restrictions

The following restrictions apply in a Commercial/Industrial Zone:

1. No structure shall exceed three (3) stories or forty-five (45) feet in height from the ground to the highest point on any one side, exclusive of accessory chimneys or accessory antennas.
2. No structure shall be erected *closer than fifteen (15) feet to any side lot line*, such side lot line unless a fire wall, approved by the Fire Chief, shall protect both structures facing such side lot line.
3. No structure shall be erected closer than forty (40) feet to the nearest rear lot line.
4. When parking is provided other than in front of the building, a setback from the sidewalk line of not less than five (5) feet shall be required. When parking is provided in front of a building, a setback from the sidewalk line of not less than twenty (20) feet shall be required.
5. No more than seventy (70%) percent of the land area of any lot in the zone may be covered by buildings or structures.
6. No lot shall have less than seventy-five (75) feet frontage on any one accepted street.
7. Keeping of livestock may be permitted by the Zoning Board of Adjustment by special exception upon the applicant meeting the following conditions:
 1. Livestock shall be housed in an appropriate structure.
 2. Livestock shall not be kept closer than 250' to any abutting residence.
 3. Livestock shall not be kept closer than 200' from any abutting property line.
 4. All livestock housing shall be erected prior to allowing animals to be kept on the property.
 5. Submission of a detailed manure management plan consistent with the Manual of Best Management Practices for Agriculture in New Hampshire.
 6. The property is suitable for the keeping of livestock such as, but not limited to, grazing area, etc.
 7. The keeping of livestock will not diminish surrounding property values.
 8. The use shall be consistent with the character of the neighborhood.
 9. The use shall not be contrary to the spirit of the zoning ordinance.
 10. Submission of a surface water runoff plan which shall include, but is not limited to, the

Chapter 12. Signage Regulations

Table 12-1 Sign Specifications by District

	Res. 1,2,3,4	OSF	Business	Industrial	CLI
Minimum Setback (ft)					
Front lot line	20	20	20	20	5/20*
side lot line	15	30	15	15	15
rear lot line	30	30	40	40	40
Maximum Height (ft)					
from grade (artificial grading of the landscape is not allowed for the purpose of enhancing the sign's height)					
Freestanding sign	6	6	12	12	12
Maximum Sign Area (sq ft)					
freestanding sign	3	3	32	32	32
structure					
freestanding sign					
Complex	3	3	60	60	60
Wall Sign	3	3	75	75	75
Home occupation	3	3	np	np	np
Changeable copy	NP	NP	32a	32a	32a
NP = Not Permitted					
a = Not to exceed 50%of the total sign area, applicable only to a freestanding sign.					

Chapter 12. Signage Regulations

4. No sign shall interfere with clear sight and no sign shall be positioned so as to obstruct or be a hazard to traffic on a road or to traffic entering or leaving the premises. Further, no sign shall create dangerous conditions with respect to pedestrians or vehicular traffic. No signs shall be erected so as to obstruct any doors, windows, or fire escapes of a building.
5. On all externally illuminated signs, down lit illumination is encouraged unless good cause can be shown.
6. A minimum four~~eight~~ inch (8⁴) high street numbers shall be included on all commercial freestanding signs for identification purposes and will not count towards the sign size. The road or street name shall additionally be displayed on the sign.
7. Up to eight inch (8") high street numbers shall be included on commercial building wall signs for identification purposes and will not count towards the wall sign size and/or as a wall sign if placed separately on the wall of a building.

Section 1207. Signs That Do Not Require a Permit from the Town

1207.1 Grandfathered signs

That term is defined in **Section 1202. Signage Definitions**. Grandfathered signs shall be replaced within one (1) year of their discontinuance with a sign which does not exceed in size that which it replaces. A sign larger or less conforming in any other aspect shall require a variance from the Zoning Board of Adjustment. A nonconforming sign shall be allowed to continue in a nonconforming status until its use has been discontinued for a period of one year. At that time, it shall be removed promptly by the property owner. When replacing several signs, the total square footage of the new sign(s) shall not exceed the aggregate square footage of the sign(s) to be replaced. The number of replacement signs shall not exceed that of the grandfathered status and shall not be less conforming in any way.

1207.2 Government Signs

Although this Article does not apply to signs erected, maintained or posted by the State, federal, or Town government, government signs are allowed in every zoning district which form the expression of the government when erected and maintained in accordance with applicable law.

1207.3 Numerals and Letters

Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Unless otherwise required under this Zoning Ordinance or other law, the identification must be curbside and may be on the principal building on the property. For non-residential property, the size and location of the identifying numerals and letters must be proportional to the size of the building and the distance from the street to the building and in no case larger than four (4) inches. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

1207.4 Posting a Sign

Where a federal, State or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically,

Chapter 13. Building and Land Regulations

the above terms.

2. Property owners with temporary dumpsters/roll-offs/storage containers/storage trailers shall have thirty (30) days from the date this Ordinance is adopted to comply with the above terms.
3. The Code Enforcement Officer shall keep a record of all requests for approvals, pursuant to the terms of this Ordinance, and all action taken in response to such requests.

Section 1306. Accessory Dwelling Units

1. Purpose: The purpose of this Section is to describe the permitting process for Accessory Dwelling Units (ADU) in the Town of Allenstown.
2. Permissibility: Any proposed Accessory Dwelling Unit shall be located on a lot containing a single-family home. The Accessory Dwelling Unit ~~may~~ must be attached to ~~or detached from~~, the single-family home.
3. Granting of a Permit: The Planning Board is authorized to issue a Conditional Use Permit for an Accessory Dwelling Unit provided that all of the Required Criteria as described in this Section have been met. Failure to meet all of the Required Criteria shall result in the permit being denied.
4. Conditional Use Permit Application:
 1. Process: All Conditional Use Permits shall be processed as a public hearing by the Planning Board. Applications must be made to the Planning Board in accordance with the application deadlines as described in the Subdivision Regulations, as amended.
 2. Fees for newspaper publication and abutter notification shall be in accordance with the same as described in the Subdivision Regulations, as amended.
 3. ~~The a~~Application fee for an Accessory Dwelling Unit Conditional Use Permit shall be the same as other Conditional Use Permits processed by the Planning Board.
 4. The Planning Board is authorized to consult with planners, engineers, or attorneys while processing an Accessory Dwelling Unit Conditional Use Permit. Fees shall be borne by the applicant. The Planning Board is authorized to secure an escrow, in accordance with the process described in the Subdivision Regulations, as part of the required application components.
 5. Application Form: All applications shall be made on a Town of Allenstown Conditional Use Permit Application Form, as amended and revised by the Allenstown Planning Board.
5. Upon receiving an Accessory Dwelling Unit Conditional Use Permit from the Planning Board, an applicant must then obtain a building permit from the Building Inspector in accordance with the Building Code and the Building Permit application process for the Town of Allenstown.
6. Conditional Use Permit Required Criteria:
 1. The Accessory Dwelling Unit to be located on a lot that contains no more than one single family dwelling unit.

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2. The Accessory Dwelling Unit must be an independent living unit with its own sleeping, cooking, eating, and sanitation facilities.
3. ~~The~~An attached Accessory Dwelling Unit must have an interior door between it and the principal dwelling unit. A detached Accessory Dwelling Unit must have at least two (2) methods of egress in compliance with Fire and Life Safety Codes, as amended.
4. The Accessory Dwelling Unit must have adequate water supply and sewage disposal and be in compliance with the applicable requirements for public or private water and sewer connections, use, treatment, and disposal for such utilities.
5. ~~The~~An attached Accessory Dwelling Unit must maintain the look and feel of the single-family home ~~that~~with which it is associated ~~with~~. A detached Accessory Dwelling Unit is not required to maintain the same look and feel but must comport with other residential or habitable structures in the neighborhood or Zone in which it is located.
6. The owner(s) of the property must occupy either the single-family home or the Accessory Dwelling Unit as a primary dwelling unit.
7. If the attached or detached Accessory Dwelling Unit is proposed to be larger than 775 square feet in size, the Accessory Dwelling Unit may not exceed one half of the total floor area of the single-family dwelling.
8. A detached Accessory Dwelling Unit must comply with all applicable land use requirements for the Zone in which it is located, including, but not limited to, Boundary Line Setbacks, Curb-Cut (Local or State Road), Driveway, private water well, sewer/septic placement, etc.
- 7.9. Relief from land use requirements for a detached Accessory Dwelling Unit may be sought via an application for a variance from the Zoning Board of Adjustment.

Section 1307. Residential Accessory Use to Primary Commercial Use

1. In an effort to facilitate economic development in the Town of Allenstown, an accessory residential use to a principal commercial use is permitted by Conditional Use Permit from the Planning Board in the Business Zone, the Commercial Light Industrial Zone, and the Industrial Zone. The Planning Board shall, at a duly noticed public hearing determine if all of the following criteria have been met.
 1. The proposed residential unit(s) are subordinate and incidental to the commercial use.
 2. Not more than 50% of the aggregate total floor area of the business is used for residential use.
 3. No more than 1 residential unit is proposed.
 4. At least one of the resident(s) of all accessory residential unit(s) shall be employed on site by the business.
 5. The residential unit(s) shall be located on the top-most floor, or, located to the rear of the property or building.
 6. The unit(s) shall not result in an increase of offensive or obnoxious uses.
 7. Demonstrated ability to meet parking requirements.

Chapter 15. Floodplain Development Regulations

1. For all new, expanded or substantially improved structures located in Zone A and Zone AE the applicant shall furnish the following information to the building inspector:
 1. The as-built elevation (in relation to ~~mean sea level~~~~National Geodetic Vertical Datum/North American Vertical Datum (NGVD/NAVD)~~) of the lowest floor (including basement) and include whether or not such structures contain a basement.
 2. If the structure has been flood proofed, the as-built elevation (in relation to ~~mean sea level~~~~NGVD/NAVD~~) to which the structure was flood proofed
 3. Any certification of flood proofing.
 4. The building inspector shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.
 5. The building inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies ~~from~~~~from~~ which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 6. The building inspector shall determine the ~~100-year~~~~base~~ flood elevation in the following order of precedence according to the data available:
 1. In Zone AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 2. In Zone A the building inspector shall obtain, review, and reasonably utilize any ~~100-year~~~~base~~ flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site plan approvals). Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.

Section 1505. Boundaries

The provisions of this district 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, which are declared to be part of this ordinance and hereby incorporated by reference.

The provisions of the Flood Hazard Area Overlay District shall overlay and supplement the provisions of the underlying zoning district(s).

Section 1506. Definitions

The following definitions shall apply ONLY to this Flood Hazard Area Management Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Allenstown.

Addition: An expansion of a structure outside of the footprint of the original building.

Area of Special Flood Hazard: The land in the floodplain within the Town of Allenstown subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A and AE.

Chapter 15. Floodplain Development Regulations

Base Flood: The flood having a 1 percent possibility of being equaled or exceeded in any given year.

Base Flood Elevation: (BFE) means the elevation of surface water resulting from the "base flood."

Basement: Any area of a building having its floor sub grade on all sides.

Building: "Structure."

Compensatory Flood Storage: The replacement for any loss of existing flood storage caused by development within the floodplain.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.

FEMA: The Federal Emergency Management Agency.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Allenstown.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations or an examination and determination of mudslide or flood-related erosion hazards.

Flood Opening: means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

Floodplain or Flood-prone Area: Any land area susceptible to being inundated by water from any sources (see definition of "Flooding").

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

Floodway: See "Regulatory Floodway."

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Functionally Dependent Use: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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Historic Structure: means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
3. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or district preliminarily determined by the Secretary to qualify as a registered historic district;
4. Individually listed on a state inventory of historic places in the state with historic preservation programs which have been approved by the Secretary of the Interior; or
5. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either:
 1. By an approved State program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home: A structure, transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction: For the purposes of determining insurance rates, structures for which the "Start of construction" commenced on or after the effective date of an initial FIRM or after December 31 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

~~**One Hundred Year Flood:** "Base Flood."~~

Recreational Vehicle: Defined as:

1. Built on a single chassis.
3. 400 square feet or less when measured at the largest horizontal projection.

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4. Designed to be self-propelled or permanently towable by a light duty truck.
5. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Special Flood Hazard Area: See "Area of Special Flood Hazard."

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Start of Construction: Substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations of the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should equal:

The appraised value prior to the start of the initial repair or improvement; or
in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

Chapter 15. Floodplain Development Regulations

~~whether or not the alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions or alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." This term does not apply to an "addition."~~

Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

Section 1507. Permitted Uses

The following uses are permitted provided they are consistent with the purposes of this ordinance and do not involve placement, expansion or construction of permanent structures of other materials that could impede floodwaters or become flood-carried debris:

1. Agricultural activities consistent with current best management practices as published by the New Hampshire Department of Agriculture, Markets, and Food, including maintenance or improvements of existing crop or pasture land for continued agriculture use, as defined in Env-Wt 101.20 and described in Env-Wt 303.04(u).
6. Forest Management consistent with current accepted best management practices. As specific in Logging Operations (Env-Wt 304.05):
 1. All skid trails, truck roads and log landings shall be located far enough from streams or ponds so that waterborne soil particles will settle out before reaching the streams or ponds.
 2. Skid trails and truck roads shall be laid out using appropriate erosion control devices, as outlined in the *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*, Department of Resources and Economic Development, April 1996, updated February 2000, so that the grade approaching a stream or pond is broken, and surface water is dispersed. Crossings of streams and wetlands shall be kept to a minimum and shall be located to minimize the impact in accordance with Env-Wt 302.04(b) and (c).
 3. Outdoor recreation, such as play areas, boating, hunting, fishing, trails for motorized or non-motorized use.
 4. Wildlife or fisheries management.
 5. Scientific research and educational activities.
 6. Home occupations and home businesses consistent with **Section 1102. Accessory and Home Occupation.**

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facilities, elevated to no lower than *two* feet above the base flood elevation.

4. All utilities, including electrical, heating, ventilation, plumbing, air conditioning, and other service facilities, including ductwork shall be elevated or made of flood resistant materials up to *two* feet above base flood elevation, and designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new buildings and additions to existing buildings must be constructed on foundations that are approved by a licensed professional engineer or constructed on properly designed and compacted fill (ASTM D-698 or equivalent) that extends beyond the building walls before dropping below the level which is *two* feet above the base flood elevation and has appropriate protection from erosion and scour. The fill design must be approved by a licensed professional engineer.
6. All recreational vehicles shall either: be on a site for fewer than 180 consecutive days; be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or meet all standards of this ordinance and the elevation and anchoring requirements for "manufactured homes" in this ordinance. These regulations specify that recreation vehicles need to be built on enclosed areas to lift the lowest floor to the required freeboard height and that the enclosed areas must have openings to allow the floodwaters to enter and exit. The design of the openings must meet or exceed the minimum criteria listed in this ordinance. If the minimum criteria are not feasible, then the openings have to be designed by a licensed professional engineer or architect, who must certify the openings.
- ~~6. All recreational vehicles shall either: be on a site for fewer than 180 consecutive days; be fully licensed and ready for highway use; or meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c) (6) of Section 60.3. These regulations specify that recreation vehicles need to be built on enclosed areas to lift the lowest floor to the required freeboard height and that the enclosed areas must have openings to allow the floodwaters to enter and exit. The design of the openings must meet or exceed the minimum criteria listed in this ordinance. If the minimum criteria are not feasible, then the openings have to be designed by a licensed professional engineer or architect, who must certify the openings.~~
7. Where new or replacement water and sewer systems, including on-site systems, are proposed in a special flood hazard area the applicant shall provide the building inspector with assurances that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to the or contamination from them during periods of flooding.
8. The space occupied by fill, including mounded septic systems, or structure below the level which is *two* feet above the base flood elevation shall be compensated for and balance by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavations shall be constructed to drain freely to the watercourse.

Chapter 15. Floodplain Development Regulations

9. Nonresidential development, including buildings and fill, shall be limited to 10 percent of the lot.
10. Proposed structures to be located on slopes in special flood hazard areas shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.
11. The activity must be sited and designed to minimize disruption to shorelines and their banks.
12. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
 1. The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 2. The area is not a basement;
 3. Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all flood openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
13. Additional Standards for Watercourses
 1. In riverine situations, prior to the alternation or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the building inspector, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the building inspector, including notice of all scheduled hearings before the Wetlands Bureau.
 2. The proposal must also be compatible with **Section 1313. Surface Waters.**
 3. The applicant shall submit to the building inspector certification provided by a licensed professional engineer assuring that the flood carrying capacity of an altered or relocated water course can and will be maintained.
 4. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

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5. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement: "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."
6. Standards for Substantial Improvements Not Involving Additions
 1. Residential structures to be substantially improved shall have the lowest floor (including basement) elevated to or above the 100-yearbase flood elevation.
 2. Nonresidential structures to be substantially improved shall have the lowest floor, including basement, elevated to or above the 100-yearbase flood level; or together with attendant utility and sanitary facilities, shall:
 1. Be flood proofed so that below the 100-yearbase flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 3. Be certified by a licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
 3. Additional Standards for Manufactured Homes

All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least *two* feet above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

Section 1512. Variances and Appeals

1. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the zoning board of adjustment as set forth in RSA 676:5.
 4. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33 I (b), the applicant shall have the burden of showing, in addition to the usual variance standards under state law, that the use, along with any mitigating measures proposed, will not:
 1. Result in any increase in base flood levels, flows, peaks or velocity.
 2. Increase the potential for flood damage to the owner's property or that of others.
 3. Result in increased erosion and/or sedimentation or other degradation of water quality.
 4. Increase the risk to public safety or emergency personnel during flood events, or increase the cost to the public by virtue of its location in a flood hazard area.

The variance must additionally be the minimum necessary, considering the flood hazard, to afford relief.

Chapter 29. Short-Term Residential Rentals

Section 2901. Purpose and Intent

Purpose: The purpose and intent of this chapter is to provide the authority to the Planning Board to regulate Short-Term Residential Rentals in the Town of Allenstown.

Section 2902. Authority

The Planning Board shall have the authority to adopt regulations relative to Short-Term Residential Rental of dwellings.

Appendix C – Table of Uses

Appendix C. Table of Uses

This Table of Uses is provided for the convenience of the reader and shall not be construed as providing all required information for compliance with the Town of Allenstown Zoning Ordinance, as amended. In case of conflict, the requirements of the applicable Chapter in the ordinance will prevail.

P = Permitted; N = Not permitted; C = Conditional Use via PB; E = Exception via ZBA; - = Not Applicable

USE	Zones				
	<i>(Includes all Zoning Districts within primary Zones)</i>				
	Residential <i>(All Sub-Zones)</i>	Business	Commercial/ Light Industrial	Industrial	OSF
Accessory Small-Scale Solar	P	P	P	P	-
Adult Daycare	E	P	-	-	-
Adult Daycare/Nursing Home/Assisted Living	-	-	P	-	-
Airports	-	-	-	-	E
Any purpose permitted under Section 701, Uses	-	P	-	-	-
Assisted Living Facility	E	P	-	-	E
Banks	-	P	P	P	-
Building/Contractor Yard	-	-	P	P	-
Campgrounds or overnight camps	-	-	-	-	E
Carports	-	E	-	-	-
Carports that do not encroach on setbacks	P	-	-	-	P
Carports that would encroach on setbacks	E	-	-	-	E
Car Wash	-	P	P	P	-
Cemeteries	E	P	-	-	E
Churches	E	P	-	-	-
Clubs private or public	-	P	-	-	-
Cluster Housing	P	-	-	-	P
Coal Yard	N	N	N	N	N
Commercial Stable	-	-	-	-	E
Community Center	P	P	-	-	-

Appendix C – Table of Uses

USE	Zones				
	<i>(Includes all Zoning Districts within primary Zones)</i>				
	Residential (All Sub-Zones)	Business	Commercial/ Light Industrial	Industrial	OSF
Consumable Manufacturing	-	-	P	-	-
Consumable Manufactured Goods	-	P	-	P	-
Family child-care home	P	P	-	-	P
Filling Stations	-	P	P	P	-
Flea Market (indoor & outdoor)	-	-	-	P	-
Flea Market (outdoor)	-	-	P	-	-
Food/Beverage Processing	-	-	P	P	-
Funeral Parlors	E	P	-	-	-
Gardens incidental to primary residential use	P	-	-	-	-
Garden Nursery/Commercial Greenhouse	-	P	P	-	-
Retail Commercial Greenhouse	-	-	-	P	-
General purpose farm, forestry, agricultural or nurseries or selling of produce	-	-	-	-	P
Golf courses	-	-	-	-	P
Governmental Uses	-	-	-	-	E
Group Childcare Homes	-	-	-	-	E
Group Childcare Center (more than 6 children)	E	P	-	-	-
Guardhouse for Watchman, no living space	-	-	-	P	-
Home Occupation	E	-	-	-	-
Hospitals	-	P	P	-	-
Household Waste Recycling Facility (including Collection Facilities)	-	-	-	P	-
Kindergartens	E	P	-	-	-
Lab/Research & Development/ Biotechnology Research	-	-	-	P	-
Livestock	-	N	-	-	-
Livestock except Accessory Agricultural Uses	N	-	-	-	-

Appendix C – Table of Uses

USE	Zones				
	<i>(Includes all Zoning Districts within primary Zones)</i>				
	Residential <small>(All Sub-Zones)</small>	Business	Commercial/ Light Industrial	Industrial	OSF
Livestock (Special Exception)	-	-	E	-	-
Lumber Yard	N	N	-	-	N
Lumber Yard/Timber Operations	-	-	P	P	-
Manufacturing	-	E	-	-	-
Heavy Manufacturing	-	-	-	P	-
Manufactured Housing Parks	-	-	-	-	C
Marine Sales/Service	-	P	P	P	-
Motels, Hotels, or Lodging Houses	-	P	-	-	E
Motor Vehicle Rental	-	E	-	-	-
Motor Vehicle Repair	N	-	-	-	-
Other form of Engine Repair Service	N	-	-	-	-
Motor Vehicle Repair Garage	-	P	P	P	-
Motor Vehicle Sales	-	E	P	-	-
Multi-Family Dwellings	E	-	-	-	-
Multimodal Transportation Hub/Facility	-	E	-	-	-
Municipal Recreation (outdoor)	-	-	-	-	P
Municipal Recreation (outdoor or indoor)	P	P	-	-	-
Municipal Uses	-	P	P	-	-
Museums	-	P	-	-	-
Newspaper or Job Printing Plants	-	P	P	P	-
Office Park	-	P	P	P	-
Other injurious, noxious, or offensive use	N	N	N	N	N
Personal Service, any size	-	P	P	P	-
Personal Service less than 5,000 square feet of the structure	E	-	-	-	-
Private Recreation (outdoor or indoor)	P	P	-	-	E
Professional Offices	E	P	P	P	-

Appendix C – Table of Uses

USE	Zones				
	<i>(Includes all Zoning Districts within primary Zones)</i>				
	Residential (All Sub-Zones)	Business	Commercial/ Light Industrial	Industrial	OSF
Public Recreation (indoor or outdoor)	-	-	P	-	-
Public Utility	-	P	-	-	-
Public Utility uses necessary for public welfare	E	-	-	-	-
Removal of Fill, Gravel, Stone, Loam	-	-	-	-	E
Restaurants	-	P	P	P	-
Retail Landscape Supply	-	P	P	P	-
Retail Sale of Goods	-	P	P	-	-
Retail Sales	-	-	-	E	-
Retail Sales, unobtrusive to the neighborhood	-	-	-	-	E
Schools	-	-	P	P	-
Self-Storage Units	-	-	P	-	-
Short-Term Residential Rental	P	E	E	N	P
Single-family dwellings	P	-	-	-	P
Sit-Down/Takeout Restaurant less than 5,000 square feet (no drive in)	E	-	-	-	-
Small-scale solar siting	-	-	-	-	P
Small Engine Repair	N	-	-	-	-
Small wind systems	-	-	-	-	P
Telecommunication Towers	-	E	E	-	E
Two-Family Dwellings	E	-	-	-	-
Uses inconsistent with the Zone	-	-	-	E	-
Veterinary Office/Hospital	-	E	P	P	-
Large Animal/ Equine/ Livestock Veterinary Facility	-	-	P	-	-
Warehouses	-	-	P	P	E

Appendix CD. Revision History

Full details and language can be found at Town Hall within the Town Reports. The most recent date is the date that all changes were adopted at Town Meeting and subsequently became effective.

March 12, 2024: To enact certain administrative changes to the Ordinance including: To update the title page to reflect the latest revision of the Ordinance and the effective date; To ensure the table of contents accurately reflects the sections and page numbers correctly; To correct minor grammatical errors not affecting the content of the document.

Section 202 – Added new definition for Short-Term Residential Rental and renumbered accordingly.

Section 202.147 – Revised limit for Small-Scale Solar Installations to thirty Kilowatts (kW) and clarified as AC Coupled to structure.

Section 601 – Added Short-Term Residential Rental to list of Uses in the Open Space and Farming Zone and renumbered accordingly.

Section 701 – Added Short-Term Residential Rental to list of Uses in the Residential Zone.

Section 802 – Added Short-Term Residential Rental to list of Exceptions in the Business Zone

Section 903 – Added Short-Term Residential Rental to list of Uses Not Permitted in the Industrial Zone.

Section 1002 - Added Short-Term Residential Rental to list of Exceptions in the Commercial/Light Industrial Zone.

Chapter 12: Signage Regulations - Revised Table 12-1 to clarify 20 ft. setback requirement for signs in the Commercial/Light Industrial Zone.

Section 1206.F – Revised to specify a minimum of 4” street numbers and added a requirement to display the Street or Road Name on all commercial free-standing signs.

Chapter 15: Flood Plain Regulations – Revised throughout to reflect changes to, and for compliance with, the updated requirements of the Federal Nation Flood Insurance Program (NFIP). Other minor grammatical changes that do not affect the content of the section.

Section 1504.1 – Revised to change elevation of structures as being in relation to mean sea level.

Section 1504.3 – Revised to change references to “100-year flood” to “base flood” and how to determine the base flood elevation.

Section 1506 – Added definition for “Base Flood Elevation” and “Flood Opening”; Deleted definition for “Functionally Dependent Use”; Deleted reference to “One Hundred Year Flood”; Revised definition of “Substantial Improvement”.

Section 1511.F – Revised Development Standards related to Recreational Vehicles.

Section 1511.1.L.3 – Clarified that “openings” refer to “flood openings”.

Section 1511.3 A & B – Revised to reflect reference to “base flood elevation”.

Chapter 29 – Added new Chapter 29 on Short-term Residential Rentals.

APPENDIX C – Added new Appendix C – Table of Uses.

APPENDIX D - Revised name of “Revision History” to Appendix D

March 8, 2022: To enact certain administrative revisions to the Ordinance including: To ensure that the title