

**Article 1 Purpose and Authority**

1.1 Purpose:

It is the intent of this Ordinance to promote the health, safety, and general welfare of the people of the Town of Ashland by establishing a set of regulations that will guide the community's growth so as to protect the value of homes and land, to promote good civic design and to insure the wise and efficient expenditure of public funds.

1.2 Authority:

Pursuant to the authority conferred by Chapter 674, Sections 16-23, New Hampshire RSA 1955, as amended, and in conformity with the Town of Ashland Comprehensive Master Plan, the voters of the Town of Ashland, New Hampshire, in official Town Meeting, enacted this Ordinance.

1.3 Title:

This Ordinance shall be known and cited as the "Zoning Ordinance of the Town of Ashland, NH."

**Article 2 Zones and Zone Regulations**

2.1 Zones:

The Town of Ashland is divided into the following zones:

- Commercial (c) – Zone I and Zone II
- Industrial - Commercial (ic)
- Village Residential (vr)
- Rural Residential (rr)
- Pemigewasset Overlay Districts
- Little Squam Lake and Squam River Overlay District

These zones, as established, are shown on the Zoning Map of the Town of Ashland, which is hereby declared to be a part of this Ordinance. Where zone boundaries parallel highways, the distance shown on the Zoning Map from the zone boundary to the highway shall be measured from the edge of highway right-of-way.

When, in the application of this ordinance, the Ashland Zoning Board cannot unanimously agree in which district a property lies, the Ashland Planning Board shall decide in a manner consistent with the Ordinance and the Zoning Map, and written boundary guidelines.

2.2 Zone Regulations

2.2a Commercial: The purpose of this zone shall be primarily for retail and service type shopping facilities, offices, and banking facilities. The area shall provide access parking, adequate lighting, good design, and similar related items for convenience and safety. The following uses are permitted:

- Stores and shops for the conduct of any wholesale or retail business
- Offices, banks, personal services, and medical facilities
- Auto service stations and garages
- Theaters, halls and clubs
- Lodging facilities, hotels, motels and restaurants
- Residential uses including apartments
- Accessory uses
- Personal storage units
- Communication Towers

2.2b Industrial - Commercial: The purpose of this zone shall be to encourage the establishment of industrial and commercial uses that will not be noxious, offensive or detrimental to the environment, the town or the abutters. The following uses are permitted:

- Manufacturing, packing, processing and warehousing

2.3d Notwithstanding the requirements listed in 2.3c, back lots [so called flag or hammerhead lots] are permitted with 50 feet of road frontage **or lots are provided access through a private right of way [amended March 10, 2009]** under the following conditions:

- The back lot and adjacent front lot, each having frontage on the same street
- Must have a combined frontage required of two lots for the zones in which they are located. If two lots lie in different zones, the frontage requirements of the more restrictive zone shall apply to both.
- For the purpose of calculating frontage requirements, only one back lot may be combined with any one front lot
- Access to the back lot must be via a **private right of way [amended March 10, 2009]** at least 50 feet wide. That portion of the **private right of way shall [amended March 10, 2009]** not be included in the lot size requirement of the back lot.

2.3e Population Density: All lots with three or more dwelling units and/or mobile homes [except for mobile homes in mobile home parks] shall have the following minimum land area for each dwelling unit and mobile home:

- **Population density within the Commercial and Village Residential Zones having town sewer and water shall be as follows:**
  - 5000 sq. ft. of land area per dwelling unit with maximum of 4 bedrooms
  - 3750 sq. ft. of land area per dwelling unit with maximum of 3 bedrooms
  - 2500 sq. ft. of land area per dwelling unit for 1 or 2 bedrooms**The above formula applies only to the first 3 dwelling units. Each additional dwelling unit must provide 5000 sq. ft. of land area with a maximum of 4 bedrooms. An additional 1250 sq. ft. of land area shall be required for each additional bedroom above 4. [Amended March 10, 2009]**
- Rural Residential Zone: 40,000 square feet per dwelling unit or mobile home
- Pemigewasset and Little Squam Overlay Districts: 60,000 square feet per dwelling unit or mobile home. [This requirement shall take precedence over the Rural Residential Zone requirement.]

2.3f New construction, excavation or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with the setbacks of the zone in which it is located. **[Amended March 11, 2014]**

## 2.4 Lots

Each lot shall meet all the standards for lot size, including:

- 2.3c District and Overlay District standards
- 2.3e Lots with three or more dwelling units and/or mobile homes
- 2.4a Lots without town sewerage
- 2.4c Cluster developments
- 4.1 Waterfront access lots
- 4.4 Mobile home parks
- 4.5 Recreational camping parks

2.2f **Little Squam Lake and Squam River Overlay District:** This district provides protection for the environmentally sensitive corridor along the shores of Little Squam Lake and Squam River, and the restrictions herein take precedence over permitted uses in the portion of the Rural Residential Zone over which it lies. The following are prohibited:

- Structures on slopes, which exceed fifteen percent (15%)
- Application of fertilizers, pesticides or herbicides
- Underground fuel storage tanks
- Any excavations for which an Earth Excavation Permit issued under RSA 155 E is required.

This district extends 250 feet inland from the shoreline of Little Squam Lake, Squam River and upstream from the River Street Dam. For the purposes of determining boundaries, this district shall begin at the water's edge at a lake level of 561' as measured by the New Hampshire Water Resources Board's gauge at the Route 3 Bridge over Squam River in Holderness, NH.

**2.3 Land and Space Requirements**

2.3a There shall be a minimum distance of 35 feet between the edge of any public right-of-way and any building. No driveway shall be located within fifteen (15) feet of the side or rear boundary. **(Amended 3/11/2008)**

2.3b Setbacks for wells, septic tanks, leach fields and components comply with the New Hampshire Department of Environmental Services Code of Administrative Rules Chapter Env-Wq 1000. **(Amended March 11, 2008)**

2.3c Lot Size and Frontage; Building Setback and Coverage. Lots and buildings shall conform to the following standards:

Zone	Min Lot Size Sq Ft	Min Lot Frontage Sq Ft (b)	Min Blding Set Back	Min. Building Set Back	Min. Building Set Back	Max % of Lot Covered Building	Min % Lot Allotted to Green Space
			(d) (ft)	(d)(ft)	(d) (ft)		
			Front	Rear	Side		
Commercial w/s&w	None	100(c)	35 (e)	15 (e)	15 (e)		10% (g)
Commercial w/o	40,000 (a)	100 (c)	35 (e)	15 (e)	15 (e)		10% (g)
Industrial	40,000 (a)	150	35	25	25		10% (g)
Village Res w/s&w	15,000	100	35	15	15	35%	10% (g)
Village Res w/o	40,000 (a)	100	35	15	15	35%	
Rural Residential	40,000 (a)	100	35	25	25	30%	
Pemigewasset Overlay	2 acres	150	(f)	(f)	(f)		
Little Squam Overlay	2 acres	150	(d)	(d)	(d)		

- (a) Or as determined by the Soils and Slopes Table in 2.4
- (b) A lot owned in common as a recreation area serving nearby dwelling units is exempt from the minimum lot frontage requirement
- (c) Minimum lot frontage may be reduced where lot sizes of less than 40,000 square feet are permitted.
- (d) The minimum structure setback from Little Squam Lake shall be 50 feet.
- (e) A commercial building need not be set back more than the average of the front setback of commercial buildings on the lots to either side. If a vacant lot exists on one side, the minimum front setback shall be required. The minimum side and rear setbacks may be reduced to conform with the side and rear setbacks of structures on adjoining properties at the discretion of the Zoning Board of Adjustment.
- (f) The minimum structure setback from the Pemigewasset River shall be 200 feet. In the Industrial - Commercial Zone, the structure setback from the Pemigewasset River may be reduced to 50 feet, through a special exception granted by the Zoning Board of Adjustment.