



Town of Hopkinton

Planning Department

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HOPKINTON PLANNING BOARD

PUBLIC NOTICE

JANUARY 26, 2021

The Hopkinton Planning Board will hold a final public hearing on Tuesday, January 26, 2021, at 6:00 PM via Zoom to receive public comment on proposed amendments to the Zoning Ordinance. The public will be able to listen and participate in this hearing through the website: <https://zoom.us/j/93175711424> or by dialing the following phone number: 1-929-205-6099 using Meeting ID: 931 7571 1424. If access problems, please contact the Planning Department by phone at 603-746-8243 or by email at planzone@hopkinton-nh.gov. Summary of amendments as follows:

- a) Amend Section II, Definitions to define terms in the Ordinance that were previously undefined, omit, and combine definitions where possible, modernize definitions so that they are consistent with current uses, and centralize definitions.
- b) Amend Section III, 3.6 Table of Uses by increasing the maximum number of residential units per building, adding and reclassifying uses and where the uses are allowed, and omitting uses regulated elsewhere or believed to be no longer applicable. Note: The uses listed in the Table of Uses 3.6 will be alphabetized and renumbered where necessary.
- c) Amend Section III, 3.6 Use Regulations by rewording and relocating paragraph 3.6.2 to the beginning of the Use Regulations, making it clear to the reader that the uses illustrated in the Table of Uses are subject to other provisions of the Ordinance.
- d) Amend Section III, 3.7.3(a) omitting the words "paragraph 2.1.H.1" and adding the words "in the definition" so that it reads, "The use shall be carried out entirely within the dwelling or an accessory building located on the same premises as the dwelling, subject to the area limitations set forth in Section II, definition of Home Business."
- e) Amend Section III, 3.7.5 omitting the words "paragraph 2.1.T.1" and "as defined in Section II, paragraph 2.1.H.2" so that it reads, "In order for Telecommuting or a Home Occupation as defined in Section II to be conducted as a permitted use, the following conditions must be met."
- f) Amend Section III, 3.7.5(c) omitting the words "residential telephone lines" and adding the words "telecommunication services" so that it reads, "No outside structures not typically associated with telecommunication services shall be allowed unless such structures are otherwise permitted under this Ordinance."
- g) Amend Section III, 3.7.5(e) omitting the words "paragraph 2.1.H.1" so that it reads, "The use shall not constitute a Home Business, as defined in Section II."

- h) Amend Section IV-A, 4-A.9.5 omitting reference to 2.1.D.10 so that it reads, "Shall have the same meaning as in Section II of the Hopkinton Zoning Ordinance."
- i) Amend Section XV, Board of Adjustment, 15.6.1 so that the method of mailing public hearing notices is consistent with RSA 21:53.

A complete text of the proposed amendments is available at Town Hall, the Hopkinton Town Library, and on the Town's website: www.hopkinton-nh.gov.

SECTION II DEFINITIONS

2.1 DEFINITIONS Except where specifically defined herein, the words used in this Ordinance shall carry their customary meaning. Words used in the present tense include the future; the singular number includes the plural, the plural the singular; the words "**used**" or "**occupied**" include the words "**designed**," "**arranged**," "**intended**," or "**offered**," to be used or occupied; the words "**building**," "**structure**," "**lot**," "**land**" or "**premises**" shall be construed as though followed by the words "**or any portion thereof**" and the word "**shall**" is always mandatory and not merely directory. Terms and words defined in the Hopkinton Building Code, if any, or Subdivision Regulations or Site Plan Review Regulations shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. Uses listed in the Table of Use Regulations under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by the Standard Industrial Classification Manual published by the U.S. Bureau of Census. The following words are specifically defined:

Abutter: Abutter means any person whose property adjoins or is directly across the street or stream from the land under consideration. 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.

Accessory Dwelling Unit (ADU): See 3.12, Accessory Dwelling Unit (ADJU).

Administrative Officer: The Building Inspector, Town of Hopkinton, New Hampshire.

Affordable Housing: See Section XVI, Affordable Housing Innovative Land Use Control.

Agriculture, Agritourism, Farm, Farmers' Market, Farming: Defined in RSA 21:34-a, as amended.

RSA 21:34-a Farm, Agriculture, Farming (2019) –

(I) *The word "**farm**" means any land, buildings, or structures on or in which agriculture and farming **operations or** activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations **or activities** named in paragraph II(a) or (b) of this section **or any combination of such individual operations or activities.***

(II) *The words "**agriculture**" and "**farming**" mean all operations **or activities** of a farm, including:*

- (a) (1) *The cultivation, conservation, and tillage of the soil.*
- (2) *The **storage and** use of **and or** spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage and, where permitted by municipal and state rules and regulations, other lawful soil amendments.*
- (3) *The use of and application of agricultural chemicals.*
- (4) *The ~~raising and sale~~ **husbandry** of livestock, which shall include, but not be limited to, **all beef or dairy cattle** ~~cows and the production of milk beef animals,~~ **steer, oxen,** swine, sheep, goats, **horses, mules or***

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- other Equidae*, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, *poultry, rabbits*, yaks, elk (*Cervus elphus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), ~~and~~ *or* reindeer (*Rangifer tarandus*).
- (5) ~~The breeding~~ *husbandry*, boarding, ~~raising~~, training, *or* riding instruction, ~~and selling~~ of equines.
 - (6) ~~The commercial raising, harvesting, and sale of~~ *husbandry and harvesting aquaculture products including fresh or saltwater finfish, shellfish, or other aquaculture products aquatic organisms grown for consumption or processing.*
 - (7) ~~The husbandry raising, breeding, or sale of~~ poultry or game birds *or production of eggs.*
 - (8) ~~The raising~~ *husbandry* of bees *or production of honey.*
 - (9) ~~The raising, breeding, or sale~~ *husbandry* of domesticated strains of fur-bearing animals.
 - (10) The production of greenhouse crops.
 - (11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.
- (b) Any practice *or activity* on the farm incident to, *ancillary to*, or in conjunction with such farming operations, including, but not necessarily restricted to:
- (1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.
 - (2) The transportation to the farm of supplies and materials.
 - (3) The transportation of farm workers.
 - (4) Forestry or lumbering operations.
 - (5) ~~The Marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.~~ *Regardless of the manner or form of transaction any livestock or products derived principally from the production of the farm, including, but not limited to items listed in subparagraph (a), whether onsite or off-site, provided that marketing such products is not specifically prohibited by local regulations. For the purposes of this section marketing shall include agritourism, which means attracting visitors to a farm to attend events or activities that are accessory uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, or active involvement in the activities of the farm.*
 - (6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.
 - (7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II (a) (4).

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- (8) *The production and storage of compost and the materials necessary to produce compost whether such materials originate, in whole or in part, from operations of the farm.*
- (III) *A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.*
- (IV) ***Management** practices on the farm shall include technologies recommended from time to time by the University of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.*
- (V) *The term "farmers' market" means an event or series of events at which two (2) or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale much include, but are not limited to, products of agriculture, as defined in paragraphs I-IV. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by an individual vendor selling therein.*
- (VI) *The term "agritourism" means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on the farm operations, or active involvement in the activity of the farm which is ancillary to the farm operations.*
- ~~(VII) *For purposes of this Ordinance, slaughterhouses, rendering plants, or tanneries are not considered as falling within this definition.*~~

Airport: That area of land, whether constructed or not, which has been approved by the New Hampshire Commissioner of Transportation as a site for the landing and taking off of aircraft or utilized or to be utilized by the public as a point of arrival or departure by air, and including all necessary passenger and cargo facilities, fueling, emergency service facilities, and other aviation dependent uses.

Alteration: Any construction, reconstruction or other action resulting in a change in the structural parts of height, number of stories or exits, size, number of units, use or location of a building or other structure.

Ancillary Use: A use providing necessary support to the primary activity or operation of an organization, institution, or industry; of secondary important; a use that is supplementary or subordinate.

Antique Shop: A store, whether a principal use or accessory use, which sells exclusively antique furniture and home furnishing over seventy-five (75) years old.

Architectural Design Review: See Section IV-A, Architectural Design Review Ordinance.

Assembly: Activities that combine two or more finished products into a single product.

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Assisted Living Facility: A professionally managed, healthcare residential setting that combines housing, personal care services, 24-hour supervision and assistance, activities, and health-related services (such as medication management and assistance); primarily for seniors and/or people with long-term disabilities and may include support of residents with memory disorders including Alzheimer's; designed to minimize the need for residents to relocate as their personal care and health care needs change over time.

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is six (6) feet or more above the finished grade.

Bed and Breakfast Home: ~~Any Dwelling Unit located on one (1) Lot of Record, containing no more than three (3) Lodging Units offered to the public for compensation for transient or semi-transient accommodations, provided that such Dwelling Unit is owned and operated by an individual person or persons, and that all such owner(s) shall occupy the Dwelling Unit. A Bed and Breakfast Home shall be subject to the provisions of Section III, Paragraph 3.7.2 and 3.7.4 of this Ordinance.~~

Bed and Breakfast Inn: Any Dwelling Unit, together with any accessory buildings thereto, located on one (1) Lot of Record, containing more than seven (7) Lodging Units offered to the public for compensation for transient or semi-transient accommodations, provided that such Dwelling Unit and accessory building are owned and operated by an individual person or persons, and that all such owner(s) shall occupy the Dwelling Unit. A Bed and Breakfast Inn shall be subject to the provisions of Section III, Paragraph 3.7.2 and 3.7.6 of this Ordinance.

Bedroom: A room primarily used for sleeping.

Buffer: A vegetated area of land with dimensions, composition, and use subject to approval by the Planning Board.

Building: A combination of any materials, whether portable or fixed, **temporary or permanent**, having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons, animals, or property. **The word "building" shall include the word "structure" unless the context unequivocally indicates otherwise.** For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Accessory Building, Accessory: A detached building whose purpose is subordinate to that of the main building. For the purpose of this Ordinance, a breezeway, a garage or a carport that is attached directly, or by means of another structure, to the main building shall be regarded as an integral part of the main building.

Biomass Energy Generation Systems: Use of renewable organic material that comes from plants and animals. Biomass can be burned directly for heat or converted to renewable liquid and gaseous fuels through various processes. Biomass sources for energy include wood and wood processing wastes, agricultural crops and waste materials, biogenic materials in solid waste, and animal manure and human sewage.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

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Building Code: Adopted text of each national, state, or local code relating to or regulating buildings, uses, occupancies, and the like which has been legally adopted by the Town. NH RSA 155-A mandates that all municipalities within the State of New Hampshire shall be subject to the New Hampshire Building Code requirements and in accordance with the statute, shall be included within this definition of the Building Code.

Building Coverage: The aggregate of the maximum horizontal cross-section area of all buildings on a lot exclusive of cornices, caves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces, expressed as a percentage of total lot area.

Building, Detached: A building having open space on all sides.

Building Floor Area, Gross: The sum of the areas of the several floors of a building measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of the Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment.

Building Height: The vertical distance measured from the average level of the grade at the building line to the highest point of the roof, excluding chimneys, ventilators, and other accessory features required above the roof.

Building Inspector: The Board of Selectmen or their designated representative.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Business Offices: Offices for uses such as insurance, computer consultants, various types of consultants, general businesses, and other offices which are not considered as falling within the definition of professional offices.

Camp, Overnight or Day: A facility which provides organized recreational or educational activities for children and or adults on a daily, weekly, or monthly basis, and may include accommodations for temporary occupancy by participants and staff, including cabins or tents, and with common sanitary facilities and common dining facilities.

Cellar: A-See Basement.

Certificate of Occupancy: A statement signed by the Building Inspector or Planning Director setting forth either that a building or a structure complies with this Ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses or both.

Certified Soil Scientist: A person who is currently certified or licensed by the State of New Hampshire under RSA 310-A:76 to identify, classify, and to prepare high-intensity soil maps.

Certified Wetland Scientist: A person who is currently certified or licensed by the State of New Hampshire under RSA 310-A:76 to delineate wetland boundaries and prepare wetland maps.

Child Day Care Center: A non-home-based facility that provides care and or a structured program for any part of the day provided by a childcare agency as defined in NH RSA 170-E:2.

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For purposes of this Ordinance, the use is also known as a day nursery, nursery school, kindergarten, cooperative, child development center, daycare center, center for the developmentally disabled, progressive school, Montessori School, or any other name.

~~**Child Care, Day Care Nursery:** Provides non-home based care for any part of the day for five (5) or more children under the age of three (3).~~

Child Day Care, Family Group Home: Provides home-based care for a maximum of twelve (12) preschool children plus five (5) children enrolled in a full-day school program (or up to 17 children). The use shall be an accessory use to the principal use, residence.

~~**Child Care, Family Home:** Provides home based care for maximum of six (6) preschool children plus three (3) children enrolled in a full day school program (or up to 9 children).~~

~~**Child Care, Group Day Care Center:** Provides non-home based group care for preschool and school-age children, whether or not the service is known as a day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori School, or by any other name.~~

~~**Child Care, Preschool Program:** Provides non-home based care and a structured program for up to five (5) hours per day for children who are not attending a full day school program.~~

~~**Child Care, School-Age Program:** Provides non-home based care for up to five (5) hours per school day, before or after, or, before and after regular school hours and all day during school holidays and vacations. This program is for children who are four (4) years eight (8) months of age or older, including all children present during the period of the program and those related to the caregiver.~~

Church: See Religious Institution or Facility.

Clinic: An office building or portion thereof used by members of the medical profession for diagnosis and outpatient treatment of human ailments.

Commercial Lodging (Temporary Residential Use): Any building, or any part thereof, which contains one or more Lodging Units devoted to transient or semi-transient rental occupancy and that is designed to be used for temporary occupancy by the general public, with the length of stay not to exceed 90 days, which has a common entrance or separate entrances, and that may provide additional services such as restaurants, meeting rooms, and recreational facilities, including an inn, motel, motor inn, tourist court, boarding house, lodging house or rooming house, but specifically excepting a Bed and Breakfast Home and Bed and Breakfast Inn. For the purposes of this Ordinance, the use is also known as a hotel, motels, and or inn. See definition of "Lodging Unit."

Commercial, Lodging Unit: One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities designed to be used for temporary occupancy by the general public. A "Lodging Unit" shall include rooms in hotels, motels, and or inns. ~~boarding houses, tourist houses and rooming houses.~~ See Commercial Lodging.

Commercial Use: Any activity involving the sale or trade of goods or services.

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Community Facilities: Premises owned and operated by a governmental or chartered nonprofit organization, but not including fraternal, sports, or similar membership organizations.

Conditional Use Permit: A conditional method to permit uses that are consistent with the intent of the underlying zoning district, as indicated by the Table of Uses in Section III or as otherwise indicated in this Ordinance. A Conditional Use Permit shall be administered by the Planning Board, pursuant to RSA 674:21, to ensure that conditional use opportunities do not adversely impact neighboring properties and are consistent with the health, safety, and welfare of the public.

Condominium: ~~The form of ownership of real property, and any interests therein, lawfully submitted to RSA 356-B, by the recordation of condominium instruments pursuant to the provisions of RSA 356-B.~~ **in which individual owners own or lease separate units together, or through an owners' association, and own the common areas appurtenant to the units.**

Condominium Conversion: An existing use or structure converted from a noncondominium form of ownership to a condominium form of ownership. See definitions of "Condominium" and of "Subdivision."

Congregate Care Housing: ~~A residential facility for people containing congregate kitchen, dining and living areas but separate sleeping rooms for not more than eight (8) people who are not in need of skilled or structured care of a nursing home, life care facility or institution.~~ **Housing that is developed and maintained, in which common dining facilities and certain personal services such as housekeeping, laundry, medical, or nursing services, are provided to residents. Congregate Care Housing may be contained in a single building or group of buildings and may include independent living, assisted living, and/or nursing home facilities.**

Construction and Demolition Debris: Waste materials, wood, and rubble resulting from the construction, remodeling, repair, removal or demolition of structures or roads, including any by-products or materials derived from such waste materials, wood, and rubble.

Contiguous: Sharing an edge or boundary of an adjacent lot or lots.

Convenience Store: A one-story retail store usually open 15 to 24 hours per day containing less than 2,000 square feet of gross floor area ~~that is designed and stocked to sell food, beverages and other household supplies to customers who purchased relatively few items unlike a supermarket.~~ It depends on a large volume of stop and go traffic.

Court: An unoccupied open space, other than a yard, on the same lot with a building, ~~which is~~ bounded on two or more sides by the walls of such building.

Crematorium or Crematory: A facility that is used for the cremation of the dead.

Demolition: Destruction of a structure or portion thereof or commencement of work with the purpose of completing the same except in conjunction with the construction of a permitted addition or alteration. Demolition shall include the cutting away of any wall, partition, portion thereof, or the removal or cutting of any structured beam or bearing support affecting the exterior of the structure.

District: A zoning district as established by the provisions of this Ordinance.

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Drive-through Retail Services: A structure or portion thereof which is accessible to motor vehicles and is designed to allow the rendering of services or delivery of products, excluding food and beverage, directly to a customer who is seated in a motor vehicle.

Driveway: An open space, located on a lot, ~~which is built~~ for access to a garage, or off-street parking or loading space.

Duplex: ~~A detached building designed for or occupied by two families exclusively, living independently or separately from each other therein.~~ See Dwelling, Two-Family.

Dwelling: ~~A building or portion thereof containing one or more dwelling units, but not including hotels, motels, lodging house, membership clubs, lodges, travel trailers, hospitals, dormitories, or structures solely for transient or overnight occupancy.~~

Dwelling Unit: ~~One or more rooms, arranged for the use of one or more individuals, which serves as a permanent housekeeping unit for a Family, with cooking, living, sanitary and sleeping facilities.~~

Dwelling or Dwelling Unit: A building or portion of areas for living, cooking, sleeping, bath, and sanitary facilities. These terms shall include manufactured housing, mobile homes, apartment, efficiency apartments, condominium units. They shall exclude hotels, motels, lodges, overnight cabins, camping vehicles, and the like for transient or overnight occupancy. These terms shall also include what is commonly referred to as an Accessory Dwelling Unit (ADU).

Dwelling Unit, Multi-Family: A building containing three (3) or more dwelling units.

Dwelling Unit, Single Family: A detached building designed for or occupied exclusively by one family.

Dwelling Unit, Two-Family: A residential building that has two (2) dwelling units. The building is also referred to as a Duplex. For regulatory purposes, a Two-Family Dwelling or Duplex does not include an Accessory Dwelling Unit, otherwise defined and regulated herein. The two (2) residential units shall be connected.

Entertainment: Any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate or that is conducted for the purpose of holding attention of, gaining the attention of or diverting or amusing guests or patrons, regardless of whether a charge or fee is levied. The following types of activities are included: Instrumental music; individual singer; singing group or band; dance; comedy; theatrical reading; speech; performance art; sporting event, or exhibition. The use of televisions, radio, or recorded music is exempt from this definition. Nothing in this definition shall be construed to permit adult entertainment of any kind, as referenced in Section 3.9 of this Ordinance.

Place of Entertainment, Place of: Any hall, theater, lounge bar, or restaurant which provides on-premises entertainment, ~~which may also include food and/or beverage service~~, except a Fair Use permitted in the Fair District. See also Entertainment.

Equitable Waiver of Dimensional Requirements: When a lot or structure thereupon is discovered to be in violation of physical layout or dimensional requirement imposed by a zoning

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ordinance, the Zoning Board of Adjustment may grant a waiver only if the findings outlined in RSA 674:33-a have been met. See Section XV, Board of Adjustment.

Essential Services: Services provided by a public utility or government agencies through erection, construction, or maintenance of underground or overhead gas, electrical, steam, or water transmission and distribution systems, and collection, communication, supply or disposal systems. Facilities necessary for the provision of essential services including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, unoccupied utility structures (subject to the provisions of 3.7.8 in Section III), and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings not necessary for the furnishing of essential service by a public utility or governmental agencies for the public health, safety or general welfare.

Excavation: Excavation means a land area which is used, or has been used, for the commercial taking of earth, including all slopes, RSA 155-E:1. See Section XI, Local Regulation of Excavation.

Family: One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit house-keeping unit.

Filling Station: Building and premises where gasoline, propane, diesel fuel, oil, grease, batteries, tires, automobile accessories, and incidentals are sold at retail and/or where minor servicing and repairs take place. For purposes of this Ordinance, electric vehicle charging stations is included within this definition. Major mechanical and bodywork, straightening of body parts, painting, welding, storage of automobiles not in operating conditions, or other work involving noise, glare, fumes, or smoke are not included in this definition.

Floodplain: See lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study of the County of Merrimack, NH," together with the associated Flood Insurance Rate Maps, dated April 19, 2010. See also Section XVII, Floodplain Development Ordinance.

Frontage: The horizontal distance measured along a lot line dividing a lot from a street. Driveways to rear lots shall not be construed as frontage.

Funeral Home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals. The facility is also known as a funeral parlor.

Golf Course: The term shall include standard courses and executive par three courses. A golf course may include a clubhouse that provides services to golfers and/or members including but not limited to the sale and repair of golf equipment and food and beverage service, and accessory buildings and structures necessary for the operation of the course.

Greenhouse: A building primarily designed for the production and protection of plants.

Hazardous Materials: In accordance with RSA 147-B:2, Definitions, those substances or materials in such quantities and form which may pose an unreasonable risk to health and safety or property or when transported in commerce by all modes, and which may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases which are listed by the Materials

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Transportation Bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations, as amended.

Heliport: A facility used for landings and takeoffs by helicopters.

Home Business: Shall mean any business or profession conducted entirely within a dwelling, or an accessory building located on the same premises as the dwelling, which (a) entails contact with the general public at the premises, (b) is capable of being unobtrusively pursued, (c) creates no nuisance nor any environmental, health or safety concerns, (d) is clearly incidental and subordinate to the dwelling use, (e) does not change either the character of the dwelling as a residence or the character of the neighborhood in which the Home Business is established, (f) is conducted by the resident owner(s) of the dwelling, (g) employs not more than one person outside the Family (as defined in Section II, Paragraph 2.1.F.1), and (h) utilizes an area (either in the dwelling or in an accessory building) of not more than twenty-five percent (25%) of the total floor area of the dwelling (including any functional basement) or five hundred (500) square feet, whichever is less. A Home Business shall be subject to the provisions of Section III, Paragraph 3.7.3 of this Ordinance.

Home Occupation: Shall mean any individual business or profession conducted entirely within a dwelling which (a) entails no contact with the general public at the dwelling (except normal postal and commercial delivery services), (b) is capable of being unobtrusively pursued, (c) creates no nuisance nor any environmental, health or safety concerns, (d) is clearly incidental and subordinate to the dwelling use, (e) does not change either the character of the dwelling as a residence or the character of the neighborhood in which the Home Occupation is established, (f) is conducted solely by the resident owner(s) of the dwelling, and (g) utilize an area of not more than twenty-five percent (25%) of the total floor area of the dwelling (including any functional basement) or 500 square feet, whichever is less. Home Occupations shall be subject to the provisions of Section III, Paragraph 3.7.5 of this Ordinance.

Hospital: A building providing 24-hour in-patient services for the diagnosis, treatment, or other care of human ailments ~~including a sanitarium, clinic, rest home, nursing home, and convalescent home.~~

Hotel: ~~See Commercial Lodging. Any building, or any part thereof, which contains one or more Lodging Units devoted to transient or semi-transient rental occupancy and which has a common entrance or entrances, including an inn, motel, motor inn, tourist court, boarding house, lodging house or rooming house, but specifically excepting a Bed and Breakfast Home and Bed and Breakfast Inn.~~

Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include life care or nursing home facilities.

Hydroelectric Energy, Hydroelectric Power or Hydroelectricity: A form of energy that harnesses the power of water in motion to generate electricity.

Impact Fee: See definition in Section XIII-A, Impact Fees.

Impervious Surface: Any modified surface that cannot effectively absorb or infiltrate water. Impervious surfaces include but are not limited to roofs and paved areas such as driveways,

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parking areas, and walkways, decks, patios, and gravel, and crushed stone surfaces unless such structures or surfaces have been designed to absorb or infiltrate water effectively.

Independent Living Community: A community or living facility designed specifically for the interests of seniors age 55 and older, which may include recreational amenities and support services for maintenance-free living for adults who are healthy, active, and capable of living independently.

Industrial Use: ~~Any activity that entails manufacturing, processing, assembling, warehousing storage, distribution, shipping and/or other related uses. For the purpose of this definition, agricultural uses, home businesses, and home occupations, as defined in this Ordinance, shall not be considered industrial uses.~~ Establishments engaged in the processing and/or manufacturing materials and/or products predominately from raw materials. Examples of such uses include, but are not limited to, processing, assembly, warehousing, and wholesale storage, distribution, shipping, earth excavation, and or other related uses.

Inn: See Commercial Lodging.

Institutional uses/Community Facilities: Including but not limited to buildings used for hospitals, schools, libraries, or auditoriums.

Junk: ~~Old or scrap copper, brass, rope rages, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof iron, steel and other old or scrap ferrous or nonferrous materials.~~ Any iron, steel, and other old or scrap ferrous or nonferrous materials; glass; rags; paper products; rubber products; plastic products; two or more unregistered motor vehicles for use on the highways which are not stored within a structure nor capable of passing a state motor vehicle safety inspection, or used parts and materials of motor vehicles, the quantity of which shall be equal in bulk to two or more vehicles. Any any other secondhand articles the accumulation of which is detrimental or injurious to a neighborhood; or materials or items which are included in the of the contents of a "junk yard" in the definition of RSA 236:112, as amended, or in the definition of "junk" in NH RSA 236:91, as amended.

Junk Yard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage dumps and sanitary fills. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:127.

Kennel: A commercial establishment that (4) boards and provides food and care for purposes not primarily related to medical care for small household pets, and/or (2) engages in the breeding of small household pets

Laundromat: An establishment with washing machines and dryers for public use. A laundromat can be self-service and/or used for drop-off and pickup laundry and dry-cleaning services.

Lighting, Outdoor: See Section XVIII, Outdoor Lighting Ordinance.

Livestock: See Agriculture, Farm, and Farming.

Lot: A single parcel of land in the same ownership throughout as shown or defined on a recorded instrument or defined by metes and bounds and having its principal frontage on a street

SECTION II DEFINITIONS

in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for building on such land.

Lot Area: The extent in square feet of the surface of a lot. The lot area shall not include any part of the street upon which the lot front or abuts.

Lot Corner: A lot at the point of intersection of and abutting on two or more intersecting streets.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line when measured on a line halfway between the two side lot lines.

Lot Line, Front: The property line dividing a lot from a street (right-of-way). On a corner lot the owner shall designate one street line as the front lot line.

Lot Line, Rear: The lot line opposite from the front lot line.

Lot Line, Side: Any lot line, not a front or rear lot line.

Lot Lines: The lines bounding a lot and dividing the lot from other lots, streets or land.

Lot of Record: A lot described in a deed which has been lawfully recorded in the Registry of Deeds for Merrimack County, prior to the enactment of planning and zoning regulations in Hopkinton (March 1964), or which, if not so deeded, is a lot which is part of a subdivision, the plan of which has been lawfully recorded in such Registry of Deeds.

Lot Width: The mean distance between the lot side lines measured on a line which is halfway between the front and rear lot lines.

Manufactured Housing: Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. (RSA 674:31) Manufactured housing as defined in this section shall not include pre-site-built housing as defined in RSA 674:31-a.

Manufactured Housing Park: A parcel of land containing at least ten (10) acres upon which one or more manufactured houses or mobile homes are parked or intended to be parked for living purposes. See Section IX, Manufactured Housing, of this Ordinance for additional requirements.

Manufactured Housing Subdivision: A subdivision of land into lots for manufactured houses. See Section IX, Manufactured Housing, of this Ordinance for additional requirements.

Manufacturing: The act of making goods or activities from raw materials or unfinished products and includes processing and assembling. For the purposes of this Ordinance, the production of commercial renewable energy is not considered within this definition.

Master Plan: The Master Plan of the Town of Hopkinton, prepared pursuant to RSA 674:2, Master Plan Purpose and Description, and adopted by the Planning Board pursuant to RSA

SECTION II DEFINITIONS

674:4, Master Plan Adoption and Amendment, inclusive of all officially adopted supplements and amendments.

Membership Club: A social, sports, or fraternal association or organization ~~which is used exclusively by members and their guests, which may contain bar facilities.~~

Mixed Uses: Any combination of uses allowed by underlying zoning.

Mobile Home: A ~~Manufactured~~ ~~House~~ as defined in RSA 674:31.

Mobile Home Park: A ~~Manufactured~~ ~~Housing~~ ~~Park~~ as defined in ~~2.1.M.2~~ of this Ordinance.

Mobile Home Subdivision: A ~~Manufactured~~ ~~Housing~~ ~~Subdivision~~ as defined in ~~2.1.M.3~~ of this Ordinance.

Motel: See Commercial Lodging.

Motor Vehicle Dealership: The use of any building or land area for the display and sale of new or used automobiles, trailers, recreation vehicles, motorcycles, or similar motorized vehicles. This use may include repair facilities for such vehicles.

Museum: A nonprofit institution operated principally to preserve, acquire, and to exhibit objects of historical, cultural, scientific, or artistic interest and which may also engage in the incidental retail sales of items related to its principal purpose.

Lot, Nonconforming Lot: A lot existing on the effective date of this Ordinance or any subsequent amendments thereto, in conformity with the then-existing Ordinance but not in conformity with all of the provisions of this Ordinance or such amendments thereto. An owner or owners of such lots who also own additional contiguous land shall be governed by the provisions of Section 5.2, Nonconforming Dimensions or Lots, or 5.3, Changes in Nonconformities, of this Ordinance.

Nonconforming Structure: – A structure lawfully existing at the effective date of this Ordinance and any subsequent amendments thereto, which does not conform to one or more provisions of this Ordinance. See 5.2, Nonconforming Dimensions or Lots, or 5.3 Changes in Nonconformities.

Nonconforming Use: A use of property that was allowed under the zoning Ordinance at the time the use was established but which, because of subsequent amendments, is no longer a permitted use. See 5.2, Nonconforming Dimensions or Lots, or 5.3 Changes in Nonconformities.

Nursing Home Facility: ~~A medical facility allowing care for physically or mentally disabled person which meets the State's Certificate of Need on institutional health services~~ An institution or facility, or a distinct part of an institution or facility, which is primarily engaged in providing 24-hour care for residents needing: (a) Skilled nursing care, medical monitoring, and related services; (b) Rehabilitation services for the rehabilitation of injured, chronically disabled, or sick; (c) Medication, administration, or instruction and supervision; or (d) On a regular basis, health-related care and services (above the level of room and board), which can be made available to them only through institutional facilities, which is licensed by the State of New Hampshire.

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Open Space: Land or water area free of all structures, parking, drives, and other uses which preclude attractive landscaping in such area. Open space may be landscaped with lawn, trees, shrubs, or other planting and may include walks and terraces.

Open Space, Designated: ~~See Designated Open Space as defined in 2.1.D.2 of this Ordinance.~~ Area of a parcel permanently protected from future development and subject to the provisions of Section VIII as part of a Conservation Subdivision.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking, Loading Space: An off-street space used for loading or unloading, not less than 14 feet in width, 45 feet in length, and containing not less than 1,300 square feet including both access and maneuvering area.

Parking Space: An off-street space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle in accordance with the provisions of Section VI of this Ordinance.

Person: Any individual, corporation, unincorporated association or other legal entity.

Personal Wireless Service Facilities (PWSF): See 3.10, Personal Wireless Service Facilities (PWSF).

Place of Entertainment: ~~Any hall, theater, lounge, or restaurant which provides on-premises entertainment, except a Fair Use permitted in the Fair District.~~

Pre-site Built Housing: Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site ~~manufactured~~ **manufacturing** facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation or assembly and installation, on the building site. For purposes of this subdivision, pre-site-built housing shall not include manufactured housing as defined in RSA 674:31. (RSA 674:31-a)

Processing: To prepare a product for sale by special treatment or change it through a series of steps, but not the original manufacture of a component.

Professional (Professional Office): These ~~occupants~~ **uses** shall include the practice of medicine, dentistry, law, accounting, architecture, engineering, real estate, ~~teaching~~ **instructional services**, and similar activities in which specialized services are provided to clients.

Quarrying: The business or occupation of extracting stone from an open excavation. Quarrying includes the excavation and removal of sand and gravel **in accordance with the provisions of Section XI, Local Regulation of Excavation.**

Recreational Camping Parks and Travel Trailer Parks: A parcel of land under single ownership consisting of a minimum of ten (10) acres used primarily for transient recreational camping vehicles (tents, travel trailers, tent campers, motor homes and pickup campers). See Section X, Recreational Camping Parks/Residential Tenting and Recreational Camping Vehicles, of this Ordinance for additional requirements.

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Recreational Camping Vehicles (also Travel Trailers): Means any of the following vehicles:

- (a) Motor home or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (b) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (c) Recreational trailer, which is a vehicle, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all sides, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- (d) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

See Section X, Recreational Camping Parks/Residential Tenting and Recreational Camping Vehicles, of this Ordinance for additional requirements.

Recreational Facilities (Indoor or Outdoor): A parcel of land with or without buildings used for indoor and/or outdoor commercial recreation activities in which patrons are active participants rather than spectators. Such events include a single or a series of events. Facilities may be open to the public or operated as private membership clubs, such as hunting, fishing, tennis, sports, country, golf, or the like. Recreation facilities, including but are not limited to, gymnasium; roller or ice skating rink; dance floor; swimming pool; archery range; batting cage; athletic field; golf course; golf driving range; miniature golf; go-cart track; indoor or outdoor movie theater; open-air court; open-air event facilities; playgrounds, or hiking areas. Open-air event facilities may include weddings, receptions, and other similar events in a building or structure regardless of whether all or part of the activity occurs within that building or structure. If permitted, the use may be considered a principal or accessory use.

Recycling Center: A building or site on which waste materials are separated for reuse and are processed so as to be suitable for reuse or conversion or assembly into products for sale or other manufactured products.

Religious Institution or Facility: A place where persons regularly assembly for religious worship, maintained and controlled by a religious body organized to support public worship. Such a facility includes, but is not limited to, a sanctuary, meeting hall, administrative offices, classrooms, and a rectory or clergy house, all for carrying out the institution's religious purposes.

Renewable Energy Generations Systems, Commercial and Industrial: Energy from renewable resources that are available in unlimited duration or that replenish more quickly than the rate at which they are consumed. Types of renewable energy sources include hydropower, geothermal, wind, and solar. For the purposes of this Ordinance, biomass is not considered within this definition. See Biomass.

Repair: Replacement or mending of parts already existing but in a state of deterioration with equivalent materials for the purpose of maintaining their quality.

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Research and Development Facilities: A place devoted to activities engaged in refinement, investigation, or experimental study of methods to create or improve processes or products.

Restaurant: The term includes diners, cafes, and cafeterias and does not include drive-in ~~through eating food~~ establishments, ~~unless otherwise permitted~~. It shall be an eating establishment, ~~with or without alcohol~~, which is primarily designed for its patrons to eat at tables, booths, or a counter. Take-out refreshments are only incidental to the main purpose of the establishment.

- (a) **LoungeBar:** ~~A business, or segregated area of a restaurant,~~ whose primary purpose is the serving of alcoholic beverages but which may also offer ~~a limited food menu~~ **service and/or entertainment**.
- (b) **Drive-in Eating Food Establishment:** Any place or premises which by design provides for the ordering and pickup of food and beverages from ~~the a service window of an~~ automobile, including establishments where customers may also service themselves and may eat or drink the food or beverages on the premises.
- (c) **Drive-through Food Establishment:** An establishment that serves food or beverages to customers who pull up to a service window in their vehicles.

Retail Establishment: A place of business, including a discount and limited price variety store, selling convenience goods and general merchandise, including but not limited to foods, pharmaceutical drugs, proprietary goods, dry goods, and apparel and accessories, furniture and home furnishings, home equipment, small wares, and hardware.

Rights-of-way (Public): All town, state, and federal highways and the land on either side as covered by statutes to determine the widths of the rights-of-way.

Rights-of-Way (Traveled): The area of a public right-of-way prepared for vehicular travel, including shoulders and appurtenant structures.

Satellite Dish and Antenna: An accessory structure used for receiving television signals which must be so located on the lot that it is at least ten (10) feet from side and rear lot lines and has the same distance back from the front lot line as is required for the principal use in the district in which it is located.

Sawmill: A portable facility for the sawing, milling, planing, or similar processing of timber or other wood products harvested.

School: An institution for ~~the~~ instruction of children and/or adults in a formal setting with a prescribed curriculum and ~~certified~~ teachers.

Setback: A distance from a property line or structure within which building is prohibited.

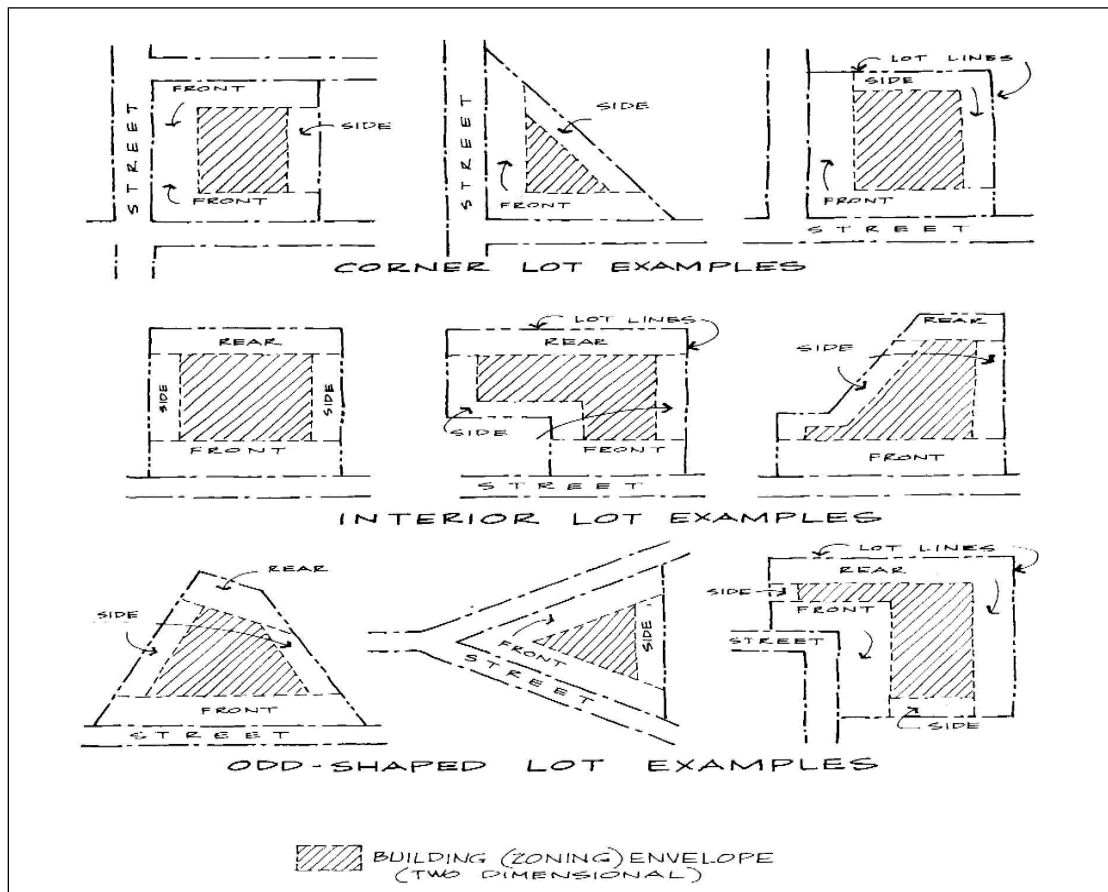
Setback, Front: The distance extending across the full width of a lot between the front lot line and the front edge of a building or any projection thereof. See figure titled "**Setbacks Graphic**" for more detail.

SECTION II DEFINITIONS

Setback, Rear: The distance extending across the full width of a lot between the rear lot line and the rear edge of a building or any projection thereof. See figure titled "**Setbacks Graphic**" for more detail.

Setback, Side: The distance between a side lot line and the side edge of building or any portion thereof. See figure titled "**Setbacks Graphic**" for more detail.

Setbacks Graphic



Sign Definitions: The following definitions relate to Section VII, Sign Regulations, of this Ordinance:

- (a) **Building Frontage:** The length along the side or sides of the primary floor facing a street, which is occupied by a separate and distinct principal use.
- (b) **Flag:** Any fabric containing distinctive colors, patterns, or symbols, and used as a symbol of government or political subdivision thereof.
- (c) **Nonconforming Sign:** Any sign which lawfully existed at the time Section VII of this Ordinance, as amended, became effective but which does not conform with the sign regulations in Section VII of this Ordinance.

SECTION II DEFINITIONS

- (d) **Primary Floor:** The floor of a building or structure which is directly accessed from the adjacent public street through the main or principal entrance to the building or structure. Any floor at an elevation within five and one-half (5 ½) feet of the elevation of the principal entrance, and occupied by separate and distinct principal use, shall be considered to be a primary floor.
- (e) **Rights-of-Way (Public):** ~~See Subsection 2.1.R.6 of this Ordinance~~ See Rights-of-Way (Public).
- (f) **Rights-of-Way (Traveled):** ~~The area of a public right of way prepared for vehicular travel, including shoulders and appurtenant structures.~~ See Rights-of-Way (Traveled).
- (g) **Sign:** Any device that is sufficiently visible to persons not located on the lot where such a device is located and designed to attract the attention of such persons or communicate information to them about products, accommodations, services, or activities on the lot where the device is located.
- (1) **Sign, Awning:** A sign that is a part of, or attached to an awning, a canopy, or other fabric, plastic, or structural protective cover over a door, window, or outdoor service area.
 - (2) **Sign, Banner:** A sign of lightweight fabric or similar material that is mounted to poles or the wall of a building. A flag, as defined in this Ordinance, is not a banner sign.
 - (3) **Sign, Building:** Any sign that is attached or affixed to a building including wall signs, projecting signs, awning signs, marquee signs, roof signs, and window signs.
 - (4) **Sign, Building Marker:** Any sign indicating the name of a building and/or the date and incidental information about the construction of the building, and which sign is made part of, or permanently integrated into, the materials from which the building is constructed.
 - (5) **Sign, Free-standing:** A self-supporting sign, the supports of which are permanently anchored in the ground and are independent from any building.
 - (6) **Sign, Marquee:** Any sign attached to or in any manner made part of a permanent roof-like structure projecting beyond the wall of a building.
 - (7) **Sign, Monument:** A type of free-standing sign for which the sign, its supports, and base are a monolithic structure.
 - (8) **Sign, Pennant:** Any lightweight plastic, fabric or similar material, whether or not containing a message of any kind, suspended from a rope, wire, or other material, usually in a series, designed to move in the wind.
 - (9) **Sign, Portable:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.
 - (10) **Sign, Projecting:** Any sign affixed to a building with the plane of the sign at an angle to the plane of the wall of the building.
 - (11) **Sign, Roof:** Any sign erected and constructed wholly on and over the roof of a building and supported by the roof structure.
 - (12) **Sign, Temporary:** A sign that is used in connected with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period of time after the erection of the sign; or a sign that is intended to remain on the location where it is erected or placed for a reasonably short or definite period of time after the erection of the sign. If the sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as a temporary sign.

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- (13) **Sign, Wall:** A sign attached to, or erected against the wall of a building with the face of the sign in a parallel plane to the plane of the building wall, and projecting no more than fourteen (14) inches from the building wall.
- (14) **Sign, Window:** Any sign that is placed inside or upon the windowpanes or glass, and that is visible from the exterior of the building or structure.

See Section VII, Signs, of this Ordinance for additional requirements.

Small Wind Energy Systems: See 3.11, Small Wind Energy Systems.

Solar Energy Systems: See 3.13, Solar Energy Systems.

Special Exception: A use allowed by the Zoning Ordinance but under pre-determined conditions and after a public hearing before the Board of Adjustment to determine if the conditions as outlined in Section XV, Board of Adjustment, have been met.

Storage: A space or place for the depositing, stockpiling, and safekeeping of items, goods, or materials.

Self-Service Storage, Self-Service Facility: A building or group of buildings that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

Story: That part of a building comprised between a floor and the floor or roof next above. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be classified as a story when its ceiling is six (6) or more feet above the finished grade.

Street: A public way which is over twenty (20) feet in right-of-way width which is dedicated or devoted to public use, for vehicular travel, by legal mapping, or by any other lawful procedure.

Structural Alterations: Any change in the supporting members of a building or structure, such as load-bearing walls, columns, beams or girders.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, sign, flagpole or the like. See "Building."

Structure, Nonconforming: A structure lawfully existing at the effective date of this Ordinance or any subsequent amendment thereto, which does not conform to one or more provisions of this Ordinance.

Subdivision: The division of a lot, tract, or building (in the case of a condominium conversion), or parcel of land into two (2) or more lots, plats, sites, condominium units, or other division of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision, and where appropriate to the context relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision under this title, per RSA 672:14.

Subdivision, Conservation: See Section VIII, Conservation Subdivision, of this Ordinance.

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Telecommuting: Shall mean the use of a dwelling by the resident owner(s) thereof for the purpose of providing services for communicating with such owner(s)' off-premises business employer by means of telecommunication facilities, including without limitation, facsimile, modern, and/or telephone, and through postal and light commercial delivery services. Other means of communication and delivery service shall not be permitted in connection with this use unless the resident owner(s) otherwise satisfy the requirements of this Ordinance for such manner of communication and delivery service. Telecommuting shall be subject to the provisions of Section III, Paragraph 3.7.5 of this Ordinance.

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, Accessory: ~~A use~~ **An activity** incidental and subordinate to **and located on the same premises as a** the principal use **and is conducted by the same individual business, or agent.** ~~of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.~~ Accessory use by area shall be interpreted not to exceed ~~forty (40)~~ **fifty (50)** percent of ~~the area of the total use of the structure and/or lot on which it is located.~~

Use, Adult: Shall mean a business where more than ten (10) percent of the gross revenues, ten (10) percent or more of the stock in trade, or ten (10) percent or more of the goods or paraphernalia displayed are of a sexually oriented or sexually explicit nature. Such goods and paraphernalia include but are not limited to sexually oriented or sexually explicit materials. Examples of adult uses include, but are not limited to, theaters or mini-motion picture displays where sexually explicit materials are shown **or nude modeling occurs.** ~~studios, sexually oriented massage parlors, escort agencies or sexually encounter centers.~~ As used in this Ordinance, materials shall have the meaning set forth in RSA 650:1, III, or successor statute. **An Adult Use shall be subject to the provisions of Section III, paragraph 3.9 of this Ordinance.**

Use, Nonconforming: ~~Nonconforming means use of land, building or premise which is not a use permitted by the provisions of this Ordinance for the district in which such land, building or premise is situated.~~ **See "Nonconforming Use."**

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied, or maintained under this Ordinance. Any other use within the main structure or use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this Ordinance shall be considered an accessory use.

Use, Substantially Different: A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Utility: **A structure, building, or transmission device used to provide water, sewer, stormwater drainage, electricity, natural gas, oil, telephone, television, radio, and other forms of communication.**

Variance: ~~Such~~ **A** departure from the terms of this Ordinance as the Board **of Adjustment**, upon appeal ~~in specific cases,~~ is empowered to authorize under the terms of ~~Section XIV~~ **RSA 674:33, Powers of Zoning Board of Adjustment.**

SECTION II DEFINITIONS

Warehouse, Wholesale or Storage: Buildings or premises in which raw materials, merchandise, or equipment are stored for eventual distribution. These terms exclude the storage of fossil fuels.

Wetland: Any area falling within the jurisdictional definitions of Section XII, **Wetlands Conservation District Overlay** of this Ordinance.

Yard: A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein. A court shall not be considered to be a yard or any part thereof.

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A yard, except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, Side: Yard extending for the full length of a building between the nearest building wall and the side lot line.

SECTION III ESTABLISHMENT OF DISTRICTS AND USES

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
A. Residential Uses – Principal Uses										
1. Affordable Housing Option, Section XVI.	X	P	P	P	P	X	P	X	X	
2. Congregate Care Housing	X	X	S	S	P	X	S	S	X	
3. Dwelling, Multi-Family with a maximum of eight (8) 12 dwelling units per building.	X	X	S	P S	P	X	S	S	X	
4. Dwelling, Multi-Family with a maximum of 24 dwelling units per building.	X	X	X	X	P	X	X	X	X	
5. Dwelling, Single-Family Detached.	P	P	P	P	X	S	P	S	S	
6. Dwelling, Two-Family.	S	S	P	P	X	S	P	S	S	
7. Manufactured Housing on individual lots.	X	X	X	X	X	X	X	X	X	
8. Manufactured Housing Park, Section IX.	X	S	S	S	X	X	S	X	X	
9. Manufactured Housing Subdivision, Section IX.	P	P	P	P	X	X	S	X	X	
B. Temporary Residential Uses – Principal Uses										
1. Bed and Breakfast Inn, Section III, paragraph 3.7.2 and 3.7.6.	S	S	S	S	P	X	S	P	X	
2. Camps , Non-Profit (overnight and/or day) camps and cottage colonies.	S	S	S	X S	X S	X S	X S	X S	X S	
3. Commercial Lodging Hotels, Motels, Inns.	X	X	X	X	P	S	X	P	S	
4. Bed and Breakfast Home , Section III, paragraph 3.7.2 and 3.7.4.	S	S	S	S	P	X	S	P	X	
C. Outdoor/Recreational Uses – Principal Uses										
1. Commercial Riding Stables and Riding Trails.	S	S	S	X	P	X	X	X	X	
2. Public Parks and Playgrounds , Forestry, Wildlife, Timber Preserves, reservoirs, and Nature Study Areas, Conservation Areas and Preserved or Protected Open Space.	P	P	P	P	P	P	P	P	P	
3. Recreational Camping/Tenting Parks and Recreational Camping Vehicles, Section X.	S	S	S	X	S	X	X	X	X	
4. Public parks and playgrounds.	P	P	P	P	P	P	P	P	P	
5. Historic building or site open to public.	P	P	P	P	P	P	P	P	P	
D. Agricultural/Forestry Uses – Principal Uses										
1. Agriculture, Horticulture and Floriculture except a greenhouse or stand for retail sale, including customary accessory structures and uses.	P	P	P	S	S	P	S	S	P	
2. Farming including dairying, livestock, animal, and poultry raising, and crop production including customary accessory structures and uses.	P	P	P	S	S	P	S	S	P	
3. Year-round Greenhouse or Farm Stand.	S	S	S	S	S	P	S	P	P	

Section XII Wetlands Conservation District (Overlay)

**SECTION III
ESTABLISHMENT OF DISTRICTS AND USES**

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
D. Agricultural/Forestry Uses – Principal Uses										
4. Primary Agriculture Solar Energy System, Section III.	C	C	C	C	C	C	C	C	C	C
5. Agricultural silage storage exceeding the maximum zone height.	S	S	S	S	S	S	S	S	S	S
6. Non-commercial harvesting of forest products.	P	P	P	P	P	P	P	P	P	P
7. Tree farming and commercial timbering.	P	P	P	S	S	S	S	S	S	S
E. Institutional Uses/Community Facilities – Principal Uses										
1. Buildings necessary for the furnishing of Non-Essential Services by such public utility for the public health, safety, and general welfare.	X	X	X	S	P	P	S	P	P	P
2. Essential Services as defined in paragraph 2.1.E.2 Section II.	P	P	P	P	P	P	P	P	P	P
3. Hospitals, Clinics and Nursing Homes, Convalescent Homes and Rehabilitation Centers.	X	X	S	S	P	X	S	P	X	X
4. Museums, Historical Association or Society.	S	S	P	P	P	X	P	P	S	S
5. Non-Profit Senior Citizen Centers	S	S	S	P	P	X	P	P	X	X
6. Place of Worship including customary ancillary religious facilities.	P	P	P	P	P	X	S	P	X	X
7. Private Cemetery.	S	S	S	S	S	S	S	S	S	S
8. Private Schools, and Child Daycare Center nursery through college., Section III.	S	S	S	S	SP	XS	S	SP	XS	XS
9. Public Utilities except those listed in 3.6.E.11. See also 3.6.E.14.	P	P	P	P	P	P	SP	P	P	P
10. Public schools.	P	P	P	P	P	P	P	P	P	P
11. Childcare Daycare Nursery, Childcare Group Daycare Center, Childcare Preschool Program, and Childcare School-age Program, Section III, paragraph 3.7.7.	S	S	S	S	S	S	S	P	P	P
12. Non-profit lodges, fraternal and membership organizations.	S	S	S	S	P	X	S	S	S	S
13. Non-profit recreational facility.	S	S	P	P	P	S	S	P	S	S
14. Non-profit country, hunting, fishing, tennis, or golf club without liquor license.	S	S	S	S	S	S	S	S	S	S
15. Municipal power plant, water filter plant, sewage treatment plant, refuse facility, or recycling facility.	S	S	S	S	S	S	S	S	S	S
16. Town buildings, except garage and utilities, subject to Site Plan Review approval by the Planning Board.	S	S	P	P	P	X	S	P	X	X
17. Town equipment garage, subject to Site Plan Review approval by the Planning Board.	S	S	S	X	X	P	X	X	X	X

Section XII Wetlands Conservation District (Overlay)

**SECTION III
ESTABLISHMENT OF DISTRICTS AND USES**

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
F. Commercial Uses – Principal Uses										
1. Airports, Heliports, Runways, Control Towers, Administration Buildings, Hangers.	X	X	X	X	X	S	X	X	X	
2. Banks and Lending Institutions.	X	X	X	X	P	X P	X	P	X S	
3. Bar Lounge	X	X	X	X	S	S	X	S	S	
4. Beauty Parlor, Barber Shop.	X	X	X	X	P	S P	S	P	S	
5. Business Offices.	X	X	X	X	P	P	S	P	P	
6. Commercial Solar Energy System, Section III.	C	C	C	C	C	C	C	C	C	
7. Convenience Store (without gas pumps).	X	X	X	S	P	S	X S	P	S	
8. Crematory Facility	X	X	X	X	S	S	X	X	X	
9. Drive-in Eating Food Establishments.	X	X	X	X	S P	S P	X	X	X	
10. Drive-thru Food Establishment	X	X	X	X	S	S	X	X	X	
11. Drive-thru Retail Establishment	X	X	X	X	P	S	X	P	S	
12. Place of Entertainment, Place of, Section III, paragraph 3.7.9.	X S	X S	X S	X S	S	S	X S	S	S	
13. Filling Station, Service Station (with or without convenience store).	X	X	X	X	S P	S P	X	S	S	
14. Funeral Home or parlor.	X	X	S X	S X	S	X S	S	S	X S	
15. Kennel	X	X	X	X	S	S	X	X	S	
16. Laundromat	X	X	X	X	P	S	X	P	S	
17. Motion Picture Establishment, Indoor and/or Outdoor.	X	X	X	X	P S	X S	X	P	X	
18. Motor Vehicle Dealership, Repair Garage, Body Shop, Paint Shop.	X	X	X	X	S	S	X	X P	S	
19. Personal Wireless Service Facilities (PWSF), Section III.	C	C	C	C	C	C	C	C	C	
20. Pet Grooming.	X	X	X	X	P	S	X	P	S	
21. Professional Offices.	X	X	X	S	P	P	S	P	P	
22. for profit Recreation establishment Facilities or Clubs, Indoor and/or Outdoor.	X S	X S	X S	X S	P S	S	X S	S	S	
23. Restaurants.	X	X	X	X	P	S P	X	P	S	
24. Retail Establishments.	X	X	X	X	P	S	X	P	S	
25. Self-Service Storage Facility.	X	X	X	X	P	S P	X	X	S X	
26. Uses, Adult, Section III. paragraph 3.9.	X	X	X	X	X	X	X	S	X	
27. Veterinary Hospital/ kennel .	S	S	S	X	X S	S	X	X	S	
28. Commercial Parking Lot/Structure.	X	X	X	X	P	S	X	X	X	
G. Industrial Uses – Principal Uses										
1. Biomass Energy Generation Systems.	X	X	X	X	X	X	X	X	X	
2. Bulk Storage and Distribution of goods and commodities, except fuels.	X	X	X	X	X	P	X	X	P	
3. Bulk Storage of fossil fuels.	X	X	X	X	X	S	X	S	S	
4. Closed Storage of raw materials, finished goods or construction equipment.	X	X	X	X	S	S	X	X	S	
5. Earth Products removal subject to the provisions of Section XI.	S	S	X	X	X	S	X	X	X	

Section XII – Wetlands Conservation District (Overlay)

**SECTION III
ESTABLISHMENT OF DISTRICTS AND USES**

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
G. Industrial Uses – Principal Uses										
6. Freight and Trucking Terminals.	X	X	X	X	X	S	X	X	X	
7. Junk Yards, Recycling Centers, Power Plant or Refuse Facility.	X	X	X	X	X	X	X	X	X	
8. Laundry, Dry Cleaning Plant.	X	X	X	X	X	P	X	S	P	
9. Manufacturing, Assembly, Fabricating Operations.	X	X	X	X	X	S	X	X	S	
10. Renewable Energy Generation Systems, except for Biomass.	S	S	S	S	S	S	S	S	S	
11. Research and Development Facilities. corporate and business offices.	X	X	X	X	P	P	S	P	P	
12. Warehousing and Wholesaling.	X	X	X	X	X	P	X	X	S	
13. Water Filter and/or Wastewater Systems.	S	S	S	S	S	S	S	X	X	
14. Commercial Sawmills.	X	X	X	X	X	S	X	X	S	
H. Accessory Uses										
1. Accessory Agriculture Solar Energy System, Section III.	P	P	P	P	P	P	P	P	P	
2. Accessory Building for Storage inside or outside Storage clearly necessary to the operation and conduct, of a permitted principal wholesale, transportation, industrial and/or commercial use.	X	X	X	X	S	S	X	S	S	
3. Accessory Buildings, such as private garage, play house, woodshed, green-house, tool shed, private swimming pool, or similar structures or additions thereto, normally associated with a residence or residential use, subject to provisions of Section IV.	P	P	P	P	P	P	P	P	P	
4. Accessory Commercial Solar Energy System, Section III.	C	C	C	C	C	C	C	C	C	
5. Accessory Dwelling Unit, Section III, paragraph 3.12.	P	P	P	P	X	P	P	P	P	
6. Accessory Off-street Parking loading spaces, Section VI.	P	P	P	P	P	P	P	P	P	
7. Accessory Residential Solar Energy System, Section III.	P	P	P	P	P	P	P	P	P	
8. Accessory Storage of trailer, camping vehicles, unregistered automobile or boat provided: It shall either be stored within a principal or accessory building or not less than 25 feet from any front lot line and 10 feet from any side lot line, and it shall not be used for dwelling or sleeping purposes.	P	P	P	P	P	S	P	P	S	
9. Agricultural silage storage exceeding the maximum zone height.	S	S	S	S	S	S	S	S	S	

Section XII Wetlands Conservation District (Overlay)

**SECTION III
ESTABLISHMENT OF DISTRICTS AND USES**

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-4
H. Accessory Uses										
10. Childcare Daycare Family Group Home , Section III, paragraph 3.7.7.	S	S	S	S	S	S	S	S	S	
11. Commercial Entertainment subject to the limitations in other Sections of this Ordinance, including but not limited to definitions, lighting and noise.	P	P	P	P	P	P	P	P	P	
12. Commercial Recreation Facilities subject to the limitations in other Sections of this Ordinance, including but not limited to definitions, lighting and noise.	S	S	S	S	S	S	S	S	S	
13. Construction trailer(s) for a construction project provided a permit is secured from the Board of Selectmen under conditions they may prescribe.	P	P	P	P	P	P	P	P	P	
14. Filling of Water or wet area, Section XII.	S	S	S	S	S	S	S	S	S	
15. Home Business, Section III, paragraph 3.7.3, except for the VB-1 and VM-1 districts. Site Plan Review required in all districts.	S	S	S	S	S	S	S	P	P	
16. Home Occupation, Section III, paragraph 3.7.5.	P	P	P	P	P	P	P	P	P	
17. Newsstand, Barbershop, Dining Room or Cafeteria and similar accessory services primarily for occupants or users thereof within a hotel, office, industrial building, hospital, or transportation terminal facility.	X	X	S	S	P	P	S	P	P	
18. Personal Wireless Service Facilities (PWSF) , Section III.	C	C	C	C	C	C	C	C	C	
19. Recreational Tenting and Recreational Camping Vehicles of a visitor in accordance with Section X, provided no residential tenting and recreational camping vehicles are located occupied on the property for greater than 60 days per year.	P	P	P	P	P	S	P	P	S	
20. Seasonal Greenhouse or Farm stand selling goods primarily raised on the premises.	S	S	S	S	S	P S	S	S	P S	
21. Shared Solar Energy System, Section III.	C	C	C	C	C	C	C	C	C	
22. Small Wind Energy Systems, Section III, paragraph 3.41.	P	P	P	P	P	P	P	P	P	
23. Telecommuting, Section III, paragraph 3.7.5.	P	P	P	P	P	P	P	P	P	

Section XII - Wetlands Conservation District (Overlay)

SECTION III ESTABLISHMENT OF DISTRICTS AND USES

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
H. Accessory Uses										
24. Temporary Housing as a result of an emergency situation provided a permit is secured from the Board of Selectmen under condition they may prescribe.	P	P	P	P	P	P	P	P	P	Section XII Wetlands Conservation District (Overlay)
25. Accessory repair and storage facilities in any retail sales or consumer establishment provided: It shall not occupy more than 25 percent of the gross floor area.	X	X	X	X	P	X	X	P	X	
26. Childcare Family Home, Section III, paragraph 3.7.7.	P	P	P	P	P	P	S	S	S	
27. Accessory private garage for not more than three non-commercial motor vehicles and, except on a farm, not more than one half ton rated or less in size commercial motor vehicles, subject to the provisions of Section IV.	P	P	P	P	P	S	P	P	S	

SECTION III ESTABLISHMENT OF DISTRICTS AND USES

3.6 USE REGULATIONS All uses illustrated in the Table of Uses shall be subject to the limitations in other Sections of this Ordinance, including but not limited to Section II Definitions. In case of conflict, the more restrictive interpretation shall apply.

3.7.3 Home Business: In addition to meeting the requirements of Section XV, paragraph 15.8.2, Special Exception, of this Ordinance, the applicant must agree to and demonstrate compliance with the following conditions in order to receive a special exception for a Home Business:

- (a) The use shall be carried out entirely within the dwelling or an accessory building located on the same premises as the dwelling, subject to the area limitations set forth in Section II, **definition of Home Business paragraph 2.1.H.1.**

3.7.5 Telecommuting and Home Occupation: In order for Telecommuting **or a Home Occupation**, as defined in Section II, paragraph 2.1.T.1, ~~or a Home Occupation~~, as defined in Section II, paragraph 2.1.H.2, to be conducted as a permitted use, the following conditions must be met:

- (c) No outside structures not typically associated with ~~residential telephone lines~~ **telecommunication services** shall be allowed unless such structures are otherwise permitted under this Ordinance.
- (e) The use shall not constitute a Home Business, as defined in Section II, ~~paragraph 2.1.H.1.~~

SECTION IV-A ARCHITECTURAL DESIGN REVIEW ORDINANCE

4-A.9.5 "Multi-family Use": Shall have the same meaning as in Section II ~~2.1.D.10~~ of the Hopkinton Zoning Ordinance.

SECTION XV BOARD OF ADJUSTMENT

15.6.1 Mail: The applicant and all abutters, **holders of conservation, preservation, or agricultural preservation restrictions** shall be notified of the public hearing by ~~certified mail, return receipt requested~~, **verified mail, as defined in RSA 21:53**, stating the time and place of the hearing, and such notice shall be given-not less than five days ~~nor more than thirty days~~ before the date fixed for the hearing of the appeal.