

2026 Proposed Zoning Ordinance Amendments
OFFICIAL COPY
Town Meeting – March 10, 2026

Strike language ~~shown~~ and add bold italic language:

Amendment #1:

Article IX Administration and Enforcement

C. Repair and Maintenance: No permit A permit is not required for maintenance such as painting, roofing, ***siding***, and window ~~and~~ ***or*** door replacement.

Amendment #2:

Article IV General Provisions

N. Structure: Structures wood.

Septic systems, flagpoles, well houses, dog houses, play sets and other customary landscaping elements such as bird baths, stone steps, patios and raised flower or vegetable beds do not require a Building Permit but must be set back a minimum of ***60 feet from the centerline of the road***, 30 feet from all property boundaries and cannot be on land in Current Use.

Amendment #3:

Article IV General Provisions

B. Lot Sizes and Areas:

7. Every lot shall have a minimum frontage of two hundred (200) ***contiguous*** feet upon a State, or Town road or road built to Town specifications.
8. A lot abutting a lake or pond shall have a minimum shore frontage of two hundred (200) ***contiguous*** feet, measured in a straight line between points of intersection of the side lot lines with the shoreline at normal high water.

Amendment #4:

Article IV General Provisions

D. Parking: Adequate Off-street parking space will be provided for each use, and will conform to the following standards:

1. Residences – ~~Two~~ **One** off-street parking spaces per dwelling unit. (Amended 3/08/1994, 3/12/2019)
3. Rental Units – ~~Two~~ **One** off-street parking spaces for the owner-occupied dwelling unit plus one off-street parking space for each rented bedroom. (Adopted 3/8/2022)

Amendment #5:

Article IV – General Provisions

U. Duplex: A residential building containing two housing units shall be permitted by the Board of Selectmen in all zoning districts with the following conditions:

7. There shall be a minimum of ~~two~~ **one** off-street parking spaces per unit.

Amendment #6:

Article IV – General Provisions

R. Accessory Dwelling Unit: For the purpose of providing expanded housing opportunities and flexibility in household arrangements of a permitted, single-family dwelling, accessory dwelling units shall be permitted by the Board of Selectmen in all zoning districts with the following conditions:

1. No more than one accessory dwelling unit will be allowed per lot. An ADU is not allowed in the case where there are two-family or multi-family dwellings. The primary single-family dwelling shall not be a ~~mobile home or~~ condominium.
2. An accessory dwelling unit must ~~be within or attached to a single-family dwelling unless the lot exceeds the minimum required lot size, in which case the ADU may be located in a detached structure provided that the structure conforms to required setbacks and increased lot size requirements~~ **(See Article IV, Section B).**
9. ~~An interior door shall be provided between the principal dwelling unit and the ADU in the case when the ADU is attached or within the principal dwelling unit.~~ **An attached ADU shall have an independent means of ingress and egress.**

Amendment #7:

Article IV – General Provisions

Strike Section V. Bed And Breakfast/Transient Occupancy/Short-Term Rental.

Add the following Sections:

V. Short-Term Rental: Short-Term Rentals may be permitted in all Zoning Districts as a commercial use, not as a Home Occupation. The purpose of this Ordinance is to allow short term rentals on a limited basis while maintaining the peaceful sense of community Eaton residents enjoy. This Ordinance governs rental periods of up to 30 consecutive days (longer periods are not regulated by the Town). Use of a property for Short-Term Rental shall require a Special Exception (See Article V of the Eaton Zoning Ordinance) granted by the Zoning Board of Adjustment. In addition, Short-Term Rentals must adhere to the following conditions:

1. The property must be owner occupied for a minimum of 30 days per calendar year.
2. The property may be rented short-term for up to 90 days per calendar year.
3. All rental periods shall be for a minimum of 2 nights.
4. Prior to each rental period the property owner shall provide the Town with a local contact who will be responsible and available during the rental period.
5. During each short-term rental period the property shall not be used for any other hospitality or business-related uses.
6. All buildings on the property must be in compliance with all State and local regulations regarding life safety, fire, and energy codes, sewage disposal systems, and parking.
7. The property to be rented must have a posted 911 address sign to ensure that it can be easily found by all emergency services.
8. If a Special Exception is granted, the property shall be subject to Site Plan Review by the Planning Board.
9. The property owner must comply with all State laws regarding rentals and complete Town forms documenting compliance with these regulations.
10. There shall be no occupancy of the rental units until all conditions of approval have been met and the Board of Selectmen has issued a Certificate of Occupancy for this use.

W. Bed And Breakfast/Transient Occupancy: A Bed and Breakfast/Transient Occupancy may be permitted in all Zoning Districts as a commercial use, not as a Home Occupation. The purpose of this Ordinance is to allow Bed and Breakfasts/Transient Occupancy while maintaining the peaceful sense of community Eaton residents enjoy. Use of a property for Bed and Breakfast/Transient Occupancy shall require a Special Exception (See Article V of the Eaton Zoning Ordinance) granted by the Zoning Board of Adjustment. In addition, the Bed and Breakfast/Transient Occupancy must adhere to the following conditions:

1. The property owner or their agent must be in residence during use of the property as a Bed and Breakfast.

2. All buildings on the property must be in compliance with all state and local regulations regarding life safety, fire, and energy codes, sewage disposal systems, and parking.
3. The property to be rented must have a posted 911 address sign to ensure that it can be easily found by all emergency services.
4. If a Special Exception is granted the property shall be subject to Site Plan Review by the Planning Board.
5. There shall be no occupancy of the rooms to be rented until the Board of Selectmen has issued a Certificate of Occupancy for this use.

Amend Article V Zoning District Regulations, Section A. Rural Residential District:

2. Special Exceptions
 - e. Bed and Breakfast/Transient Occupancy **as set forth in Article IV, Section W and Short-Term Rentals** (as set forth in Article IV, Section V) or other transient lodgings provided that they are located on a lot of four (4) acres plus two thousand (2000) square feet of land area for each sleeping room not having more than 4 beds.
3. Special Exception Conditions. The Zoning Board of Adjustment may grant a Special Exception only if the following conditions are met:
 - a. If the Special Exception is for a **Bed and Breakfast/Transient Occupancy/Short-Term Rental**, the property shall be owner occupied **and the conditions listed in Article IV, Section W shall apply. If the Special Exception is for a Short-Term Rental, the conditions listed in Article IV, Section V or W shall apply.**

Amend Article V Zoning District Regulations, Section B. Village District:

2. Special Exceptions:
 - b. Hotels, motels, inns, cabins, ~~Bed and Breakfast/Transient Occupancy/Short-Term Rentals~~ (as set forth in Article IV, Section V), **Bed and Breakfast/Transient Occupancy (as set forth in Article IV, Section W)** or other transient lodgings provided that they are located on a lot of four (4) acres plus two thousand (2000) square feet of land area for each sleeping room not having more than 4 beds.
3. **Special Exception Conditions.** The Zoning Board of Adjustment may grant a Special Exception only if the following conditions are met:
 - a. If the Special Exception is for a **Bed and Breakfast/Transient Occupancy/Short-Term Rental**, the property shall be owner occupied **and the conditions listed in Article IV, Section W shall apply. If the Special Exception is for a Short-Term Rental, the conditions listed in Article IV, Section V or W shall apply.**

Amendment #8:

Article V – Zoning District Regulations

Strike the current Section C. Wetland Conservation Overlay Zone and replace with the following Section C. Wetland Conservation Overlay Zone.

1. Title and Authority

- a. Title: The title of this Overlay Zone shall be the Wetlands Conservation Overlay Zone.
- b. Authority: This Ordinance is adopted under the authority granted pursuant to RSA 674:16, Grant of Power, and RSA 674:21, Innovative Land Use Controls.

2. Findings

The wetlands and buffers in the Town of Eaton are a valuable natural resource requiring careful management to maintain their usefulness to public health, safety and welfare. The Town of Eaton finds that wetlands and buffers help to:

- a. Prevent and/or minimize the destruction of, or changes to, those wetland areas, related water bodies and adjoining land which provide flood protection.
- b. Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses.
- c. Provide for nutrient reduction and help preserve stream flow during dry periods.
- d. Preserve and protect important fisheries and wildlife habitat and maintain ecological balance.
- e. Prevent the expenditure of municipal funds for essential services and utilities which might be required as a result of damage to or abuse of wetlands.
- f. Protect the wetlands, watercourses, surface and groundwater supplies and waterbodies of the Town from pollution and other degradation.
- h. Preserve and enhance aesthetic values associated with the Wetlands Conservation Overlay Zone.
- i. Contribute to the protection and recharge of groundwater supply.

3. Purpose

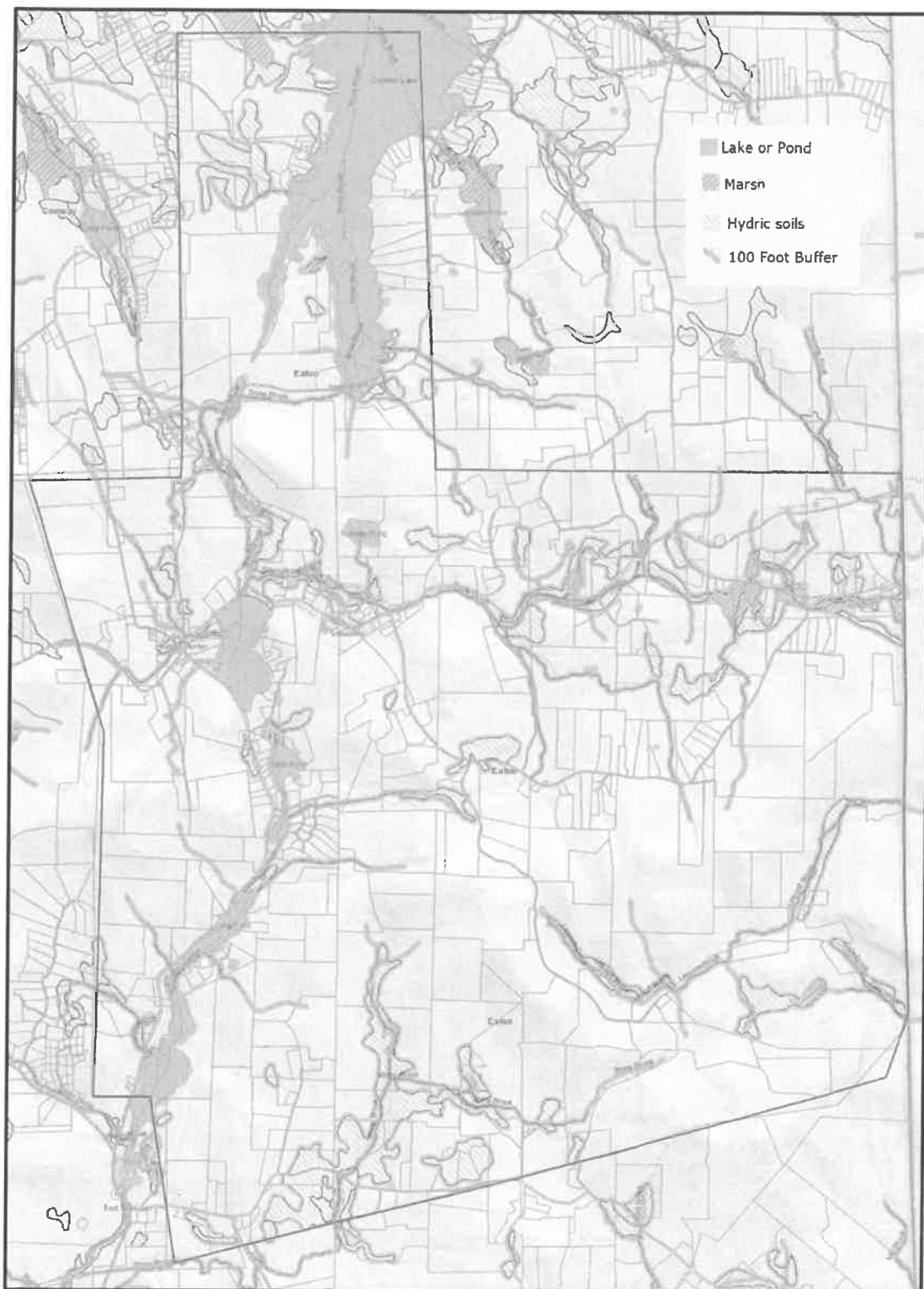
The establishment of the Wetlands Conservation Overlay Zone is to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the Master Plan.

4. Applicability

All proposed development, removal of vegetation, and alteration of the land surface within the Wetlands Conservation Overlay Zone is subject to this Ordinance.

5. Wetlands Conservation Overlay Zone Boundaries

- a. The Wetlands Conservation Overlay Zone includes:
 - i. Lakes, ponds, and other natural bodies of water.
 - ii. Wetlands of any size adjacent to open water, bogs over 1,000 square feet, vernal pools over 500 square feet and all other wetlands over 20,000 square feet.
 - iii. Perennial streams
 - iv. Buffers 100 feet wide adjacent to all waters, wetlands, and perennial streams listed in i., ii., and iii. above.
- b. Wetlands constructed for stormwater treatment, agricultural use, waste treatment or other such purpose are exempt from the provisions of the Wetlands Conservation Overlay Zone.
- c. The Wetlands Conservation Overlay Zone Map, dated 12/27/25, available at Eaton Town Hall, is based on the National Wetlands Inventory map (US Fish and Wildlife Service www.fws.gov/wetlands) and hydric soils identified in the National Resource Conservation Service County soil survey (<https://websoilsurvey.nrcs.usda.gov>), and provides a general indication of the location of the larger wetlands in the Town.
- d. Boundary Disputes. When a boundary of the Wetlands Conservation Overlay Zone is disputed by either the Planning Board, Conservation Commission or an applicant, the Planning Board, at the applicant's expense, may engage an independent certified wetlands scientist to determine the location of the Wetland Conservation Overlay Zone limit on the properties affected. The delineation shall be consistent with DES Wetlands Bureau Rules, as amended. The completion of a New England District Wetland Delineation Datasheet (US Army Corps of Engineers, 2000) by the certified wetland scientist can provide the appropriate level of documentation to address questions about the delineation. The Planning Board shall make the final determination of the wetlands limit based on the consultant's report. The Wetlands Conservation Overlay Zone Map shall be amended to incorporate the results of any such studies.



This map is for general guidance. It identifies the location of larger wetlands in the Town of Eaton. Small wetlands are not shown. The actual size and location of any wetlands must be determined by a Certified Wetland Scientist.

6. Allowed Uses

The uses listed below are consistent with the protection of wetland functions and values and, therefore, are allowed within the Wetlands Conservation Overlay Zone without a Conditional Use Permit when in accord with the following.

These uses will not:

- require the erection or construction of any structure,
- alter the natural surface configuration by re-contouring or grading of the land,
- involve filling, dredging or draining of the wetland,
- change the flow of water,
- result in the pollution of the wetlands, surface water or groundwater,
- or involve clearing of vegetation,

except for the purposes of agriculture, lawn mowing, meadow management or forest management in accord with current best management practices.

Allowed uses within the Wetlands Conservation Overlay Zone boundaries include:

- a. Passive recreation such as hiking, fishing, hunting on foot, non-motorized boating.
- b. Wildlife or fisheries management.
- c. Scientific research and educational activities.
- d. Agriculture in the wetland buffer, consistent with best management practices published by the NH Department of Agriculture, Markets and Food.
- e. Forest and meadow management in the wetland buffer, consistent with best management practices published by the NH Department of Resources and Economic Development and UNH Cooperative Extension.
- f. Wildlife refuge in the wetland buffer.
- g. Conservation areas and nature trails in the wetland buffer.
- h. Lawn mowing in the wetland buffer.

7. Prohibited Uses

The following uses may not be established or expanded within the Wetlands Conservation Overlay Zone boundaries:

- a. Structures, except as provided in section 8. Conditional Uses below
- b. Salt storage.
- c. Automobile junkyards.
- d. Solid or hazardous waste facilities.
- e. Use of fertilizer other than lime or wood ash on lawns.
- f. Bulk storage or handling of chemicals, petroleum products or hazardous materials.
- g. Sand and gravel excavations.
- h. Processing of excavated materials.
- i. Impervious surfaces, unless associated with a use approved as a Conditional Use.

- j. Activities which result in soil compaction such as parking vehicles or heavy equipment, unless associated with a use approved as a Conditional Use.
- k. Underground storage tanks.
- l. Activities which disturb habitat for rare, threatened, or endangered species or exemplary natural communities as determined by the NH Heritage Bureau.

8. Conditional Uses

The Planning Board shall notify the Conservation Commission of all projects and construction proposed within the Wetland Conservation Overlay Zone boundaries for the purpose of allowing the Conservation Commission to make recommendations prior to a final decision by the Planning Board. Consistent with RSA 482-A: 3I(d) and RSA 482-A:11 III, the Conservation Commission may make recommendations relative to the wetlands impact(s) of the application.

All activities within the Wetland Conservation Overlay Zone boundaries not listed in subsection 6. Allowed Uses, listed above will impair the wetland functions and values unless proven otherwise by the applicant as provided below. The following uses may be granted a Conditional Use Permit by the Planning Board:

- a. Accessory structures in the wetland buffer associated with legally preexisting primary structures if it is demonstrated that no practicable alternative exists elsewhere on the lot.
- b. The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, bridges, and utility right of way easements, including power lines and pipe lines, if essential to the productive use of land adjacent to the Wetlands Conservation Overlay Zone. These uses shall be located and constructed in such a way as to minimize any detrimental impact upon the wetlands and consistent with state recommended design standards (see Fish and Game Department 2008), and only if no viable alternative is available.
- c. Water impoundments for the purpose of creating a waterbody for wildlife, fire safety, or recreational uses. Conditional Use Permits may be granted for impoundments for on-site retention of stormwater runoff in buffers only.
- d. Disposal of snow and ice collected from roadways and parking areas. According to DES, snow dumps may be located in flat areas adjacent to flowing surface water, such as streams and rivers, in order for salt to be diluted while allowing for collection and proper disposal of solids. See the fact sheet at www.des.nh.gov.
- e. Other uses that the applicant proves will not interfere with the wetlands functions and values, water quality or value as fish and wildlife habitat, pursuant to Section II.

9. New Construction on a Non-Conforming Lot

Notwithstanding other provisions of the Ordinance, the Zoning Board of Adjustment may grant a Special Exception for construction of a new one- or two-family dwelling in the

Wetlands Conservation Overlay Zone buffer, provided that all of the following conditions are found to exist:

- a. The lot on which the Special Exception is sought was an official lot of record, as recorded in the Carroll County Registry of Deeds, prior to the date on which this Amendment was adopted (March 10, 2026).
- b. The structure for which the permit is sought cannot be feasibly built on a portion or portions of the lot, which are outside the Wetlands Conservation Overlay Zone.
- c. Due to the provisions of the Wetlands Conservation Overlay Zone, no reasonable and economically viable use of the lot can be made without this Special Exception.
- d. The design and construction of the proposed structure will, to the extent practical, be consistent with the purpose and intent of this Ordinance.
- e. The proposed structure will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.
- f. The design and construction of the proposed structure will be done in a manner which minimizes the impacts on the affected wetland, including storage of excavation and construction material outside the wetland and installation of siltation fence to control erosion of the construction site.

If a Special Exception is granted by the Zoning Board of Adjustment, a Conditional Use Permit must be obtained from the Planning Board before obtaining a Building Permit.

10. Nonconforming Uses

Expansion of a nonconforming use or structure may be allowed in the wetland buffer by Special Exception by the Zoning Board of Adjustment in the wetland buffer provided that all of the following conditions are met:

- a. any change in the footprint of a structure adheres to Article VI, paragraph 3, Section C (Non-Conforming Structures) of the Eaton Zoning Ordinance.
- b. review by the Conservation Commission finds that any potential adverse impact upon the wetland functions can be mitigated.

If a Special Exception is granted by the Zoning Board of Adjustment, a Conditional Use Permit must be obtained from the Planning Board before obtaining a Building Permit.

11. Conditional Use Permit

- a. Application for a Conditional Use Permit shall be made on forms supplied by the Planning Board and shall include a site plan containing the following information on one or more sheets at a scale of 1 inch = 100 feet or larger, and a report demonstrating compliance with the requirements listed below in Section 11.b.:
 - i. North arrow and date.
 - ii. Property lines.
 - iii. Locus map showing adjacent wetlands and other significant hydrological features.

- iv. Names and addresses of abutting property owners and holders of conservation restrictions and easements.
 - v. Wetland limit and wetland buffer.
 - vi. Soil types.
 - vii. Vegetation types.
 - viii. Topographic contours at no greater than 2-foot intervals.
 - ix. Surface drainage patterns, intermittent and year-round.
 - x. Existing and proposed development, removal of vegetation, and alteration of the land surface.
 - xi. Computation of the area to be impacted, in square feet of surface area and cubic yards of cut and fill.
 - xii. A Stormwater Management Plan for during and after construction shall be prepared and stamped by a professional engineer. This plan will show specific methods that will be used to manage the quantity and provide water quality treatment of stormwater for the entire project site.
 - xii. For all land disturbance associated with the application, an erosion and sedimentation control plan and a grading plan for the project site shall be prepared and stamped by a professional engineer. These plans will show specific methods that will be used to control soil erosion and sedimentation, soil disturbance and removal, grading, and stormwater collection. These plans shall provide for temporary protection measures during construction and permanent protection measures in the post-development condition.
- b. The Planning Board shall consider all relevant facts and circumstances in making its decision on any application for a Conditional Use Permit and shall make findings consistent with the purposes of this Ordinance that ensure impacts to the wetland and buffers are minimized, including but not limited to the following:
- i. The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers, including, but not limited to, the capacity of the wetland to:
 - a. Support fish and wildlife
 - b. Prevent flooding
 - c. Supply and protect surface and ground waters
 - d. Control sediment
 - e. Control pollution
 - f. Support wetland vegetation
 - g. Promote public health and safety
 - h. Moderate fluctuations in surface water levels.
 - ii. The proposed activity will have no measurable environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources, including:
 - a. Erosion
 - b. Siltation
 - c. Turbidity
 - d. Loss of fish and wildlife

- e. Loss of unique habitat having demonstrable natural, scientific, or educational value
 - f. Loss or decrease of beneficial aquatic organisms and wetland plants.
 - g. Dangers of flooding and pollution.
 - h. Destruction of the economic, aesthetic, recreational and other public and private uses and values of the wetlands to the community.
 - iii. The proposed activity or use cannot be located elsewhere on the site to eliminate or reduce the impact to the wetland or its buffer.
 - iv. The proposed activity utilizes applicable best management practices.
 - v.. Federal and/or state permit(s) have been received for the proposed activity in accordance with N.H. Administrative Rules Env-Wt 100-800 and the Federal Clean Water Act Section 404 Permit.
 - vi. Where applicable, proof of compliance with all other State and/or Federal regulations has been received.
- c. The Planning Board, in acting on an application for a Conditional Use Permit in the Wetlands Conservation Overlay Zone, may attach conditions to its approval including but not limited to requirements for more extensive buffers, additional native plantings in areas to be revegetated, performance guarantees, and a reduction in proposed impervious surfaces.

12. Identification of Buffer

The entire length of the upland limit of the wetland buffer shall be marked with highly visible construction tape prior to, and maintained for the full duration of, any construction-related activities. Further marking may be required at the discretion of the Planning Board.

13. Special Provisions

- a. Septic system setbacks shall conform to the Design Rules of the New Hampshire Department of Environmental Services Subsurface Systems Bureau.
- b. No septic tank shall be placed closer than seventy-five (75) feet from any wetland, streams and/or water bodies, and steel tanks shall not be used.
- c. Newly constructed or enlarged leach fields shall be no closer than one hundred twenty-five (125) feet to any bogs over 1,000 square feet, vernal pools over 500 square feet, wetlands of any size adjacent to open water, all other wetlands over 20,000 square feet, and any perennial streams.
- d. Inclusion of wetland areas within residential lots in order to meet minimum lot areas or yard requirements is not allowed.
- e. Any wetlands altered in violation of this Ordinance shall be restored at the expense of the violator(s) as provided by RSA 481-A:5.

14. Definitions

Adjacent: Bordering, contiguous, or neighboring. The term includes wetlands that directly connect to other waters of the United States, or that are in reasonable proximity to these waters, but physically separated from them by man-made dikes or barriers, natural river berms, and similar obstructions. With respect to perennial streams this means both sides of the stream.

Bog: A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil or water conditions.

Buffer: The protected upland areas adjacent to wetlands and surface waters in the Wetlands Conservation Overlay Zone.

Certified Wetland Scientist: A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-a.

Development: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, excavation or drilling activities.

Hydric Soils: Soils that are saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers.

Perennial Stream: A water course that has flowing water year-round with the water table typically located above the stream bed for most of the year.

Vernal Pool: A body of water, typically seasonal, that provides essential breeding habitat for certain amphibians and invertebrates, does not support viable fish population, and meets the criteria established by the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program, Identification and Documentation of Vernal Pools in New Hampshire, rev 2004.

Wetland: Pursuant to RSA 482-A:2.X, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.