

Town of Eaton

Zoning Ordinance



2026

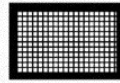
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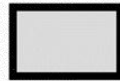
TOWN OF EATON ZONING MAP OF 1973

(As Amended in 1988 and 2024)



**VILLAGE
DISTRICT**

300 feet either
side of road



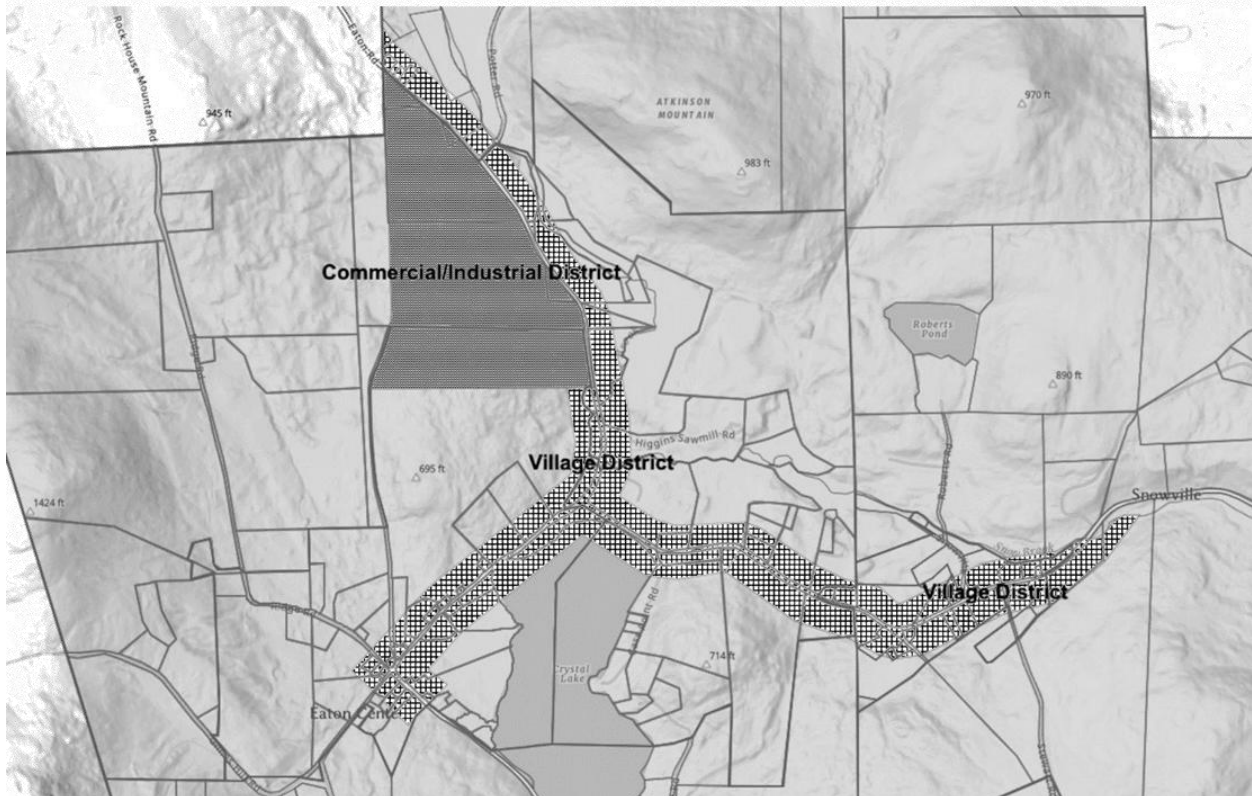
**ALL OTHER
LAND**

Rural
Residential



**COMMERCIAL / LIGHT
INDUSTRIAL DISTRICT**

(Southern Boundary begins on Route 153,
268 feet north of Snow Brook's second
crossing of Route 153, and runs west to the
Old County Road.)



TOWN OF EATON ZONING ORDINANCE OF 1973

ARTICLE I

- A. Preamble:** For the purpose of properly conserving and utilizing the lands and waters of Eaton, promoting the health, safety, morals, prosperity, convenience or general welfare, providing for efficient and economical administration of Town affairs, and preserving the rural character of Eaton, the following ordinance is hereby enacted by the voters of Eaton by authority of Chapters 672, 673, 674, 675, 676, 677, (formerly Chapters 31 and 36) of New Hampshire Revised Statutes Annotated 1983 as amended and by every other authority thereto enabling.
- B. Title:** This ordinance shall be known and may be cited as the Town of Eaton Zoning Ordinance of 1973, hereafter called "this Ordinance."

ARTICLE II

- A. Districts:** For the purpose of this Ordinance the Town of Eaton is divided into the following three (3) zoning districts, hereafter called "district", with three (3) overlay zones, hereinafter called "zone": (As amended 3/14/89, 3/10/2020, 3/9/2021)
- Village (V) District
 - Rural Residential (RR) District
 - Wetland Conservation (WC) Overlay Zone
 - Commercial and Light Industrial (CI) District
 - Steep Slope Protection (SSP) Overlay Zone
 - Ridgeline Protection (RLP) Overlay Zone
- B. Zoning Maps:** The zoning districts and zones listed above shall be bounded as shown upon the map entitled "Town of Eaton Zoning Map of 1973 (as amended in 1988 and 2024)", the "Town of Eaton Wetland Conservation Map of 1979", the "Steep Slope Protection Map of 2021" and the "Ridgeline Protection Overlay Map of 2021." The above four maps are considered and made part of this Ordinance. (Amended 3/14/89, 3/9/2021, 3/12/2024)
- C. Master Plan:** The Planning Board shall prepare, adopt and amend from time to time a Master Plan of the Town as defined in Revised Statutes Annotated Chapter 674:1, 2, 3 and 4 (formerly Chapter 36:13) which shall among other things, guide and accomplish the purposes of this Zoning Ordinance as set forth in the preamble above. The Planning Board shall prepare said Master Plan with all possible diligence and in any case shall have prepared and adopted said Master Plan no later than one (1) year from the date of the enactment of this Ordinance.

D. Boundaries: Unless otherwise indicated, boundaries of zoning districts and in the Master Plan are the center line of the legal right of way, the middle of the channel of waterways or bodies of water, or where such boundary is also a Town boundary then to the limits of such Town boundary. Where boundaries are so indicated as parallel to the centerline of the legal right of way, such boundaries shall be interpreted as parallel thereto and at the distance therefrom as shown on the zoning map and Master Plan. Any boundary within ten (10) feet of a property line shall be considered as the property line.

The southern boundary for the Village District on the eastern side of Route 153 shall be at the boundary between Lots 8 and 9 on Map U-1. On the western side of Route 153, the boundary line for the Village District shall be at the boundary between Lot 21 on Map R-4 and Lot 12 on Map U-1. The southern boundary of the Commercial/Light Industrial District beings at the northern boundary line of Lot 15 on Map R-3 and runs west to the Old County Road. The eastern boundary line of the Village District is the first place, heading east, where the Brownfield Road crosses Snow Brook. Where no dimension is given on the zoning map or Master Plan, distances shall be determined by use of the scale of the map or plan.
(Amended 3/12/2024)

ARTICLE III INTERPRETATION AND APPLICATION

A. Interpretation: In interpreting any provision of this Ordinance it shall be held as the minimum requirement. Whenever any requirement of this Ordinance is at a variance with the requirements of any statute or any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

B. Application:

1. The provisions of this Ordinance shall apply to all uses, structures and lots within the Town of Eaton. Whenever any existing use of structure is not in conformity with the provisions of this ordinance at the time of its enactment, it may continue to exist subject to the provisions of Article VI hereto.
2. Commencement of any use not listed as permitted, as a special exception or constituting an approved variance shall be prohibited after the effective date of this ordinance.

C. Lots in Two Zoning Districts: Where a district boundary divides a lot of record at the time such boundary is adopted, a use allowed in the less restricted part of such lot shall be allowed provided that such use does not extend more than thirty feet into the more restricted part and does not exceed a total of 6000 square feet.

ARTICLE IV GENERAL PROVISIONS

The following provisions shall apply to all zoning districts:

A. Land Usage:

1. No land or water in Eaton may be used for any trade, industry, activity or use that may be obnoxious or offensive by reason of the production or emission of dust, odor, smoke, refuse matter, fumes, vibration or similar conditions, or that is detrimental or injurious to the comfort, peace, enjoyment, health or safety of the community or the immediate neighborhood or leading to its disturbance or annoyance.
2. No land or water area in Eaton may be used as a junk yard or storage place for unregistered vehicles unfit for use on the highway, second-hand unusable machinery, scrap materials or any other used second-hand articles the accumulation of which is detrimental or injurious to the neighborhood.
3. All sanitary systems shall be constructed and maintained in accordance with standards set and enforced by the New Hampshire Department of Health and the New Hampshire Water Supply and Pollution Control Commission, whichever is the more restrictive.

B. Lot Sizes and Areas: Each lot shall meet the requirements of the Zoning Ordinance for the district wherein the lot is located in order to protect the town against the danger to health, safety and prosperity occasioned by the lack of municipal water and sewer and to prevent the excessive expenditure of public funds for the supply of such services. (Amended 3/14/1989)

1. The required minimum lot sizes for single family residences of not more than four (4) bedrooms shall be determined by Table B1 below. Wetlands and areas where the slope is greater than 25% may not be used to meet the minimum lot size requirements. (Amended 3/14/1989, 3/8/2022)

Table B1: Guidelines for Minimum Lot Sizes Based on Soils and Slopes in square feet

Soil Drainage Class	Excessively Well Drained Soils	Well Drained Soils	Moderately Well Drained Soils	Somewhat Poorly Drained Soils	Poorly Drained Soils	Very Poorly Drained Soils
Slope Class						
B 0% - 8%	40,000	80,000	100,000	150,000	Not Permitted	Not Permitted
C 8% - 15%	45,000	100,000	120,000	180,000	Not Permitted	Not Permitted
D 15% - 25%	60,000	140,000	160,000	Not Permitted	Not Permitted	Not Permitted
E Over 25%	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted

- All land to be used in the minimum lot size calculations shall be contiguous. (Amended 3/12/2005)
- Lake Shore Areas: in lake shore areas, minimum lot sizes for each soil type shall be increased by 33 1/3 % of the minimum requirement as stated in B.1 above. (Amended 3/14/1989)
- In subdivisions where a community water supply and/or community wastewater systems is (are) to be provided, minimum lot sizes may be decreased by 33 1/3% of the minimum requirements as stated in B.1 above. (Amended 3/14/1989)
- Lot sizes for Residential uses with more than four (4) bedrooms. Minimum lot sizes shall be proportionally larger than the minimum lot size given in Table B1 above by the following formula.

Lot Size = $N/4 \times$ Lot size indicated from Table B1 above. N is the number of bedrooms. (Amended 3/14/1989, 3/8/2022)

- Lot sizes for commercial:

$$\text{Lot size (in acres)} = \frac{Q \text{ (gpd)}}{2000 \text{ (gpd/acre)}} \times \frac{\text{Lot size indicated in Table B1}}{35,000 \text{ square feet}}$$

Q = gallons of wastewater discharged per day.

Lot sizes for commercial uses shall not be less than the minimum stipulated in Table B1. (Amended 3/14/1989, 3/8/2022)

- 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. (Amended 3/14/1989, 3/10/2026)

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. (Amended 3/10/2026)

9. Each dwelling, structure, or accessory building shall be set back at least one hundred twenty-five (125) feet from the shore as determined by projecting a line perpendicular to the average high water level of water bodies five acres or more including, but not restricted to:

- | | |
|---------------|---------------------|
| Conway Lake | Long Pond |
| Crystal Lake | Purity Lake |
| Hatch Pond | Roberts Pond |
| Thurston Pond | (Amended 3/14/1989) |

C. Setbacks: Each dwelling or other building shall be setback at least sixty (60) feet from the center of the highway on which it fronts, and at least thirty (30) feet from any property line. When compliance with this requirement is not reasonably possible, utility structures such as septic tanks and gas tanks may encroach within this setback but only to the minimum degree necessary for safe installation, maintenance and operation. (Amended 3/11/2003)

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

1. Residences – One off-street parking space per dwelling unit. (Amended 3/08/1994, 3/12/2019, 3/10/2026)
2. Commercial and Industrial Uses - One square foot of off-street parking space for every square foot of floor space.
3. Rental Units – One off-street parking space for the owner-occupied dwelling unit plus one off-street parking space for each rented bedroom. (Adopted 3/8/2022, Amended 3/10/2026)

E. Maximum Building Height: In all buildable districts, buildings and structures shall not exceed forty (40) feet in height from the highest natural ground level within a ten (10) foot perimeter of said building or structure. (Amended 3/14/1989)

F. Manufactured Housing and Presite Built Housing: Manufactured Housing and Presite Built Housing may be permitted in the Rural Residential District under the terms and conditions listed below in addition to any other terms and conditions the Board of Selectmen may require as per RSA 674:31 and RSA 674:31a. (Amended 3/14/1989)

1. No lot shall have more than one of either of the above types of housing on it. (Amended 3/14/1989)

2. Sewage disposal systems must comply with all requirements of the New Hampshire Water Supply and Pollution Control Commission and all local health and other requirements.

G. Camping and Recreational Vehicles: Camping and Recreational Vehicles may be permitted in the Village and Rural Residential Districts under the terms and conditions listed below:

1. Camping and Recreational Vehicles may be occupied on a lot for not more than forty-five (45) days within a calendar year.
2. All Camping and Recreational Vehicles must conform to all setback requirements.
3. Camping and Recreational Vehicles must be registered and fit for highway use.
4. No lot shall have more than one Camping or Recreational Vehicle on it. Approved Camping and Recreational Vehicle Areas are excepted.
(Amended 3/14/2000, 3/12/2024, 3/11/2025)

H. Minimum Floor Area: Each dwelling must contain 720 square feet of interior area on the main floor.

I. Erection of Buildings on Streets:

1. The Town of Eaton Zoning Ordinance incorporates RSA 674:41 (Erection of Buildings on Streets) and all its provisions as may be amended, as if fully set forth within. (Amended 3/8/2016)
2. Prior to the Town's acceptance of a Private or Class VI road, or any portion thereof, the landowner is required, at his expense, to bring the road up to Town Specifications for Roads. (Amended 3/8/2016, 3/12/2024)

J. Cluster Development: Cluster development is permitted and encouraged for the preservation of open space and natural features, to promote more efficient use of land, and to promote flexibility in subdivision design. Cluster developments may not be required to conform to minimum frontage, lot size, and internal setback requirements provided:

1. The total number of dwelling units or lots shall not exceed the number of dwelling units or lots permitted under normal minimum size requirements: and
2. The remainder of the tract shall be designated and maintained as permanent open space, by legal instrument(s) satisfactory to the Town Attorney.

K. Driveway Permits: It shall be unlawful to construct or alter in any way that substantially affects the size or grade of any driveway, entrance, or exit, or approach within the limits of the right of way of any Class V or Class VI road without first obtaining a driveway permit from the Board of Selectmen. All driveways shall be constructed in accordance with the State Department of Transportation Administrative Rules, 1993, as amended, for rural driveways. (Added 3/08/1994)

- L. Trailers:** Commercial trailers, including boxtrailers, and any other truck body not being used as accessory buildings, shall not be stored on any land in Eaton for more than 30 days with the exception of:
- a. Registered utility vehicles
 - b. Registered equipment and agricultural trailers.
 - c. Trailers used for construction which may be used for a 12 month period, non-renewable to run concurrent with the building permit. Construction trailers are not to be used for living purposes. (Amended 3/11/2003)

At all other times, trailers shall be kept either under cover or in an inconspicuous place out of sight of public ways.

- M. Lot:** A lot may be occupied by one residential building and one accessory dwelling unit and the accessory buildings or uses customarily incidental to it. A lot must be of sufficient size and soil types to meet Town regulations for subdivision, use, density, area and required setbacks. A lot proposed for a detached accessory dwelling unit may require additional area sufficient to meet Town regulations and State septic requirements. (Amended 3/10/1992, 3/12/2019, 3/14/2023)

- N. Structure:** Structures requiring a Building Permit and adherence to Town setbacks include, but are not limited to: buildings, barns, decks, sheds, gazebos, storage containers, pools, solar panels (roof and pole mounts), retaining walls greater than 4 feet in height, fences over 6 feet tall or obstructing a driver's line of sight, and vehicular gates. A structure also includes all buildings made of fabric or material other than wood. (Amended 3/14/2023, 3/12/2024)

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. (Amended 3/12/1991, 3/12/2019, 3/9/2021, 3/14/2023, 3/12/2024, 3/10/2026)

Camping tents and screen tents with no platforms do not require a Building Permit. All setback requirements must be met. Occupancy of a camping tent will not exceed 15 consecutive days for a maximum of 45 days per calendar year if there is no dwelling unit on the property. Any platform to accommodate a tent is considered a structure, requires a Building Permit and must adhere to all Zoning Ordinance requirements. A camp site on land in Current Use cannot be improved without prior approval of the Board of Selectmen. (Adopted 3/8/2022, Amended 3/14/2023)

Event tents do not require a Building Permit All setback requirements must be met. Event tents are permitted for 30 days per calendar year and may not be on land in Current Use. Any platform to accommodate an event tent is considered a structure and requires a Building Permit and must adhere to all Zoning Ordinance requirements. (Adopted 3/14/2023)

Docks. Docks shall be permitted as follows:

1. Only one dock is permitted per lot.
2. A dock shall not extend more than 30 feet into the water.
3. All docks shall conform to State Regulations and the property owner must obtain the proper Permit from NH Department of Environmental Services prior to the first installation of a dock. (Added 3/12/2024)

O. Aircraft or helicopter landings and take offs are not permitted in the Town of Eaton except under emergency situations. The Board of Selectmen may authorize aerial uses for unforeseen emergency situations to protect the health, safety and well being of the Town and its residents. Emergency situations include, but are not limited to, those involving the fighting of fires and the evacuation of persons in life and death situations.” (Added 3/14/2006, Amended 3/13/2007)

P. The Town of Eaton Zoning Ordinance incorporates the current New Hampshire Shoreland Water Quality Protection Act (RSA 483-B) and all its provisions, as if fully setforth within. (Amended 3/10/2015)

1. The Eaton Board of Selectmen shall be responsible for the enforcement of this ordinance and shall have the authority, for cause, to enter upon any land or parcel at any reasonable time to provide oversight, inspection and enforcement duties provided for in this ordinance
2. The provisions in this section do not invalidate, or take precedence over, any existing requirement or regulation of the Town of Eaton Zoning Ordinance, or any other Town of Eaton regulatory requirement. All provisions in this section shall rely on words, or terms, as defined in the New Hampshire Shoreland Water Quality Protection Act (RSA 483-B).
3. Where the provisions of the New Hampshire Shoreland Water Quality Protection Act (RSA 483-B) are violated, restoration of a woodland buffer with 4" diameter trees (not saplings) will be required. Plantings will be established within 9 months of written notification of the violation and will be replanted as necessary to insure survival and restoration of a woodland buffer. (Added 3/13/2007)

Q. Accessory Building: The Board of Selectmen may issue a permit for an accessory building in the absence of a main building whose intended use is ancillary to the development and/or maintenance of land uses allowable within the particular zoning district. Any expansion or alternation of use of said structure or land use to include a dwelling unit shall require an additional building permit and compliance with all zoning regulations governing permitted uses within the zoning district. (Added 3/12/2013)

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 condominium. (Amended 3/12/2019, 3/10/2026)
2. An accessory dwelling unit must conform to required setbacks and lot size requirements (See Article IV, Section B). (Amended 3/12/2019, 3/10/2026)
3. All accessory dwelling units must comply with all New Hampshire building, life safety, fire and energy codes. (Amended 3/12/2019)
4. An accessory dwelling unit shall be no greater than 1,000 square feet. (Amended 3/14/2017, 3/12/2019)
5. Prior to the expansion of use of any structure to include an accessory dwelling unit and its increased sewage load, the owner shall submit an Application for Approval to the State of NH Department of Environmental Services Subsurface Systems Bureau in accordance with NH RSA 485-A:38 and shall receive an Approval for Construction certificate. An application for approval shall include one of the following:
 - (a) Evidence that the existing sewage disposal system meets the minimum design requirements of the NH Subsurface Systems Bureau for the proposed sewage load
 - (b) A design for a new sewage disposal system which meets the minimum design requirements of the NH Subsurface System Bureau for the proposed sewage load.
6. There will be no occupancy of an accessory dwelling unit until the Board of Selectmen has issued a Certificate of Occupancy. (Added 3/12/2013)
7. An accessory dwelling unit shall be provided with adequate off-street parking. (Added 3/14/2017)
8. Either the ADU or principal dwelling unit shall be the principal residence and legal domicile of the owner of the property. The property owner shall provide documentation demonstrating to the satisfaction of the Town that one of the units is his/her principal place of residence. (Added 3/12/2019)
9. An attached ADU shall have an independent means of ingress and egress. (Added 3/12/2019, Amended 3/10/2026)
10. The principal dwelling unit and the ADU shall not be separated in ownership. (Added 3/12/2019)
11. An ADU may be used for Transient Occupancy/Short-Term Rental only by Special Exception. (Added 3/12/2019, Amended 3/8/2022)

S. Current Use: Land in Eaton under the Current Use Tax designation cannot have any structures, except for appurtenances providing access to the property, such as bridges or security such as a gate. Any portion of the acreage developed must be removed from the Current Use Taxation category and a Land Use Change Tax remitted to the Town. (Adopted 3/12/2019)

T. Signs:

- A. Signs are permitted on privately-owned land in Eaton with the following conditions:
1. Only one sign greater than four (4) square feet shall be permitted on any lot. No more than a total of three (3) signs shall be permitted on any lot.
 2. In no case shall any sign exceed eight (8) square feet in area.
 3. In no case shall any off-premises sign(s) exceed four (4) square feet in area. Off-premise signs shall require written permission by the property owner.
 4. Placement of signs shall require a Building Permit except for those that measure less than four (4) square feet.
 5. No interior-lit signs shall be permitted. Lighting of signs shall not produce more than 2000 lumens of light per sign and shall be shielded in such a manner as to conceal the light source and the illuminated area from view beyond the perimeter of the area to be illuminated.
 6. All signs shall be set back a minimum of 6 feet from the edge of any travel lane and at least 30 feet from all other property boundaries.
- B. No town-owned land or water in Eaton may be used as a placement for any signs except for Town public notices, highway, safety and/or regulatory purposes. Board of Selectmen approval shall be necessary for placement of these signs.
(Amended 3/12/2019, 3/9/2021)

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:
(Adopted 3/12/2019)

1. Submission of plot plan verifying compliance with required lot size as set forth in Article IV Section B.
2. Each unit shall be greater than 720 square feet total floor area.
3. No more than one duplex will be allowed per lot.
4. All duplex units must comply with all New Hampshire building, life safety, fire and energy codes.

5. A New Hampshire licensed septic designer shall certify the capacity of the existing septic system to meet the increased demand; or the septic system shall be upgraded/designed to meet the demand.
6. There will be no occupancy of any dwelling unit until the Board of Selectmen has issued a Certificate of Occupancy.
7. There shall be a minimum of one off-street parking space per unit. (Amended 3/10/2026)
8. The structure and lot shall not be converted to a condominium or any other form of legal ownership; both dwelling units shall remain in common ownership.
9. A Duplex unit may be used for Transient Occupancy/Short-Term Rental only by Special Exception. (Amended 3/8/2022, 3/14/2023)
10. An Accessory Dwelling Unit is not permitted in conjunction with a duplex.
11. Each unit shall have its own access directly to the outside.

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: (Amended 3/10/2026)

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: (Added 3/10/2026)

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.

ARTICLE V ZONING DISTRICT REGULATIONS

A. Rural Residential District – RR (Amended 3/9/2021, 3/14/2023)

The following regulations will apply to the RR District: It shall be mainly a district of farms, residences and woodlands.

1. Permitted Uses:

- a. Farms.

- b. Roadside stands under 500 square feet for the sale of local farm products. (Amended 3/14/2023)
- c. Woodlots for personal use. (Amended 3/14/2023)
- d. Stables for personal use. (Amended 3/14/2023)
- e. A dwelling of no more than two (2) dwelling units. (Amended 3/14/1989, 3/12/2019)
- f. Home occupations as set forth in Article VII. (Amended 3/14/2023)
- g. Commercial enterprises existing on the date of the enactment of this ordinance.
- h. Gravel pits operated in the Jackson Forest by the Town of Eaton exclusively for its own use. (Added 3/8/1983)
- i. Multi-family dwelling units permitted in accordance with Site Plan Review Regulations of the Town of Eaton.
- j. Use accessory to the permitted use.

2. Special Exceptions: The following uses may be permitted if the Zoning Board of Adjustment, after a public hearing and due notice to the abutters, finds the use meets the conditions as set forth in Section 3 below. Once Zoning Board of Adjustment approval has been obtained, the property owner shall obtain Site Plan Review approval by the Planning Board. (Amended 3/8/2022, 3/14/2023)

- a. Veterinary hospitals of up to 5,000 square feet provided that they are located on a lot of at least four (4) acres and are set back from abutters by at least 100 feet. (Amended 3/14/2006, 3/14/2023)
- b. Equestrian Riding Academies. (Added 3/14/2023)
- c. Tenting or Recreational Vehicle areas, providing that they are located on a lot of at least four (4) acres, plus two thousand (2000) square feet of land area for each sleeping/dwelling unit.
- d. Retail sales of antiques, art pieces and crafts when an accessory use to the residence. (Amended 3/14/2023)
- 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. (Amended 3/8/2022, 3/14/2023, 3/10/2026)
- f. Uses, buildings and structures that would be accessory to a use permitted in the above sections 1(a) to 1(k) and claimed by the landowner as the primary use of the structure, whether or not the structures and/or activities associated with the primary use exist and/or are being conducted. (Added 3/09/2010)

3. Special Exception Conditions. The Zoning Board of Adjustment may grant a Special Exception only if the following conditions are met: (Adopted 3/8/2022)

- a. If the Special Exception is for a Bed and Breakfast/Transient Occupancy, 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. (Amended 3/10/2026)
- b. The use will not alter the character of the neighborhood or materially reduce the value of the surrounding properties.
- c. The use shall not create a hazard to person or property, result in electrical interference or become a nuisance.
- d. The use will not have an adverse effect on the environment or neighboring properties as a result of noise, odors, dust or lights.
- e. The use will not have an adverse effect on the environment or neighboring properties as a result of excessive increases in traffic or in parking requirements or as a result of other nuisances.
- f. There shall be no outdoor display of goods or outdoor storage of materials and/or equipment unless screened from roads and surrounding properties by natural or structural means to such an extent and in such a manner as may be specifically required and approved by the Zoning Board of Adjustment or Planning Board.
- g. There shall be no change in the exterior appearance of the residence or other structures on the property as a result of the use, unless specifically approved or required by the Zoning Board of Adjustment or Planning Board.

B. Village District – V (Amended 3/9/2021, 3/14/2023)

The following regulations shall apply to the Village District: The District shall consist mainly of residences, community buildings and neighborhood businesses. Great care shall be taken to ensure that any proposed uses do nothing to disturb the general character and scenic qualities of the Village District and the Town. The height and location of any new structure will ensure the protection of scenic views and historic structures and areas.

1. Permitted Uses (may require Planning Board Site Plan Review):

- a. Any use permitted in the Rural Residential District.
- b. A dwelling of no more than two (2) dwelling units. (Amended 3/14/1989)
- c. Neighborhood stores for sale of goods at retail, service establishments providing neighborhood services, but excluding automobile sales, fueling services and vehicle storage. (Amended 3/14/2023)

- d. Public buildings, theaters and other places of public assembly.
 - e. Antique shops, restaurants, offices, banks and other small scale commercial businesses. (Amended 3/14/2023)
 - f. Production of goods sold on the premises such as baked goods and crafts. (Amended 3/14/2023)
- 2. Special Exceptions:** The following uses may be permitted if, the Board of Adjustment after a public hearing and due notice to the abutters, finds the use meets the conditions as set forth in Section 3 below. Once Zoning Board of Adjustment approval has been obtained, the property owner shall obtain Site Plan Review approval by the Planning Board. (Amended 3/8/2022)
- a. Hospitals, rest homes and convalescent homes provided they are located on a lot of four (4) acres, plus two thousand (2000) square feet of land for each sleeping room not having more than 4 beds.
 - b. Hotels, motels, inns, cabins, 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. (Amended 3/8/2022, 3/10/2026)
- 3. Special Exception Conditions.** The Zoning Board of Adjustment may grant a Special Exception only if the following conditions are met: (Adopted 3/8/2022)
- a. If the Special Exception is for a Bed and Breakfast/Transient Occupancy, 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. (Amended 3/10/2026)
 - b. The use will not alter the character of the neighborhood or materially reduce the value of the surrounding properties.
 - c. The use shall not create a hazard to person or property, result in electrical interference or become a nuisance.
 - d. The use will not have an adverse effect on the environment or neighboring properties as a result of noise, odors, dust or lights.
 - e. The use will not have an adverse effect on the environment or neighboring properties as a result of excessive increases in traffic or in parking requirements or as a result of other nuisances.
 - f. There shall be no outdoor display of goods or outdoor storage of materials and/or equipment unless screened from roads and surrounding properties by natural or structural means to such an extent and in such a manner as may be specifically required and approved by the Zoning Board of Adjustment or Planning Board. (Amended 3/14/2023)

- g. There shall be no change in the exterior appearance of the residence or other structures on the property as a result of the use, unless specifically approved or required by the Zoning Board of Adjustment or Planning Board.

C. Wetland Conservation Overlay Zone - WC

(Added 3/11/1980, Amended 3/10/2015, 3/9/2021, 3/10/2026)

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.
- g. Preserve and enhance aesthetic values associated with the Wetlands Conservation Overlay Zone.
- h. Contribute to the protection and recharge of groundwater supply.

3. Purpose

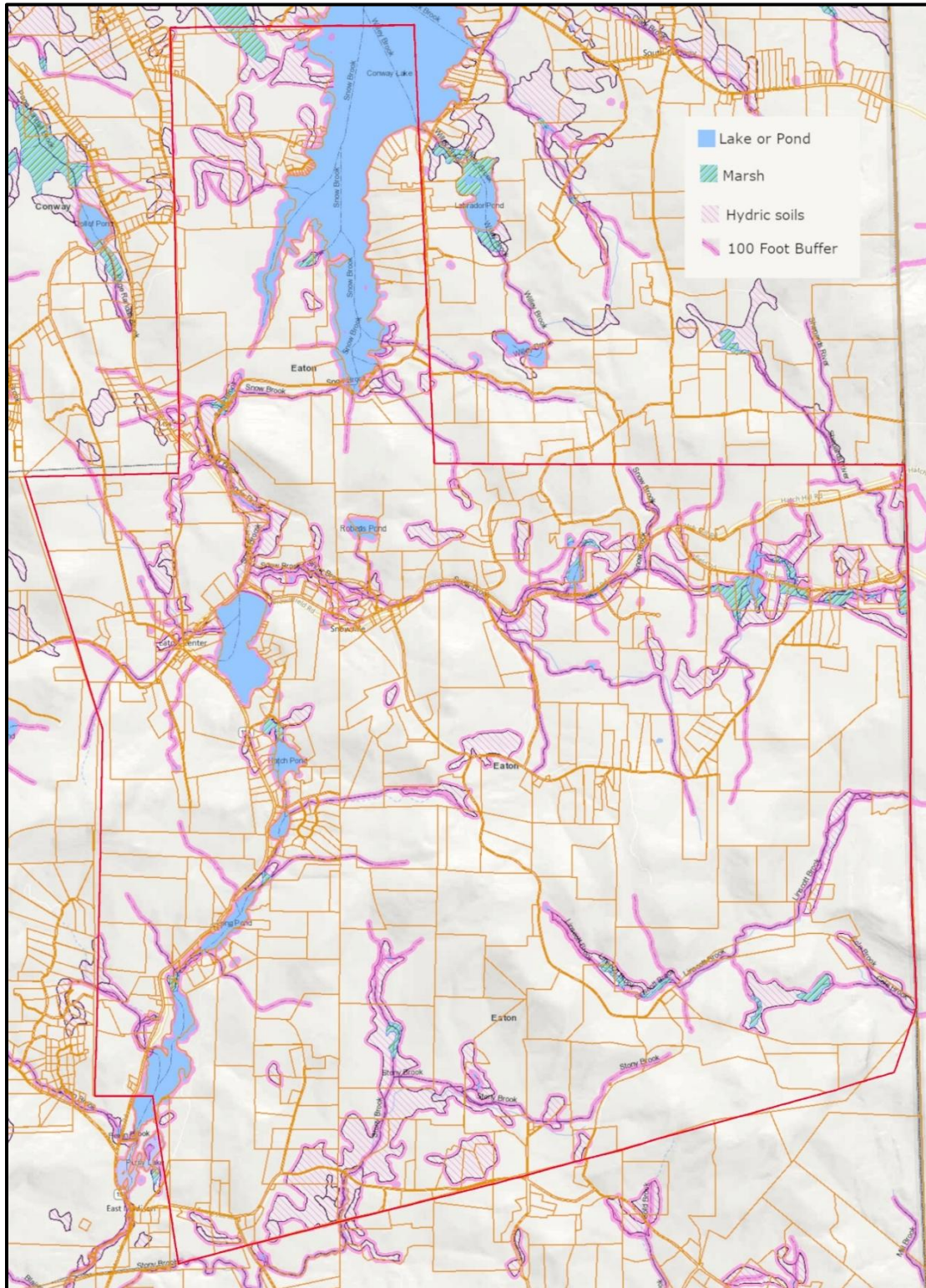
The establishment of the Wetlands Conservation Overlay Zone is to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the Master Plan.

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: 31(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](http://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.
 - xiii. 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.

D. Commercial and Light Industrial District – CI (Amended 3/9/2021)

The Commercial and Light Industrial District is established as a district in which the principal uses are those commercial uses to which the public requires direct and frequent access, as well as wholesale and light industrial uses that will not be noxious, offensive, or detrimental to the environment, the Town, or the abutters of the district. This District is intended to encourage the concentration of commercial and light industrial development to the mutual advantage of consumers and employers, to enhance economic and employment opportunities within the Town, and to protect the rural and historic character of the other zoning districts.

1. Permitted Uses

- Retail businesses
- Restaurants
- Offices
- Banks
- Personal and professional services
- General service and small item repair shops
- Wholesale and warehousing facilities
- Clinics and medical centers with no facilities for overnight clients
- Mortuary and funeral establishments
- Commercial schools
- Printing facilities
- Governmental uses (Post Office, public safety and similar uses)
- Parking lots
- Manufacturing, fabrication or packaging of parts or products from previously permitted materials
- All uses permitted in Village and Rural Residential Districts.

2. Special Exceptions

Amusements, Indoor
Amusements, Outdoor
Restaurants, Drive-In
Automobile service station
Automobile sales with outdoor storage
Automobile service and repair
Heavy equipment sales and repair
General building, special trades, and heavy construction contracting
Lumber yards and/or dry kilns
Private clubs, halls
Radio and TV Towers
Research and testing laboratories
Theater, movie, playhouse
Accessory uses pertaining to permitted uses

3. Special Provisions

- a. The owner(s), or their notarized agent, of any proposed commercial or industrial use will comply with all provisions of Subdivision and Site Plan Review regulations. Any change in a commercial or industrial use will require Site Plan Review by the Planning Board. (Amended 3/14/2023)
- b. In the interest of good design and traffic safety, and to prevent strip development, the Planning Board may require easements for common access/ egress private roads or driveways intersecting with Route 153, and easement for access/egress to other lots in the district, whether or not such lots are in the same ownership, and whether or not they are proposed for development at the same time. Street frontage requirements for back lots in the District may be met by extension of internal access/ egress easements.

E. Steep Slope Protection Overlay Zone - SSP

(Added 3/10/2020, Amended 3/9/2021, Amended 3/12/2024)

I. Purpose

The purpose of the Eaton Steep Slope Protection Ordinance is to guide the use of land with slopes greater than 15%.

The soils on Eaton's steep slopes are exceptionally vulnerable to erosion and associated problems. Thus, the objectives of this Ordinance are:

1. To minimize damage to land, streams and lakes from the consequences of improper construction, erosion, stormwater runoff or improperly sited septic systems;
2. To preserve the natural topography, watershed drainage patterns, vegetative cover, wildlife habitats and unique natural habitats;

3. To provide reasonable access to properties for fire protection, public safety and emergency needs.

II. Delineation

This Ordinance shall apply to all areas with a slope greater than 15 percent. The final determination of a Steep Slope Protection Area shall be made by the Board of Selectmen or its agent, who may require a site-specific survey at the Applicant's expense to make the determination.



III. Definitions

Abutter: Any person whose property, located in New Hampshire, adjoins or is directly across the street or stream, or any property sharing common boundaries with contiguous parcels, or any property within 200 feet from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land

will be directly affected by the proposal under consideration. For purposes of notification and receiving testimony, “abutter” shall also mean all affected Towns and the Regional Planning Commission(s) in the case of a development having regional impact, as determined by the Planning Board. In the case of an abutting property being under condominium or other collective form of ownership, the term “abutter” means president or registered agent of the collective or association, as defined in RSA 356-B:3 xxiii.

Best Management Practices for Steep Slopes: An accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of storm water runoff. These measures or practices are found in the NH Stormwater Manual, Volumes 1 & 2 (NHDES December 2008).

Critical Area: An area within 100 feet of a stream, bog, water body or very poorly drained soils; areas exceeding 2,000 square feet in highly erodible soils.

Development: For the purposes of this Ordinance, any construction or road building other than for agricultural and silvicultural practices. Any alteration of terrain or grading activities.

Erosion: For the purposes of this Ordinance, the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities that may accelerate the otherwise natural movement of soil.

Impervious Surface: Any modified surfaces including, but not limited to, the area of a building footprint, paved, gravel or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb or infiltrate water.

Sedimentation: The process by which sediment resulting from accelerated erosion is transported off the site of the land-disturbing activity or into a lake or natural watercourse or wetland.

Site Disturbance: Any activity that removes the vegetative cover and/or creates erosion from the land surface.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run.

Steep Slope: Any area with a slope greater than 15% as measured over 100 horizontal feet.

Soils: As identified by Site Specific Soil Mapping Standards for New Hampshire and Vermont in Special Publication No. 3 (as amended) of the Society of Soil Scientists of Northern New England. (Amended 3/8/2022)

Vegetative Cover: Grasses, shrubs, trees, and other vegetation that hold and stabilize soils.

IV. Application Requirements

An application must be submitted to the Planning Board for any tract of land being developed on a Steep Slope where one or more of the following are proposed:

- A. Construction of any structure;
- B. Construction or reconstruction of a street, road or driveway;
- C. Disturbance of critical areas.

A Steep Slope Application form with appropriate fee and the following are required to be submitted:

- A. Site Plan showing the area subject to site disturbance, and all adjacent areas within 200 feet of the area subject to site disturbance, in two-foot contours, including all surface waters and wetlands, and proposed and existing physical features, structures, utilities, storm water control systems, septic and well structures, and access ways.
- B. An engineering plan must be prepared by a professional engineer and/or Certified Professional in Erosion and Sediment Control (CPESC) that shows specific methods that will be used to control soil erosion and sedimentation, soil loss, and excessive storm water runoff, both during and after construction.
- C. A hydrology, drainage, and flooding analysis must be included that shows the effect of the proposed development on water bodies and/or wetlands, both on the site and within 200 feet of the area subject to site disturbance.
- D. A grading plan for the construction site and all access routes must be prepared by a licensed engineer.

Additional Requirements

All uses permitted in the underlying District may be permitted in the Steep Slope Protection Overlay Zone, but must meet the following conditions for approval:

- A. All requests for waivers and actions thereon shall be made in writing by the applicant with supporting technical documentation to demonstrate minimal environmental impact.
- B. The applicant shall bear all financial responsibility for plans and layouts deemed necessary by the Planning board according to the Steep Slope Ordinance.

- C. The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all storm water management and control measures required by the provisions of this regulation.

V. Performance Standards

All uses permitted in the underlying District may be permitted in the Steep Slope Protection Overlay Zone, but must meet the following conditions for approval:

- A. The grading cut and fill should not exceed a 2:1 ratio. Cuts and fills shall be minimized.
- B. Existing natural and topographic features, including the vegetative cover, will be preserved to the greatest extent possible. In the event that extensive amounts of vegetation are removed, the site shall be replanted with indigenous vegetation and shall replicate the original vegetation as much as possible.
- C. No section of any driveway may exceed a 10 percent slope for residential or 8 percent slope for nonresidential site plans.
- D. No structure shall be built on an extremely steep slope (greater than 25 percent prior to site disturbance).

During construction: The plan must meet the Best Management Practices for Stormwater Management and Erosion and Sediment Control as cited in the NH Department of Environmental Services "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire" and subsequent revisions.

VI. Approval of Steep Slope Application

- A. Steep Slope application approval shall be granted by the Planning Board upon a finding that the proposed use is consistent with the Ordinance and following receipt of a review and recommendation of the Conservation Commission and any other professional expertise deemed necessary by the Board.
- B. The applicant must demonstrate that no practicable alternatives exist to the proposal under consideration, and that all measures have been taken to minimize the impact that construction activities will have upon the zone.
- C. A building permit may be granted by the Board of Selectmen upon approval by the Planning Board that the proposed use is consistent with the intent of the Ordinance.
- D. The Steep Slope approval from the Planning Board shall be valid for a period of two years from the date of issue and shall expire if not implemented by that time, unless a longer period is specified and

approved by the Planning Board.

- E. The Planning Board may waive the requirements for all, or part, of the steep slope approval if it determines that the requirements are unnecessary because of size, character, or natural conditions of a site.
- F. If disapproved, a written list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

VII. Costs and Performance Security

All costs pertaining to the consideration of an application, including consultants fees, on-site inspections, environmental impact studies, notification of interested persons, and any other costs associated with Planning Board review under this section, shall be borne by the applicant and paid prior to the Planning Board taking final action.

Performance Security shall mean (1) an irrevocable letter of credit with an automatic call provision issued by a State of New Hampshire bank or national bank with banking offices located within the State of New Hampshire (LOC) or (2) cash in United States currency held in escrow by the Town (cash bond).

A Steep Slope Performance Security may be required in an amount sufficient to ensure there is no cost to the Town for stabilization measures to prevent water or soil damage, including inspection or consultation fees, in the event of abandonment or deferment of the project. Work shall be completed within two (2) years of approval of the plan and the Performance Security shall not be discharged before one (1) year following completion of the plan.

Review of the application by an independent State of New Hampshire licensed professional engineer, at the Applicant's expense, may be required to develop a cost estimate for the Performance Security to assist the Planning Board in setting the amount of the Performance Security and to ensure that the application adequately addresses all issues related to the Town's interests as defined herein.

The Planning Board, with advice from Town Counsel, shall work with the engineer to reach approval of the engineer's cost estimate before the Applicant obtains the Performance Security. The Performance Security shall not be released until the Town is satisfied that the project plan has been accomplished and is satisfied that all conditions of the approval and any other pertinent Zoning Ordinance, Subdivision Regulation, Site Plan Regulation or building requirements have been met.

VIII. Town Liability

In any case where changes in topography alter the course of water flow, normal or excessive, so as to cause damage to the neighboring properties or those down-stream, environment, or critical habitat, the Town of Eaton shall

be held harmless from any claims for damage resulting from the applicant's action, even if the applicant's Operational Plan has been approved by the Eaton Planning Board.

IX. Enforcement

Any person in violation of this Article or portion thereof, shall be penalized in accordance with NH RSA 676:15-17.

X. Statutory Authorization

- A. RSA Title LXIV, Chapters 674:16, Grant of Power
- B. 674:21, Innovative Land Use Controls
- C. 674:21(j), Environmental Characteristics Zoning
- D. 673:16, II; 676:4, I(g); and 674:44, V collectively authorize Planning Boards to collect fees from applicants to cover the costs of hiring outside experts to review subdivision applications and site plans.

F. Ridgeline Protection Overlay Zone - RLP (Added 3/9/2021)

I. Purpose

The purpose of the Eaton Ridgeline Protection (RLP) Ordinance is to protect scenic resources associated with lands characterized by high elevation and visual sensitivity in a manner that adheres to carefully designed, low-impact development.

To avoid over-regulation of property within the RLP Zone, only land with high visual impact as determined by this Ordinance and as reflected in the Ridgeline Protection Zone Map provided herein will be subject to the provisions of this Ordinance. These restrictions may affect building location and height, landscaping, access and utility location.

Eaton's undeveloped ridgelines are one of the Town's principal scenic qualities. Protecting ridgelines from unregulated and unsightly development is essential to Eaton's aesthetics and economic welfare. Thus, the objectives of this Ordinance are:

1. To provide a regulatory guideline to protect the pastoral and visual character of the Town by maintaining the appearance of a natural unbroken forest cover along ridges.
2. To guide the siting of structures on or near ridgelines so that the sky remains the backdrop when viewed from Route 153 or Brownfield Road.

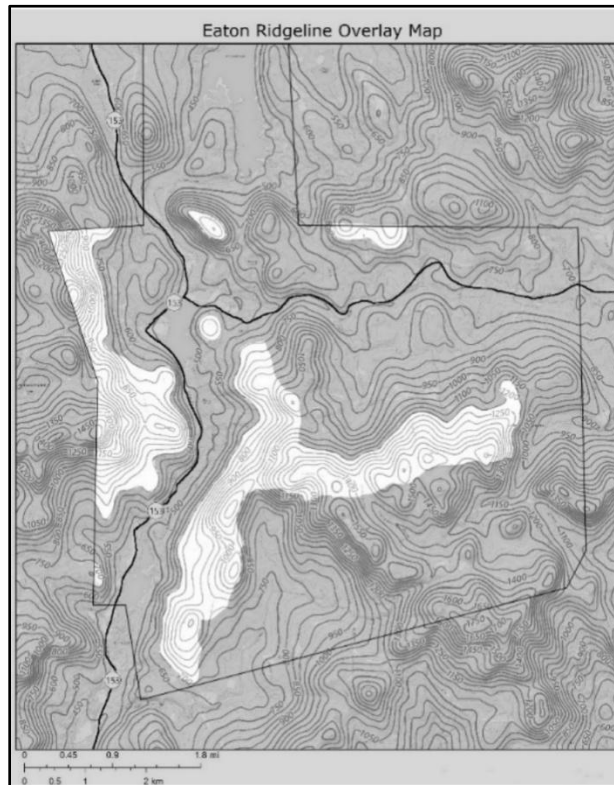
II. Delineation

This Ordinance shall apply to all ridges that can be viewed from the Brownfield Road or Route 153. The areas are shown on the Eaton Ridgeline Protection Overlay Map. Future logging or clearing along Route 153 or Brownfield Road may

allow increased visual access to ridgelines from these two roads. Thus, screening by buildings or vegetation adjacent to these roads shall not be considered when determining compliance with this Ordinance.

The final determination of a Ridgeline Protection area shall be made by the Planning Board or its agent, who may require a site-specific survey at the Applicant's expense.

Specifically the Ridgeline Protection Overlay Zone consists of the long ridgeline above 1200 feet visible to the south of Brownfield Road made up of Stewart Hill, Kent Hill and Manson Hill; Birch Hill to the north of Brownfield Road above 900 feet; Atkinson Mountain north of Brownfield Road and east of Route 153 above 800 feet; the small hill to the east of Crystal Lake above 600 feet; the hills to the east of Crystal Lake and Hatch Pond and running south to Towle Hill above 700 feet; the eastern shoulder of Lyman Mountain to the west of Route 153 above 700 feet; and the Rockhouse Mountain ridge to the west of Route 153 above 800 feet.



This map is adapted from a map produced from the USGS National Map.

III. Definitions

Abutter: Any person whose property, located in New Hampshire, adjoins or is directly across the street or stream, or any property sharing common boundaries with contiguous parcels, or any property within 200 feet from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who

is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of notification and receiving testimony, “abutter” shall also mean all affected Towns and the Regional Planning Commission(s) in the case of a development having regional impact, as determined by the Planning Board. In the case of an abutting property being under condominium or other collective form of ownership, the term “abutter” means president or registered agent of the collective or association, as defined in RSA 356-B:3 xxiii.

Best Management Practices: Accepted structural, non-structural, or vegetative measures the application of which reduces erosion, sedimentation or peak storm discharge, or improves the quality of storm water runoff. These measures or practices are found in the NH Stormwater Manual, Volumes 1 & 2 (NHDES December 2008).

Critical Area: An area within 100 feet of a stream, bog, water body or very poorly drained soils; areas exceeding 2,000 square feet in highly erodible soils.

Development: Any construction or road building other than for agricultural and silvicultural practices; any alteration of terrain or grading activities.

Directly Visible: Visibility along a direct line of sight without intervening vegetation.

Ridgeline: A line formed along the highest points of a mountain ridge; an area of higher ground separating two watersheds.

Site Disturbance: Any activity that removes the vegetative cover and/or creates erosion from the land surface.

Soils: As identified by Site Specific Soil Mapping Standards for New Hampshire and Vermont in Special Publication No. 3 (as amended) of the Society of Soil Scientists of Northern New England. (Amended 3/8/2022)

Vegetative Cover: Grasses, shrubs, trees, and other vegetation that hold and stabilize soils.

IV. Applications Requirements

The Eaton RLP Ordinance applies to upland slopes and ridges that are visible from Route 153 and Brownfield Road.

It is recognized that not all areas within the RLP Overlay Zone have high visual sensitivity. Areas where natural topographical features shield the proposed development from view are excluded from the provisions of this ordinance.

An application must be submitted to the Planning Board for any tract of land being developed in the RLP Overlay Zone where one or more of the following are proposed:

1. Construction of any structure;
2. Construction or reconstruction of a street, road or driveway;
3. Disturbance of a critical area.

It is the responsibility of the applicant to demonstrate that a proposed development may be excluded from the requirements of the RLP Ordinance.

Specific Provisions

The following specific provisions shall govern all development within the RLP Overlay Zone:

1. On any ridgeline or ledge where the sky is the backdrop when viewed from Route 153 or Brownfield Road, structures will be located and limited in height so as not to allow any portion of the building to have the sky as a backdrop as seen from said roadways.
2. No structures, parking areas or cleared areas shall be directly visible from Route 153 or Brownfield Road in the town of Eaton, but must be screened or capable of being screened. Screening by buildings or vegetation adjacent to these roadways shall not be considered when determining compliance with this provision.
3. Exterior lighting producing more than 2000 lumens of light per fixture shall be shielded in such a manner as to conceal the light source and the illuminated area from view beyond the perimeter of the area to be illuminated.
4. The applicant must demonstrate that no practicable alternatives exist to the proposal under consideration, and that all measures have been taken to minimize the impact of construction activities.

Ridgeline Application

The Ridgeline Application with appropriate fee, listing of all abutters and the following are required to be submitted:

1. Site Plan showing the area subject to site disturbance, and all adjacent areas within 200 feet of the area subject to site disturbance, in two-foot contours, including all surface waters and wetlands, and proposed and existing physical features, structures, utilities, storm water control systems, septic and well structures, and access ways.
2. Plan showing footprint and elevation of all proposed structures that clearly depicts what may be visible from Brownfield Road and Route 153.
3. A landscaping plan showing existing vegetation and proposed landscaping and clearing.

Additional Requirements

1. Requests for waivers and actions thereon shall be made in writing by the applicant with supporting technical documentation to demonstrate minimal environmental impact.
2. The applicant shall bear all financial responsibility for plans and layouts deemed necessary by the Planning Board according to the Ridgeline Protection Ordinance.
3. The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all storm water management and control measures required by the provisions of this regulation.

V. Performance Standards

All uses permitted in the underlying District may be permitted in the Ridgeline Protection Overlay Zone, but must meet the following conditions for approval:

1. The grading cut and fill should not exceed a 2:1 ratio. Cuts and fills shall be minimized.
2. Existing natural and topographic features, including the vegetative cover, will be preserved to the greatest extent possible. In the event that extensive amounts of vegetation are removed, the site shall be replanted with indigenous vegetation and shall replicate the original vegetation as much as possible.
3. No section of any driveway may exceed a 10 percent slope for residential or 8 percent slope for nonresidential site plans.
4. During construction, the plan must meet the Best Management Practices for Stormwater Management and Erosion and Sediment Control as cited in the NH Department of Environmental Services "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire" December 2008 and subsequent revisions.

VI. Approval of Ridgeline Application

1. Ridgeline application approval shall be granted by the Planning Board upon a finding that the proposed use is consistent with the Ordinance and following receipt of a review and recommendation of the Conservation Commission and any other professional expertise deemed necessary by the Board.
2. A building permit may be granted by the Board of Selectmen upon approval by the Planning Board that the proposed use is consistent with the intent of the Ordinance.
3. The approval from the Planning Board shall be valid for a period of two years from the date of issue and shall expire if not implemented by that time, unless a longer period is specified and approved by the Planning Board.

4. The Planning Board may waive the requirements for all, or part, of the approval if it determines that the requirements are unnecessary because of size, character, or natural conditions of a site.
5. If not approved, a written list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

VII. Costs and Performance Security

All costs pertaining to the consideration of an application, including consulting fees, on-site inspections, environmental impact studies, notification of interested persons, and any other costs associated with Planning Board review under this section, shall be borne by the applicant and paid prior to the Planning Board taking final action.

Performance Security shall mean (1) an irrevocable letter of credit with an automatic call provision issued by a State of New Hampshire bank or national bank with banking offices located within the State of New Hampshire (LOC) or (2) cash in United States currency held in escrow by the Town (cash bond).

A Ridgeline Performance Security may be required in an amount sufficient to ensure there is no cost to the Town for replacement of removed vegetation and for stabilization measures to prevent water or soil damage, including inspection or consultation fees, in the event of abandonment or deferment of the project.

Work shall be completed within two (2) years of approval of the plan and the Performance Security shall not be discharged before one (1) year following completion of the plan.

Review of the application by an independent State of New Hampshire licensed professional engineer, at the Applicant's expense, may be required to develop a cost estimate for the Performance Security. The engineer will assist the Planning Board in setting the amount of the Performance Security and to ensure that the application adequately addresses all issues related to the Town's interests as defined herein.

The Performance Security shall not be released until the Town is satisfied that the project plan has been accomplished and is satisfied that all conditions of the approval and any other pertinent regulation and permit requirements have been met.

VIII. Town Liability

In any case where changes in topography alter the course of water flow so as to cause damage to the neighboring properties or those down-stream, environment, or critical area, the Town of Eaton shall be held harmless from any claims for damage resulting from the applicant's action, even if the applicant's Operational Plan has been approved by the Eaton Planning Board.

IX. Enforcement

Any person in violation of this Article or portion thereof, shall be penalized in accordance with NH RSA 676:15-17

X. Statutory Authorization

A. RSA Title LXIV, Chapters 674:16, Grant of Power

B. 674:21, Innovative Land Use Controls

C. 674:21(j), Environmental Characteristics Zoning

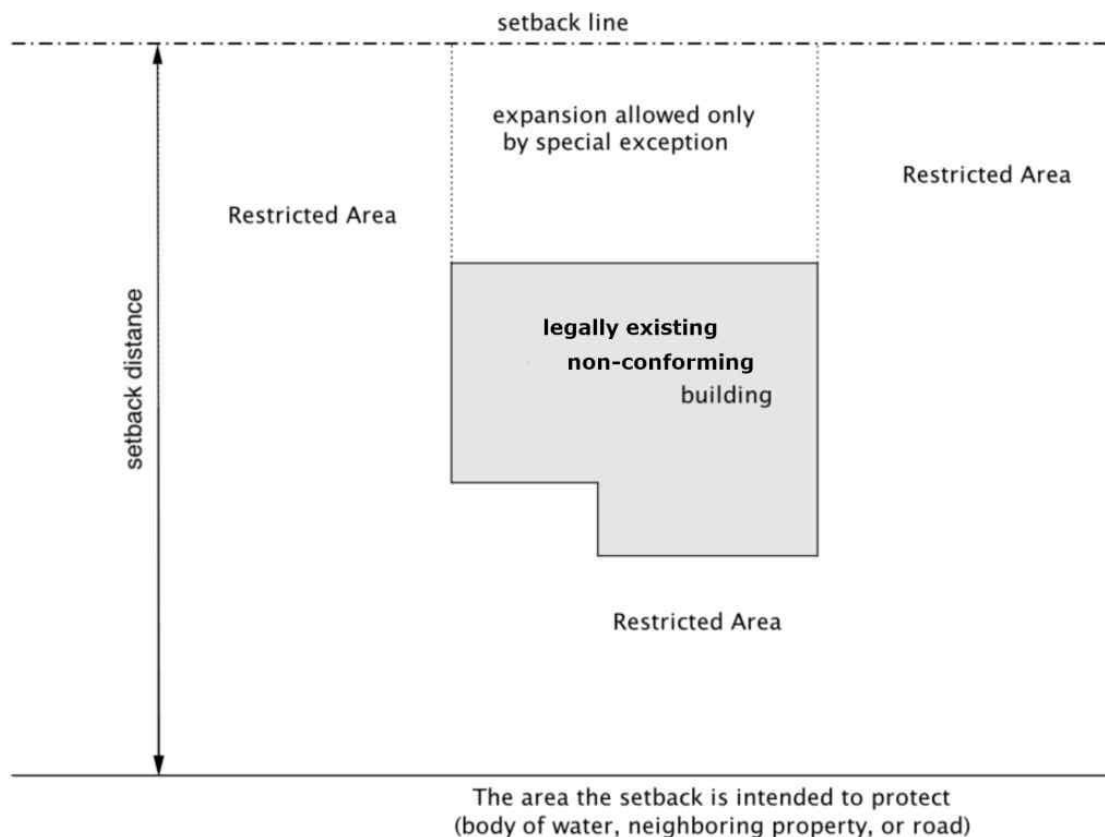
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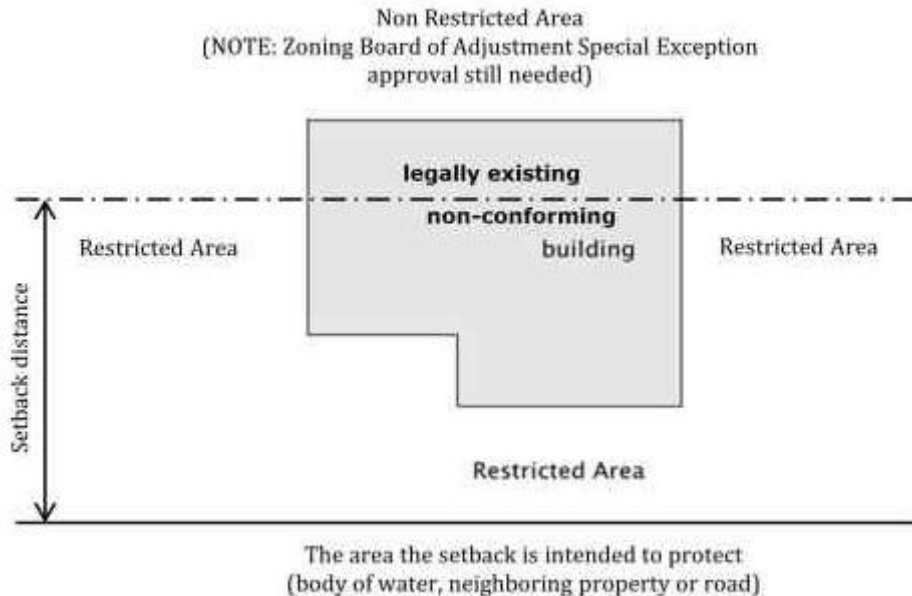
ARTICLE VI NON-CONFORMING LOTS, USES AND STRUCTURES

1. If a lawful building, structure or use exists when this Ordinance, dated March 6, 1973, is enacted, which would not be allowed under the provisions of this Ordinance, the same may nevertheless be continued so long as it remains otherwise lawful. (Amended 3/14/1989)
 - a. Except that any non-conforming use of land, building or structure may not be: 1) changed to another non-conforming use; or 2) renewed after discontinuance or abandonment for two (2) years or more. (Amended 3/14/1989, 3/09/2004)
2. Any structure damaged by fire, deterioration or other casualty to the extent of seventy-five (75) percent or more of the floor area in square feet and is not reconstructed within two (2) years will constitute discontinuance and abandonment under Article VI 1.a. above and will not be reconstructed or used except in conformity with this Ordinance. The Board of Selectmen may permit the reconstruction or use of such building or structure substantially as it was prior to destruction upon finding that the same will not be detrimental or injurious to the neighborhood. If, for any reason, this permit is not granted such damaged structure will be removed to clear ground level and put into safe condition within two (2) years following the date of damage. Any time after the expiration of said two (2) years the Board of Selectmen may cause such removal to be done at the expense of the owner. (Amended 3/14/1989, 3/09/2004, 3/14/2023)
3. Nonconforming structures.

The dimensions (length, width and height) of a nonconforming structure shall not be increased unless granted a special exception. The Zoning Board of Adjustment may grant a special exception only if the following conditions are met:
(Amended 03/09/2004)

- (a) The nonconforming structure is not in the Wetlands or Floodplain District or falls within the Shoreland Water Quality Protection Act. (Amended 3/09/2004, 3/12/2019)
- (b) There is no significant change or expansion of use (see Article XIV Definitions) or the applicant has submitted either a new septic system design or a report of septic system inspection by a State of NH Licensed Septic System Evaluator showing that the system is adequate to meet the change or expansion of use. (Amended 3/14/2017, 3/12/2019)
- (c) The footprint of the structure will decrease, stay the same, or expand only in one direction, that being the direction furthest away from the area the setback is intended to protect or buffer, as shown in the diagram below. In all other directions the expansion shall not encroach any further than the existing structure except for minor appurtenances such as steps, bay windows, canopies and awnings. (Added 3/8/1994, Amended 3/12/2019, 3/12/2024)





- (d) Public health, safety and/or welfare is not adversely affected.
(Amended 3/13/2007)
- (e) Traffic, parking, noise and night time lighting are not unreasonably increased.
(Amended 3/13/2007)
- (f) The expansion shall not have any adverse effect on any neighboring properties including, but not limited to, property values, and blocking sunlight and/or views.
- (g) The owner can demonstrate that the location of the structure in conformance with this Zoning Ordinance is not reasonably possible.

Note: The height of non-conforming structures may be changed by Special Exception if the Conditions (a) through (g) above are met and the new height does not exceed the Town's Maximum Building Height. (Added 3/12/2024)

4. The owner of a non-conforming lot of record recorded before the date of this Ordinance, March 6, 1973, or any combination of such lots of record as modified by lawful merger or approved Planning Board plat, is permitted to build thereon without regard to requirements for lot size and frontage, provided the setback requirements are met and the use conforms with those authorized for the district in which the lot is located, and meets State of New Hampshire septic system design standards for the proposed use. (Amended 3/8/2016)
5. **New Construction within Setback on a Non-Conforming Lot.** The Zoning Board of Adjustment may grant a special exception to permit construction of a new structure within the setback requirement as long as the following conditions are met: (Amended 3/12/2019)
 - (a) The nonconforming structure is not in the Wetlands or Floodplain District or falls within the Shoreland Water Quality Protection Act. (Amended 3/12/2019)

- (b) If the nonconforming structure is a dwelling, the applicant has submitted a septic system design in accordance with NH RSA 485-A:38. (Amended 3/14/2017, 3/12/2019)
- (c) The non-conforming structure is situated in a way that respects the intent of the setback requirements as much as reasonably possible. (Added 3/08/1994, Amended 3/12/2019)
- (d) Public health, safety and/or welfare is not adversely affected. (Amended 3/13/2007)
- (e) Traffic, parking, noise and night time lighting are not unreasonably increased. (Amended 3/13/2007)
- (f) The encroachment shall not have any adverse effect on any neighboring properties including but not limited to, property values, and blocking sunlight and/or views.
- (g) The owner can demonstrate that the location of the structure in conformance with this Zoning Ordinance is not reasonably possible.

ARTICLE VII HOME OCCUPATIONS

(Amended 3/14/2023, 3/12/2024, 3/11/2025)

- A. Intent:** The purpose in allowing Home Occupations in the Rural Residential District of the Town of Eaton is to enhance economic opportunities for residents without significantly detracting from the quality of neighborhoods.
- B. Home Occupation:** A Home Occupation is defined as the accessory use of a residential property for a business endeavor. The work performed in a Home Occupation must be performed by a person(s) residing in that property and must be incidental to the residential use of the dwelling unit.
 1. A small number of employees may be non-residents of the dwelling.
 2. The Home Occupation will be conducted only within the principal dwelling or accessory building.
 3. Only one sign related to a Home Occupation will be allowed and must be in compliance with the Town's Zoning Ordinance.
 4. External evidence of a Home Occupation, other than the permitted sign and business vehicle, must be kept to a minimum.
 5. Any materials or equipment related to the Home Occupation will not be visible from the street or from abutting properties. The use of fencing, shrubbery and/or hedges is encouraged.

6. There will be no activity that is detrimental to the residential nature of the area nor any emission of light, noise, odor, dust, fumes, vibration or smoke beyond the property.
7. Septic system design/capacity for Home Occupations that utilize significant additional water or wastewater volumes, such as hair salons and catering services, will be verified in writing by a licensed New Hampshire septic designer or professional engineer.
8. No more than 25% of the floor area of the dwelling or accessory dwelling unit, up to a maximum of 600 square feet will be used for the Home Occupation.
9. Individuals engaged in a Home Occupation as defined above, will ensure that there are no detectable impacts beyond their property boundaries caused by an increase in traffic, or by a change in the types of traffic, or by on-street parking. No visible storage of any kind is permitted.
10. Permitted uses include, but are not limited to: home offices for lawyers, accountants, architects, dressmakers, barbers and hairdressers (1 chair), tutoring, counseling, baking or food production (not restaurants), child care, artists and craftsmen, self-employed tradesmen, repairmen or contractors.
11. Uses not permitted include, but are not limited to, car or truck repair, event venues, real estate agencies, or any business that is detrimental or injurious to the comfort, peace, enjoyment, health or safety of the community or to the immediate neighborhood. Anything primarily of a retail use is not considered a Home Occupation.
12. Garage, yard or barn sales, garden produce sales or similar **temporary** activities are not considered a Home Occupation.
13. All Home Occupations must adhere to all pertinent State and Federal regulations, including life safety and fire codes.
14. Anyone engaged in a Home Occupation must apply for a Certificate of Use from the Board of Selectmen.

ARTICLE VIII WIRELESS TELECOMMUNICATIONS FACILITIES

(Adopted 3/13/2001)

A. Purpose and Intent. The purpose of this Ordinance is to preserve the authority of the Town of Eaton to regulate and provide opportunity for the siting of wireless telecommunications facilities consistent with the Federal Telecommunications Act of 1996 and New Hampshire RSA 12-K while keeping, first and foremost, the scenic quality of the Town consistent with its Master Plan. The rural and environmental qualities are to be preserved also. The intent and goal of this ordinance is to permit wireless telecommunications facilities in the Town of Eaton and to:

- A. Reduce adverse impacts on scenic vistas.
- B. Reduce adverse impacts on environmentally sensitive areas, historically significant locations, health and safety by injurious accidents to persons and property, and prosperity through protection of property values.
- C. Promote co-location and minimal impact siting to the highest extent possible.
- D. Permit construction of new towers only where all other reasonable opportunities have been exhausted.
- E. Require use of existing structures whenever possible.
- F. Encourage personal wireless telecommunications services to provide a blanket of coverage for the Town of Eaton, not just nearby corridors, incorporating the goals listed above.

B. Applicability. The terms of this Ordinance and the Site Plan Review Regulations shall apply to all personal wireless telecommunications facilities proposed to be located on property owned by the Town of Eaton, on privately owned property and on property that is owned by any other governmental entity that acts in its proprietary capacity to lease such property to a carrier.

- A. All applications are subject to approval by the Planning Board in accordance with the terms of this Ordinance, the Site Plan Review Regulations and New Hampshire RSA 12-J:3 IV (a), (b), (c), (d). The applicant shall be responsible for payment of costs and regional notification requirements as laid out in New Hampshire RSA 12-J:4 and 12-J:7.
- B. All requests for a variance must go before the Zoning Board of Adjustment.

C. District Regulations.

- A. Location: Wireless telecommunications facilities shall be permitted in all Zoning Districts, except as restricted by this Ordinance. Applicants seeking approval for a wireless telecommunications facility shall first evaluate existing structures for

the siting of the facility. Only after finding that there are no suitable existing structures, shall a provider propose a new ground mounted facility.

B. Existing Structures Policy: Wireless telecommunications facilities shall be located on existing structures including, but not limited to buildings, water towers, existing telecommunications facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

C. Existing Structures Burden of Proof: The applicant shall have the burden of proving that there are no existing structures that are suitable to locate its wireless telecommunications facility. To meet that burden, the applicant shall take all the following actions to the extent applicable:

1. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential structures regarding the availability of potential space for a wireless telecommunications facility. If the Planning Board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.
2. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures who was contacted.
3. If the applicant claims that a structure is not capable of physically supporting a wireless telecommunications facility, this claim must be certified by an independent licensed professional structural engineer hired by the Town of Eaton and paid for by the applicant.

D. Ground Mounted Facilities Policy: If the applicant demonstrates that it is not feasible to locate on an existing structure, ground mounted telecommunications facilities shall be designed so as to be camouflaged to the greatest extent possible, including, but not limited to use of compatible building materials and colors, screening, landscaping, and placement within trees.

E. Locations for Ground Mounted Facilities - Ground mounted wireless telecommunications facilities shall be prohibited from:

1. Zoned Village Districts
2. Historical Districts
3. Within 100 feet of town or state roads
4. Within 250 feet of a scenic road or siting in a manner which is readily visible from a scenic road.

D. Use Regulations. Wireless telecommunications facilities shall require a building permit in all cases and may be permitted as follows:

- A. Existing Tower Structures: Subject to the issuance of a building permit that includes review by the Planning Board, which review shall be limited to determining that the height of the mount is not increased, a security barrier exists, the area of the security barrier is not increased and the siting is consistent with the standards set forth at Section 8.6. Carriers may locate a wireless telecommunications facility on any guyed tower, lattice tower, mast or monopole in existence prior to the adoption of the Ordinance, or on any wireless telecommunications facility previously approved under the provisions of this Ordinance so long as the co-location complies with the approved site plan. This provision applies only so long as height of the mount is not increased, a security barrier already exists, and the area of the security barrier is not increased. Otherwise, full site plan review is required.
- B. Reconstruction of Existing Tower Structures: An existing guyed tower, lattice tower, mast or monopole in existence prior to the adoption of this Ordinance may be reconstructed with a maximum twenty (20) foot increase in height so as to maximize co-location so long as the standards of this Ordinance are met and so long as this twenty (20) foot increase in height does not cause a facility previously existing to exceed the average tree canopy by more than 25 feet in height. The mount shall be replaced with a similar mount that does not significantly increase the visual impact on the community. Site plan review is required.
- C. Existing Structures: Subject to the provisions of this Ordinance and site Plan review and except as otherwise prohibited under Section 8.5 C, a carrier may locate a wireless telecommunications facility on an existing structure, building, utility tower or pole or water tower.
- D. Ground Mounted Facility: A wireless telecommunications facility involving construction of a ground mount shall require site plan review and be subject to the provisions of this Ordinance.
- E. Dimensional Requirements.** Wireless telecommunications facilities shall comply with the following requirements:
 - A. Maximum Height: In no case shall a wireless telecommunications facility exceed 10 feet over the average tree canopy height. The Planning Board will consider a 15' extension above the 10' height provided that the applicant can demonstrate the technical necessity of such extension and provided that the performance and design standards of Section 8.6 are met. The applicant will pay for the town to hire an independent qualified radio frequency engineer to substantiate the applicants claim of technical necessity. Technical considerations include, but are not limited to, the availability of alternative sites, collocation and improved reception and coverage within the Town. The Planning Board shall not grant the extension for any siting within scenic vistas designated by the Planning Board.
 - B. Height, Existing Structures and Utility Poles: Carriers that locate new wireless

telecommunications facilities on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts and monopoles may be permitted with no increase in height.

- C. Height, Other Existing Structures: The height of a wireless telecommunications facility shall not increase the height of a structure unless the facility is completely camouflaged; for example, a facility completely within a flagpole, steeple, or chimney. The increase in height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a wireless telecommunications facility on a building that is legally non-conforming with respect to height, provided that the provisions of this Ordinance are met.
- D. Setbacks: All wireless telecommunications facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located.
- E. Fall Zone for Ground Mounts: In order to ensure public safety, the minimum distance from the base of any ground-mount of wireless telecommunications facilities to any property line, public road, habitable dwelling, business or institution, or public recreational area shall be, at minimum, the distance equal to the height as defined in this Ordinance.

F. Performance and Design Standards. These shall apply to all applications.

- A. Visual impacts shall be measured by applying the following standards:
 - 1. Visual impacts are measured on the basis of change in community scale, as exhibited in relative height, mass or proportion of the wireless telecommunications facility within their proposed surroundings.
 - 2. Visual impacts are measured by the contrast created by new visible elements set against a contrasting background.
 - 3. Visual impacts are measured by evaluating how different colors and textures contrast against the existing background.
 - 4. Visual impacts are measured by evaluating how the use of materials that are foreign to the existing built environment within their proposed surroundings create visual blight.
- B. Enhancements are measured on the basis of:
 - 1. Conservation of opportunities to maintain community scale, e.g., buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.
 - 2. Amount and type of landscaping and/or natural vegetation.
 - 3. Continuation of existing colors, textures, and materials.

C. Visibility focuses on:

1. Eliminating or mitigating visual impact.
2. Protecting, continuing and enhancing the existing environment.

D. Camouflage for Facilities on Existing Buildings or Structures: Roof Mounts

1. When a wireless telecommunications service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways.
2. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

E. Camouflage for Facilities on Existing Buildings or Structures - Side Mounts

1. Wireless telecommunications facilities which are side mounted shall blend with the existing building's architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with material consistent with the design features and materials of the building.

F. Camouflage for Ground Mounted Facilities:

1. The carrier shall maintain a vegetative buffer at least as tall as the fence, 360 degrees surrounding the facility including the security fence, a minimum twenty-five (25) feet deep starting at the fence. The barrier shall be in keeping with the surrounding vegetation and shall effectively screen the facility 365 days of the year.
2. The vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying, present a hazard to persons or property, or as approved during site plan review.

G. Color. To the extent that any component of a wireless telecommunications facility extends above the height of the vegetation immediately surrounding it, it shall be of a color which blends with the background or surroundings, including guy wires.

H. Equipment Shelters

1. Equipment shelters shall be located in underground vaults; or
2. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the wireless telecommunications facility; or
3. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer equal to the height of the proposed building, and/or wooden

fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or

4. If mounted on a roof top, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.
5. All utilities, to the site from existing utilities shall be underground.

I. Lighting, Signage and Security

1. Lighting:

- a. The mounts of the wireless telecommunications facility shall be lighted only if required by the Federal Aviation Administration (FAA).
- b. Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candles measurements at the property line shall be 0.0 initial foot candles.

2. Signage: Signs shall be limited to those needed to identify the property and the owner and warn of any danger.

3. Security Barrier: A security barrier is required for all wireless telecommunications facilities.

J. Historic Buildings and Districts: Any application to which this section applies shall be referred to the Heritage Commission for an advisory recommendation regarding the architectural compatibility of the proposal.

1. Any wireless telecommunications facility located on or within an historic structure shall not alter the character or defining features, distinctive construction methods or original historic materials of the building.
2. Any alteration made to an historic structure to accommodate a wireless telecommunications facility shall be fully reversible.
3. Wireless telecommunications facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.

K. Scenic Landscapes and Vistas

1. Wireless telecommunications facilities shall not be located within open areas so that they are materially visible from public roads, recreational areas, or abutting properties. All ground-mounted wireless telecommunications facilities shall be surrounded by a buffer of dense tree growth as per section 8.6 F.
2. Wireless telecommunications facilities shall not be materially visible above the ridge line from public roads, recreational areas, designated scenic vistas or abutting property.

L. Driveways

1. Existing entrances and driveways to serve a wireless service facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic and environmental impact.
2. New driveways to serve a wireless telecommunications facility shall not exceed twelve (12) feet in width. A 1½" crushed gravel surface is required.

M. Antenna Types

1. Any antenna array placed upon an existing or proposed ground mount, utility pole or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount unless the Planning Board finds a larger antenna array does not materially impair the visual impact of the siting.
2. Ground and Roof Mounts: All ground mounts shall be of a mast type mount. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section 8.4 B.

N. Hazardous Waste: No hazardous waste shall be discharged on the site of any wireless telecommunications facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.

O. Noise: Wireless telecommunications facilities shall not generate noise in excess of that permitted under the Site Plan Review Regulations.

P. Radio Frequency Radiation (RFR) Standards: All equipment proposed for a wireless telecommunications facility shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines), under Report and Order, FCC 96-326, published on August 1, 1996, and all subsequent amendments.

G. Monitoring and Maintenance

- A. The owner of the facility shall maintain the wireless telecommunications facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.
- B. As part of the issuance of the site plan approval or building permit, the property owner shall agree that the Town of Eaton may enter the subject property to obtain RFR measurements and noise measurements at the expense of the carrier. The Town of Eaton shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the Town Representatives when the measurements are conducted.

C. Security for Removal: Recognizing the hazardous situation presented by abandoned and un-monitored wireless telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with section 8.8. The amount of the security shall be based upon the removal cost plus fifteen percent (15%), provided by the applicant and certified by an independent professional civil engineer licensed in New Hampshire every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase. It shall be a condition of any approval granted under this ordinance that the name and address of the facility owner shall be accurately reported to the Town at all times during the life of the facility. All transfers of ownership shall be reported in writing to the Town before such transfers occur.

H. Abandonment or Discontinuation of Use

- A. Notification. At such time that a carrier plans to abandon or discontinue operation of a wireless telecommunications facility, such carrier will notify the town by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations.
- B. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operation. In the event that a carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon such discontinuation of operations.
- C. Removal: Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the wireless telecommunications facility within ninety (90) days from the date of abandonment or discontinuation of use. This shall include, but not be limited to:
1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
 2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- D. Failure to Remove: If the owner of the facility does not remove the facility upon the Board of Selectmen's order, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the town may execute the security to pay for this action. The carrier shall be fined

\$275 per day starting on the 91st day after declaration until the facility is removed.

I. Administration and Enforcement

It shall be the duty of the Board of Selectmen or its designated Building Inspector to initiate immediate steps for enforcement of this Ordinance, upon well-founded information of any violation thereof, by issuing due notice to cease and desist such violation and taking such necessary and other action as may be permitted by statute for both criminal and civil enforcement of the same including, but not limited to, seeking a civil fine of \$100.00 per day for each day the violation continues after the owner has been notified of that violation; however, failure by the Selectmen to not initiate enforcement under this Ordinance will not constitute a waiver of the Town's right to take such action.

J. Definitions:

For the purpose of this Ordinance, the following terms shall have the meaning given herein:

ANTENNA - The surface from which wireless radio signals are sent and/or received by a wireless telecommunications facility.

ANTENNA ARRAY - A collection of antennas attached to a mount to send and receive radio signals.

APPLICANT - Holder of a license from the Federal Communications Commission proving eligibility to deploy systems in the Town of Eaton in accordance with the Federal Telecommunications Act of 1996 as amended. Alternatively, the applicant may provide a copy of a contract with the holder of such a license and a copy of that license.

AVERAGE TREE CANOPY HEIGHT - an average height found by inventorying the height at above ground level (AOL) of all trees over (20) feet in height in the fall zone.

CAMOUFLAGED - A wireless telecommunications facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

CARRIER - A company that provides wireless telecommunications services, also sometimes referred to as a provider.

CO-LOCATION - The use of a single mount on the ground by more than one carrier (vertical co-location) or the same carrier with multiple licenses, and/or the use of several mounts on an existing building or structure by more than one carrier or the same carrier with multiple licenses.

EQUIPMENT SHELTER - An enclosed structure, cabinet, shed, vault, or box near

the base of the mount within which are housed equipment for wireless telecommunications service facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

FACILITY - Wireless telecommunications facility

FALL ZONE - The area on the ground from the base of a ground mounted personal wireless service facility that forms a circle with the diameter equal to the height of fall zone is the area within which there is potential hazard from falling debris (such as ice) or collapsing material.

GUYED TOWER - A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

HEIGHT - The height above ground level (AGL) from the natural grade of a site to the highest point of a structure, measured from the lowest leg or point of the mount.

LATTICE TOWER - A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and free-standing.

MAST - A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

MONOPOLE- A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material that is designed for the placement of antennas and arrays along the shaft.

MOUNT - The structure or surface upon which antennas are mounted, including the following four types of mounts:

- Roof-mounted: Mounted on the roof of a building
- Side-mounted: Mounted on the side of a building
- Ground-mounted: Mounted on the ground
- Structure-mounted: Mounted on a structure other than a building

WIRELESS TELECOMMUNICATIONS FACILITY - A facility for the provision of personal wireless telecommunications services, including a mount, antenna, equipment shelter, and other related equipment.

PERSONAL WIRELESS TELECOMMUNICATIONS SERVICES - Three types of services regulated by this ordinance - Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.

RADIO FREQUENCY (RF) ENGINEER - An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - The emissions from wireless telecommunications facilities.

SCENIC VISTAS - Those areas designated by the Planning Board and on file at the Selectmen's Office at the time any application under this ordinance is submitted.

SECURITY BARRIER - A wall or fence that restricts an area from unauthorized entry or trespass.

SEPARATION - The distance between one carrier's array of antennas and another carrier's array.

ARTICLE IX ADMINISTRATION AND ENFORCEMENT

- A. Duty:** The Board of Selectmen is hereby granted the power, authority and duty to administer and to enforce this Ordinance, except that the Code Enforcement Officer is empowered to enforce the Life Safety Code in consultation with the Board of Selectmen.
- B. Permits:** After the effective date of this Ordinance, it shall be unlawful to change the nature or extent of the use of any structure or lot, erect or use any structure, sign or building, or alter any building, or relocate any building in any district without first obtaining a permit from the Board of Selectmen. All building or use permits shall have one year expiration dates and shall be subject to renewal, annually, for up to three additional years. (Amended 3/13/1990, 3/12/1991, 3/08/1994, 3/12/2019)
- C. Repair and Maintenance:** No permit shall be required for repair or maintenance where the purpose for which the building is to be used is not changed and where the existing exterior walls are not to be altered and where the cost of construction does not exceed \$2,500. Where there is no cost for labor, the cost of materials shall be doubled. A permit is not required for maintenance such as painting, roofing, siding and window or door replacement. (Amended 3/12/1991, 3/08/1994, 3/12/2019, 3/10/2026)
- D. Enforcement:** The Board of Selectmen shall recover in the name of the Town of Eaton reasonable attorney's fees and all other costs where it prevails in the enforcement of any provision of this ordinance or the collection of any sums of money due to the Town of Eaton under any provision of this Ordinance.
- E. Life Safety Code:** The Life Safety Code, NFPA Doc. No. 101, 1976 Edition, as amended, is made a part of this ordinance.
 - 1. **Code Enforcement Officer:** The post of Code Enforcement Officer is hereby established. The Code Enforcement Officer shall be appointed by the Board of Selectmen and shall be employed for a term and remuneration that the Selectmen shall determine.

2. **Duties:** Upon adoption of this section, the Code Enforcement Officer shall have all statutory duties and powers of a fire inspector, including but not limited to: the power to conduct inspections, and to recommend issuance of occupancy permits for all new dwelling units, and for all workplaces and places of assembly.

ARTICLE X ZONING BOARD OF ADJUSTMENT

- A. Creation:** The Zoning Board of Adjustment created by Article VI of the Land Use Ordinance of the Town of Eaton, adopted March 10, 1970, will be a continuing body and become the Zoning Board of Adjustment (ZBA) of this Ordinance. It will have the composition, terms, duties and authority set forth in New Hampshire Revised Statutes, Annotated, Chapters 673, 674, 676, 677 as amended (formerly Chapter 31). (Amended 3/14/2023)
- B. Powers and Duties:** The Zoning Board of Adjustment will have such powers and duties as set forth in RSA 674:33. The Board will hold public hearings on all cases properly before it and will give reasonable public notice thereof and reasonable notice by mail to all owners of property within 200 feet of the exterior boundaries of property involved. The Board may, before acting on a matter, refer to the Planning Board for review and recommendation. The granting of permits by the Zoning Board of Adjustment may be subject to appropriate conditions and safeguards. (Amended 03/11/1986, 03/4/1989, 3/14/2023)
- C. Appeals to the Zoning Board of Adjustment:** Appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any Officer, Department or Board of the Town affected by any decision of the administrative officer. Such appeal shall be filed within 30 days. (Adopted 3/14/2023)
- D. Appeals from a Decision by the Zoning Board of Adjustment:** An appeal from a decision by the Zoning Board of Adjustment may be taken by any person aggrieved or by any Officer or Board of the Town affected by such decision in the matters prescribed by RSA 677:2. Such appeal shall be filed within 30 days after the decision. (Adopted 3/14/2023)

ARTICLE XI AMENDMENT

This Ordinance may be amended in accordance with New Hampshire Revised Statutes Annotated, Chapters 674, 675, (formerly Chapter 31), which provides that amendments to the Ordinance shall be enacted in the same manner and under the same procedures as the Ordinance itself. (Amended 3/13/1979)

ARTICLE XII PENALTIES

Every legal person, whether individual, corporate or other shall be fined up to two hundred and seventy five dollars (\$275.00) for the use of the Town of Eaton for each day any violation of the provisions of this Ordinance exists. A thirty (30) day grace period will be allowed, after official notification by the Board of Selectmen before fine is imposed. (Amended 3/13/1979; 3/11/2003)

ARTICLE XIII SEVERABILITY

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

ARTICLE XIV DEFINITIONS

In this Ordinance the following terms shall have the following meanings:

Alteration: Any structural change or rearrangement in the walls, roof, ceiling, floor, beams, columns, exterior architectural features and exit facilities. Alteration includes the movement of any building, except mobile homes and trailers, from one location to another.

Accessory Building: A detached, subordinate building located on the same lot as the main building, and the use of which is incidental and subordinate to that of the main building or use of the land. (Amended 3/12/2013)

Accessory Dwelling Unit: A subordinate dwelling unit that provides independent living facilities on a non-transient basis, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies. (Adopted 3/12/2013, Amended 3/12/2019)

Accessory Use: A land use located on the same lot which is incidental and subordinate to the main building or use of the land. Transient Occupancy is not an accessory use. (Amended 3/8/2022)

Bed and Breakfasts: An owner-occupied dwelling unit that is used to accommodate transient guests for a fee, and which may offer a breakfast meal. This definition excludes Non-Transient Occupancy and apartment houses. (Adopted 3/8/2022)

Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattel.

Camping and Recreational Vehicle: A vehicle or vehicular attachment with sleeping or living quarters for one or more persons, which is not a Dwelling and which may include, but not be limited to, a pickup camper, travel trailer, tent trailer, converted van/pickup or motor home. (Amended 3/11/2025)

Camping or Screen Tent: A portable canvas or synthetic fiber structure used as a temporary dwelling or eating space for vacation or recreation purposes. (Adopted 3/8/2022)

Community Wastewater System: A non-municipal wastewater collection, treatment, and disposal system that serves an average of at least twenty-five (25) individuals daily year round or that has at least fifteen (15) service connections.

Community Water Supply: A no-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year round or that has at least fifteen (15) service connections.

Duplex: A residential building containing two (2) dwelling units. (Adopted 3/12/2019)

Driveway: Any designated vehicular access from a single house lot to a public right of way or private road. The Planning Board may allow a single driveway to service two (2) house lots, but in no instance shall a driveway be substituted for a private road. (Adopted 3/14/1989)

Dwelling: A building designed or used for one or more families. (Amended 3/10/1992)

Dwelling Unit: A residential building or portion thereof designed or used for one family. (Amended 3/10/1992)

Expansion of Use: Any change in use that is significantly different from the nature and purpose of the existing use and is not merely a different manner of exercising the same use or any change that has a substantially different effect on the neighborhood. This would include any change to a structure that increases sleeping capacity or is a change from seasonal to full time use. (Adopted 3/12/2019)

Family: One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

Farm: Any parcel of land containing at least ten (10) acres which is used for the raising of agricultural products, livestock, poultry and dairy products, and including necessary farm structures and storage of equipment.

Industry: A building or land area in which industrial operations of manufacturing, processing, assembly, packaging, finishing, treating or compounding take place.

Lake Shore Area: Any area within 500 feet of the average high water level of a lake or pond: an area to be determined by projecting a line perpendicular to the average high water level of lake or pond.

Lot: A parcel of land under separate title from adjacent property. (Amended 3/10/1992, 3/12/2019)

Lot of Record: A distinct tract of land recorded in a legal deed, court decree, or subdivision plan filed in the Carroll County Registry of Deeds. (Adopted 3/14/1989)

Main Building: A residential building which supports the main use of the land as permitted within the Zoning District. (Adopted 3/12/2013)

Manufactured Housing: Any structure transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) square feet or more, and which is built on a permanent foundation and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein. Manufactured Housing shall not include Presite Built Housing. (Adopted 3/14/1989)

Multifamily Dwelling Unit: Any structure containing more than two (2) dwelling units.

Non-conforming Use: A use which was legal prior to the adoption of this ordinance which does not now conform to the use regulations for the District in which it is located.

Non-conforming Structure: A structure which was legal prior to the adoption of this ordinance which does not now conform to the dimensional regulations for the District in which it is located.

Non-conforming Lot: A lot which was legal prior to the adoption of this ordinance which does not now conform to the lot regulations for the District in which it is located.

Non-Transient Occupancy: Occupancy of a dwelling unit for any period of time greater than thirty (30) days. (Adopted 3/12/2019)

Official Trail: Means a state or municipal trail legally established per RSA 216-F, RSA 230:74 & 75 or RSA 231-A. (Adopted 3/8/2016)

Parking Space: An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of the necessary internal and access driveways and passageways.

Presite Built Housing: Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, in the building site. Presite Built Housing shall not include Manufactured Housing. (Adopted 3/14/1989)

Private Road: A strip of land over which one or more individuals has the right to pass in a highway vehicle, and which is not a Class I through VI highway, and is not an Official Trail, and is not a driveway, and is not maintained by the Town. New private roads requesting subdivision approval must meet established Town standards.
(Adopted 3/8/2016)

Recreational Vehicle or Tenting Area: A tract of land where one or more recreational vehicles or tents are placed or a tract of land which is used or intended for the purposes of supplying to the public spaces for two or more recreational vehicles or tents.
(Amended 03/14/2000)

Residence: A person's place of abode or domicile. The place of abode or domicile that is designated by a person as his or her principal place of residence to the exclusion of all others. (Adopted 3/8/2022)

Residential Building: A single structure of not more than two dwelling units.
(Adopted 3/10/1992)

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Slope: The steepness of land surface. Slope is expressed in percent by dividing the change in elevation in a given distance by that given distance and multiplying by 100.

Soil Type: As identified by Site Specific Soil Mapping Standards for New Hampshire and Vermont in Special Publication No. 3 (as amended) of the Society of Soil Scientists of Northern New England. (Amended 3/14/1989, 3/8/2022)

Street: A public way. The word "street" shall include the entire right of way. For purposes of this ordinance, it shall be synonymous with the words "road" and "highway."
(Amended 3/14/1989)

Structure: Any combination of materials constructed, erected, installed or located above, below or upon the ground, whether permanent or temporary in nature (See Article IV Section N). (Amended 3/12/1991, 3/09/2004, 3/12/2005, 3/12/2019)

Subdivision: As defined by the Town of Eaton Subdivision Regulations.

Transient Occupancy/Short-Term Rental: Any individually or collectively owned single family house or dwelling unit or any unit or group of units in a condominium, cooperative or time share, or owner-occupied residential home that is offered for a fee and for up to 30 consecutive days. Transient Occupancy is not a residential use. Transient housing rentals without owner occupancy are not permitted. (Adopted 3/8/2022)

Undevelopable Land: Land designated as Wetlands, or land with slopes greater than twenty five percent (25%). (Adopted 3/14/1989)

Wetlands: Lands containing soils classified by the National Cooperative Soil Survey as poorly drained or very poorly drained, including, but not restricted to, marshes, shallow ponds, swamps, bogs, seasonally flooded flats, poorly drained meadows, and, in general, areas that are inundated or saturated with groundwater at a frequency or duration to support a prevalence or wetland adapted for life in saturated soil conditions.

Woodlot: A tract of land available for growth and harvesting of trees and tree products, including either unmanaged tracts or those managed as tree farms.

Yard: A required open space parallel to the lot lines which is open to the sky and unoccupied and unobstructed by any building or buildings.

Yard, Front: An open space between the building and front lot line, extending the full width of the lot, or in case of a corner lot, extending along all streets.

Yard, Rear: A yard extending the full width of the lot and situated between the main building and the rear lot line.

Yard, Side: An open space between the building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed a side yard.

Yards, Depth or Width of: The depth of front and rear yard and the width of side yards, shall be measured perpendicularly to the respective lot lines.

ARTICLE XV EFFECTIVE DATE

This Ordinance shall take effect upon its passage (March 6, 1973).

The Land Use Ordinance of the Town of Eaton, adopted March 10, 1970 shall be repealed upon the effective date of this Ordinance except as may be provided herein.

As amended March 14, 1978; March 13, 1979; March 11, 1980; March 8, 1983; March 10, 1987; March 8, 1988; March 14, 1989; March 13, 1990; March 12, 1991; March 10, 1992; March 8, 1994; March 10, 1996; March 9, 1999; March 14, 2000; March 13, 2001; March 11, 2003; March 9, 2004; March 12, 2005; March 14, 2006; March 13, 2007; March 9, 2010; March 12, 2013; March 10, 2015; March 2, 2016; March 14, 2017; March 12, 2019; March 10, 2020; March 9, 2021; March 8, 2022; March 14, 2023; March 12, 2024; March 11, 2025; March 10, 2026