ARTICLE IV. CONSERVATION OVERLAY DISTRICTS

These special regulations of overlay districts are in addition to the regulations of the underlying zoning district.

In all cases where the Wetlands Conservation Overlay District is superimposed over another zoning district in the Town of Springfield, that district whose regulations are more restrictive shall apply. Furthermore, where any provision of this district differs from those of other ordinances or regulations of the Town or State, then that provision or ruling which imposes the greater restriction or higher standard shall govern.

4.10 WETLANDS CONSERVATION OVERLAY DISTRICT

~~Wetlands are extremely important to the Town as they provide area for floodwater storage, wildlife habitat and groundwater recharge. It is intended that this Overlay District shall:~~
Wetlands are extremely important to the Town as they provide for the protection of water quality, for floodwater storage, for wildlife habitat and for groundwater recharge. It is intended that this Overlay District shall:

1. Prevent the development of structures and land uses ~~on naturally occurring wetlands~~ which will cause or contribute to pollution of surface ~~and~~ or groundwater ~~by sewage or toxic substances~~ on naturally occurring wetlands;

2. Prevent destruction of or significant changes or degradations to natural wetlands ~~which provide flood protection~~;

3. Protect unique, rare and valuable natural areas;

4. Protect wildlife habitat and maintain ecological balance;

5. Protect the water quality of potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;

~~6. Encourage those low intensity uses that can be harmoniously, appropriately and safely located in wetlands.~~

4.11 Wetlands Conservation Overlay District Boundaries

The Wetlands Conservation Overlay District is an overlay district which places additional land use controls on existing underlying zoning districts. The boundaries of the Wetlands Conservation Overlay District include all wetlands greater than ~~10,000~~ 7,000 square feet in size and wetland buffer areas described as follows:

1. Wetlands, as defined herein, greater than ~~10,000~~ 7,000 square feet in size which include, but are not limited to, swamps, marshes and bogs.
2. Naturally occurring vernal pools.

~~2~~3. The wetland buffers as specified below in Section 4.12 – Wetland Buffers.

~~The boundary of a wetland on a specific site must be delineated by a certified wetlands scientist. The wetlands to be protected by this Ordinance are delineated on the Springfield Wetlands Protection Map dated August 2005. This map is available for viewing in the Office of the Board of Selectmen. The wetlands delineated on the Springfield Wetlands Protection Map are based on the National Wetlands Inventory Maps of Wetlands. This map shows the general location of wetlands as defined by this Ordinance except if the wetland is 10,000 square feet or less.~~

All applications for a land use change (building permit, subdivision, site plan, etc) will be reviewed by a representative of the Board of Selectmen or Planning Board, as appropriate, and a representative of the Conservation Commission, who will visually inspect the area in question and report to the applicable Board as to the presence or absence of wetlands and wetlands buffers in the area to be impacted by the proposed land use change.

If the Applicant is dissatisfied with the report rendered by the Board representative and the Conservation Commission, the Applicant may retain an independent Certified Wetlands Scientist, at the Applicant's expense, who will visually inspect the area in question and present a written report to the applicable Board as to the presence or absence of wetlands and wetlands buffers in the area to be impacted by the proposed land use change.

In the event that the report concludes that wetlands are likely present and the Applicant wishes to continue the application process, the Applicant may retain an independent Certified Wetlands Scientist to map the area in question at the Applicant's expense. 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, latest version) by the Certified Wetland Scientist can provide the appropriate level of documentation to address questions about the delineation. A report of the Scientist's findings shall be submitted to the Town Board applied to, and shall include, if warranted, a wetland map of the area in question, along with a written report of the results of the investigation, together with data forms completed.

The Town Board applied to shall make the final determination of the wetlands limit based on the evidence presented and may require review of the documentation, at the Applicant's expense, by an independent Certified Wetlands Scientist.

4.12 Wetland Buffers

~~Wetland buffers are areas that are designed to remain vegetated in an undisturbed and natural condition to provide and protect habitat and travel corridors for wildlife and to protect adjacent wetland functions and values from upland impacts to water quality. Unless otherwise specified in Section 4.14, wetland buffers shall be retained in their natural condition. Where wetland buffer disturbance has occurred during construction, restoration is required. All wetland buffers are measured from the wetland boundary.~~

Wetland buffers are areas that are designed to remain vegetated and in an undisturbed and natural condition that will:

1. provide and protect habitat and travel corridors for wildlife;

2. prevent adverse impact to adjacent wetlands;
3. protect the water quality to adjacent wetlands.

Unless otherwise specified in Section 4.14, wetland buffers shall be retained in their natural condition. Where wetland buffer disturbance has occurred during construction, restoration is required. All wetland buffers are measured from the wetland boundary.

~~The minimum width of the wetland buffers shall be:~~

~~1. 660 feet from the wetland boundary of McDaniel's Marsh; and~~

~~2. 100 feet from the wetland boundary of all other wetlands greater than 10,000 square feet in size.~~

The minimum width of the wetland buffers shall be:

1. Buffers 100 feet wide around wetlands and marshes greater than 7,000 square feet, and wetlands and marshes of any size adjacent to open water. The buffer is reduced to 50 feet in width in areas where a wetland transitions to a forested wetland that is in excess of 100 feet in width, measured from the high water mark of the wetland.
2. Buffer 50 feet wide around naturally occurring vernal pools. This buffer is a "no disturbance" buffer, and not subject to Section 4.14 Uses Permitted By Special Exception
3. Buffer 660 feet wide around McDaniel's Marsh
4. Buffer 150 feet wide around Special Wetlands

The boundary of the Wetlands Conservation Overlay District and entire length of the upland limit of the wetland buffer as delineated by a certified Wetlands Scientist shall be marked with highly visible construction tape prior to, and maintained for the full duration of, any construction-related activities.

4.13 Permitted Uses

Development is not permitted in the Wetlands Conservation Overlay District including the wetland buffers specified above. ~~Permitted uses are those which will not require the erection or construction of any structures or buildings; will not alter the natural surface configuration by addition of fill or by dredging; and uses that are otherwise permitted by the Zoning Ordinance.~~ The following uses are permitted provided a use is not prohibited or restricted by Section 4.15 Prohibited Uses or otherwise prohibited by the Zoning Ordinance. Such uses include the following:

A. Forestry and tree farming using best management practices in order to protect wetlands from damage and prevent sedimentation.
B. Cultivation and harvesting of crops according to recognized soil conservation practices including the protection of the wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation.
C. Wildlife refuges.
D. Parks and outdoor recreation uses consistent with the purpose and intent of this Ordinance;
E. Conservation areas and nature trails.

F. Open Spaces as permitted or required by the Subdivision Regulations or the Zoning Ordinance.

G. Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water.

H. Docks, breakwaters, moorings, beach maintenance and wells as permitted by the Wetlands Bureau of the NH Department of Environmental Services.

4.14 Uses Permitted by Special Exceptions

All activities in the Wetland Conservation Overlay District not listed in 4.13 Permitted Uses are presumed to impair the wetland functions and values unless proven otherwise by the Applicant as provided in this Ordinance.

The following uses may be permitted by the Zoning Board of Adjustment provided an application complies with all of the provisions outlined in Section 3.12 – Uses Permitted by Special Exceptions and Section 11.42 – Special Exceptions:

A. Water impoundments which do not substantially alter non-stream wetlands and subject to approval of wetland permits by the Wetlands Bureau of the New Hampshire Department of Environmental Services, if required; and

~~B. Road, driveway and utility right-of-way or easement crossings only if there is no feasible alternative location and subject to approval of wetland permits by the Wetlands Bureau of the New Hampshire Department of Environmental Services, if required.~~

B. Replacement of septic tanks and leach fields where evidence is submitted that no viable alternative exists elsewhere on the lot.

C. The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, 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 District. 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, or as amended and subject to approval of the DES Wetlands Bureau, if required), and only if no viable alternative is available.

~~B.~~D. Other uses that the Applicant proves will not interfere with the wetlands functions and values, water quality or value as wildlife habitat, pursuant to Section 4.10

E. As provided in Article VIII.

4.15 Prohibited Uses

Uses prohibited within the Wetlands Conservation Overlay District include, but are not limited to, the following:

A. The establishment or expansion of salt storage sheds, automobile junk yards, solid waste facilities or hazardous waste facilities.

B. The bulk storage of chemicals, petroleum products, toxic or hazardous materials.

C. The dumping or disposal of snow or ice collected from roadways and parking areas located outside the Overlay District.

D. Filling, dredging, or draining of the wetland.

E. Changing the flow of water.

F. Pollution of the wetlands, surface water, or groundwater.

G. Substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with current best management practices.

H. Use of fertilizer on lawns, except lime or wood ash.

I. Sand and gravel excavations.

J. Mineral extraction.

K. Processing of excavated materials.

L. Impervious surfaces, unless associated with a use approved as a Special Exception.

M. Activities which result in soil compaction such as parking vehicles or heavy equipment, unless associated with a use approved as a Special Exception.

N. Underground tanks.

O. Storage of petroleum products, hazardous chemicals or materials, chemical fertilizers, pesticides, insecticides or herbicides.

4.16 Restoration

Any Wetland or wetland buffer altered in violation of this Ordinance shall be restored at the expense of the offender and to the satisfaction of the Town.

4.20 SHORELAND CONSERVATION OVERLAY DISTRICT

Shoreland is extremely important to the Town as it provides protection of water bodies which provide significant scenic, recreational, and wildlife values with the potential for public water supplies. It is intended that this Overlay District shall:

A. Protect natural areas by preventing the development of structures and land uses within 100 feet of a water body which will potentially contribute to pollution of surface and groundwater by sewage or toxic substances;

B. Protect surface waters from sedimentation, turbidity, runoff of storm water, and effluent from sewage disposal systems;

C. Preserve tree cover and other vegetative cover;

D. Protect wildlife habitat and maintain ecological balance;

E. Preserve scenic views;

F. Encourage those low intensity uses that can be harmoniously, appropriately and safely located with the shoreland.

4.21 Shoreland Conservation Overlay District Boundaries

The Shoreland Conservation Overlay District is an overlay district which places additional land use controls on existing underlying zoning districts. The boundaries of the Shoreland Conservation Overlay District include areas within 100 feet of any water body as defined in this ordinance. The boundary shall be measured horizontally from the top of the bank of any water body.

The Shoreland Conservation Overlay District shall be considered to have been established in March 2006 for the purposes of this ordinance due to the adoption of similar restrictions at that time in an earlier ordinance.

4.22 Permitted Uses

Permitted uses in the Shoreland Conservation Overlay District are those which meet the requirements of the NH Shoreland Water Quality Protection Act and will not require the erection or construction of any structures or buildings; will not alter the natural surface configuration by addition of fill or by dredging; and uses that are otherwise permitted by the Zoning Ordinance as follows:

A. Forestry and tree farming using best management practices in order to protect water bodies from damage and prevent sedimentation.

B. Cultivation and harvesting of crops according to recognized soil conservation practices including the protection of the water bodies from pollution caused by fertilizers, pesticides and herbicides used in such cultivation.

C. Wildlife refuges.

D. Parks and outdoor recreation uses consistent with the purpose and intent of the District;

E. Conservation areas and nature trails.

F. Wells, waterlines, and septic systems.

F. Open Spaces as permitted or required by the Springfield Regulations or the Zoning Ordinance.

G. Dry hydrants or fire ponds which are constructed to permit unobstructed flow of water.

H. Docks, breakwaters, moorings, beach maintenance and wells as permitted by the Wetlands Bureau of the NH Department of Environmental Services.

4.23 Uses Permitted by Special Exceptions

All activities in the Shoreland Conservation Overlay District not listed in 4.22 Permitted Uses are presumed to impair the shoreland functions and values unless proven otherwise by the Applicant as provided in this Ordinance.

The following uses may be permitted by the Zoning Board of Adjustment provided an application complies with all of the provisions outlined in Section 3.12 – Uses Permitted by Special Exceptions and Section 11.42 Special Exceptions and is permitted by the New Hampshire Department of Environmental Services, if required:

A. Water impoundments which do not unreasonably interfere with the functioning of natural systems or that the environmental benefits of the impoundment outweigh the adverse impacts;
B. Boathouses
~~C. Road, driveway and utility right of way or easement crossings only if there is no feasible alternative location.~~
~~D.~~C. As provided in Article VIII.
D. Replacement of septic tanks and leach fields where evidence is submitted that no viable alternative exists elsewhere on the lot.
E. The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, 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

District. 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, or as amended and subject to approval of the DES Wetlands Bureau, if required), and only if no viable alternative is available.

F. Other uses that the Applicant proves will not interfere with the wetlands functions and values, water quality or value as wildlife habitat, pursuant to Section 4.10

4.24 Prohibited Uses

Uses prohibited within the Shoreland Conservation Overlay District include, but are not limited to, the following:

A. The establishment or expansion of salt storage sheds, automobile junk yards, underground storage tanks, solid waste facilities or hazardous waste facilities.

B. The bulk storage of chemicals, petroleum products, toxic or hazardous materials.

C. The dumping or disposal of snow or ice collected from roadways and parking areas located outside the Overlay District.

D. Filling, dredging, or draining.

E. Changing the flow of water.

F. Pollution of the wetlands, surface water, or groundwater.

G. Substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with current best management practices.

H. Use of fertilizer on lawns, except lime or wood ash.

I. Sand and gravel excavations.

J. Mineral extraction.

K. Processing of excavated materials.

L. Impervious surfaces, unless associated with a use approved as a Special Exception.

M. Activities which result in soil compaction such as parking vehicles or heavy equipment, unless associated with a use approved as a Special Exception.

N. Underground tanks.

O. Storage of petroleum products, hazardous chemicals or materials, chemical fertilizers, pesticides, insecticides or herbicides.

4.25 Additional Restrictions

A. Water Frontage – Any new lots on a pond, lake or other impoundment shall have not fewer than 200 linear feet of shore frontage, with an additional 8 linear feet of shore frontage for each additional dwelling unit over 12 units; or for a group development, the provision of two additional linear feet per person for whom the facility is proposed.

B. Commercial, Multi-Unit Buildings, or Clusters of Buildings – The minimum setback from the top of the bank of the water body shall be 150'.

C. Parking – An area of 400 square feet for parking shall be reserved for each dwelling unit; or for each four persons in the case of a group development or beach use that is planned. For other uses, the provisions of Section 6.20—Off-Road Loading and Parking shall apply. Paved parking areas larger than 400 square feet shall be located at least 500 feet from the top of the bank.

4.26 Restoration

Any Shoreland or Shoreland buffer altered in violation of this Ordinance shall be restored at the expense of the offender and to the satisfaction of the Town.

4.30 FLOODPLAIN CONSERVATION OVERLAY DISTRICT

Areas determined to be within a 100 year flood area by the Federal Emergency Management Agency (FEMA) are subject to the Floodplain Management Ordinance. This ordinance is considered part of this zoning ordinance though it is represented as a separate document available through the Town Offices. Maps of the 100 year flood areas are provided in the Town Offices. There shall be no new development within the designated floodplain.

ARTICLE XIII. DEFINITIONS

For the purpose of this Ordinance, the following terms have the following meanings:

Abandoned
The discontinued use of a structure or use for a continuous period of at least one year which occurs when the owner (a) intends to abandon or relinquish the use, and (b) takes some overt act, or fails to act, in some way that implies that the owner neither claims nor retains any interest in that use.

Abutter
Any person whose property adjoins or is directly across the road or stream from the land under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For the purpose of receipt of notification in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means those officers of the collective or association as defined in RSA 356 –B:3)XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A: 1:II, then term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the road or stream from the land under consideration by the local land use board. (RSA 672:3)

Accessory Building
A subordinate building incidental to and on the same lot occupied by the main building or use. The term "accessory building", when used in connection with a farm, shall include all buildings customarily used for farm purposes.

Accessory Use
A use incidental to, and on the same lot as, a principal use. For clarification, in residential districts, private recreational facilities, such as a tennis court or swimming pool, are accessory uses.

Accessory Use of Structure
A use of structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adjacent
Bordering, contiguous, or neighboring. The term includes wetlands that directly connect to other waters, or that are in reasonable proximity to these waters, but physically separated from them by man-made dikes, culverts or barriers, natural river berms, and similar obstructions.

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

Brook or Stream
A brook or stream is a scoured natural or artificial channel indicating periods of concentrated water flow.

Building

Any structure whether portable, movable or fixed, built to form a shelter for persons, animals or property of any kind.

Buffer
The protected areas adjacent to wetlands and surface waters in the Wetlands Conservation Overlay District designed to remain vegetated in an undisturbed and natural condition to protect adjacent Wetland functions and values from upland impacts and provide habitat for wildlife. All wetland buffers are measured from the wetland boundary.

Certified Wetland Scientist
Certified wetland scientist means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience as specified by RSA 310-A:84,II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the New Hampshire Board of Certification for Natural Scientists.

Cluster Development
A form of residential subdivision that permits building units to be grouped on lots with reduced dimensions and frontages provided that the density of the original lot as a whole shall not be greater than the density allowed under existing regulation and that remaining land area is devoted too privately or commonly owned or dedicated open space.

Company Vehicle
Any motor vehicle used primarily for business purposes, except any heavy vehicle or equipment as defined herein.

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

Driveway
An area built for access to a garage or off-road parking space, serving not more than two lots. The driveway entrance is that area running from the property line abutting the road to a distance of 25' into the property and the width of the driveway.

Dwelling, Single-Unit
A detached residential building designed for and occupied by one household only.

Dwelling, Two-Unit
A residential building designed for or occupied by two households living independently of each other in individual dwelling units.

Dwelling, Multi Unit
A residential building designed for or occupied by three or more households, with the number of households in residence not exceeding the number of dwelling units provided or permitted.

Dwelling Unit

One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure. For the purpose of this definition, an independent housekeeping establishment includes the following minimum attributes: space devoted to kitchen facilities for the storage, preparation and consumption of food (including counters, cabinets, appliances, and a sink for washing dishes), space for one or more bedrooms for sleeping, and a bathroom with a tub and/or shower. (A bar equipped with a bar-sink and an under-the-counter refrigerator shall not constitute kitchen facilities.)

Essential Services
The erection, construction, alteration or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, road signs, and similar equipment and accessories in connection there-with, *but not including buildings*, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Equipment, Heavy
Includes backhoes, bucket loaders, excavators, skid-steers, bulldozers, graders, self-propelled compaction devices, cranes, booms, scrapers and pans used in site preparation and road construction, as well as skidders, shears, whole-Tree chippers, firewood processors and portable sawmills used in logging operations. Farm or agricultural implements are excluded from this definition.

Frontage, Road
The width of a lot measured along its common boundary with the road line. Lots will be provided access from a common boundary with the road line where this common boundary meets the minimum length required by the Zoning Ordinance. Lots fronting more than one road shall count only the length of the road where the lot access is located as their frontage.

Glare
Intense and blinding light causing visual discomfort or disability.

Group Development
The residence of a group of six or more persons, not related by blood, marriage, adoption, or guardianship and living together as a single unit.

Guest Facilities
Bed and Breakfasts, inns, campgrounds, boarding houses, and camps.

Heavy Vehicle
Any vehicle having more than two axles.

Hydric Soils
Soils that are saturated, flooded or ponded long enough during a sufficient portion of the growing season to develop anaerobic (oxygen lacking) conditions in the upper soil layers. Hydric soils are generally poorly drained or very poorly drained.

Interest Holder
Shall mean the applicant; abutters of any portion of the subject property; and holders of conservation, preservation, or agricultural restrictions on the subject property(ies).

Junk Yard

Any business or any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts or motor vehicle or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Junk yard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a motor vehicle or cut up the parts thereof (RSA 236:112).

Lot

A parcel of land occupied or to be occupied by only one principle building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.

Lot Size Averaging
A method of subdivision allowed in the Forest Conservation District to allow a greater density of development while increasing preserved open space and providing greater flexibility to land owners.

Low Impact Development
A stormwater management approach focusing on controlling stormwater by using small, decentralized methods to treat stormwater close to the source. The primary goals of LID are accomplished through LID site planning and LID treatment practices including 1.) lessening the impact of development, and impact of stormwater resulting from that development on the natural environment; 2.) using the land more efficiently; and 3.) lowereing capital and operating costs associated with development. This is unlike conventional stormwater management which focuses on piping stormwater away from a site to large centralized stormwater treatment areas.

Luminaire (light fixture)
A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components or accessories.

Manufactured Home
Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and is 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 (RSA 674:31). A manufactured home as defined in this section shall *not* include pre-site housing or recreational vehicles

Manufactured Housing Park
Any lot land on which two or more manufactured houses are parked and occupied for living purposes. A manufactured house occupied as the principal residence of the land owner shall not be counted in this definition as long as density requirements are met.

Marsh
Marsh means a wetland that is distinguished by the absence of trees and shrubs; is dominated by soft-stemmed herbaceous plants such as grasses, reeds, and sedges; and where the water table is at or above the surface throughout the year, but can fluctuate seasonally.

Non-conforming Structure, Use, or Lot
A structure, use, or lot that existed legally prior to the adoption of the provision in the zoning ordinance which now prohibits or restricts it.

Outdoor, Active Recreation Uses
Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed outdoor places, sites, or fields. Outdoor, Active Recreation Uses include, by way of example, baseball, softball, soccer and other field sports; outdoor track; tennis and other outdoor court games; golf; outdoor basketball courts; trails for hiking, biking, cross-country skiing and equestrian uses; and outdoor equestrian facilities.

Outdoor, Passive Recreation Uses
Outdoor activities that involve relatively inactive or less energetic activities, such as walking, bird watching and picnicking.

Overlay District
An area which is subject to special, additional regulations to protect a natural resource. An Overlay District is superimposed over the underlying use district(s.) The special regulations of an Overlay District are in addition to the regulations of the underlying zoning district(s.) Uses permitted in the underlying use district may be prohibited or require a Special Exception subject to conditions of the Overlay District. In case of conflict between the Overlay District and the underlying use district, the more restrictive shall apply.

Parking Space
An off road space available and sufficient for parking of one motor vehicle.

Pond
Any year round standing body of water

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

Recreation Facilities
An area and appurtenances designed for the purpose of leisure time activities such as:

a. Publicly-owned recreational facilities: town, county or state areas; ponds and lakes; also forest areas where timber is privately owned, but which are open to the public through permanent easement.
b. Privately-owned tax exempt recreational facilities that are available to the public; example: civic organizations that have a tax exempt status. Privately-owned, noncommercial recreation facilities that are not generally available to the public (example: veterans' organizations).

Recreational Vehicle
A vehicle which is

a. built on a single chassis;
b. 400 square feet or less when measured at the largest horizontal projection;
c. designed to be self propelled or permanently towable by a light duty truck; and
d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Right-of-way
Includes all town, state and federal highways, and the land on either side of same, as covered by the Statutes, to determine the widths of the right-of-way. It shall also include any private access documented by deed or approved plan.

Road or Public Way
The public rights-of-way which the Town or State has the duty to maintain regularly or a right-of-way shown on a subdivision plat which provides the principal means of access to abutting property approved by the Planning Board and recorded with the County Register of Deeds. The word **road** shall include the entire right-of-way. A discontinued road shall not constitute an existing approved road for the measurement of frontage along the road lot line.

RSA
Revised Statutes Annotated, State of New Hampshire.

Septage
This means septage as defined by RSA 485-A:2, IX-a, namely" material removed from septic tanks, cesspools, holding tanks or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste". Septage includes domestic septage as well as septage from industrial and commercial sources.

Septic System
An underground system used for the decomposition of domestic wastes including a septic tank, connection lines, a distribution box, distribution lines and a disposal or leach field.

Sign
Any combination of letters, numerals, lines, symbols, shapes or designs, in any medium, on any surface, intended to convey the identity of, or information about, any person, place, thing, product, or service.

Sludge
This means sludge as defined by RSA 485-A:2,XI-a, namely "the solid or semisolid material produced by water and wastewater treatment processes".

Special Exception
A use of a building or lot which may be permitted under this Ordinance only upon application to the Zoning Board of Adjustment and subject to the approval of the Board when such use would be in harmony with the Town Plan and would not be detrimental to the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare and only in cases where the words "Special Exception" in this Ordinance pertain.

Special Wetlands
Wetlands designated as such by the Planning Board upon recommendation of the Conservation Commission.

Stream, Permanent
A stream that flows year-round because its bed lies below the water table, or because more water is supplied from upstream than can infiltrate the ground.

Structure
Anything constructed, placed, or erected on the ground, or attached to something already existing on the ground, with or without durable foundation, whether temporary or permanent. Among other things, structures including buildings, manufactured homes, pre-site built housing, walls, decks or platforms, temporary carports and storage structures, sheds, greenhouses and other accessory structures (including Dish Antennas or satellite earth stations that are over 3 feet in diameter). The following are excluded from the definition of "structure:" fences, stone walls, animal shelters under 15 square feet, children's swing sets, dumpsters, flagpoles, sand boxes, playhouses and other playground equipment, signs and sign installation devices, tents for camping and temporary tent structures used for functions and gatherings.

Surface Waters
Surface waters to include lakes, ponds, permanent streams, wetlands, and vernal pools.

Swamp
Swamp means a wetland that is dominated by trees and shrubs.

Town
The entire Town of Springfield extending to the boundaries with the surrounding towns.

Town Plan
The Master Plan as defined in RSA 674:2-4, to be implemented by the appropriate administration of the Springfield Subdivision Regulations and Zoning Ordinance.

Tract
A relatively large land area to which density standards can be applied in considering potential subdivision into lots or possible use for multiple building units without subdivision.

Variance
A relaxation of the terms of this Ordinance, where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Variances can only be granted by the Zoning Board of Adjustment.

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.

Water Body
Any pond or lake of one acre or more and any permanent stream. (See also "Permanent Stream.")

Wetland
Wetland means "wetlands", as defined by RSA 482-A:2,X, namely "an area that is inundated or saturated by surface or ground water 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". Wetlands include swamps, marshes, bogs and similar areas. See the specific definitions for bog, marsh and swamp

Wetlands Boundary
The line of transition between wetlands and uplands as delineated in the field using the U.S. Army Corps of Engineers Wetlands Delineation Manual, 1987 or later edition.

Originally Passed August 5, 1987
Amended March 9, 1993
Amended March 11, 1997
Amended March 14, 2006
Amended March 13, 2007
Amended March 10, 2009
Amended March 9, 2010
Amended March 8, 2011
Amended March 13, 2012