

# Town of Chester



## Zoning Ordinance and Regulations Building Code

2024

# **Preamble**

**The Town of Chester deems it desirable to manage its growth, size and nature to achieve the following objectives:**

- a) To promote the development of a dispersed, economically sound and stable semi-rural / agricultural residential community;**
- b) To preserve the scenic beauty and present aesthetic values of the Town in its openness, lack of pollution and casual nature and setting;**
- c) To prevent scattered or premature development of the land;**
- d) To protect the health, safety, convenience, prosperity and general welfare of its inhabitants;**
- e) To prevent growth in the Town from unduly interfering with the Town's capacity for orderly, sensibly and economically expanding its services to accommodate such growth;**
- f) To maintain such a lack of density and concentration of housing that a town water system and / or sewerage system will never be required;**
- g) To enhance the pleasant, healthful environment with the Town having a good balance of farms, residential units, parks and conservation areas.**
- h) To promote the growth of the Town's infrastructure in accordance with the Master Plan and CIP.**

**As Enacted with Revision and in Force as of May 23, 1983**

**As of May 1, 2002**

## **History of Amendments to Zoning Ordinances and Regulations**

The original Zoning Ordinance which forms a part of these Regulations was enacted by the Town of Chester at Town Meeting, November 15, 1960, and amended at the Town Meeting of March 9, 1965; further amended by vote of the Town on November 5, 1968; further amended by vote of the Town on March 10, 1970; and further amended by vote of the Town on March 6, 1973.

The original Subdivision Regulations incorporated in these Regulations were adopted June, 1960, and amended on October 18, 1968, February 6, 1970, April 18, 1979, and May 13, 1980.

The Building Code and Zoning Ordinance was adopted by the Town of Chester on March 14, 1978, and amended May 8, 1979, May 13, 1980, and May 11, 1982.

Zoning Ordinance was further amended by Town Meeting on May 13, 1980.

- Amended – Article 1, Sections 1, 1.5, 1.6, and 1.8 respectively be re-defining the terms “non-conforming use of land or building”, “unapproved street”, and “subdivision”, and by adding a new section 1.11 providing a definition for “sign”.
- Amended – Article 1, Section 1.9 by adding references to the Commercial District, and to amend the zoning map accordingly.
- Amended – Article 1, Section 1.9 by adding references to Light Industrial District and amend the zoning map.
- Amended – Article 5, by deleting the existing Section 5.2 and replacing with a new section which specifically defines the powers and duties of the Board of Adjustment relative to variances and special exceptions.
- Amended – Article 9, Section 9.11-9 relative to foundations to also apply to trailers and mobile homes.
- Amended – Article 9, Section 9.11-10 by clarifying the minimum floor area requirement end by limiting this provision to dwelling units.
- Amended – Article 9, by deleting existing Section 9.11-13 and replacing with a new section which formerly appeared as Section 2.53 relative to flush toilets.
- Amended – Article 9, by adding new sections 9.11-14 (formerly 2.56 and 2.57) and 9.11-15 (formerly 2.57) relative to the exterior finishes of buildings and the location of wells.
- Amended – Article 9, by adding a new section 9.11-16 governing the installation and inspection of heating devices.
- Amended – Article 11, Section 11.21 by changing the wetlands reference (Section 2.61) to read Section 2.11.

Zoning Ordinance was further amended by Town Meeting on May 11, 1982.

- Amended – the renumbering of Sections 1.4, 1.6, 1.8, 2.6J, 2.64, 2.8, 4.2 through h,5 inclusive and 4.62 all relative to the Subdivision Regulations, and authorizing the Planning Board to adopt subdivision regulations in accordance with the provisions of RSA Chapter J6.19 through 29 inclusive.
- Amended – Article 1, Section 1.7 – Manufactured Housing: Any and all forms of modular unitized or prefabricated housing, as well as mobile homes which are brought to and assembled on a building site, placed on a foundation and tied into all conventional and necessary utility systems and which are intended to be used as a permanent dwelling unit. "Manufactured Housing" does not include housing or mobile homes which are fully constructed on the site.
- Amended – Article 1, Section 1.93 - Manufactured Housing Area, - Manufactured housing shall

- be restricted to the area south of the Fremont Road, east of the Reed Road and west of the Hale True Road,
- Amended – Article 9, Section 9.11-9 - All structures and buildings (including manufactured housing) shall be set on solid foundations of cement, brick, stone or other acceptable footings, except that in special cases where buildings are to be used for accessory use, the Building Inspector may waive the requirements of this section and permit the use of wood, metal or masonry piers.
- Amended – Article 9, Section 9.11-13 - All new residential buildings (either new or relocated) shall have flush toilets properly connected to the septic tank and drainage field or State approved alternate system.
- Amended – Article 2, by adding Home Occupation: A home shop (such as, but not limited to electrician, plumber or similar tradesman); home office (such as, but not limited to lawyer, doctor, realtor, or accountant); and other home occupations (including but not limited to beauty shop, music teacher or other personal service) shall be allowed as a use permitted by right in any residential district under the following conditions:
- a) That the operator of the home occupation is in continuous residence in the dwelling within which the occupation is conducted;
  - b) That no more than one (1) person who is not a member of the family in residence shall be employed at any one time;
  - c) That such use shall be conducted entirely within the dwelling or within an accessory building which is clearly incidental to the primary use which is residential; and
  - d) That the home occupation does not noticeably change the character of nor create objectionable external effects detrimental to the neighborhood including the creation of excessive traffic or parking congestion.
  - e) Subject to Building Inspector approval.
- Amended – Article 1, 1.94 - Light Industrial. To Zone Light Industrial that district beginning at edge of right of way at New Hampshire Route 102 and Rod & Gun Club Road, extending along Rod & Gun Club Road to end of maintained portion approximately 2400 ft., turning east and running parallel to New Hampshire Route 102 to the Exeter River, turning northerly and following the Exeter River to New Hampshire Route 102, extending along New Hampshire Route 102 to point of beginning with a restriction of a (100) one hundred foot building set back from New Hampshire Route 102.
- Amended – Article 2, 2.1 New Construction - New residential construction is limited to one-family and two-family houses.
- Amended – Article 2, Section 2.27 - Authorization by the Board of Adjustment for special exception uses and variances must be consummated within one year.
- Amended – Article 2, Section 2.41 - Zone A. Lots shall contain a minimum of eighty-seven thousand one hundred twenty (87,120) square feet with a minimum frontage of two hundred ninety (290) feet. Lots for two-family residences shall contain a minimum of one hundred thirty thousand (130,000) square feet with a minimum frontage of four hundred thirty (430) feet.
- Amended – Article 2, Section 2.43 - Zone Light Industrial Front Yard from Edge of Right-of-Way setback = 100'.
- Amended – Article 2, Section 2.93 - Limit in sewage system height. - No sewerage system shall have fill or cover at its center point exceeding four (4) feet above the original ground level.

Amended – Article 11, Section 11.22B - The watershed protection areas for other brooks, streams and ponds with flowing or standing water for six months of the year shall include land within one hundred (100) feet of the normal high-water mark of said brook, stream or pond.

Amended – Article 11, Sections 11.51 & 11.52 - No septic tank or leach field may be located closer than one hundred (100)-feet to a wetland or watershed area.

Amended – Article 3, by deleting Sections 3.2, 3.3 including all sub-sections, and 3.4. These sections being a point system by which all building permits are issued.

Amended – Article 2, by deleting Sections 2.22, 2.23, 2.52 and 3.11, all duties no longer necessary.

Amended – Article 1, Section 1.91

Zone A - General Agricultural and Residential Zone.

A. The principal use of the land is for agriculture, forestry, residences and estates, and customary associated and compatible uses. Lots with ample space between buildings are required as a means of reducing fire hazards and also to provide sufficient area for both private water supply and septic disposal systems on the same lot.

B. Permitted Uses:

- (1) Single family and two-family dwellings.
- (2) General farming and forestry activities.
- (3) Accessory uses or buildings including private garages, provided all other lot requirements are met.
- (4) Churches and other similar places of worship.
- (5) Schools and colleges, public- or private, offering traditional general education courses.
- (6) Kindergartens
- (7) Child Care
- (8) Home occupation list Ref. 2.28

C. Special Exception Uses:

- (1) Sawmills and logging operations and other woodworking operations.
- (2) General store, provided that no yard depth shall be less than those specified for the Commercial Zone.
- (3) Conversion of single-family dwellings to accommodate two families, provided that all requirements for two-family dwellings are observed.
- (4) Facilities for the processing of agricultural products, provided there is no pollution of streams, bodies of water, or sources of water supply.
- (5) Commercial stables.
- (6) Commercial piggeries.
- (7) Junk yards or place for the storage of discarded machinery, vehicles or other scrap material.
- (8) Campgrounds
- (9) Service, Civic, Social and Private Clubs.

Zoning Ordinance was further amended by Town Meeting on May 10, 1983.

Amended – Article 11, Section 11.7 - Special Provisions- No septic tank or leach field may be located within a wetland or watershed area.

Amended – Article 4, Sub-section 4.2.6 - Commercial piggeries (refer to 3.1.1 Section C-6).

Amended – Article 4, Sub-section 4.2.7 – Junkyards (refer to 3.1.1 Section C-7).

All 4 amendments for “Multiple Family Housing” failed.

Building Code and Zoning Ordinance was further amended by a vote of the Town at a Town Meeting on March 28, 1984.

Building Code and Zoning Ordinance was further amended by a vote of the Town at a Town Meeting on May 14, 1985.

The original Site Plan Review Regulations were adopted on May 3, 1979, and further amended on October 15, 1985.

The original Excavation Regulations were adopted on October 23, 1985.

Building Code and Zoning Ordinance was further amended by a vote of the Town at a Special Town Election on July 19, 1986.

- Amended - Article 17 of the building code to require in new construction of all clustered dwellings, both single and multi-family, all duplexes and mobile homes, the installation of sprinkler systems per NFPA 13D, "Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Mobile Homes".

- Amended - Repealed the existing building code, BOCA Basic Building Code/1981 with certain deletions and additions, and replace it with the BOCA Basic Building Code/1984 with 1985 and 1986 amendments and certain deletions and additions, including the amendment to Article 17 referred to above.

- Adopted - Referencing as an ordinance, the Life Safety Code, NFPA 101, 1985 edition.

- Adopted – Authorization for the Planning Board to prepare and amend a capital improvements program under RSA 674:5 through :8.

Building Code and Zoning Ordinance was further amended by a vote of the Town at Town Election on May 12, 1987.

Building Code and Zoning Ordinance was further amended by a vote of the Town at Town Election on May 10, 1988.

Zoning Ordinance was further amended by Town Election on May 12, 1992.

- Amended - Section 4.4 Signs by amending Subsection 4.4.3 by adding provisions permitting off-premises signs by special exception on certain conditions.

- Deleted – Subsection 5.3.3.9, which permits antennas between 50 and 200 feet in height by special exception.

- Amended - Section 5.3.5, Table of Dimensions, by replacing the 200-foot minimum (lot?) depth standard with a standard requiring each lot to contain a circle with a diameter of 200 feet.

- Amended - Section 5.9.4.2 to require at least 3/4 acre of contiguous non-wetland soil on each lot.

Zoning Ordinance was NOT further amended by Town Election on May 11, 1993. All proposed zoning amendments failed.

Zoning Ordinance was further amended by a vote of the Town at a Special Town Election on September 28, 1993.

- Amended – Article 7 Incentive System for Low-Moderate Housing by deleting Article 7 in its

entirety and replacing it with a new Article 7 relative to multifamily incentive zoning for affordable housing. The amendments would permit multifamily, as well as single and duplex dwellings in the R-1 District on certain conditions.

Amended - Table 1 - Dimensional and Lot Size Requirements by deleting The Standard for Minimum Depth.

Building Code was further amended by a vote of the Town at a Special Town Election on September 28, 1993.

Zoning Ordinance was further amended by a vote of the Town at Town Election on May 9, 1995.

Amended – Article 6 Innovative Land Use Controls by a comprehensive revision of provisions related to planned residential development and clustering (Cluster Development).

Amended – Article 2 Definitions by the addition of defined terms “Club,” “Educational Institution,” and “Structure.”

Amended – Article 3 Establishment of Districts by the Deletion of R-2, MH-1 and MH-2 Districts from the zoning map.

Amended – Article 4 General Zoning Provisions by the amendment of standards for use of manufactured housing, mobile homes and travel trailers in all zones and signs on lots 50 acres or more that contain Educational Institutional uses.

Amended – Article Zoning Regulations by changes to permitted and special exception uses in R-1 District relative to schools and colleges, antenna towers, and clubs.

Amended – Administration and Enforcement by changing the number of days the Building Inspector has to issue building permits from “7 days” to “& working days.”

Amended – Article 11 Zoning Board of Adjustment by changing the noticing time for the Zoning Board of Adjustment from “ten (10) days” to “five (5) days.”

Building Code was further amended by a vote of the Town at Town Election on May 9, 1995.

Repealed - Building code and replaced with the BOCA National Building Code, 11th Edition, 1990, with certain deletions and insertions and simplified up date and revision (an ordinance establishing minimum regulations governing the design, construction, alteration, enlargement, repair demolition, removal, maintenance and use of all buildings and structures).

Adopted - The National Electric Code ANSI/NFPA 70, Edition, 1993, with certain deletions and insertions and simplified update and revision (an ordinance establishing minimum regulations governing the design, installation and construction of electrical systems).

Adopted - The CABO Single-Family and Two-Family Residential Code, 1992, with certain deletions and insertions and simplified update and revision (an ordinance establishing minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance and use of single-family and two-family dwellings).

Zoning Ordinance was further amended by a vote of the Town at Town Election on May 15, 1996.

Amended – Article 7 Incentive System for Low-Moderate Housing with minor revisions to help clarify the clustering concept for low-moderate income housing.

Amended - Article 2 and 5 by replacing the word “qualified” to certified in sections 2.33 and 5.6.2.3.

Amended – Article 3 Establishment of Districts in Subsection Article 3. 2.1 by removing the word “several” and adding “s” to the word “district,” and replacing the existing

- zoning map with a revised 1996 zoning map.
- Amended - Section 4.5 Off-Street Parking Requirements in Subsection 4.5.2.2 by ending the sentence after "... shall apply." and deleting sections a) and b); Subsection 4.5.2.5 by removing " ... be paved with lines painted to show the parking spaces." and replace with " ... have an area designed for handicapped parking and have the proper permanent sign to mark the handicapped space."
- Amended - Section 5.5 by adding after the phrase " threat of flooding", "or unsanitary condition" in Subsection 5.5.1.1, and by adding "fertilizers" after the word "pesticides." In Subsection 5.5.3.1 (b).
- Amended - Section 5.6 by changing 'the reference for obtaining detailed soils information in Subsection 5.6.2.2, and by adding after "bodies of water," "or D and E slopes" in Subsection 5.6.4.2.

Building Code was further amended by a vote of the Town at Town Election on May 9, 1995.

- Repealed - BOCA Plumbing Code and replaced with the BOCA Plumbing Code, 8th Edition, 1990, with certain deletions and insertions and simplified update and revisions an ordinance establishing minimum regulations governing the design, installation and construction of plumbing systems).
- Repealed - BOCA Mechanical Code and replaced with BOCA Mechanical Code, 7th Edition, 1990, with certain deletions and insertions and simplified update and revisions (an ordinance establishing minimum regulations governing the design, installation and construction of mechanical systems).
- Repealed - BOCA Fire Code and replaced with the BOCA Fire Code, 8th Edition, 1990, with certain deletions and insertions and simplified update and revisions an ordinance establishing minimum regulations governing the installation and construction of life safety systems.
- Amended - Article 2.1 by adding after "be signed by," or "authorized by."
- Amended – By deleting Article 2. 5 its entirety and add the zoning ordinances definition of "Certificate of Occupancy."
- Amended - Article 3.1.1 by removing the words "sixteen (16) inches wide and eight ( 8) inches thick" and inserting in its place "twice the thickness of the wall and as thick as the wall width."
- Amended - Article 3. 2. 3 by adding a new sentence to read "Beam notching on tension side is not permitted."

Building Code was updated on February 18, 1997, by a vote of the Board of Selectmen following a duly noticed public hearing held by the Planning Board on January 22, 1997.

Zoning Ordinance was further amended by a vote of the Town at Town Election held on May 13, 1997.

- Amended Article 2 Definitions by adding new definitions for Subsection 2.1 Abutter and Subsection 2.33 Certified Soil Scientist.
- Amended Article 4 General Zoning Provisions by prohibiting the use of Runways and Heliports in the Commercial and Residential zone.
- Amended Article 5 Zoning Regulations by allowing Golf Courses in the Residential Zone by Special Exception provided they meet the criteria set forth in this subsection.
- Amended Article 5 Zoning Regulations by adding Section 5.7 Telecommunications Facility District.



Building Code was further amended by a vote of the Town at Town Election held on May 13, 1997.  
Amended - The CABO Single-Family and Two-Family Dwelling Code to the 1995 Edition.

Subdivision Regulations were further amended by the Planning Board on June 25, 1997, following a duly noticed Public Hearing.

Driveway Regulations were adopted by the Planning Board on June 25, 1997, following a duly noticed Public Hearing.

Zoning Ordinance was further amended by a vote of the Town at Town Election held on May 12, 1998.

Amended - Article 4 General Zoning Provisions by amending Section 4.9 Home Occupation / Home Business by differentiating between the tow depending on the impact to the neighborhood or Town.

Amended - Article 3 Establishment of Districts by amending Subsection 3.2.2 to change map name from Special Flood Hazard Areas to Flood Hazard; to amend Subsection 3.2.2 to change map name from Development Capabilities Map 1985 to Generalized Development Constraints Map 1997; and to amend Zoning Map to add Federal Insurance Administration Flood Hazard Boundary Maps to Subsection 3.2.2.

Amended Article 2 Definitions - Creation of new definitions for the following: Subsection 2.34 Setback; Subsection 2.35 Setback, Front; Subsection 2.36 Setback, Side or Rear; Subsection 2.42 Structure.

Building Code was further amended by a vote of the Town at Town Election held on May 12, 1998.  
Amended - The CABO Single-Family and Two-Family Dwelling Code to the 1995 Edition and allow for the simplified version of updating this code.

Zoning Ordinance was further amended by a vote of the Town at Town Election held on May 11, 1999.

Amended – Article 4 General Zoning Provisions by amending Subsection 4.3 .3 .5 Setback from Wells to restrict any new wells within 100' of a septic system; Section 4.8 Farming by requiring following UNH Best Management Practices; by adding Subsection 4.8.1 which prohibits certain medical uses of animals and certain composting activities as a farming practice.

Amended - Subsection 5.3.2 Permitted Uses, specifically 5.3.2.7, by adding" See Section 4.8 Farming.

Amended Section 5.5 Floodplain Conservation District by adding definitions for Section 5.5.5 National Flood Insurance Program; adding new Subsection 5.5.5.3.9 Repetitive Loss; and amending Subsection 5.5.5.3.11 Substantial Improvement.

Amended - Zoning Board of Adjustment by clarifying the procedure and Time Limit for Appeals and the renumbering of subsections.

Site Plan Review Regulations were further amended and adopted on March 15, 2000.

Zoning Ordinance was further amended by a vote of the Town at Town Election held on May 9, 2000 as follows:

Amended – Article 8 Phasing by amending Subsections 8.1.1 and 8.2.2 to prevent the piecemeal development of land intended to avoid the phasing of a development.

Amended – Article 5 Zoning Regulations by amending Subsection 5.6.4.2 Lot Size Determination to eliminate steep slopes from the one (1) acre requirement for the contiguous non-wetland.

Amended Article 7 Incentive System for Low-Moderate Housing by amending Subsection 7.4.2.3 to require the setbacks in low-moderate income housing developments to remain in their natural vegetative state.

Subdivision Regulations were further amended by the Planning Board on March 8, 2001, following a duly noticed Public Hearing.

Driveway Regulations were further amended by the Planning Board on March 8, 2001, following a duly noticed Public Hearing.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 8, 2001 as follows:

Added - Article 13 Growth Management.

Amended - Article 8 Phasing by deleting Subsections 8.1.3 and 8.2.4 Fair Share Contribution.

Added – Article 14 Fair Share Contribution.

Driveway Regulations were further amended by the Planning Board on May 1, 2002, following a duly noticed Public Hearing.

Subdivision Regulations were further amended by the Planning Board on May 1, 2002, following a duly noticed Public Hearing.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 14, 2002 as follows:

Amended – Section 4.4 Signs by deleting portions of Subsection 4.4.3.7 and replacing subsection 4.4.3.8 with prohibition of off-premises signs.

Amended – Subsection 5.6.4.2 by changing 25 percent to 20 percent as it pertains to Net tract Area in Article 6 Cluster Development.

Amended – Article 6 Cluster Development and Article 7 Incentive System for Low-Moderate Housing by changing Housing so it interrelates with both articles.

Amended Article 10 Administration and Enforcement by adding Subsections 10.2.5 Temporary Toilet Facilities and 10.2.6 Building and Site Numbers.

Amended – Article 11 Zoning Board of Adjustment by amending Section 11.5 Expiration of Special Exception and Variance and Subsection 11.4.3 Expiration of Special Exception.

Amended – Article 14 – Fair Share Contribution by amending subsection 14.11 Limitations of Fair Share Contribution.

Added – Article 15 Lighting Requirements.

Building Code was further amended by a vote of the Town at the Town Election held on May 14, 2002.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 13, 2003 as follows:

Amended – Article 13 Growth Management by refining numerous sections relating to: maximum sustainable growth, services and facility strain, monitoring and

- notification, relationship to phasing, limiting the issuance of permits, annual rate of development and certificate granting, procedure for permit limitations and lapses.
- Amended – Article 6 Cluster Development by replacing Subsection 6.1.8.4(d) in its entirety in order to require preservation of the no-cut buffer.
- Amended – Article 7 Incentive System for Low-Moderate Housing by amending Subsection 7.5.1.3(b) regarding buffer plantings, replacing Subsection 7.5.1.1 Multi-Family Structures.
- Amended – Article 2 Definitions by clarifying the side setback, and prohibiting driveways from the side setback.
- Amended – Article 5 Zoning Regulations by amending Subsection 5.5.6.1 by replacing Flood Hazard Boundary Maps with FEMA Flood Insurance Rating Map, and replacing qualified soil scientist with licensed land surveyor.
- Amended Article 10 Administration and Enforcement by adding Subsection 10.4 requiring certification of foundation.

Building Code was further amended by a vote of the Town at the Town Election held on May 13, 2003.

- Added – Section 3.5.5 Sprinkler System.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 11, 2004 as follows:

- Added – Article 16 Groundwater Protection.
- Added – Table 2 Setbacks & Buffer Zones.
- Amended – Article 11 Zoning Board of Adjustment by adding Section 11.6 Conditions for Granting an Equitable Waiver, amending Section 11.7 Motion for a Rehearing of Board of Adjustment Decision, and amending Subsection 11.3.3 Hardship.
- Added – Article 5.8 Telecommunications Facility District by adding to Subsection 5.7.6.4 to require the tower fall zone to be located entirely within the bounds of the site.

Building Code was further amended by a vote of the Town at the Town Election held on May 11, 2004 as follows:

- Amended - Repeal current BOCA Plumbing Code and replace with International Plumbing Code, 2000.
- Amended – Chester Building Code sections brought up to standard with the 2000 International Building Code, and updating terminology and minimum fee.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 10, 2005 as follows:

- Added – Limited Commercial / Light Industrial Zone (C-2).
- Amended – Replaced old & adopted new FEMA Flood Insurance Rate Maps dated 5/17/2005.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 9, 2006 as follows:

- Amended – Section 5.6 Flood Plain Conservation District (Zone FP).

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 8, 2007 as follows:

- Deleted – Article 6 Cluster Development & Article 7 Incentive System for Low-Moderate Income Cluster Housing.

Added – Article 6 Open Space Subdivision.

Amended – Section 5.7 Wetlands Conservation District – added 5.7.2 Definitions, added Subsection 5.7.5.4 Building Setbacks, added Subsection 5.7.9 Buffers and Setbacks.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 13, 2008 as follows:

Amended – Table 2 Setbacks and No Clearing Buffer Zones – changed title to this and add section for clearing for driveways.

Amended – Article 13 Growth Management Ordinance – Section 13.3 Maximum Sustainable Growth.

Amended – Article 4.8 – Farming - add Subsection 4.8.2.1 Best Management Practices.

Amended – Table 2 Setbacks, No Cut and No Clearing Zones – Uniform setback distances.

Subdivision Regulations were further amended by the Planning Board on March 4, 2009, following a duly noticed Public Hearing.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 12, 2009 as follows:

Amended – Article 6.14 Affordable Housing Requirements under Article 6.4 Definitions - Multi-Family Housing; Article 6.5 Permitted Uses; Article 2 Definitions - Section 2.38.

Amended – Article 16 Groundwater Protection – Section 16.3 Definitions – Loam & Topsoil.

Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 11, 2010 as follows:

Added – More specific examples of Permitted Uses in Section 5.5.2 and Subsections.

Added – Note #2 to Article 5 Table 1 and changed column heading to Impervious Surface and increased Open Space Front Setback.

Added & Reordered – Subsections and subparagraphs of 6.12.1 External Perimeter Setbacks and Buffers and 6.12.2 Internal Dimensional and Design Requirements (*which included the requirement of fire sprinklers*).

Added – Wording to Article 13 Growth Management for clarification and Board requirements.

Added – Wording to clarify meaning Article 16 Ground Water Protection throughout.

Added – Article 17 – Small Wind Energy Systems.

Building Code Permit Fee Schedule was amended following a Public Hearing held by the Board of Selectmen on August 5, 2010.

Site Plan Review Regulations underwent a comprehensive revision by the Planning Board as of January 5, 2011 following a duly noticed Public Hearing.

Impact fees for Highway and Recreation were adopted by the Planning Board as of February 16, 2011 following a duly noticed Public Hearing.

Building Code was further amended by a vote of the Town at the Town Election held on May 10, 2011 by adopting the State of NH Building Code established by RSA 155-A.

2011 Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 10, 2011 as follows:

- Amended – Article 4, Subsections 4.3.4, 4.3.4.4 and 4.3.4.5 to exempt a non-conforming lot from specific constraints.
- Amended – Article 5, Section 5.2 Merger, to make this section compliant with NH RSA 674:39- a Voluntary Merger.
- Amended – Table 2 Setbacks and No Cut Buffer Zones Note 2 to allow the crossing of wetlands where a road has approval to do so.
- Amended – Article 10 Administration and Enforcement, Subsections 10.2.5 and 10.8.3 to reference the current NH RSA's that apply to penalties and fines.
- Amended – Article 11, Section 11.3 Conditions for Granting a Variance to make this section compliant with NH RSA 674:33 as amended from time to time.

2011 Site Plan Review Regulations were further amended by the Planning Board as of June 22, 2011 following a duly noticed Public Hearing as follows:

- Amended – Appendix C Stormwater Management Plan, Section C.5.19 Subsurface Drainage (Under-drains).

2012 Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 8, 2012 as follows:

- Amended – Subsections 5.4.1 and 5.5.1 requiring site plan review by the Planning Board before construction begins.
- Amended – Subsection 4.4.2.2 by adding the size of wall signs allowed in Zones C1 and C2.
- Amended – Subsection 4.4.3.4 stating lighting of signs must follow Lighting Requirements.
- Amended – Subsections 6.8.6 and 6.8.7 to clarify the intent of ownership of conservation area.
- Amended – Article 10 to clarify the permitting process.

2012 Building Code was further amended by a vote of the Town at the Town Election held on May 8, 2012 as follows:

- Amended – Section 2.9 allowing the Chester Board of Selectmen to set permit fees.

2013 Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 14, 2013 as follows:

- Amended – Section 5.5 - Limited Commercial / Light Industrial Zone (C-2) - by adding 5.5.3.3 and renumbering.
- Amended – Subsection 5.8.7 to bring into compliance with Federal Telecommunication Act.
- Amended – Article 16 - Groundwater Protection - changes made throughout to make consistent with NH Dept of Environmental Services Regulations and Best Management Practices for Groundwater Protection.

2014 Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 13, 2014 as follows:

- Amended – Subsection 5.7.8 by deleting in its entirety and renumber and move to Subsection 5.3.3.7.
- Amended – Delete from Subsection 5.3.3.7 the words “...under Subsection 5.7.8.”
- Amended – Section 6.3 add reference to Table 1 Dimensional and Area Requirements.
- Amended – Section 11.5 by adding wording to extend expiration time to two (2) years per Senate Bill 50.

2015 Zoning Ordinance was further amended by a vote of the Town at the Town Election held on May 12, 2015 as follows:

Amended – Subsection 6.4.3 Constrained Acreage by adding the word “pre-existing” before “...dedicated public right-of-way...” in the last sentence.

Amended – Subsection 6.7.1 by adding a second sentence that reads, “To qualify as a parent lot, the lot must be at least 25 acres in size (see Table 1)”.

Impact fees for the Police and Fire Departments were adopted by the Planning Board as of September 16, 2015 following a duly noticed Public Hearing.

2015 Master Plan was adopted by the Planning Board as of December 9, 2015, following a duly noticed Public Hearing.

Subdivision Regulations were further amended by the Planning Board as of December 9, 2015 following a duly noticed Public Hearing as follows:

Amended – Section 3.9 Performance and Maintenance Guarantee by replacing former Section 3.9 Security for Improvement in its entirety.

2016-2023 Capital Improvements Plan – a completely new plan was adopted by the Planning Board as of April 27, 2016 following a duly noticed Public Hearing.

2016 Zoning Ordinance was further amended by a vote of the legislative body at the Town Election held on May 10, 2016 as follows:

Amended – Article 4, Section 4.4 Signs, to make this ordinance compliant with the 2015 U.S. Supreme Court “Reed v. Town of Gilbert” ruling regarding the regulation of signs.

Amended – Article 5, Subsection 5.3.3 Special Exception Uses, to edit reference to be consistent with the replacement of Article 9.

Amended – Article 5, Section 5.6 Flood Plain Conservation District (Zone FP), to revise the language of the ordinance by deleting non-applicable information, correcting outdated references and adding missing information to make it more understandable and consistent with state and federal regulations.

Amended – Article 6, Subsections 6.12.2 Internal Dimensional and Design Requirements and 6.12.3 Infrastructure, to mitigate issues with the design, construction and stormwater runoff control systems of Open Space subdivisions.

Amended – Article 9 Conversion of Existing Dwellings, by replacing in entirety with Accessory Dwelling Units, in anticipation of new zoning requirements set by NH Senate Bill 146, allowing for the creation, location, standards, review and approval of Accessory Dwelling Units, sometimes referred to as “in-law apartments, student, or workforce housing.”

Amended – Article 11, Section 11.4 Conditions for Granting of a Special Exception, a clarification related to the replacement of Article 9.

Building Code Permit Fee Schedule was amended following a duly noticed Public Hearing held by the Board of Selectmen on July 21, 2016.

Impact fees for the Chester School District were adopted by the Planning Board as of September 7, 2016 following a duly noticed Public Hearing.

Impact fees for the Library were adopted by the Planning Board as of September 28, 2016 following a duly noticed Public Hearing.

Impact fees for the Police, Fire and Recreation Departments were updated by the Planning Board as of September 28, 2016 following a duly noticed Public Hearing.

Impact fees for Government Buildings were adopted by the Planning Board as of October 26, 2017 following a duly noticed Public Hearing.

Impact fees for Traffic were updated by the Planning Board as of October 26, 2016 following a duly noticed Public Hearing.

2017-2024 Capital Improvements Plan - annual update was adopted by the Planning Board as of January 11, 2017 following a duly noticed Public Hearing.

2017 Zoning Ordinance was further amended by a vote of the legislative body at the Town Election held on May 9, 2017 as follows:

- Amended – add Article 4.14 – Fences, to define and regulate fences to prevent line-of-sight impediments adversely affecting pedestrian/traffic safety and snow plowing; to protect abutters from “spite” fences; and, to prohibit the use of razor wire in all zoning districts.
- Amended – Article 6 – Open Space Subdivision, to repeal subsection 6.9.4, the 10% unit-density bonus incentive for public access in Open Space subdivisions, and to add subsection 6.8.4.6 to preserve pre-existing trails in Open Space subdivisions when possible.
- Amended – Article 10 - Administration and Enforcement, to delete 10.2.2.2, a public posting period for building applications and to make the review and approval periods (10.2.2.3, 10.4 & 10.5) compliant with NH RSA 676:13, III and the New Hampshire Building Code and the 2009 International Residential Code R105.5.
- Amended – Article 14 - Fair Share Contributions, amended throughout to ensure all new construction is subject to Fair Share Contributions (impact fees). The amendments also included a provision for the waiver of School impact fees for qualified elderly housing units; clarified when impact fees are determined and assessed; and, clarified who is entitled to reimbursement of unused impact fees.

2017 Site Plan Review Regulations - comprehensive revision by the Planning Board as of May 24, 2017 following a duly noticed Public Hearing:

- Amended – 6.6 - Recording of Final Plat & added 6.7 - Recording of Documents.
- Amended – 7.2 – Surveyed Site Plan – by adding new subsection 7.2.11 and renumbering other subsections.
- Amended - Replaces 7.7 – Performance Security in its entirety with 7.7 Performance & Maintenance Guarantee.
- Amended – Replaces 7.15 – As-Built Plans in its entirety.
- Amended – Adds a new subsection 7.19 – Special Flood Hazard Areas.
- Amended – Appendix A.1.11 – Table of Geometric & Other Standards for Streets – maximum grade and pavement width.
- Amended – Appendix B – Fire Cistern Standards – updated to reflect current requirements.
- Amended - Appendix C by adding subsections C.3.4 & C.3.5 – methods for calculating runoff.

2017 Subdivision Regulations - comprehensive revision by the Planning Board as of May 24, 2017 following a duly noticed Public Hearing:

- Amended – deleted definition 2.2.9 – Cluster Subdivision, and added definition 2.2.16 – Open

Space Subdivision.

Amended – substituted term “applicant” for the term “subdivider” throughout.

Amended - 4.1.22 & 4.8.5.1.1 by inserting a requirement for the use of a common elevation reference datum.

Amended - 4.5.2.17 - Table of Geometric & Other Standards for Streets to limit the maximum grade to 8%, and to provide a waiver opportunity for minimum pavement width.

Amended – 4.5.7 by adding 5.5.7.1 - Hydrology / Runoff Calculation Methods.

Amended – 6.5 - Recording of Final Plat & 6.6 - Recording of Documents.

2017 Subdivision Regulations - amended by the Planning Board as of September 27, 2017 following a duly noticed Public Hearing:

Amended – 4.5.3.4.1.d – Private Way Standards.

Amended – deleted redundant 4.12 – Driveways, and replace with Section 4.12 – Mail Delivery Provisions.

Amended – 5.1.5 – Base (Road Construction).

2017 Site Plan Review Regulations - amended by the Planning Board as of September 27, 2017 following a duly noticed Public Hearing:

Amended – added Section 7.20 – Mail Delivery Provisions.

2017 Driveway Regulations - amended by the Planning Board as of September 27, 2017 following a duly noticed Public Hearing:

Amended - comprehensively revised 9 - Driveway Design & Construction Standards.

2018-2025 Capital Improvements Plan - annual update was adopted by the Planning Board as of February 28, 2018 following a duly noticed Public Hearing.

2018 Zoning Ordinance was further amended by a vote of the legislative body at the Town Election held on May 8, 2018 as follows:

Amended – add Article 2 – Definitions, amended the definition for “Duplex,” and added a definition for “Recreation Vehicle.”

Amended – Article 4.3.4.6 - Setback from Lot Lines, amended to clarify no new sewage disposal system, tank, leach field or leach barrier shall be located within any front, side or rear setbacks of any lots.

Amended – Article 4.4 - Signs, amended to better support the Granite State Farm to Plate Food Policy and Principles, as defined in RSA 425:2-a, by increasing the allowable signage for farming and agriculture as defined in NH RSA 21:34-a and to permit signs in Zone R-1 to be within 5 feet of the public right of way.

Amended – Article 4.6 - Manufactured Housing and Travel Trailers, amended to remove the term “Manufactured Housing” from the title and text of the article and replace the term “Travel Trailers” with “Recreation Vehicles.”

Amended – Article 5.5 - Limited Commercial/Light Industrial Zone (C2), amended to clarify permitted and prohibited uses in the Commercial/Light Industrial Zone (C2). No new uses were proposed except for Auto Body Repair.

Amended – Article 9 - Accessory Dwelling Units, amended to remove unnecessary language under Parking, add language under Sewage Disposal to clarify when a new septic system is required; add section Notice of Limited Occupancy requiring a notice of limitations on occupancy to be recorded in Registry of Deeds; amend Residency to



include ownership by entities such as trusts; add section Condominium Conveyance Prohibited prohibiting the separate conveyances of principle and accessory dwelling units; and, to add section Multi-Family Dwellings and Manufactured Housing to prohibit accessory dwelling units for multi-family dwellings and manufactured housing.

2019-2026 Capital Improvements Plan - annual update was adopted by the Planning Board as of January 23, 2019 following a duly noticed Public Hearing.

2019 Zoning Ordinance was further amended by a vote of the legislative body at the Town Election held on May 14, 2019 as follows:

- Amended – Article 5.3.3 - Special Exception Uses – by adding 5.3.3.9 – Agritourism and adding the definition for Agritourism to Article 2 - Definitions.
- Amended – Article 5.3.3 - Special Exception Uses – by adding 5.3.3.10 – Assisted Living Residences and 5.3.3.11 - Nursing Homes, add definitions of these uses to Article 2 - Definitions and add these uses to zoning Tables 1 and 2.
- Amended – add Subsection 6.12.1.2.b and zoning Table 2: Table of Setbacks and No Clearing Buffer Zones.
- Amended – by adding Article 7 – Age-Friendly Subdivision and adding this use to zoning Tables 1 & 2.
- Amended – replaced Article 11.6 - Conditions for Granting an Equitable Waiver of Dimensional Requirements.
- Amended – Article 16.6 – Performance Standards by adding Subsection 16.6.9.b.

2019 Subdivision Regulations - amended by the Planning Board as of August 28, 2019 following a duly noticed Public Hearing:

- Amended – 3.2 & 3.3 – grammatical, non-substantive changes.
- Added - 3.2.4 – Technical Review Committee.
- Amended – 3.8 - Approval is No Acceptance of Dedication.
- Amended – 4.18 - Signature Block.
- Added – 4.1.25 – Zoning Analysis Table.
- Added - 4.1.26 – Lot Data Table.
- Amended - 4.7.6.6 – re: granite curbing.
- Added - 4.13 – Permanent Monumentation.

2019 Site Plan Review Regulations - amended by the Planning Board as of August 28, 2019 following a duly noticed Public Hearing:

- Added - 6.1.4 – Technical Review Committee.
- Amended – 7.2.11 - Driveway Plans.
- Amended – 7.10.3.2 & 7.10.3.5 – Handicapped Parking.
- Added - 7.20 – Permanent Monumentation.

2019 Driveway Regulations - amended by the Planning Board as of August 28, 2019 following a duly noticed Public Hearing:

- Added – 2.1.1 – Temporary Driveway Permits.
- Amended – 6.1 - Security for Improvements.
- Amended – 7.1 - grammatical, non-substantive changes.
- Amended – 9.4 - grammatical, non-substantive changes.
- Amended – 9.12 – Length & Turnaround for Fire Apparatus.

Amended – 9.13 – delete second sentence.

Added - 9.15 – Permits for certain driveway improvements.

Building Code Permit Fee Schedule was amended following a duly noticed Public Hearing held by the Board of Selectmen on July 11, 2019.

2020-2027 Capital Improvements Plan - annual update was adopted by the Planning Board as of November 20, 2019 following a duly noticed Public Hearing.

2020 Zoning Ordinance was further amended by a vote of the legislative body at the Town Election held on March 10, 2020 as follows:

Amended – Article 4.5.2 - Parking Lot Requirements – by amending Subsections 4.5.2.2 and 4.5.2.5.

Amended – Article 4.9.2 - Home Business – by adding Subsection 4.9.2.8.

Amended – Subsection 5.7.5.2 - Lot Size Determinations by adding a cross-reference to Article 5.3.5.

Amended – Subsection 11.2.2.3 to extend the time period, from 30 to 45 days for scheduling an administrative appeal hearing, to comply with the statutory change to NH 676:7,II.

Amended – Article 11.5 – Expiration of Special Exception and Variance - to provide for the expiration of unexercised special exceptions and variances approved prior to August 19, 2013 as authorized by RSA 674:33, I-a(b) and RSA 674:33, IV(c).

2021-2028 Capital Improvements Plan - annual update was adopted by the Planning Board as of December 9, 2020 following a duly noticed Public Hearing.

2021 Zoning Ordinance was further amended by a vote of the legislative body at the Town Election held on May 11, 2021 as follows:

Amended – Article 2 - Definitions – by adding a clarifying definition of “Internal Lot” as referenced in Table 1 and Section 6.12.2 – Internal Dimensional and Design Requirements with respect to Article 6 – Open Space Subdivision and Article 7 – Age-Friendly Subdivision.

Amended – Subsection 4.14 – Fences – by amending subsection 4.14.3.1 under Location.

Amended – Article 2 - Definitions – by adding a definition of Bed and Breakfasts.

Amended – Article 5.3.3 – Special Exception Uses – by adding Subsection 5.3.3.13 to allow Bed and Breakfast facilities by Special Exception in the General Residential and Agricultural District (Zone R1).

Amended – Article 6 – Open Space Subdivision – to eliminate the unit-density incentive bonus for Age-Restricted housing, and commensurately increase the unit-density incentive bonus for Workforce Housing, to help Chester, accomplish its fair-share obligation to address the State’s critical shortage of workforce housing.

Amended – Subsection 9.4.10 – Code Requirements by removing the reference to Article 3.1.1.1 of the Town’s Building Code, thereby removing the requirement of fire sprinkler systems for Accessory Dwelling Units.

2022-2029 Capital Improvements Plan - annual update was adopted by the Planning Board as of December 15, 2021 following a duly noticed Public Hearing.

2022 Zoning Ordinance was further amended by a vote of the legislative body at the Town Election held on March 3, 2022 as follows:

- Amended – Article 2 - Definitions – by amending the definition of Educational Institutions to differentiate between public and business educational facilities as referenced in Section 5.3.2.5.
- Amended – Article 2 - Definitions – by adding a definition of Impervious Surfaces as referenced in Table 1.
- Amended – Article 2 - Definitions – To update the definitions of various sign types for clarification and easier understanding.
- Amended – Article 5.7.8 - Buffers and Setbacks – to mitigate excessive impacts to wetlands and their buffers/setbacks by driveway crossings.
- Amended - Article 11.1.2 - Organization – to increase the number of appointed Alternate Members on the ZBA from three to five Alternate Members.

Building Code Permit Fee Schedule was amended by the Board of Selectmen on July 14, 2022 to become effective on August 1, 2022.

Updated Impact fees for the Chester School District, Library, Government Buildings, Traffic, Police, Fire and Recreation Departments, were adopted by the Planning Board as of August 24, 2022 following a duly noticed Public Hearing.

2023-2030 Capital Improvements Plan - annual update was adopted by the Planning Board as of December 14, 2022 following a duly noticed Public Hearing.

2023 Zoning Ordinance was further amended by a vote of the legislative body at the Town Election held on March 28, 2023 as follows:

- Amended – Subsection 5.3.5 – Dimensional and Area Requirements – by adding 5.3.5.3 - Frontage, and amend Table 1 - Table of Dimensional and Area Requirements by adding “See Note 4” note clarify that every lot shall have the minimum required frontage on a Class V or better Town-approved highway.
- Amended – Subsection 5.7.5.4 - Building Setbacks – by replacing the word “building” with “structure”.

2023 Building Code was further amended by a vote of the legislative body at the Town Election held on March 28, 2023 as follows:

- Subsection 3.1.1.1 – Sprinkler Systems - To bring this section of the code into conformance with RSA 674:51, V.

2024-2031 Capital Improvements Plan - annual update was adopted by the Planning Board as of March 13, 2024 following a duly noticed Public Hearing.

2024 Subdivision Regulations - amended by the Planning Board as of February 28, 2024 following a duly noticed Public Hearing:

- Amended – 4.1 – Graphic Presentation.
- Added – 4.5.2.18 – Street Standards.
- Amended – 4.5.2.17 - Test Pits.
- Amended – 5.1.3 – Street Construction.
- Amended – 5.1.4 – Subgrade.
- Amended – 5.1.5 – Base.
- Added – 6.7.1 – Active and Substantial Development or Building.
- Added – 6.7.2 – Substantial Completion of Improvements.

2024 Site Plan Review Regulations - amended by the Planning Board as of February 28, 2024 following a duly noticed Public Hearing:

Amended - 6.4.8 – Acceptance, Formal Consideration and Public Hearing.

Added - 6.4.8.1 – Active and Substantial Development or Building.

Added - 6.4.8.2 – Substantial Completion of Improvements.

Amended – Appendix A.11 - Table of Geometric & Other Standards for Streets.

Amended – Appendix A.3.2, A.3.3 and A.3.4 under Street Construction.