

ARTICLE # ____

AMENDMENT # ____

Hampton Zoning Ordinance Amendment

Article II - Districts, Section 2.5 - Aquifer Protection District Ordinance

Section 2.5.4 - Use Regulations: Delete Written Statement Requirement from Section F. Conditional Uses

ARTICLE II – DISTRICTS

2.5.4 USE REGULATIONS

F. Conditional Uses: The following uses, if allowed in the underlying district, are permitted only after a Conditional Use Permit is granted by the Hampton Planning Board.

1. Industrial, manufacturing and commercial uses not otherwise prohibited in Section 2.5.4 E of this Article.
2. Multi-family residential development.
3. Residential subdivisions which create any additional building lots.
4. Sand and gravel excavation and other mining if not carried out within eight (8) vertical feet of the seasonal high water table and if all activities are conducted in compliance with RSA 155-E.

The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made that all of the following are true:

1. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants.
2. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.
3. The proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined.
4. The proposed use complies with all other applicable sections of this article.
5. The proposed use may include any reasonable conditions attached to such permit by the Planning Board regarding construction and operation.
6. The proposed use may necessitate that the applicant provide the Planning Board with data or reports prepared by a professional engineer qualified to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs for the above mentioned services shall be charged to the applicant.
7. The proposed use may necessitate the installation of upgradient and downgradient monitoring wells under the direction of a New Hampshire certified professional hydrogeologist if the Planning Board, with the recommendation of Aquarion Water Company, or its successor, determines such installation is necessary for groundwater protection. Installation shall be performed at the expense of the applicant.

~~Where the Hampton Planning Board grants a Conditional Use Permit, the property owner or occupant or condominium association / homeowners association, as applicable, shall file with the Planning Office a written statement prepared by a qualified professional engineer verifying that the property remains in compliance with all conditions of the Conditional Use Permit and all applicable requirements of this Aquifer Protection District Ordinance. The written statement shall be filed every two years, or upon or before any transfer of title. Failure to file the required written statement shall deem the property as non-compliant until said filing occurs.~~