

SECTION 3: DEFINITIONS

3.1 “Accessory Apartment (also known as Accessory Dwelling Unit or ADU)” means an attached or detached room or rooms which meets the definition of a Dwelling Unit and which is accessory to a principal Dwelling Unit on the same lot.

3.2 “Accessory Use”/ “Accessory Structure” means a use or structure customarily incidental and subordinate to an existing principal use and located on the same lot as the principal use. (amended 3/11/2008)

3.3 “Aircraft” means any rotary-wing, fixed-wing, or ultra light craft capable of takeoff and landing.

3.4 “Alteration” means any structural change to a building and change of present design or use where compatible and consistent with the existing uses.

3.5 “Cluster Single-Family Development or Subdivision” means an entirely single-family residential subdivision where instead of the entire tract being subdivided into house lots of conventional size, a number of housing units or lots of reduced dimensions are scattered or clustered around and within areas of Open Space.

3.6 “Commercial Use” means any use involving in part or in whole the sale of merchandise, materials or services, but not including Customary Home Occupations (as defined elsewhere in this Section).

3.7 “Common Land” means land in a Cluster Single-Family Development or Multi-Family Residential Development that is created by reducing individual lot sizes, or on parcels with attached units, all land not occupied by units, roadways and other allowed structures, to which access is provided for the residents of the Subdivision and, possibly, for the citizens of the Town or the public at large, and which is owned by either a homeowner's association, a municipal body, or a private non-profit agency for the purpose of preserving the Open Space.

3.8 “Condominium” means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

3.9 “Customary Home Occupation” means an industry or occupation carried on exclusively by a resident of the premises, entirely within the building and employing not more than three (3) people, providing such use is secondary to the use of the premises for dwelling purposes, and also providing that such use does not constitute a public hazard or nuisance.

3.10 “Driveway” means an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two Dwelling Units, except in the case of Cluster Single-Family Development or Subdivision and Multi-Family Residential Developments in which up to four Dwelling Units may be served by a Driveway.

3.11 “Dwelling Unit” means a room or rooms, with its own sanitary and kitchen facilities forming a habitable unit for one family, used or intended to be used for living, sleeping, cooking, eating and sanitation.

3.12 “Enlargement” means the increase in size of any structure or enhancement of use as to land.

3.13 “Erosion” means the wearing away of the ground surface as a result of the action or effect of wind, water, ice, snow and/ or land disturbance activities.

3.14 “Farm” means parcels of land used for husbandry, agricultural, forestry and all horticultural uses, including related facilities and including greenhouses, horse stables, nurseries and/or roadside stands for sale of farm products.

3.15 “Frontage” means the width of a lot measured along its common boundary with a Class V or better public road or Planning Board approved Private Road right-of-way.

3.16 “Height, Building or Structure” means that the height of all new buildings or structures, and all Alterations and/or Enlargements of buildings or structures, shall neither be more than thirty-five (35) feet from the Natural Ground Surface at any point nor more than thirty-five feet from the finished “as built” grade at any point. (These measurements shall be made vertically.) Chimneys and decorative, un-lit, non-structural, non-functional attachments may be excluded from this provision.

3.17 “Hotel/Motel” means a facility offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, and recreational facilities.

3.18 “Land Development” means the process of changing the character of the land from its existing condition by any construction or grading activities including but not limited to placement of a building or structure on the land.

3.19 “Lodging House” means a facility in which rental sleeping accommodations are provided and in which meals also may be supplied as part of the fee.

3.20 “Master Plan” means a document entitled "Jackson Master Plan" which is composed of a report and proposals for land use and development designed to show as fully as possible and practical the planning board's recommendations for the desirable development of the territory legally and logically within its planning jurisdiction. The Master Plan was prepared and adopted pursuant to RSA 674:1.

3.21 “Minor Subdivision” – See “Subdivision, Minor”

3.22 “Motel” See Hotel.

3.23 “Multi-Family Residential Development” means a residential development of attached and detached Dwelling Units, such as single-family homes on individual lots, Condominiums, townhouses, Time Sharing units or apartments.

3.24 “Natural Ground Surface” means the contour and surface of the ground prior to addition of fill or soils, blasting of rock, or any other disturbance, as determined by town records or by a registered soil engineer.

3.25 “Non-Conforming Lot” means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

3.26 “Non-Conforming Structure or Building” means a structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

3.27 “Non-Conforming Use” means a use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

3.28 “Open Space” means an area of dedicated land excluding roads, parking areas and buildings except for accessory buildings or structures and improvements as are necessary for recreational or common purposes of residents or the public and shall include the commercial recreational uses existing and operating at the time of the passage of this Section, as may be recommended by the Planning Board and approved by the Board of Selectmen.

3.29 “Overlay District” means a zoned district that is superimposed over another previously existing zoned district.

3.30 “Premises” means one or more buildings and the tract of land where located.

3.31 “Private Road” means a traveled way not open to public use as a matter of right for vehicular travel, the maintenance and repair of which shall be borne by the subdivider, or land owners using

the Private Road.

3.32 “Recreational Vehicle” means a vehicle which is i) built on a single chassis; ii) 400 square feet or less when measured at the largest horizontal projection; iii) designed to be self propelled or permanently towable by a light truck; and iv) designed primarily not for use as a permanent Dwelling Unit but as temporary living quarters for recreational, camping, travel or seasonal use.

3.33 “Riparian Land” means land that is traversed or bounded by a natural watercourse.

3.34 “Sedimentation” means the deposition of sediment resulting from Erosion or construction-vehicle tracking.

3.35 “Site Disturbance” means any human activity associated with Land Development that removes the Vegetative Cover from the land surface.

3.36 “Street/Road” means a state highway, or a town highway, street, road, avenue, land and/or other way including a Private Roadway, which exists for vehicular travel, exclusive of a Driveway serving not more than two adjacent lots or sites, except as provided in the above definition of Driveway. The term "Street/Road" shall include the entire right-of-way.

3.37 “Subdivided/ Subdivided Land” means the lots, tracts or parcels of land that are created by a subdivision of land.

3.38 “Subdivision” means:

i) The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, Condominium conveyance or Building Development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

ii) The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a Subdivision.

iii) Note: The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a Subdivision under this definition, and shall not be deemed to create any new Subdivision of land for any other purpose.

3.39 “Subdivision, Minor” means those proposals involving three (3) lots or fewer with no potential for re-subdivision and fronting on an existing Street; or minor lot line adjustments or boundary agreements that do not create buildable lots, and that require no new roads, utilities or other municipal improvements.

3.40 “Substantial Improvement/ Substantially Improved” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either i) before the improvement or repair is started, or ii) if the structure has been damaged and is being restored, before the damage occurred.

3.41 “Time Sharing/ Time Sharing Interest” means the exclusive right to occupy one or more units for less than 60 days each year for a period of more than 5 years from the date of execution of an instrument for the disposition of such right, regardless of whether such right is accompanied by a fee simple interest or a leasehold interest, or neither of them, in a Condominium interest. Time Sharing Interest shall include "interval ownership interest," "vacation license," or any other similar term.

3.42 “Vegetative Cover” means grasses, shrubs, trees, and other vegetation that hold and stabilize soils.