

SECTION II
DEFINITIONS

2.1 DEFINITIONS

Except where specifically defined herein, the words used in this Ordinance shall carry their customary meaning. Words used in the present tense include the future; the singular number includes the plural, the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof" and the word "shall" is always mandatory and not merely directory. Terms and words defined in the Hopkinton Building Code, if any, or Subdivision Regulations or Site Plan Review Regulations shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. Uses listed in the Table of Use Regulations under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by the Standard Industrial Classification Manual published by the U.S. Bureau of Census. The following words are specifically defined:

2.1.A.1 Abutter: Abutter means any person whose property adjoins or is directly across the street 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.

2.1.A.2 Accessory Building: A detached building whose purpose is subordinate to that of the main building. For the purpose of this Ordinance a breezeway, a garage or a carport that is attached directly, or by means of another structure, to the main building shall be regarded as an integral part of the main building.

2.1.A.3 Administrative Officer: The Building Inspector, Town of Hopkinton, New Hampshire.

2.1.A.4 Agriculture, Farm, Farming:

- (I) The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.
- (II) The words "agriculture" and "farming" mean all operations of a farm, including:
 - (a)(1) The cultivation, conservation, and tillage of the soil.
 - (2) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage and, where permitted by municipal and state rules and regulations, other lawful soil amendments.
 - (3) The use of and application of agricultural chemicals.
 - (4) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus elphus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elphus*), and reindeer (*Rangifer tarandus*).
 - (5) The breeding, boarding, raising, training, riding instruction, and selling of equines.
 - (6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.
 - (7) The raising, breeding, or sale of poultry or game birds.

- (8) The raising of bees.
 - (9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.
 - (10) The production of greenhouse crops.
 - (11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, or any other plan that can be legally grown and harvested extensively for profit or subsistence.
- (b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:
- (1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.
 - (2) The transportation to the farm of supplies and materials.
 - (3) The transportation of farm workers.
 - (4) Forestry or lumbering operations.
 - (5) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.
 - (6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.
- (III) A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.
- (IV) Practices on the farm shall include technologies recommended from time to time by the University of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.
- (V) For purposes of this Ordinance, slaughter houses, rendering plants, or tanneries are not considered as falling within this definition.

2.1.A.5 Alteration: Any construction, reconstruction or other action resulting in a change in the structural parts of height, number of stories or exits, size, number of units, use or location of a building or other structure.

2.1.A.6 Antique Shop: A store, whether a principal use or accessory use, which sells exclusively antique furniture and home furnishing over seventy-five (75) years old.

2.1.B.1 Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is six (6) feet or more above the finished grade.

2.1.B.2 Bedroom: A room primarily used for sleeping.

2.1.B.2.a Bed and Breakfast Home: Any Dwelling Unit located on one (1) Lot of Record, containing no more than three (3) Lodging Units offered to the public for compensation for transient or semi-transient accommodations, provided that such Dwelling Unit is owned and operated by an individual person or persons, and that all such owner(s) shall occupy the Dwelling Unit. A Bed and Breakfast Home shall be subject to the provisions of Section III, Paragraph 3.7.2 and 3.7.4 of this Ordinance.

2.1.B.2.b Bed and Breakfast Inn: Any Dwelling Unit, together with any accessory buildings thereto, located on one (1) Lot of Record, containing more than three (3) Lodging Units offered to the public for compensation for transient or semi-transient accommodations, provided that such Dwelling Unit and accessory building are owned and operated by an individual person or persons, and that all such owner(s) shall occupy the Dwelling Unit. A Bed and Breakfast Inn shall be subject to the provisions of Section III, Paragraph 3.7.2 and 3.7.6 of this Ordinance.

2.1.B.2.c Buffer: A vegetated area of land with dimensions, composition and use subject to approval by the Planning Board.

2.1.B.3 Building: A combination of any materials, whether portable or fixed, having a roof, and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

2.1.B.4 Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

2.1.B.5 Building Coverage: The aggregate of the maximum horizontal cross section area of all buildings on a lot exclusive of cornices, caves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces, expressed as a percentage of total lot area.

2.1.B.6 Building, Detached: A building having open space on all sides.

2.1.B.7 Building Height: The vertical distance measured from the average level of the grade at the building line to the highest point of the roof, excluding chimneys, ventilators, and other accessory features required above the roof.

2.1.B.8 Building Inspector: The Board of Selectmen or their designated representative.

2.1.B.9 Building Principal: A building in which is conducted the principal use of the lot on which it is located.

2.1.B.10 Business Offices: Offices for uses such as insurance, computer consultants, various types of consultants, general businesses, and other offices which are not considered as falling within the definition of professional offices.

2.1.C.1 Cellar: A basement.

2.1.C.2 Certificate of Occupancy: A statement signed by the Building Inspector setting forth either that a building or a structure complies with this Ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses or both.

2.1.C.2.a Certified Soil Scientist: A person who is currently certified or licensed by the State of New Hampshire under RSA 310-A:76 to identify, classify and to prepare high intensity soil maps.

2.1.C.2.b Certified Wetland Scientist: A person who is currently certified or licensed by the State of New Hampshire under RSA 310-A:76 to delineate wetland boundaries and prepare wetland maps.

2.1.C.2.c Child Care, Day Care Nursery: Provides non-home based care for any part of the day for five (5) or more children under the age of three (3).

2.1.C.2.d Child Care, Family Group Home: Provides home based care for maximum of twelve (12) preschool children plus five (5) children enrolled in a full day school program (or up to 17 children).

2.1.C.2.e Child Care, Family Home: Provides home based care for maximum of six (6) preschool children plus three (3) children enrolled in a full day school program (or up to 9 children).

2.1.C.2.f Child Care, Group Day Care Center: Provides non-home based group care for preschool and school-age children, whether or not the service is known as a day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori School, or by any other name.

2.1.C.2.g Child Care, Preschool Program: Provides non-home based care and a structured program for up to five (5) hours per day for children who are not attending a full day school program.

2.1.C.2.h Child Care, School-Age Program: Provides non-home based care for up to five (5) hours per school day, before or after, or, before and after regular school hours and all day during school holidays and vacations. This program is for children who are four (4) years eight (8) months of age or older, including all children present during the period of the program and those related to the caregiver.

2.1.C.3 Commercial Use: Any activity involving the sale or trade of goods or services.

2.1.C.4 Community Facilities: Premises owned and operated by a governmental or chartered nonprofit organization, but not including fraternal, sports, or similar membership organizations.

2.1.C.5 Condominium: Real property, and any interests therein, lawfully submitted to RSA 356-B by the recordation of condominium instruments pursuant to the provisions of RSA 356-B.

2.1.C.6 Congregate Care Housing: A residential facility for people containing congregate kitchen, dining and living areas but separate sleeping rooms for not more than eight (8) people who are not in need of skilled or structured care of a nursing home, life care facility or institution.

2.1.C.7 Construction and Demolition Debris: Waste materials, wood, and rubble resulting from the construction, remodeling, repair, removal or demolition of structures or roads, including any by-products or materials derived from such waste materials, wood, and rubble.

2.1.C.8 Contiguous: Sharing an edge or boundary of an adjacent lot or lots.

2.1.C.9 Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

2.1.C.10 Convenience Store: A one story, retail store usually open 15 to 24 hours per day containing less than 2,000 square feet of gross floor area that is designed and stocked to sell food, beverages and other household supplies to customers who purchased relatively few items unlike a supermarket. It depends on a large volume of stop and go traffic.

2.1.D.1 Demolition: Destruction of a structure or portion thereof or commencement of work with the purpose of completing the same except in conjunction with the construction of a permitted addition or alteration. Demolition shall include the cutting away of any wall, partition, portion thereof or the removal of cutting of any structured beam or bearing support affecting the exterior of the structure.

2.1.D.2 Designated Open Space: Area of a parcel permanently protected from future development and subject to the provisions of Section VIII as part of a Conservation Subdivision.

2.1.D.3 District: A zoning district as established by the provisions of this Ordinance.

2.1.D.4 Driveway: An open space, located on a lot, which is built for access to a garage, or off-street parking or loading space.

2.1.D.5 Duplex: A detached building designed for or occupied by two families exclusively, living independently or separately from each other therein.

2.1.D.6 Dwelling: A building or portion thereof containing one or more dwelling units, but not including hotels, motels, lodging house, membership clubs, lodges, travel trailers, hospitals, dormitories, or structures solely for transient or overnight occupancy.

2.1.D.7 Dwelling Unit: One or more rooms, arranged for the use of one or more individuals, which serves as a permanent housekeeping unit for a Family, with cooking, living, sanitary and sleeping facilities.

2.1.D.8 Dwelling Unit, Single Family: A detached building designed for or occupied exclusively by one family.

2.1.D.9 Dwelling Unit, Multi-Family: A building containing three or more dwelling units.

2.1.E.1 Essential Services: Services provided by public utility or government agencies through erection, construction or maintenance of underground or overhead gas, electrical, steam, or water transmission and distribution systems, and collection, communication, supply or disposal systems. Facilities necessary for the provision of essential services including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, unoccupied utility structures (subject to the provisions of 3.7.8), and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings not necessary for the furnishing of essential service by public utility or governmental agencies for the public health, safety or general welfare.

2.1.E.2 Excavation: Excavation means a land area which is used, or has been used, for the commercial taking of earth, including all slopes, RSA 155-E:1.

2.1.F.1 Family: One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit house-keeping unit.

2.1.F.2 Floor Area, Gross: The sum of the areas of the several floors of a building measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of the Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment.

2.1.F.3 Frontage: The horizontal distance measured along a lot line dividing a lot from a street. Driveways to rear lots shall not be construed as frontage.

2.1.H.1 Home Business: Shall mean any business or profession conducted entirely within a dwelling, or an accessory building located on the same premises as the dwelling, which (a) entails contact with the general public at the premises, (b) is capable of being unobtrusively pursued, (c) creates no nuisance nor any environmental, health or safety concerns, (d) is clearly incidental and subordinate to the dwelling use, (e) does not change either the character of the dwelling as a residence or the character of the neighborhood in which the Home Business is established, (f) is conducted by the resident owner(s) of the dwelling, (g) employs not more than one person outside the Family (as defined in Section II, Paragraph 2.1.F.1), and (h) utilizes an area (either in the dwelling or in an accessory building) of not more than twenty-five percent (25%) of the total floor area of the dwelling (including any functional basement) or five hundred (500) square feet, whichever is less. A Home Business shall be subject to the provisions of Section III, Paragraph 3.7.3 of this Ordinance.

2.1.H.2 Home Occupation: Shall mean any individual business or profession conducted entirely within a dwelling which (a) entails no contact with the general public at the dwelling (except normal postal and commercial delivery services), (b) is capable of being unobtrusively pursued, (c) creates no nuisance nor any environmental, health or safety concerns, (d) is clearly incidental and subordinate to the dwelling use, (e) does not change either the character of the dwelling as a residence or the character of the neighborhood in which the Home Occupation is established, (f) is conducted solely by the resident owner(s) of the dwelling, and (g) utilize an area of not more than twenty-five percent (25%) of the total floor area of the dwelling (including any functional basement) or 500 square feet, whichever is less. Home Occupations shall be subject to the provisions of Section III, Paragraph 3.7.5 of this Ordinance.

2.1.H.3 Hospital: A building providing 24-hour in-patient services for the diagnosis, treatment, or other care of human ailments including a sanitarium, clinic, rest home, nursing home, and convalescent home.

2.1.H.4 Hotel: Any building, or any part thereof, which contains one or more Lodging Units devoted to transient or semi-transient rental occupancy and which has a common entrance or entrances, including an inn, motel, motor inn, tourist court, boarding house, lodging house or rooming house, but specifically excepting a Bed and Breakfast Home and Bed and Breakfast Inn.

2.1.H.5 Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include life care or nursing home facilities.

2.1.I.1 Industrial Use: Any activity that entails manufacturing, processing, assembling, warehousing storage, distribution, shipping and/or other related uses. For the purpose of this definition, agricultural uses, home businesses, and home occupations, as defined in this Ordinance, shall not be considered industrial uses.

2.1.J.1 Junk: Old or scrap copper, brass, rope rages, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof iron, steel and other old or scrap ferrous or nonferrous materials.

2.1.J.2 Junk Yard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage dumps and sanitary fills. The word does not include any motor vehicle dealers registered with the director of motor vehicles under 261:104 and controlled under RSA 236:127.

2.1.K.1 Kennel: A commercial establishment that (1) boards and provides food and care for purposes not primarily related to medical care for small household pets, or (2) engages in the breeding of small household pets.

2.1.L.1 Loading Space: An off-street space used for loading or unloading, not less than 14 feet in width, 45 feet in length, and containing not less than 1,300 square feet including both access and maneuvering area.

2.1.L.2 Lodging Unit: One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, tourist houses and rooming houses.

2.1.L.3 Lot: A single parcel of land in the same ownership throughout as shown or defined on a recorded instrument or defined by metes and bounds and having its principal frontage on a street in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for building on such land.

2.1.L.4 Lot Area: The extent in square feet of the surface of a lot. The lot area shall not include any part of the street upon which the lot front or abuts.

2.1.L.5 Lot Corner: A lot at the point of intersection of and abutting on two or more intersecting streets.

2.1.L.6 Lot Depth: The mean horizontal distance between the front lot line and the rear lot line when measured on a line halfway between the two side lot lines.

2.1.L.7 Lot Lines: The lines bounding a lot, and dividing the lot from other lots, streets or land.

2.1.L.8 Lot Line, Front: The property line dividing a lot from a street (right-of-way). On a corner lot the owner shall designate one street line as the front lot line.

2.1.L.9 Lot Line, Rear: The lot line opposite from the front lot line.

2.1.L.10 Lot Line, Side: Any lot line not a front or rear lot line.

2.1.L.11 Lot, Nonconforming: A lot existing on the effective date of this Ordinance or any subsequent amendments thereto, in conformity with the then existing Ordinance but not in conformity with all of the provisions of this Ordinance or such amendments thereto. An owner or owners of such lots who also own additional contiguous land shall be governed by the provisions of Section 5.2 or 5.3 of this Ordinance.

2.1.L.12 Lot of Record: A lot described in a deed which has been lawfully recorded in the Registry of Deeds for Merrimack County, prior to the enactment of planning and zoning regulations in Hopkinton (March 1964), or which, if not so deeded, is a lot which is part of a subdivision, the plan of which has been lawfully recorded in such Registry of Deeds.

2.1.L.13 Lot Width: The mean distance between the lot side lines measured on a line which is halfway between the front and rear lot lines.

2.1.M.1 Manufactured Housing: Any structure, transportable in one or more sections, which, in the traveling mode, is 8 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 designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. (RSA 674:31)

2.1.M.2 Manufactured Housing Park: A parcel of land containing at least ten (10) acres upon which one or more manufactured houses or mobile homes are parked or intended to be parked for living purposes. See Section IX of this Ordinance for additional requirements.

2.1.M.3 Manufactured Housing Subdivision: A subdivision of land into lots for manufactured houses.

2.1.M.4 Membership Club: A social, sports or fraternal association or organization which is used exclusively by members and their guests which may contain bar facilities.

2.1.M.5 Mobile Home: A manufactured house as defined in RSA 674:31.

2.1.M.6 Mobile Home Park: A manufactured housing park.

2.1.M.7 Mobile Home Subdivision: A manufactured housing subdivision.

2.1.N.1 Nursing Home Facility: A medical facility allowing care for physically or mentally disabled person which meets the State's Certificate of Need on institutional health services.

2.1.O.1 Open Space: Land or water area free of all structures, parking, drives, and other uses which preclude attractive landscaping in such area. Open space may be landscaped with lawn, trees, shrubs, or other planting and may include walks and terraces.

2.1.O.2 Open Space, Designated: See Designated Open Space.

2.1.O.3 Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

2.1.P.1 Parking Space: An off-street space whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle in accordance with the provisions of Section VI of this Ordinance.

2.1.P.2 Presite Built Housing: Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufactured 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. For purposes of this subdivision, pre-site built housing shall not include manufactured housing as defined in RSA 674:31. (RSA 674:31-a)

2.1.P.3 Professional (Professional Office): These occupants shall include the practice of medicine, dentistry, law, accounting, architecture, engineering, real estate, teaching and similar activities in which specialized services are provided to clients.

2.1.Q.1 Quarrying: The business or occupation of extracting stone from an open excavation. Quarrying includes the excavation and removal of sand and gravel.

2.1.R.1 Recreational Camping Parks and Travel Trailer Parks: A parcel of land under single ownership consisting of a minimum of ten (10) acres used primarily for transient recreational camping vehicles (tents, travel trailers, tent campers, motor homes and pick-up campers).

2.1.R.2 Repair: Replacement or mending of parts already existing but in a state of deterioration with equivalent materials and for the purpose of maintaining their quality.

2.1.R.3 Right-of-way (Public): All town, state and federal highways and the land on either side as covered by statutes to determine the widths of the right-of-ways.

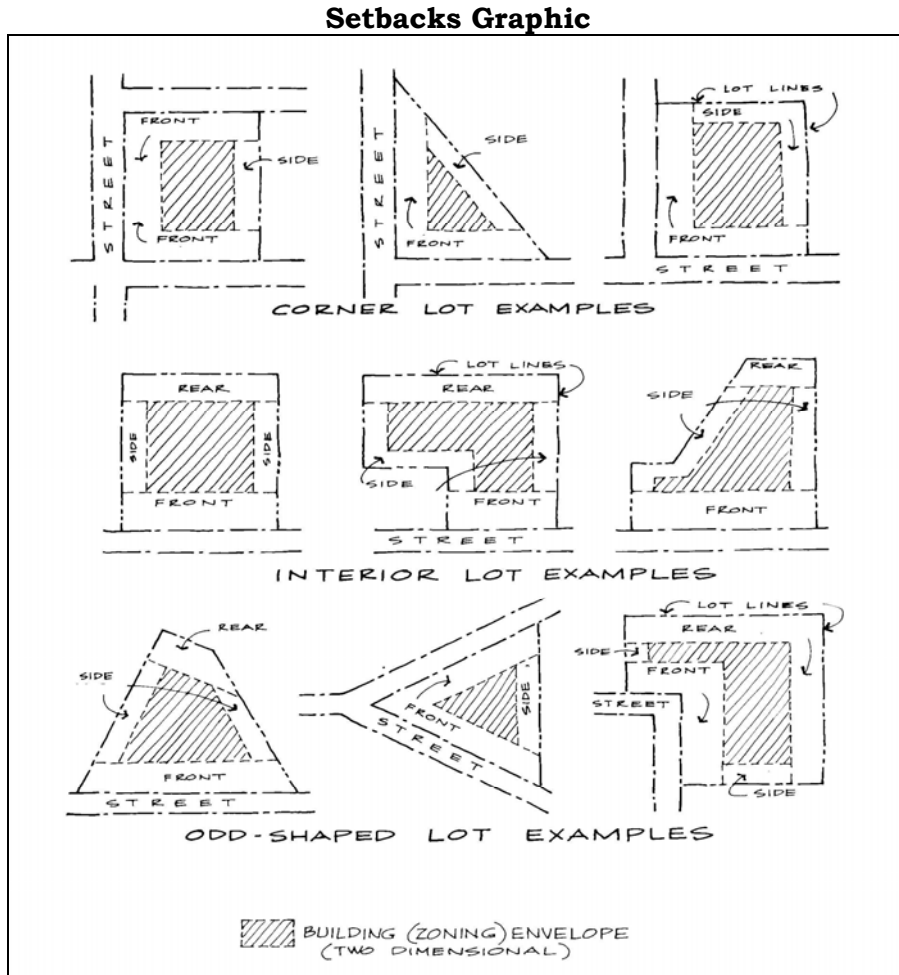
2.1.S.1 Satellite Dish and Antenna: An accessory structure used for receiving television signals which must be so located on the lot that it is at least ten (10) feet from side and rear lot lines and has the same distance back from the front lot line as is required for the principal use in the district in which it is located.

2.1.S.2 School: An institution for instruction of children and/or adults in a formal setting with a prescribed curriculum and certified teachers.

2.1.S.3 Setback, Front: The distance extending across the full width of a lot between the front lot line and the front edge of a building or any projection thereof. See Figure titled "Setbacks Graphic" for more detail.

2.1.S.4 Setback, Rear: The distance extending across the full width of a lot between the rear lot line and the rear edge of a building or any projection thereof. See figure titled "Setbacks Graphic" for more detail.

2.1.S.5 Setback, Side: The distance between a side lot line and the side edge of a building or any portion thereof. See figure titled "Setbacks Graphic" for more detail.



2.1.S.6 Sign: Any name, identification, description, display, illustration or device, temporary or permanent, which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place activity, person, institution or business. A sign shall include writing, representation or other figure of similar character with a building only when illuminated and located in a window.

2.1.S.7 Sign, Attached: A sign which is attached to a building wall and which extends eighteen (18) inches or less from the face of such wall.

2.1.S.8 Sign, Business: A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

2.1.S.9 Sign, Flashing: Any sign or signal light with continuously variable illumination, whether achieved electrically or mechanically.

2.1.S.10 Sign, Free Standing: A sign which is not attached or affixed to a structure or building and which is supported by a pole(s) or other supporting members.

2.1.S.11 Sign, Identification: A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

2.1.S.12 Sign, Projecting: A sign which is attached to a building wall and which extends more than eighteen (18) inches from the base of such wall.

2.1.S.13 Sign, Surface Area Of: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced signs, only one (1) display space shall be measured in computing total surface area where the sign faces are parallel or where the interior angled formed by the faces is ninety (90) degrees or less.

2.1.S.14 Special Exception: A use allowed by the Zoning Ordinance but under pre-determined conditions and after a public hearing before the Board of Adjustment to determine if the conditions have been met.

2.1.S.15 Story: That part of a building comprised between a floor and the floor or roof next above. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be classified as a story when its ceiling is six (6) or more feet above the finished grade.

2.1.S.16 Street: A way which is over twenty (20) feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure.

2.1.S.17 Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, sign, flagpole or the like.

2.1.S.18 Structure, Nonconforming: A structure lawfully existing at the effective date of this Ordinance or any subsequent amendment thereto, which does not conform to one or more provisions of this Ordinance.

2.1.S.19 Structural Alterations: Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders.

2.1.S.20 Subdivision: The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision, and where appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision under this title, per RSA 672:14.

2.1.T.1 Telecommuting: Shall mean the use of a dwelling by the resident owner(s) thereof for the purpose of providing services for communicating with such owner(s)' off-premises business employer by means of telecommunication facilities, including without limitation, facsimile, modern, and/or telephone, and through postal and light commercial delivery services. Other means of communication and delivery service shall not be permitted in connection with this use unless the resident owner(s) otherwise satisfy the requirements of this Ordinance for such manner of communication and delivery service. Telecommuting shall be subject to the provisions of Section III, Paragraph 3.7.5 of this Ordinance.

2.1.T.2 Travel Trailer: A mobile home designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does

not exceed forty-five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.

2.1.U.1 Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

2.1.U.2 Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure. Accessory use by area shall be interpreted not to exceed forty (40) percent of the area of the total use of the structure and/or lot on which it is located.

2.1.U.3 Use, Adult: Shall mean a business where more than ten (10) percent of the gross revenues, ten (10) percent or more of the stock in trade, or ten (10) percent or more of the goods or paraphernalia displayed are of a sexually oriented or sexually explicit nature. Such goods and paraphernalia include, but are not limited to sexually oriented or sexually explicit materials. Examples of adult uses include, but are not limited to, theaters or mini-motion picture displays where sexually explicit materials are shown, nude modeling studios, sexually oriented massage parlors, escort agencies or sexually encounter centers. As used in this Ordinance, materials shall have the meaning set forth in RSA 650:1, III, or successor statute.

2.1.U.4 Use, Non-conforming: Non-conforming means use of land, building or premise which is not a use permitted by the provisions of this Ordinance for the district in which such land, building or premise is situated.

2.1.U.5 Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Ordinance. Any other use within the main structure or use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this Ordinance shall be considered an accessory use.

2.1.U.6 Use, Substantially Different: A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

2.1.V.1 Variance: Such departure from the terms of this Ordinance as the Board, upon appeal in specific cases, is empowered to authorize under the terms of Section XIV.

2.1.W.1 Wetland: Any area failing within the jurisdictional definitions of Section XII of this Ordinance.

2.1.Y.1 Yard: A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein. A court shall not be considered to be a yard or any part thereof.

2.1.Y.2 Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

2.1.Y.3 Yard, Rear: A yard, except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

2.1.Y.4 Yard, Side: Yard extending for the full length of a building between the nearest building wall and the side lot line.