

Madbury Zoning Ordinances

Section 9. Bonding and Security and Insurance

Recognizing the extremely hazardous situation presented by abandoned and unmonitored wireless telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers, antennas, and accessory structures in the event that the facility is abandoned and the tower owner fails to remove the facility in accordance with SECTION 10. Bonding and surety shall be consistent with the provision in the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage, and shall require notice of cancellation to the Planning Board within 30 days of said notification.

Section 10. Removal of Abandoned Antennas and Towers

The owner shall provide the Planning Board with a copy of any notice to the FCC of the intent to cease operations, within 30 days of said notification. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections. The owner shall remove abandoned structures within 90 days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower.

Article XII Driveway Regulations

In order to provide for the safe vehicular flow onto property and assure that such access does not cause a detrimental impact to an accepted road, a permit for driveway construction shall be required.

- A. Permit requirements shall be as provided in NH RSA 249:17 or as otherwise determined by the road agent.
- B. The road agent shall issue all driveway permits and approve construction. Please consult the Schedule of Fees to determine the payment due with the permit application.
- C. No driveway, other than a shared driveway between adjoining lots, shall be located closer than fifteen (15) feet from the lot sideline.

Article XIII Nonconforming Uses, Structures and Lots

Section 1. Nonconforming Uses

- A. Continuance: A nonconforming use may be continued although such use does not conform to current provisions of this Ordinance.
- B. Discontinued Use: Whenever a nonconforming use has been discontinued for more than one year for any reason, such nonconforming use shall not thereafter be re-established, and the future use of the property shall be in conformity with the provisions of this Ordinance.
- C. A non-conforming use may not be enlarged or changed except as a Special Exception by the Board of Adjustment in accordance with Article XV, SECTION 2.

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Section 2. Nonconforming Structure

Continuance: Any lawful nonconforming structure existing at the time of adoption of this Ordinance may be occupied, operated and maintained in a state of good repair.

Section 3. Nonconforming Lots

- A. A nonconforming lot, which has been developed with a structure, may be continued for the same use but no expansion of a structure which intensifies its use on a nonconforming lot, shall be allowed except as a Special Exception by the Board of Adjustment as provided in Article XV, SECTION 2. Intensification is any use that increases the demand on the designed septic system or that increases interior living spaces a.) by more than ten (10) percent of the original structure or b.) to more than 1,152 square feet total, whichever is greater.
- B. When a structure on a nonconforming lot or a structure containing a nonconforming use is damaged by fire, flood, wind or act of God, such structure may be reconstructed, without enlargement, and used as before such damage, provided such reconstruction is begun within twelve months and is completed within two years after the date of the original damage.
- C. A nonconforming Lot of Record which does not meet Town requirements established by this Ordinance may be used for the purposes provided in the district in which the property is located provided that:
 - 1. The lot is in a district where the proposed use is permitted;
 - 2. The requirements of this chapter regarding setbacks, yards and height are met;
 - 3. A two-family dwelling has a minimum lot size of eighty thousand (80,000) square feet;
 - 4. The Building Inspector determines that the arrangements for sewage disposal and water supply are in accordance with the provisions of state law;
 - 5. The Selectmen or the Selectmen's designee determine the lot has frontage, as defined by this Ordinance, sufficient to provide access to the lot and the use of the lot will not create potential health or safety problems due to inadequate access for police and fire protection or other factors.

Article XIV Enforcement

Section 1. Authority

The Board of Selectmen is hereby given the power and authority to enforce the provisions of this Ordinance.

Section 2. Administration

The Town Building Inspector shall administer the provisions of the Ordinance and report violations to the Board of Selectmen.

Section 3. Permit Issuance

The Building Inspector shall issue any and all permits requested when such permit is in accordance with the provisions of this Ordinance.

Section 4. Cause for Enforcement

Upon any well-founded information that this Ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this Ordinance.