

# DANVILLE, NEW HAMPSHIRE



## SITE PLAN REVIEW REGULATIONS

Revised: May 14, 2015

**SITE PLAN REVIEW REGULATIONS**

**Adopted by the Danville Planning Board**

**Effective as of May 14, 2015**

**Revised and replaced May 14, 2015, by vote of the Danville Planning Board after a duly noticed public hearing having been held May 14, 2015, at the Danville Town Hall.**

**Effective as of May 14, 2015, upon recording with the Town Clerk**

**May 14, 2015 – DANVILLE PLANNING BOARD**

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Filed with Office of Energy and Planning

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Date

## ARTICLE I: GENERAL PROVISIONS

**Section 1. Authority.** Under authority of NHRSA §674:43 and authorization from the 1985 Town Meeting, the Town of Danville Planning Board hereby adopts the following regulations governing sites with non-residential and/or multi-family residential uses, whether or not such development includes a subdivision or resubdivision of a site.

**Section 2. Purpose.** The general purpose of this chapter is to guide the character of non-residential and multi-family development, re-development, expansion, and change of use in order to provide for the health, safety, convenience, prosperity, and general welfare of the Town's inhabitants, businesses and visitors. Throughout these regulations, the Board seeks to balance the demand for growth, development and change with the need to preserve and enhance those qualities which make Danville a safe and desirable place to live, work and visit. In keeping with this general purpose, the following are specific objectives of this chapter:

- A. To balance the landowner's rights to use their land with the corresponding rights of abutting landowners and the public at large to be protected from undue hazards, disturbances, nuisances, pollution and diminution of property values;
- B. To protect public safety by means such as requiring appropriate provision and arrangement of roads, driveways, sidewalks, traffic aisles, parking, loading areas and emergency vehicle accesses;
- C. To provide for fire safety and prevention;
- D. To protect and preserve significant natural and man-made features, including but not limited to scenic views, stone walls, large trees and historic structures;
- E. To promote the harmonious and aesthetically pleasing development of the Town, ensuring visual harmony of neighborhoods, providing adequate provision of greenspace and open space, protecting the natural beauty of the Town and enhancing the quality of life for residents;
- F. To maintain the vitality of the tourist economy while allowing economic growth in all sectors of the economy;
- G. To protect environmental quality by means such as controlling erosion and providing for sanitary sewage disposal; and
- H. To ensure the provision of adequate facilities and services as are necessary to serve the proposed uses.

### **Section 3. Definitions.**

**Abutter:** any person or municipality whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local Land Use Board. 'Abutter' shall also include holders of conservation, preservation, and preservation/agricultural restrictions as defined in NHRSA §477:45. 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.

**Applicant:** the owner of the property, or an agent with owner's written authorization. All actions of the agent shall be binding upon the owner.

**Bonding:** any acceptable form of financial security. The specific dollar amount, the form, and any associated agreements or stipulations shall be negotiated directly with the Board of Selectmen.

**Development:** the construction or improvements or change of use on a tract or tracts of land for non-residential and/or multi-family use.

**Disturbed Area:** the area of land, excepting that covered by greenspace and building(s), changed by human construction activities.

**Greenspace:** a permeable area of vegetated ground surface.

**Industry:** a use engaged in manufacture, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, treatment, packaging, storage, sales and distribution of such products.

**Multi-family:** three or more residential units in one building.

**Plan:** any plan sheet other than a site sketch, along with supporting materials.

**Plat:** any plan sheet to be recorded at the Rockingham County Registry of Deeds to indicate final approval.

**Plat Standards:** standards which dictate the content and presentation of plats and/or plans.

**Side Walk Sales:** temporary outdoor sales of merchandise, including but not limited to: art, food and clothing, within the sidewalk area of a retail use, for a temporary basis. Temporary shall mean seasonal, weekends, fair weather; not permanent.

**Site Sketch:** a scale drawing of a site.

**State Highway:** any Class I, II, III, or IV road.

**Temporary Events:** an event whose occurrence is limited to not more than 14 days per calendar year.

**Tent Sales:** sales of goods within a temporary structure with fabric or non-rigid walls or roof of cloth. For the purpose of these regulations, tent sales shall be considered temporary events.

**Total Required Parking:** the minimum number of parking spaces required by on-site uses.

**Section 4. Applicability.** There are three possible applications of this code to development of a non-residential or multi-family site to be determined by the Board:

- The code is NOT APPLICABLE;
- The Planning Board provides a MINOR REVIEW; or
- The Planning Board provides a FULL REVIEW.

The following criteria specify the level of review necessary for a proposal to develop a non-residential or multi-family site: *amended 01/27/2011*

- A. Not Applicable. The determination of “not applicable” by the Board shall mean that no site plan review approval is necessary, although other types of approvals or permits may be necessary per other municipal codes and an application shall be kept on file. The Site Plan Review Regulations shall be deemed not applicable for the following:
1. temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site as determined by the Board; or
  2. Special events approved by the Board of Selectmen.
- B. Minor Review. A Minor Review by the Planning Board shall be required for any development which does not qualify to be not applicable, or full review.
- C. Full Review. A Full Review by the Planning Board shall be required for the following:
1. establishment of non-residential use where no non-residential use currently exists;
  2. establishment of multi-family use where no multi-family use currently exists;
  3. reduction in greenspace on the lot exceeds 1,000 square feet;
  4. the increase in structure floor space exceeds 1,000 square feet or 25% of existing floor space, whichever is more restrictive; or
  5. an area of re-development of an existing non-residential or multi-family site exceeds one acre of disturbance. *Added 01/27/2011*

## ARTICLE II: APPLICABLE PROCEDURES

**Section 6. Minor Review.** The application for a Minor Review shall be made to the Planning Board. The applicant shall follow the process specified in Section 8 through Section 19 of this Chapter. In the case of approved Minor Review applications, plans will not be recorded at the Registry of Deeds, unless required by the Planning Board. The following shall apply:

- A. Submit to the Planning Board a complete application. Applicants are advised to utilize the Minor Review Application Checklist, attached hereto, to avoid submitting incomplete applications which will cause delays. Note that other governmental approvals may be applied for at the time of application submission, though the actual permit or approval may be a condition of Site Plan Review approval.
- B. Board members should visit the site to familiarize themselves with the site.

**Section 7. Full Review.** The application for a Full Review shall be made to the Planning Board. The applicant shall follow the process specified in Section 8 through Section 19 of this Chapter. In the case of approved Full Review applications, approved plans shall be signed and recorded at the Rockingham County Registry of Deeds. The following shall apply:

- A. Submit to the Planning Board a complete application as defined in the Full Review Application Checklist, attached hereto. Applicants are advised to utilize this checklist themselves to avoid submitting incomplete applications which will cause delays. Note that other governmental approvals must be applied for at the time of application submission, though the actual permit or approval may be a conditional of the Site Plan Review approval.
- B. Plans and plats shall be stamped by New Hampshire licensed surveyors and/or professional engineers, as appropriate, for a Full Review Application. The following are the standards which shall be met:
  - 1. Sheet Size. Sheet size shall not exceed 22" by 34".
  - 2. Scale. The scale of all plats shall be no less than 1: = 100'
  - 3. Supplemental Plans. In the event that there are plan sheets accompanying the primary site plan plat, and because only the plat will be recorded at the Registry of Deeds, all supplemental plan sheets shall be referenced by title and latest date of revision on all plats to be recorded.
  - 4. NH Licensed Surveyors and Professional Engineers. The detailed boundary survey and other related survey information including but not limited to setbacks, building locations and topography, shall be certified by a NH licensed surveyor regarding its accuracy. Road design, drainage, and floodplain construction shall be certified by a

NH licensed professional engineer to meet all applicable standards and regulations. Certification shall be indicated on plans by professional stamp and the accompanying signature. In all cases, the plat to be recorded shall be certified by the surveyor and the professional engineer, where required.

- C. The Planning Board should conduct a site visit prior to application approval.

**Section 8. Pre-Application Meetings.** Pre-application meetings are highly recommended by the Board. Such meetings can identify potential problems in an application prior to major investments in site design by the applicant. Pursuant to NHRSA §676:4,II, all pre-application meetings are optional at the applicant's discretion, and are separate and apart from the formal consideration of the application. The following shall apply:

- A. Preliminary Conceptual Consultation. This meeting shall be directed at a review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirement during final consideration. Such consultation shall not bind either the applicant or the board and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.
- B. Design Review. The Board and applicant may engage in nonbinding discussions beyond conceptual and general discussions which involve more specific design, planning and engineering details, provided that the design review may proceed only after formal public notice to the public and all abutters. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in Section 9.B, and shall provide all required materials and information required for public notice per Sections 12 and 13.

**Section 9. Fees.** In accordance with NHRSA §676:4,I(g) and NHRSA §676:44,V, the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application:

- A. Review Fees:
1. Minor Review: \$50.00
  2. Full Review, one or more of the following shall apply: *amended 01/27/2011*
    - a. \$30.00 per new motel/hotel/transient and multi-family units;
    - b. \$0.06 per gross square foot of total new commercial floor space including all levels, up to a maximum of \$1,000.00;
    - c. \$200.00 for other applications.

- B. Public Notice (for Minor and Full Reviews only): *amended 05/14/2015*
  - 1. \$75.00 per newspaper notice.
  - 2. \$10.00 per mailing per abutter (or other party notified).
- C. Recording Fees (for Full Reviews only):
  - 1. \$30.00 per plat sheet to be recorded by the Town.
  - 2. \$15.00 per 8.5" x 11" page to be recorded by the Town.
- D. Other costs incurred by the Town in reviewing the application, as specified in Section 42, shall be assessed to the applicant.

**Section 10. Submission of Application Materials.** All materials to be submitted to the Planning Board for consideration shall be submitted prior to the meeting so that Board members and abutters may have sufficient opportunity to review the application without unnecessarily delaying the proceeding of the meeting. A copy of all materials, including updates, shall be provided to the Conservation Commission for their review and comment. The following shall apply:

- A. Application Acceptance. In accordance with NH RSA §676:4,I(b), all materials required to constitute a Complete Application shall be submitted to the Town at least fifteen (15) days prior to the meeting at which it will be considered for Application Acceptance, except that this shall be increased to twenty one (21) days when it is determined that there may be a potential regional impact.
- B. Other Public Hearings. New materials shall be submitted to the Town at least fourteen (14) days prior to a meeting when a new public notice is required.
- C. Continued Meetings. When consideration of an application is continued and new information is required, the Board shall specify the deadline for filing this new information. In no case shall it be less than two days prior to the meeting. The deadline shall be stated in the motion to continue.

**Section 11. Application to Other Governmental Units.** The Planning Board shall not grant a final approval to an application until all other governmental permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior local approval. All applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining Town final approval.

**Section 12. Public Notice.** Public notice pursuant to NHRSA §676:4,I(d), shall be required for all applications. The Public Notice shall identify the property owner, the location, and a general description of the proposal.

- A. Public notice shall be required for the following:
  - 1. design review meetings;
  - 2. meetings at which an application is considered for acceptance; and
  - 3. meetings at which a public hearing is conducted.
- B. Public notice shall be mailed to the applicant, the applicant's authorized representative, and each abutter at least 10 days prior to the meeting for which the notice is required. Such notification shall be mailed by certified mail.
  - 1. Using the Abutters List form provided by the Town, the applicant shall prepare a list of abutters using Town records no sooner than 5 days prior to the submission of the application; and
  - 2. The applicant shall provide an adhesive mailing label for each party on the Abutters List, including the applicant and authorized representative.
- C. Public notice shall be posted at Town Hall at least ten (10) days prior to the meeting.
- D. Public notice shall be published prior to the meeting in a newspaper of general circulation. This notice shall be sent to the newspaper at least ten (10) days prior to the meeting.
- E. Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior hearing, the Board shall state the location, date, time at which the continued session will resume and deadlines for the submission of new or updated materials.

**Section 13. Regional Notice.** In accordance with NHRSA §36:54-58, applications which might have a regional impact shall require additional notice, and by State law require additional time for public notice.

- A. Determination of potential for regional impact shall be found only for applications which qualify for Full Review, and further which meet any of the following impacts:
  - 1. any portion of the property is located within 1,000 feet of the Town of Danville border;
  - 2. the proposal involves 10,000 square feet or more of new non-residential floor space;
  - 3. the proposal involves fifty (50) or more multi-family units;
  - 4. the proposal involves property located on a Great Pond which crosses municipal boundaries; or
  - 5. other as the Board may reasonably determine.
- B. Notice shall be sent by certified mail fourteen (14) days in advance of the scheduled public hearing to the Rockingham Planning Commission and to each town reasonably likely to be affected, with each government entity to be considered an abutter for purposes of computing public notice fees.

**Section 14. Application Acceptance.** Before an application is reviewed by the Board, it must be accepted by a formal vote of the Board. The applicant shall attend this meeting to ensure that questions can be answered and issues clarified if necessary. Per NHRSA §676:4,I(b), the Board shall vote to accept the application only if it determines that the application is complete per this chapter, and such decision must occur within thirty (30) days of application submission per NHRSA §676:4,I(c). Upon acceptance, review of the application may proceed. If an application is not accepted, the Board may proceed with Design Review, but as stated in Section 8, such discussion shall not be binding on the applicant or Board. The Design Review meeting may be continued to another date for Application Acceptance without further notice.

**Section 15. Applicant's Presentation (Optional).** Following application acceptance, at each meeting, the Board shall offer an applicant a brief opportunity in which to make a general presentation to the Board and the audience. The applicant is solely responsible for bringing any audio-visual materials and equipment needed. This presentation should include a description of the proposed project and a general description of the design, layout, and so forth. This is not the forum to raise specific issues; therefore, the presentation should remain general in nature.

**Section 16. Public Hearing.** The Board shall open a public hearing following application acceptance and the applicant's presentation (if any). The purpose shall be to solicit public input, comments, questions and concerns. The Chairman may temporarily suspend public comment during the public hearing to allow the Board time to deliberate, vote on waivers, and so forth. The public hearing may be continued if an additional meeting is required. Only when all pertinent, new public input is complete shall the hearing be closed. The applicant shall be responsible for attending the public hearing, including all continuations, to ensure that questions can be answered and issues clarified if necessary.

**Section 17. Decision.** Pursuant to NHRSA §676:4,II(c), the Board shall issue a decision within sixty-five (65) days of application acceptance, subject to time extensions per NHRSA §676:4,I(f). Applications which are not accepted require no decision. The Board must approve, conditionally approve, or deny the application, as follows:

- A. Approval. The Board shall grant approval to an application when it fully complies with this chapter, including both design standards and compliance with procedures, subject to waivers granted and grandfathered rights.
- B. Conditional Approval. The Board may grant conditional approval to an application when minor additional action by the applicant will bring the application into full compliance for Approval. This may include payment of fees, changes in design, and other matters, subject to the requirements of NHRSA §676:4,II(i):
  - 1. minor plan changes, whether or not imposed by the Board as a result of a public

- hearing, compliance with which is administrative and which does not involve discretionary judgment; or
  2. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
  3. conditions with regard to the applicant's possession of permits and approvals granted by other governmental units; or
  4. bonding, filing fees, or other required fees.
  5. conditional approval shall be valid for a period of one (1) year. The Planning Board may, at its discretion, extend the Conditional Approval beyond one year, in one year increments. Extensions beyond the second year shall only be granted if the only outstanding conditions are State approvals and the applicant can demonstrate that such approvals were requested in a timely fashion.
- C. Disapproval. The Board shall disapprove an application when it fails to comply with the design standards or procedures of this chapter, for failure to meet reasonable deadlines established by the Board, or for failure to pay fees. If the Board includes the phrase "without prejudice" in the motion to disapprove, it signifies that the application was denied for procedural reasons rather than design reasons, and that it may be re-submitted without design changes as a new application to the Board at a later date.

**Section 18. Notice of Decision.** As required by NHRSA §676:3, within 72 hours of the meeting the Town shall issue a Notice of Decision which states the final decision reached by the Board regarding the application. In the case of a conditional approval, the Notice of Decision shall state all conditions to be met for final approval. Upon fulfillment of the stated conditions the Board shall issue a new Notice of Decision stating that all conditions have been satisfied, and shall sign and record the plats if applicable. In the case of a denial, the Notice of Decision shall state the reasons for denial as required by NHRSA §676:4,I(h) and NHRSA §676:3,I. *Amended 01/27/2011*

**Section 19. Appeals.** Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal to Rockingham County Superior Court in accordance with NHRSA §677:15.

### ARTICLE III: DESIGN STANDARDS

**Section 20. General Standards.** Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil shall be piled and reused on the site where practical. A minimum of four inches of topsoil shall be placed on all disturbed areas.

Water supply and sewage disposal systems must be designed to adequately meet the needs of the proposed use under the regulations of the New Hampshire Water Supply and Pollution Control Division (NHWSFD) and/or the Town of Danville Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the applicant to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The applicant shall be required to perform the necessary tests and submit the test results along with the proposed plan to the NHWSFD for its consideration and approval. Such approval must be obtained before site plan approval. The applicant shall also submit documentation from the Conservation Commission confirming that the Commission has received the application and stating any issues or concerns that the Conservation Commission has with the submitted plan. Updated plans will require updated documentation from the Conservation Commission.

**Section 20.1. Traffic Impact Analysis.** All proposed commercial, industrial, or multi-family developments shall be reviewed by the Planning board to ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety to facilitate this review. The Planning Board may require the developer to provide the Board a traffic impact analysis when deemed necessary, due to the size, location or traffic generating characteristics of the development.

The traffic impact analysis shall address each of the following:

- A. Traffic circulation and access, including adequacy of adjoining streets and intersections, entrances and exits, traffic flow, site distances, curb cuts, turning lanes and existing or recommended traffic signals.
- B. Pedestrian safety and access.
- C. Off-street parking and loading.
- D. Emergency vehicle access.
- E. Any other traffic concerns the Planning Board specifies.

The Planning Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to NHRSA §676:4(g), that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

**Section 21. Driveways/Vehicular and Pedestrian Access.** To ensure site safety and to protect the safety and capacity of the road network, the following standards are established to control site access:

- A. Any property having access onto a State Highway shall obtain a State Driveway permit, or a letter from the NHDOT stating that such permit is not necessary given the scope of the current application.
- B. Any property having access onto a Town Highway shall obtain a Town Driveway Permit, or a letter from the Road Agent stating that such permit is not necessary given the scope of the current application.
- C. A lot shall have no more than one driveway onto each road on which it front, except that a pair of one-way driveways (one each entrance and exit) which are adequately designed, signed and marked as being one-way may be substituted for a single two-way driveway.
- D. All commercial driveways shall be paved with bituminous concrete, unless it can be proven that the use of permeable pavement is necessary to reduce the need for the installation of drainage facilities to accommodate runoff.
- E. Driveways (two-way) shall be no wider than thirty-six feet (36'); one-way driveways shall not exceed eighteen feet (18') in width. The maximum grade of a commercial driveway shall not exceed five percent (5%) and shall maintain a negative grade until it is beyond the ditch line. Driveway intersecting with public streets shall be equipped with striping and signage consistent with recommendations contained in A Manual on Uniform Traffic Control Devices (MUTCD). *Amended 04/24/2008*
- F. For commercial sites, there shall be connecting drives (not considered driveways when calculating the limit on the number of driveways) provided to the property boundaries of adjoining commercial sites to permit access to adjacent properties without forcing patrons to travel on the road network.
- G. In the case of a concurrent subdivision and site plan or where otherwise feasible, shared driveways for adjacent lots shall be required. All shared driveways shall require a recorded cross-easement for access.
- H. The Board may require the frontage of the property and the driveway to be curved if it will improve traffic control and safety. Curbing shall be granite.
- I. All required sidewalks shall be constructed for compliance of the Americans with Disabilities Act (ADA). *Added 04/24/2008*
- J. All non-residential and multi-family sites shall be afforded fire lanes and emergency vehicle access sufficient to fulfill the requirements of the Danville Fire Department as applicable. *Added 04/24/2008*

**Section 22. Parking.** Off-street parking spaces shall be provided in accordance with these specifications for any change of use, new use, or expansion of use. In no case shall on-street parking be credited for any site because its availability is subject to change over time based on the public need to use the right-of-way for other, possibly conflicting, uses.

A. Number of Spaces. Each site shall provide at least the minimum number of parking spaces rounded up to the nearest integer, determined as follows:

USE	SPACES REQUIRED
Agricultural: Road Stand	Seven (7) spaces per customer service employee
Animal Hospital and/or a Boarding or Breeding Kennel	Two (2) spaces for staff members on the largest shift <i>Added 04/24/2008</i>
Carry-out Restaurants (no beverages or Food consumed on premises)	One (1) space per fifty square feet (50ft <sup>2</sup> ) of gross floor area
Child Care Facility	One (1) space per ten (10) children, maximum rated occupancy plus one (1) space per employee
Colleges, Universities, Trade Schools and Vocational Institutions	One (1) space per two (2) seats and one (1) space per employee
Combination sit-down and carry-out Restaurant	Parking requirements shall be the aggregate of requirements for sit-down restaurant and carry-out restaurants, above
Covered Skating Rinks, Bowling Alleys and Other Similar Places of Assembly, the capacity of which cannot be measured in terms of seats	One (1) space per one hundred fifty square feet (150ft <sup>2</sup> ) of gross floor area
Funeral Home	One (1) space for each four (4) patron seats in the largest assembly area
Gas Service Station, Automotive Repair Garage	One (1) space for each employee on principal work shift, four (4) spaces for each service bay, or three hundred square feet (300ft <sup>2</sup> ) of interior service area
Industrial: Wholesale, Warehouse and Storage	One (1) space per employee; and one (1) space per company vehicle operating from the premises, and one (1) space per one thousand two hundred square feet (1200ft <sup>2</sup> ) of gross floor area
Industrial: Manufacturing, Research Testing Laboratories	One (1) space per employee; and one (1) space per one thousand square feet (1000ft <sup>2</sup> ) of first 20,000 square feet of gross floor area; and two (2) spaces per each additional 10,000 square feet of gross floor area; and one (1) space per company vehicle operating from the premises
Lounge	One (1) space per two (2) seats
Medical and Dental Offices and Medical Office Buildings	Three (3) spaces per doctor and one (1) space per employee
Membership Clubs	One (1) space for each four (4) persons maximum occupancy; and one (1) space per three (3) seats for ancillary restaurant and one (1) space per employee
Motel and Hotels	One point one (1.1) spaces per rental unit; and one (1) space per five (5) seats in ancillary restaurant,

	of gross floor area used; and one (1) space per three hundred square feet (300ft <sup>2</sup> ) floor area for function rooms and other such uses
Multi-family Housing	Two (2) spaces per dwelling unit
Nursing Home, Elderly Congregate Care Facility, Assisted Living Facility	One half (0.5) parking space per occupant <i>Added 04/24/2008</i>
Office: Business, Professional, Administrative and Bank	One (1) space per two hundred fifty square feet (250ft <sup>2</sup> ) of gross floor area
Place of Assembly: Theaters, Churches, Auditoriums, Restaurants (sit-down) and other places of assembly with fixed seats (based on maximum capacity)	One (1) space per three (3) seats; and one (1) space per fifty five inches (55") permanent bleacher or bench seating space; and one (1) space per one hundred fifty square feet (150ft <sup>2</sup> ) of area without permanent seating facilities that is devoted regularly to public assembly; and one (1) space per employee
Residential	Two (2) spaces per dwelling <i>Added 04/24/2008</i>
Retail Sales of Furniture, Automobiles, Nursery Stock and such other goods as usually involve extensive display areas in relation to customer traffic	One (1) space per five hundred square feet (500ft <sup>2</sup> ) of gross floor area
Retail Stores, Store Groups, Shops and Service Establishments	One (1) space per two hundred square feet (200ft <sup>2</sup> ) of gross floor area, of first floor area and one (1) space per four hundred square feet (400ft <sup>2</sup> ) of gross floor area above and below first floor
Sports Complex*	One quarter (0.25) space per seat as general requirement
Other	As determined by the Planning Board

\* Applicant shall submit: A traffic analysis which would include, but not be limited to, design hourly volume (DHV), peak hour traffic entering and leaving the site and generated traffic; and a comprehensive traffic assessment concerning traffic circulation within the parking lot, and conflict points at the site, and adjacent roadways and intersections.

2. Alternative Standards. Per Section 41, regarding Waivers and Substitutions, the following parking standards may be suitable for substitution:

- a. Parking Requirements for Shopping Centers: Summary Recommendations and Research Study Report. Urban Land Institute. Washington, 1982.
- b. Shared Parking. Urban Land Institute. Washington, 1990.
- c. Parking Generation. Institute of Transportation Engineers. Washington, 1987.

B. Parking Space Location. Of the total number of parking spaces required, off-site parking on a separate private lot of record shall be permitted in lieu of on-site parking when the following conditions are met:

1. the parking spaces on the other lot of record are located within 400 feet of the parking area on the applicant's lot;

2. the parking is off-street;
  3. the applicant's use is permitted in the zoning district in which the off-street parking is located;
  4. the lot providing the parking documents excess parking spaces that are available based on parking standards in these Regulations; and
  5. a recorded parking easement which specifies the number and location of parking spaces is provided to the Board.
- C. Minimum Number of Handicapped Parking Spaces. This is the minimum number of specified handicapped parking spaces required for compliance with ADA. *Amended 04/24/2008*

**Section 23. Parking Lot Design.** Parking lots shall meet the following design requirements, in addition to any other applicable design requirements contained in this Chapter:

- A. Aisle Widths. Minimum aisle widths in parking lots shall be 18 feet for one-way aisles, and 24 feet for two-way aisles.
- B. *Amended 04/24/2008*
1. All parking spaces shall be striped with white or yellow traffic paint four inches (4") minimum line width.
  2. All parking surfaces, aisles, and drives shall be paved with a minimum thickness of three inches (3") hot bituminous pavement [two inches (2") binder course overlaid with one inch (1") thick wearing course].
  3. All parking pavement shall be placed on a compacted gravel surface consisting of a minimum of four inches (4") of crushed gravel placed over a minimum thickness of eight inches (8") of gravel. *Amended 06/12/2008*
- C. Parking Space Dimensions. Handicapped accessible parking spaces and dimensions shall be in compliance with ADA regulations. *Amended 04/24/2008*
- D. Traffic Control Islands. In any parking lot, no more than two aisles, double or single, may run generally parallel to one another without separation by a raised, curbed traffic control island which runs parallel to the full length of the aisles. Traffic control islands shall be a minimum of twelve feet (12') in width. At the ends of each traffic control island there shall be foot(12')wide raised islands which shall extend (on both sides, if parking rows are double) the full length of the parking stalls. The applicant, if desired, may shorten the main traffic control island no more than fourteen feet (14') at each end to better allow for the removal of snow. If the main traffic control island is proposed to be shortened, pavement markings will be required to prohibit through-traffic. The Board may require

additional traffic control islands to prevent or correct traffic safety problems. Curbing shall be granite.

- E. Traffic Circulation. The parking lot design shall be such that there is safe and adequate traffic circulation, and room to stack exiting vehicles separate from the entering traffic lane(s).

**Section 24. Loading.** All non-residential sites shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles, and so that delivery vehicles can be parked completely out of the right-of-way. Loading facilities shall be designed such that delivery vehicles do not need to stop or reverse direction on Town roads.

**Section 25. Snow Removal.** Snow removal shall be considered for all sites, and the general plan for snow removal shall be indicated in a note. Locations for snow storage shall be designed on the plat, or there shall be a note indicating that all snow shall be removed from site. In no case shall snow be stored on a landscaped area in which the snow pile could destroy the landscaping.

**Section 26. Pedestrian Access and Circulation.** All sites shall provide for safe pedestrian access and circulation. Such provision shall include sidewalk access to existing streetside sidewalks if applicable, pedestrian aisles through parking lots, and other facilities as are appropriate for the site.

**Section 27. Lighting.** *Amended 04/24/2008*

All non-residential and multi-family residential site plans presented to the Planning Board for approval shall include a lighting plan, which provides for a method and level of lighting appropriate for the purposed use or uses as determined by the Planning Board. All such lighting plans shall, at a minimum, identify the location, number, height, type and intensity of all exterior lighting fixtures to be installed. An illumination design shall be included.

Unless otherwise approved by the Planning Board, all pole mounted lighting fixtures shall be fed electricity by the use of underground electrical lines installed in accordance with applicable electrical code.

Proposed exterior lighting fixtures shall provide for a level of illumination appropriate for the proposed use or uses. Illumination patterns proposed shall be at least the minimum required to insure an adequate level of lighting is provided for use safety and security; a site, creating nuisance or glare at abutting properties, public street and the neighborhood in general. All lighting plans shall be subject to review and approval by the Planning Board. No changes or modifications of approved lighting plans may be proposed without the specific approval of the Board.

Illumination levels and placement of light sources will be shown. Said levels shall be consistent

with the provisions of the Illumination Engineering Society's (IES) Lighting Handbook and will present glare and spill over. IES 90 degree full cut-off luminaires shall be required to reduce lighting impacts and night sky light pollution.

Indirect lighting shall be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs are not permitted.

### **Section 28. Storm Drainage. Amended 04/24/2008**

Storm drainage systems shall be designed using the following design storm return frequencies:

- a. Storm water Conveyance or Pipe and Swale: 25 year return frequency.
- b. Cross culverts: 25 year return frequency. *Added 01/27/2011*
- c. Detention/Retention Basins: 50 year return frequency.

Detention basins should be designed for the 50-year return frequency, 24-hour storm without overtopping, and at least one foot of freeboard should be provided. Detention basins should be provided with a suitably designed emergency spillway capable of passing the 100-year frequency, 24-hour storm, without overtopping the basin embankment. Detention basins should also be designed to meet applicable state dam safety requirements. Detention basin designs should be based on TR20 modeling methodology *Added 01/27/2011*

The peak rate of discharge of storm water runoff from the development under post-development conditions shall not exceed that of the pre-development conditions unless it can be demonstrated that no off-site adverse impacts will result or appropriate flowage easements have been secured.

Drainage calculations submitted shall, where appropriate, include flow analysis showing the effect of site development on the existing drainage facilities outside of the site boundaries. Where the Planning Board anticipates that additional runoff incident to the development may overload an existing downstream drainage facility so that there may be damage to private property or an increase in the expenditure of public funds, the Board shall not approve that site plan until adequate provisions are made, at the developer's expense, for the accommodation of downstream drainage improvements.

All calculations used for the design of the storm drainage system shall be by currently recognized best engineering methods and practices and shall be stamped by a Licensed Professional Engineer registered in the State of New Hampshire.

Calculations shall be for both pre-development and post-development conditions and shall include times of concentration, runoff coefficients or curve number, maximum rate of runoff, total amount of runoff, storm sewer drainage ditch sizing, culvert sizing, retention/detention facility sizing, and other information as may be required by the Board or Town Engineer.

All storm sewers shall be designed to have a minimum flow velocity of two feet (2') per

second and a maximum flow velocity of twelve feet (12') per second based on calculated pipe flowing full and corresponding to the applicable return frequency design storm.

All open ditches and swales shall be designed to have a maximum flow velocity of ten feet (10') per second. All open ditches and swales shall be designed in accordance with Design of Stable Channels with Flexible Linings, Hydraulic Engineering Circular No. 15, published by the U.S. Department of Transportation, October 1975.

Suitable methods and calculations shall be used to design erosion control methods for use with all storm drainage systems. Such methods shall include, but not be limited to: head walls or end sections for all inlets and outlets, bedded rip rap for drainage ditches that exceed a flow velocity of two and a half feet (2.5') per second, slope mattress and revegetation.

Regardless of total project size, development of new sites and redevelopment of existing sites that are subject to these regulations shall provide temporary measures to prevent erosion and control sedimentation during construction. *Added 01/27/2011*

Where the site disturbance equals or exceeds one acre, the project design shall include documentation showing that erosion and sediment controls during construction activities have been designed to meet the minimum standards of the NHDES Alteration of Terrain regulations as stipulated in NH Code of Administrative Rules, CHAPTER Env-Wq 1500, PARTS Env-Wq 1505 and 1506, as amended. *Added 01/27/2011*

Minimum pipe size shall be twelve inches (12") in diameter for privately maintained storm drainage systems and fifteen inches (15") in diameter for publicly maintained storm drainage systems. The minimum depth of cover from the road or ground surface to the crown of the pipe shall be not less than three feet (3').

All storm drains shall be constructed with reinforced concrete or high-density polyethylene pipe unless otherwise approved by the Planning Board.

Regardless of project size, the storm water drainage systems of development and redevelopment projects subject to these Site Plan Review Regulations shall provide permanent measures for the protection of water quality, meeting the minimum standards for these measures as provided by the NHDES Alteration of Terrain regulations as stipulated in NH Code of Administrative Rules, CHAPTER Env-Wq 1500, PARTS Env-Wq 1507 and 1508, as amended. *Added 01/27/2011*

**Section 29. Utilities.** To enhance the design of the site and the Town, all utility systems shall be placed underground in conformity with the terms and specifications of the utility company involved under the following circumstances:

- A. for new development or new buildings; and
- B. for expansions of greater than 5,000 square feet or 50%, whichever is more restrictive, of

floor space.

**Section 30. Landscaping.** Every lot shall comply with the following standards in order to: enhance site design; enhance privacy; separate, screen and shield potentially conflicting land uses or abutters from undue impact; reserve a portion of the lot to remain undeveloped, permeable, and vegetated; control excessive storm water runoff; prevent soil erosion and pollution of water bodies; reduce heat, glare and dust; not detract from the Town's aesthetic qualities; and help integrate the built environment with the natural environment.

- A. Buffer Areas. Every lot shall reserve a buffer area along and within its perimeter boundaries in accordance with the following:
1. The buffer area shall be defined as that area within the front, sideline, and back lot line setbacks as specified in the Danville Zoning Ordinance;
  2. The buffer area shall be vegetated, except for driveways and other features approved by the Board;
  3. The buffer area shall not be used for merchandise display, vehicle parking or storage, or any other use which conflicts with the purpose and standards of this landscaping section;
  4. Driveways shall cross the buffer areas at an angle of 90 degrees +/- 15 degrees to the perimeter boundary;
  5. A buffer of at least fifty feet (50') shall be required for portions of the development abutting existing residential property. *Amended 04/24/2008*
- B. Greenspace. In all zoning districts, greenspace shall comprise no less than twenty-five percent (25%) of the total lot area, exclusive of wetlands, waterbodies, 100 year floodplain. *Amended 06/12/2008*
- C. Landscape Treatment. Development requiring Site Plan Review and approval by the Planning Board shall provide landscaping in accordance with this Section as follows: *Amended 06/12/2008*
1. Trees, either newly planted or existing on the lot, shall be provided at the rate of one tree per five hundred square feet (500ft<sup>2</sup>) of disturbed area, provided that, in the case of an expansion of an existing site, credit for existing trees shall be granted only for trees which the applicant demonstrates are in excess of the requirements for the existing site under this Chapter;
  2. To be credited as landscaping, a tree shall have a caliper of at least three inches (3") at a point six inches (6") above the top of the root ball;
  3. Credit for landscaping shall only be given to existing trees within seventy feet (70')

of the proposed main structure(s) or parking lots;

4. For existing trees which will be preserved, those with a caliper of twelve inches (12") or more may be credited by the Board as two trees, and those with a caliper of twenty four inches (24") or more may be credited by the Board as four trees, provided the applicant complies with the relevant sections "4", "5", "6", "7", "8" and "9" below;
5. To be credited as landscaping, any tree which is planted within twenty five feet (25') of a street right-of-way shall not be of a salt-sensitive species, and appropriate documentation shall be presented with the landscaping plan;
6. A minimum of fifty percent (50%) of the total number of required trees for the entire site shall be located in islands and along the borders of the required parking lot(s);
7. Lots which require traffic control islands pursuant to Section 23 shall locate at least ten percent (10%) of the total number of required trees for the entire site within the required traffic control islands;
8. Street trees are required to be planted as part of the landscaping required herein. Salt tolerant trees are defined in the manuals referenced in subsection 10 below, of at least three inch (3") caliper measure at a point six inches (6") above the root ball, shall be planted within fifteen feet (15') of the edge of the pavement between the road and the sidewalk where practical. A minimum of two (2) street trees shall be required per lot. The Planning Board shall provide guidance as to the planting location of all proposed street trees;
9. Tree size and planting locations shall be selected so that the tree, upon reaching its mature size, shall not interfere with existing overhead utility lines, unless, as part of the application, the overhead lines are to be relocated;
10. Planting and transplanting of trees shall be in accordance with accepted horticultural standards, as specified in "The Planting and Care of Shade Trees," (Maine Forest Service and NH Cooperative Extension Service, Bulletin No. 10, June 1985), or an equivalent technical manual approved by the Board; and
11. Existing trees which are to be credited as landscaping shall be protected during site construction activities. A snow fence shall be erected around the tree to protect the roots from soil compression and to help prevent branches from being broken. No storage of any materials or driving of any vehicles within the fenced-in area shall be permitted. The fence shall be no closer to the trunk of the tree than 8.5 feet, and additional distance may be required if the Board deems it necessary to carry out the purposes of this section. In addition, an undisturbed 8.5 foot radius shall be preserved around each existing tree that is to be credited as landscaping, measured from the trunk.

D. General Standards. The following general standards shall apply to all lots:

1. Landscaping shall not obstruct the line of sight, or create other hazards for vehicular and pedestrian traffic;
2. Snow storage shall not be allowed in areas where the trees could be damaged or destroyed; and
3. Shrubs, flower beds and other vegetative landscaping shall be permitted at the property owner's discretion. Suitable vegetative ground cover shall be maintained to ensure soil stability.

**Section 30.1 General Appearance Criteria.** In order to "...provide for the harmonious and aesthetically pleasing development of the municipality and its environs..." (NHRSA §674:44, II(b)), the Planning Board will use the following criteria in its review of the architectural design of proposed non-residential and multi-family structures. *Amended 06/12/2008*

The purpose of these guidelines is to provide design standards with which to assist with the development, renovations and restorations of commercial properties to complement the overall New England-style ambiance of the community. The guidelines are directed towards, but not limited to, assisting corporate franchises and commercial developments in the design of structures, and related properties, which reflect the small town, rural and agricultural atmosphere that is unique to Danville.

The objective of these regulations is not intended to restrict imagination, innovation or variety in the new construction, restoration and renovation of commercial buildings and related property, but rather to enhance the visual appearance of the community, conserve property values, and to further encourage continued economic development. These regulations ARE intended to discourage routine franchise architecture, strip mall vistas and urban blight.

These architectural design regulations do not apply to industrial buildings; however, additional screening may be required for industrial buildings.

The regulations contained herein do not expect to foresee all possible proposed building situations. Decisions concerning such unforeseen situation will be made with these regulations in mind.

A. Factors for evaluation. The evaluation of the following appearance factors will govern the Planning Board's decisions on whether the proposed site and building designs are acceptable.

1. Conformance to this section – General Appearance Criteria;
2. Architectural character;
3. Building materials and subdued color considerations;

4. Vehicular and pedestrian circulation and parking;
  5. Harmony and compatibility of project compared to existing site and neighborhood;
  6. Lighting design;
  7. Integration of landscaping and buffer areas; and
  8. Retention, alternation, or removal of existing structures and site features.
- B. Site Development. The development of the site must address various elements in providing a total design plan for the proposed construction. The building's orientation, setback, alignment with the street, and relative spacing with respect to other structures will be considered in the overall design. Long, strip-mall type development should be avoided. 'U-shaped', 'L-shaped', etc., structures are encouraged. The reuse of existing structures and landscape features is encouraged. The overall architectural theme for the site development will create a positive image for the project.
- C. Site Organization. All existing natural and man-made features of the site should be carefully considered for integration into the overall site design. It is important to cluster buildings within a development wherever feasible to encourage open space. A compact buildings arrangement provides savings in grading, paving, utilities and other costs and conserves natural site features and open space. Separation of vehicular and pedestrian pathways is important to the overall safety of the site.
- D. Architectural Requirements
1. Roofs. Monotony of design or warehouse style structures shall be avoided. Variation in detail, form and siting shall be used to provide visual interest. In order to prevent the construction of warehouse style buildings (i.e., long horizontal roof lines), all new buildings and additions shall have pitched roofs of 3:12 or greater, or gabled roofs, where practical. Shed, gambrel and barn style roofs are also acceptable. Dormers are encouraged. Roofs must have appropriate overhangs.
- In large commercial structures over two hundred feet (200') in length where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the façade to create the appearance of multiple attached buildings. Additionally, changes in building elevations may be used in conjunction with pitched roofs to give the appearance of multiple attached buildings.
- All sides of a structure shall receive design consideration. A façade unrelated to the rest of the building is not acceptable.
- Building materials. Exterior surfaces of building shall be covered with traditional materials or products which simulate natural materials, including but not limited to, clapboards, shingles, stone, brick, or architectural CMU's. Exposed plain cinder

block, corrugated steel, sheet plastic or sheet fiberglass are prohibited. Pitched roofs shall be constructed of shingles, metal roofing or other materials traditionally used in this region.

2. Brightly colored or illuminated franchise type awnings are not acceptable. Awnings may be made of transparent materials (glass or clear Plexiglas type products). Awning covers designed for shade should be made of fabric or simulated fabric-like material.
3. Architectural details. Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights and arches are among the details to be considered and encouraged. All features and details should be in proportions with the building.
4. Windows and doors. Windows shall comprise no less than 5% of the exterior wall surface of the portions of the building facing a public right-of-way, parking area, or a developed area – on or off site. Windows may be used for either interior illumination or for display purposes. All windows and doorways shall be encased with trim; decorative trim is preferred. This guideline can be waived if it is shown that the windows will serve no useful function and will interfere with an otherwise acceptable architectural design or are shown to present a safety hazard.
5. Fencing. Fences made of traditional New England materials are encouraged. (i.e., picket, split rail, wrought iron, brick, stone). Chain link security fences may be allowed where appropriate, but their use is generally discouraged.
6. Lighting. Site lighting must conform to the specifications in these Regulations, with no light spilling or reflecting onto adjacent properties.
7. Intercoms. Use of amplified PA or drive-thru type intercoms is prohibited if the site abuts developable residential property or property in residential use. Permissible amplified systems should be designed using components that minimize the radiation of sound and use noise blocking design techniques and site elements that present radiation of noise (i.e., landscaping and fencing).
8. Color. Exterior colors of buildings and accessories are encouraged to be muted. Bright, franchise colors are not acceptable.
9. Mechanical Equipment. All rooftop mechanical units shall be located so as not to be visible from the street level or from other public areas on the ground level. Wall or ground mounted equipment shall be screened from public view with fences or vegetation.

**Section 31. Hours of Operation.** The hours of operation of the proposed development, including but not limit to, operational times, loading and unloading, dumpster activity, lighting operations, etc., may be regulated by the Planning Board if it is determined by the Planning Board that the

proposed use will have a detrimental impact upon abutting properties. *Amended 04/21/2008*

**Section 32. Solid Waste Recycling and Disposal.** All sites shall provide solid waste facilities for both recycling and disposal as are necessary to serve the site. All such facilities shall be screened from sight from abutting properties and streets by means of a fenced or landscaped enclosure, and the type of facility shall be labeled on the plan. In all cases, facilities shall be selected and operated to minimize windblown litter problems.

**Section 33. Historic Sites and Structures.** It is requested, though not required, that applicants make every reasonable attempt to preserve, enhance and re-use historic sites and structures.

**Section 34. On-Site Water Supply.** In areas not served by municipal water, provisions for on-site water supply shall be indicated. The well location and its protective radius as required by the State shall be indicated on the plat. Areas within the protective radius which do not fall within the lot shall require wellhead protection easements, recorded at the Rockingham County Registry of Deeds, prior to approval, and the book and page number of these easements shall be indicated on the plat.

**Section 35. On-Site Sewage Disposal.** In areas not served by municipal sewage disposal, provisions for on-site sewage disposal shall be indicated. A State approved septic system design is required prior to final approval, and the approval number shall be indicated on the plat.

**Section 36. Handicapped Accommodations.** All pedestrian access facilities, parking facilities, and other applicable site elements shall be designed and constructed to be in compliance with applicable provisions of the Americans with Disabilities Act, as amended. *Amended 04/24/2008*

**Section 37. Floodplain Construction.** Requirements for site plans having land designated as "Special Flood Hazard Areas" by the National Flood Insurance Program (NFIP): *Amended 03/22/2001*

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal and State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Planning Board shall require that all site plan proposals for developments include within such proposals, Base Flood Elevation (BFE) data (i.e., floodplain boundary and 100-year flood elevation).
- C. Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow a determination by the Planning Board that:

1. All such proposals are consistent with the need to minimize flood damage, both on- and off-site;
  2. All public utilities and facilities, such as sewer, gas, electric, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. Information submitted shall include documentation that the placement of fills, proposed site grading, placement of structures, building floor elevations, and other elements of the site design conform to applicable provisions of the Town of Danville Zoning Ordinance Article V., Section H. Floodplain Development Ordinance, as amended. *Added 01/27/2011*

**Section 38. Site Construction Standards.** Construction requirements for roads, parking areas, bridges, sidewalks, and drainage facilities shall be in accordance with the Standard Specifications for Road and Bridge Construction, as published by the State of New Hampshire Department of Transportation, and the road standards of Danville's Subdivision Regulations. In cases where alternative construction specifications are suggested by the applicant, the Planning Board shall determine which shall be applicable.

**Section 39. Nuisance.** In unique circumstances where these regulations do not address specific site design matters which, if not regulated, would constitute a serious nuisance to abutters or the public, the Planning Board may, solely at its option, place reasonable restrictions on the site design to prevent or reduce the nuisance. The burden of proof shall be on the complainant to adequately document the nuisance condition prior to any action of the Board. The Board must then weigh the significance of the nuisance against the affect which corrective measures would have on the applicant. Any time this provision of the Chapter is invoked by the Board, a written explanation of the facts, circumstances and findings of the Board shall be accepted by a formal vote of the Board, and this shall be retained in the file in case of future legal actions.

**Section 40. Public Health and Safety.** In unusual circumstances where these regulations do not address specific site design matters which, if not regulated, would constitute a threat to public health or safety, the Planning Board may place reasonable restrictions on the site design to prevent or reduce the threat. Any time this provision of the Chapter is invoked by the Board, a written explanation of the circumstances and findings of the Board shall be accepted by a formal vote of the Board, and this shall be retained in the file in case of future legal actions.

**Section 40.1. Plat Notes Required.** The following plat notes shall be required to be placed on all site plans prior to final approval:

- A. The landscaping of the site depicted on this plan is integral to the approval by the Danville Planning Board and shall be reasonably maintained and when dead or removed, must be reasonably replaced.

- B. The owner has represented to the Danville Planning Board and depicted or noted hereon all known restrictions and easements applicable to this land. All applicable restrictions and easements of record for this land, whether or not depicted or noted hereon, shall not be affected or modified by the approval hereunder.
- C. The applicant has designed this site to safely accommodate maximum length vehicles and trucks, either delivering to, or using the facility.
- D. All snow shall be stored in the area(s) depicted on this plan as snow storage areas. In the event that the area(s) approved for snow storage become full, the owner shall reasonably remove excess snow from the site, and shall not allow snow to be stored within parking lots or travel aisles.
- E. All waste materials and recyclables shall be contained within the building(s) or approved storage facilities and shall not be otherwise stored on the property.

## ARTICLE IV: ADMINISTRATION

### Section 41. Waivers and Substitutions

- A. The Board may grant a waiver of any design requirements or plat standard of this chapter in accordance with the following:
1. The applicant shall provide a written request for waiver. The request shall indicate the exact section for which the waiver is requested, the extent of the waiver, and the justification.
  2. In evaluating the request, the Board shall not grant the waiver unless it finds, based upon evidence presented to it, that:
    - a. granting of the waiver shall not be detrimental to the public health, safety or general welfare;
    - b. granting of the waiver shall not, in the opinion of the Board, be injurious to other parties;
    - c. granting of the waiver shall not have the effect of nullifying the intent and purpose of this chapter; and
    - d. strict compliance with the regulations would cause a hardship to the applicant solely because of the unique physical characteristics of the site (financial hardship shall not be considered); or
    - e. the Board determines that granting the waiver would result in substantial public benefit.
  3. A waiver request shall be considered only at or after a noticed public hearing by the Board on the subject application, and at which the waiver request is presented or discussed, so that abutters have an opportunity to be made aware of all waiver requests.
  4. The Board may condition any waiver granted so as to secure the objectives of this chapter.
  5. The request for waiver shall be granted only when a motion to grant the request, duly seconded, is carried by a majority of the members present and voting. If the motion is not carried, the request is denied and no further motion is required. If no action is taken on the waiver request, it shall be deemed to be denied.
- B. In the event that alternative design standards which are independently and scientifically derived are provided to and accepted by the Board, the Board may permit their substitution for the Town design standard. Such substitution shall be permitted at the Board's option only when, in the Board's opinion, the alternative standard would better accomplish the intent of this chapter for this case. Substitution shall require a formal motion of the Board, and the minutes of the meeting should indicate the Board's reasoning for future reference. No waiver is required for design standard substitution.

**Section 42. Technical Assistance.** In the event that the Board requires technical assistance and/or special studies to adequately and properly evaluate an application, it may secure such professional assistance. This may include technical assistance, special studies, legal review of aspects of the application which are unique to or specific only to this case (but excluding general legal advice) and other such assistance. The applicant shall reimburse the Town for the cost of such assistance, but the individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.

**Section 43. Legal Representation at Meetings.** If the applicant will have an attorney present at a Planning Board meeting, written notice shall be provided to the Board at least seven days in advance of the scheduled meeting so that the Board may arrange to have the Town Attorney present if so desired. Failure to provide such notice shall be sufficient cause to continue the meeting to a later date if the Board so chooses.

**Section 44. Recording Approved Plans.** Upon stamping and signing a final plan for a Full Review approval, the Town shall send this plan to the Rockingham County Registry to Deeds to ensure that there is no tampering with the plan prior to recording, and to ensure that there is no delay in recording the plan such that the delay would extend the protection period under NHRSA §674:39.

**Section 45. Bonding.** The applicant may be required to provide bonding for site improvements for any application in accordance with the following:

- A. Bonding shall be provided by the applicant payable to the Town in order to ensure that the applicant will complete all site work in accordance with the plans. Bonding, if called by the Town, shall be used to stabilize the site, ensure site safety and to minimize any adverse impacts on the neighborhood and Town. In the event that bonding is called by the Town, the Planning Board shall immediately schedule and hold a public hearing to consider revocation of the Site Plan Approval per the process of NHRSA §676:4-a. The Planning Board shall also request that the Building Permit be suspended until the matter is resolved. No further work may proceed on the site without further Board of Selectmen approval, nor shall any Certificate of Occupancy be issued without prior consent of the Board of Selectmen.
- B. The amount shall be 100% of the cost of all site work. The specific dollar amount, the form, and any associated agreements or stipulations shall be negotiated directly with the Board of Selectmen.

**Section 46. Approval Required.** Prior to land clearing, site preparation, construction of any other such activity may begin on a site, and before any permit for such activities may be issued, a final approval of the Site Plan is required. All activity on the site shall be in accordance with the

approval.

**Section 47. Certificate of Occupancy.** Every approval pursuant to this chapter is granted subject to the issuance of a Certificate of Occupancy (CO) upon completion of construction and site work. Use of the site prior to the issuance of the CO shall be prohibited. The CO shall be issued by the Board of Selectmen or their designee. Prior to the issuance of a CO for any project requiring approval under this chapter, the Planning Board of its designee must field check the completed site and sign off on the CO prior to issuance. A request for final inspection shall be made to the Town and the Board at least fourteen (14) days prior to the anticipated final completion of construction. These inspections are required to obtain a CO.

**Section 48. As-Built Plans.** The Board does not require as-built Site Plans, nor will it stamp and sign such plans. The only as-built plans which the Board will stamp and sign is the plan showing the location of structures on condominium property. Such plans shall:

- A. Be certified to be correct and stamped by a N.H. Licensed Land Surveyor;
- B. Be accompanied by Certificate of Occupancy, if applicable;
- C. Clearly identify in the title block exactly what the as-built plan is approving; and
- D. Have the following plat note printed on each sheet, "These as-built plans are pursuant to, and without modification of, the original Planning Board approval."

**Section 49. Enforcement.** The Board authorizes the Board of Selectmen and its designees as the enforcement agents for this chapter. The Board also reserves the right to enforce this chapter itself if necessary.

**Section 50. Reconsideration of Conditionally Approved.** Any Full Review Conditionally Approved, granted under this chapter may be reconsidered and/or rescinded by a majority vote of the Board. To do so, the Board must hold a noticed public hearing at its own expense, and then must determine that material information on which the original approval was based was defective, incomplete or misrepresented. *Amended 04/24/2008*

Any Full Review with an approved plan recorded at the Rockingham County Registry of Deeds may be revoked in accordance with NHRSA §676:4-a. A rescinded approval shall be deemed a denial of the original application. A new Notice of Decision shall be issued, which states the reason for the new decision.

**Section 51. Compliance with Other Codes.** The Site Plan Review Regulations in no way relieve an applicant from compliance with the Zoning Ordinance, the Subdivision of Land Regulations, or any other code adopted by the Town or any other governmental unit. In the event

that the requirements of this chapter are in conflict with other codes, the more stringent shall apply.

**Section 52. Saving Clause.** If any clause, portion or section of this chapter is found invalid by a court of competent jurisdiction, the finding shall not invalidate the remainder of this chapter.

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