

# **SITE PLAN REGULATIONS**



**TOWN OF NEW DURHAM, NH**

**May 5, 2014  
Amended July 16, 2024**

TOWN OF NEW DURHAM  
SITE PLAN REVIEW REGULATIONS

## ADOPTION OF AMENDMENTS CERTIFICATION

Public Hearing held July 16, 2024

Amendment Approved by Planning Board July 16, 2024

Certified by Town Clerk October 15, 2024

Effective October 15, 2024

Attest:

Anne For Raymond Chairman

Robert C. [Signature] Vice Chair

Scott Manning Secretary

Mac [Signature] Ex-Officio Selectman Member

F.P. [Signature] Member

Alicia N. Housel Town Clerk

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\*The design guidance document also includes a pictorial reference which is available in the Land Use Office at the New Durham Town Hall and on the Town's website at:  
[www.newdurham.us](http://www.newdurham.us)

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## **I. AUTHORITY**

Pursuant to the authority vested in the New Durham Planning Board by voters of the Town of New Durham having adopted a Zoning Ordinance under RSA 674:16, and in accordance with previously adopted subdivision regulations under RSA 674:3, the New Durham Planning Board is further empowered by the Town under RSA 674:43 to review and approve or disapprove site plans.

This review authority shall be applied to the development ,change, or expansion of use of tracts for non-residential uses or for multi-family dwellings, whether or not such development, change, or expansion of use includes a subdivision or re-subdivision of the tract.

## **II. PURPOSE**

The purpose of this regulation is to guide the character of non-residential and multi-family development in the Town of New Durham, according to the provisions of RSA 674:44, and which:

1. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
  - a. Inadequate drainage or conditions conducive to flooding of the property or that of another;
  - b. Inadequate protection for the quality of surface and groundwater;
  - c. Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures or adjacent properties;
  - d. Inadequate provisions for fire safety, prevention and control;
  - e. Inadequate pedestrian and traffic plans.
2. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
3. Provide for open spaces and green spaces of adequate proportions;
4. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
5. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for firefighting apparatus and equipment to buildings and be coordinated so as to compose a convenient system;
6. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
7. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
8. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

The Planning Board will consider each application in light of this section and may deny an application if the required provisions are not met.

### **III. INTERPRETATION, ADOPTION, AND AMENDMENTS**

These Site Plan Review Regulations do not relieve the developer or his/her agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development.

The standards contained in these regulations shall be interpreted as minimum requirements, and compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that a proposed application is in accordance with the Master Plan and in the best interest of the Town, will the application be approved.

#### **A. Interpretation and Conflict**

In matters of judgment or interpretation of the requirements of these regulations, the opinion and decision of the Planning Board shall prevail. In any place where these regulations are in conflict with any other regulations, ordinances or laws in effect in the Town, the more restrictive regulations or provisions shall prevail.

#### **B. Separability**

If any section, subsection, paragraph, sentence, clause, or phrase of these regulations shall be held to be invalid or unconstitutional by any Court or competent authority, such holdings shall not affect, impair, or invalidate any other section, subsection, paragraph, sentence, clause, or phrase of these regulations.

#### **C. Adoption**

In accordance with RSA 675:6, these regulations shall become effective after a public hearing is held as specified in RSA 675:7, adoption and certification by a majority vote of the Planning Board, and filing of certified copies with the Town Clerk as required by RSA 675:8. Copies shall also be filed with the New Hampshire Office of State Energy and Planning as required by RSA 675:9.

#### **D. Amendments**

In accordance with RSA 675:6, these regulations may be amended or rescinded by the Planning Board following a public hearing as specified in RSA 675:7 on the proposed change. The chairman of the Planning Board shall transmit a copy certified by a majority of the Planning Board of any changes so adopted to the Town Clerk. Copies shall also be filed with the New Hampshire Office of Energy and Planning.

#### **E. Attachments**

The attached “Application Form” and “Site Plan Checklist” are administrative forms and may be amended by the Planning Board without notice or public hearing. If there is any conflict between these regulations and the “Application Form” or “Site Plan Checklist” these Regulations shall take precedence.



## **IV. WORDS AND PHRASES**

### **A. Word Usage**

Words used in the present tense shall include the future; the singular includes the plural and plural includes the singular; the word “building” shall include the word “structure”, the word “shall” is mandatory; the words “may” and “should” are permissive. The word “person” includes an individual, partnership, firm, association, corporation, organization, or institution.

### **B. Definitions**

For the purpose of this chapter, the terms used herein are defined as follows:

1. **ABUTTER:** Any person who owns property is located in New Hampshire which adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for the purposes of notification, the term abutter shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration.
2. **APPLICANT:** Any person, agent, firm, association, partnership or corporation that makes application to the Planning Board for approval of site plan pursuant to these regulations.
3. **APPLICATION ACCEPTANCE DATE:** An application shall be considered officially accepted only at a regular hearing of the Planning Board, following the determination of the Planning Board that the Application is complete.
4. **APPLICATION, COMPLETE:** An application for site plan review which contains sufficient information to invoke jurisdiction of the Planning Board.
5. **APPLICATION, FILE:** To deliver an application to the Planning Board’s agent for inclusion on Planning Board's agenda.
6. **APPLICATION RECEIVING DATE:** An application shall be considered officially received when Land Use Staff receives a completed, signed application; appropriate fees; a current, complete list of abutters including the owner, applicant, and any professional whose stamp appears upon the plan; copy of the deed; completed checklist; and ten (10) paper copies of the plan size 24 x 36 and size 11 x 17.
7. **APPLICATION SUBMISSION:** See Application Acceptance Date.
8. **AS BUILT PLANS :** {See Also Section XIII. C} Drawings which delineate the specific location of all improvements to the site.
9. **BUFFER ZONE:** Land area used to visibly separate one use from another, or to shield or block noise, light or other nuisances. Buffer zones may include but are not limited to fences or berms, as well as shrubs and trees.
10. **BUILDING:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, and which is constructed and permanently affixed on the land. Such "building" includes open porches, open breezeways, and any other roofed areas. This is not to be construed to include trailer, mobile home or any non-permanent structure.
11. **BUILDING PERMIT:** Written permission issued by the proper Town officials authorizing the construction, repair, alteration or addition to a structure.

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12. **CAMP, COMMERCIAL:** Any place set apart for recreational purposes. It shall not be construed to apply to private camps owned or leased for individual or family use, or to any camp operated for a period of less than 10 days in a year
13. **CERTIFICATION OF COMPLETION:** A document issued by the proper Town officials indicating that the improvements required by the Planning Board have been satisfactorily completed.
14. **CERTIFICATE OF OCCUPANCY (CO):** A document issued by the proper Town officials allowing occupancy or use of a building and certifying that the structure or use has been constructed and is in compliance with all the applicable Town ordinances and regulations.
15. **CODE ENFORCEMENT OFFICER:** The individual designated by the Town of New Durham to enforce building codes and development regulations.
16. **DEED RESTRICTION:** See Restricted Covenant
17. **DEVELOPER:** The owner of land proposed for site plan review or his authorized representative.
18. **DWELLING:** A structure or portion thereof which is used exclusively for human habitation.
19. **DWELLING, MULTI-FAMILY:** A dwelling containing more than two (2) dwelling units.
20. **DWELLING UNIT:** One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities, provided within the dwelling unit for exclusive use of a single family maintaining a household.
21. **EASEMENT:** The permanent authorization recorded at the Registry of Deeds by a property owner for the use by another and for a specific purpose of any designated part of his/her property.
22. **ESCROW:** A conditional delivery of money by a developer to a bank to be held until such time as the conditions of final plat approval have been satisfactorily complied with.
23. **FAMILY:**
  - a. Individuals occupying a dwelling unit and living together as a single housekeeping unit provided that all members are related by blood, marriage or adoption, and including domestic help and no more than two (2) lodgers or roomers; or
  - b. Any number of unrelated individuals living together as a single housekeeping unit, provided that not less than three hundred (300) square feet of habitable floor space is provided for each occupant.
24. **FLOOD HAZARD AREA:** That portion of land, as designated on the most current Flood Insurance Rate Maps or on the Flood Boundary and Floodway maps, as revised, of the Town of New Durham, that, on the average is likely to be flooded once every one hundred (100) years, i.e., that has a one percent (1%) chance of flood occurrence in any given year.
25. **FRONTAGE:** The distance along which a lot borders a Class V or better road, highway, lake, pond, or stream.

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26. **FULLY SHIELDED LIGHTING:** Lighting in which the light rays emitted by the fixture are projected below the horizontal plane.
27. **HOME OCCUPATION:** A business use of a dwelling in which the business is conducted on the property, operated by a resident of that building and which is subordinate to the residential use.
28. **HOTEL, MOTEL:** A building or portion thereof or a group of buildings which provide sleeping accommodations for transients on a daily, weekly or similar short-term basis. Whether the establishment is designated as a hotel, an automobile court, tourist home or otherwise, a hotel, or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis. A commercial youth or adult camp is outside this definition.
29. **IMPROVEMENT:** Refers to site grading, street work and utilities, including water, sewer, electric, gas and storm water to be installed or agreed to be installed on land to be used for public or private streets and easements or other purposes as are necessary for the general use of lot owners in the site plan.
30. **LETTER OF CREDIT, IRREVOCABLE:** A conditional irrevocable letter of credit delivery of money by a developer to a nominee mutually agreeable to the Planning Board and the developer.
31. **LIGHT INDUSTRIAL USE:** Includes all manufacturing and assembly processes carried on completely within the walls of the structure, and involving no outside storage of equipment or materials. This term shall not be interpreted to include any industry the operations of which shall result in noticeable noise, glare, vibration, odor, or other nuisance at the property lines of the property on which the use is situated.
32. **LOT:** A parcel of land separate and distinct from the surrounding land as defined by certain boundaries.
33. **LOT LINE:** A line of record bounding a lot which divides one lot from another lot or from a public or private street, or any other public space.
34. **LUMEN:** For the purposes of this regulation, the lumen-output values shall be the initial lumen output rating of a lamp. (For reference, 1,600 lumens is equivalent to the typical output of a 100 watt incandescent bulb and 1,800 lumens is equivalent to the typical output of a 120 watt halogen floodlight).
35. **LUMINAIRE:** A complete lighting assembly that includes the fixture and its lamp or lamps.
36. **MAINTENANCE GUARANTY:** An irrevocable letter of credit accepted by the Town to assure that necessary improvements will function as required for a specific period of time.
37. **MASTER PLAN:** The plan or any portion thereof adopted by the Town for the coordinated physical development, including, among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the Town.

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38. **MIXED USE SUBDIVISION:** Subdivision that includes two or more permitted uses within one parcel or within a site plan or subdivision proposal. Uses may be combined within a single structure or multiple structures on one parcel or as part of a site plan or subdivision proposal.
39. **NON-RESIDENTIAL SUBDIVISION:** A subdivision intended to be used for purposes other than residential, such as commercial and industrial.
40. **OFFICIAL MAP:** A map adopted in conformance with Chapter 674:9-14 of the New Hampshire Revised Statutes Annotated, 1985, inclusive. Such "Official Map" is to be deemed to be final and conducive with respect to the location and width of streets and location of parks shown thereon.
41. **ORDINANCE:** Any legislative action, however denominated, of the Town of New Durham which has the force of law, including any amendment or repeal of any ordinance.
42. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations.
43. **PERFORMANCE GUARANTY:** An irrevocable letter of credit or an escrow agreement accepted by the Town as a guaranty that improvements required as part of a site plan review approval are satisfactorily completed.
44. **PLANNING BOARD:** The Planning Board of the Town of New Durham. Also referred to as the Board.
45. **PLAT:** The maps, drawing, charts, and other documents complying with all applicable provisions in this chapter which constitute the plan for site plan review and which the applicant submits to the Town.
46. **PUBLIC HEARING:** Meetings announced and advertised in advance and open to the public.
47. **PUBLIC MEETING:** Any scheduled meeting of the Planning Board.
48. **REGISTERED PROFESSIONAL ENGINEER:** An engineer properly licensed and registered in the State of New Hampshire.
49. **RESTRICTED COVENANT:** A restriction on the use of the land usually set forth in a deed.
50. **RIGHT-OF-WAY LINES:** The lines that form the boundaries of the right-of-way.
51. **RIGHT-OF-WAY (ROW):** A path or route which may lawfully be used.
52. **SETBACK:** The distance between a building or structure and the nearest property line, wetland or other defining borders such as waterfront, etc.
53. **SETBACK LINE:** The required minimum distance from the street right-of-way line or any other lot line that establishes the area within which a building or structure must be erected or placed.
54. **SITE:** Any lot or parcel of land or combination of contiguous lots or parcels of land.
55. **SITE PLAN REVIEW:** The procedure by which the town reviews the development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures

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and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the Planning Board.

56. **SLOPE:** The degree of natural inclination of the existing ground. Slope shall be determined by the preparation of a topographic plan or by on site measurement through the use of a clinometer.
57. **STREET:** A public or private way which is intended to provide vehicular access to two (2) or more lots. Also included are terms such as avenue, boulevard, road, private road, lane, alley, highway, viaduct, freeway, court, way, and drive, etc.
58. **STREET, ARTERIAL (Major):** A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade and which may have direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.
59. **STREET, COLLECTOR:** A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets, and which may or may not be continuous.
60. **STREET, LOCAL:** A street used primarily for access to abutting properties providing for minimum speeds and traffic volumes. Also referred to as minor or secondary streets.
61. **SUBDIVISION:** The division of the 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 when appropriate to the context, relates to the process of subdividing or 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 these regulations.
  - a. **MAJOR:** A division of a lot, tract or parcel of land into four (4) or more separate parcels, or a subdivision which requires new streets, the extension of municipal facilities, or the creation of any public improvements.
  - b. **MINOR:** A division of a lot, tract or parcel of land into three (3) or less separate parcels, provided that there shall be no extension of streets or other significant improvements required; or any subdivision that, in the judgment of the Planning Board, may present no significant engineering and/or planning difficulties.
62. **ZONING DISTRICT:** Any specifically delineated district within the Town where regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

## **V. APPLICABILITY**

### **A. Site Plans Required**

Plans shall be submitted for Planning Board review by any applicant seeking new, altered, expanded, or converted use or dimensions of:

1. a multi-family dwelling, or
2. a non-residential site or structure, or
3. a mixed-use development which combines single-family, multi-family, and/or non-residential land uses.

The Planning Board may require a new site plan if a lot with an approved site plan is subdivided, altered, expanded, or converted in a manner that may impact the health, safety, environmental, or dimensional protections of the site.

Any special exception or variance required for the proposed development must be obtained from the New Durham Zoning Board prior to final approval of the site plan by the Planning Board. Special exception or variance may be sought prior to submittal to the Planning Board for approval of a completed site plan. The Planning Board may, during its deliberations, determine that the applicant, who has applied for a site plan, needs to obtain a special exception or variance for the proposed development. Such special exceptions or variances must also be obtained prior to final approval of the site plan by the Planning Board.

The Planning Board approval of the site plan, including any specified conditions, shall be a necessary prerequisite to issuance of any building permit.

## **VI. PRE-APPLICATION PROCEDURE**

### **A. General**

There are two pre-application phases: the Conceptual Consultation and the Design Review. Notification of abutters and associated fees are not required for Conceptual Consultations but are required for Design Review and Expedited Design Review phases per RSA 676:4-I(d).

1. The Conceptual Consultation is required for Conservation Focus Area District applications and encouraged for others.
2. The Design Review is required for Conservation Focus Area District applications or for Standard Site Plan Review Applications that include two acres or more of proposed development.
  - a. The applicant may choose between the Traditional Design Review and the Expedited Design Review. The Expedited Design Review process includes a negotiated and collaborative third party natural resource review which speeds the review, reduces applicant costs, and has a specific focus on the protection of natural resources.

### **B. Conceptual Consultation**

A Preliminary Conceptual Consultation shall not bind the applicant or the Planning Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Planning Board. The consultation shall be informal and directed toward:

1. Review of the basic concepts of the proposal,
2. Review of proposal with regard to the master plan and zoning ordinance,
3. Explanation of the local regulations that may apply to the proposal,
4. Guidance for the applicant relative to state and local requirements.

The Planning Board will use the Conceptual Consultation to offer conceptual guidance to the applicant regarding components of a full application.

For the Conceptual Consultation meeting, the applicant is expected to submit 6 copies and 1 electronic copy of material with site and proposed development information 10 business days prior to the meeting. This package shall include:

1. A site location information and map identifying the selected site on a broad scale,
2. Aerial imagery of the area,
3. Property map and site inventory identifying key resources and existing conditions on the site and immediately outside the property boundaries, such as existing impervious surface cover,
4. A description of the proposed project and any additional pertinent information,
5. If wetlands mitigation is expected, a description of the proposed mitigation approach,
6. Initial consideration by the applicant for access to site and impact of additional vehicular traffic on Town roads,
7. Landowner permission for a site visit by the Planning Board and the public with owner attending,

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8. Any publicly available information showing the natural resources of the site, including and not limited to, any of the following:
  - a. Wetland maps,
  - b. Wildlife habitat maps,
  - c. Aquifer maps,
  - d. Slope analysis,
  - e. Town Conservation Focus Area maps,
  - f. Material which illustrates concepts that may be incorporated into the design for:
    - i. Protecting and enhancing the rural character of New Durham,
    - ii. Creating community in the subdivision,
    - iii. Landscape design,
    - iv. Enhancement and protection of open space.

### **C. Traditional Design Review**

Statements made by Planning Board members in Design Review Phase shall not be the basis for disqualification of said members or invalidation of any action eventually taken on the application. (See RSA 674:4)

Requests for pre-application design review shall be submitted in writing not less than twenty-one (21) days prior to a regularly scheduled meeting of the Planning Board. This request shall be accompanied by applicable administrative and public notice fees per the Town Fee Schedule and notification of abutters.

The applicant shall submit a package of information on the proposed development which will be reviewed by the Land Use Staff for completeness. The package shall include:

1. Updates to any information submitted under Conceptual Consultation; or, if consultation was not part of the pre-application, then the completed Pre-Application Information Package for Conceptual Consultation;
2. Additional site information (basic site information required to develop a technical plan), including site-specific soil maps and topography;
3. 30-50% engineered plan that contains base information required for various permits, such as current and proposed contours and grading for the site, identification of areas to be blasted (if applicable), existing and estimate of proposed impervious cover, and estimate of the total area of disturbance and the total wetland impact;
4. Proposed strategy and estimated expected performance relative to the best practice standards for stormwater management, erosion control, energy efficiency, and water conservation;
5. Summary of concerns identified from consultations with other agencies and entities and the applicant's proposal to address these concerns;
6. List of abutters and their addresses from municipal records;
7. As an option, on scale drawings of proposed buildings on the site including elevations and facades;
8. Natural Resources Inventory (see VI. A.5 below).



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## **D. Expedited Design Review Process**

The Expedited Design Review Process is an alternative approach to the natural resources inventory in which the key components are:

1. The Planning Board and applicant negotiate a process for conducting the natural resource inventory and review in a collaborative, cost-effective, and mutually acceptable way,
2. The applicant agrees to pay the costs of third party natural resource review for the town,
3. The Town agrees that the third party natural resource review during the formal application stage will be limited to new information that becomes available to the town after the expedited design review is completed, and
4. Joint Natural Resources Inventory. The Town and Applicant Natural Resource specialists will prepare a joint or separate Natural Resource Inventory, based on on-site inspection, according to the process.

## **E. Natural Resource Inventory**

To implement Master Plan policies and these regulations, an Applicant should have a complete understanding of the natural resources on the site proposed for development. The Applicant shall inventory all natural resources on the site including the natural resources of land, air quality, soils, vegetation, mineral deposits, water, wildlife, and wildlife habitat. Applicants shall address each natural resource and describe how the resource will be maintained, protected, or impacted during the development.

All applicants are required to submit a Natural Resource Inventory which shall include:

1. A plat of the land that combines the information from on-site inspection with the information requirements in the Conceptual Consultation Information Package. The Plat will also show:
  - a. Property boundaries,
  - b. Topographic contours at 10-foot intervals,
  - c. Slopes by class of 15-24.99%, 25-29.99%; and 30% or greater,
  - d. Soil types, including agricultural soils of state or local significance,
  - e. Existing rights of way,
  - f. Existing roads, access ways, and structures, and
  - g. Conservation easements, undivided parcels of 50 acres or more, rare and threatened species within 250' of the property boundaries.
2. A narrative description of each natural resource, and any others of note on the property including, but not limited to:
  - a. Riparian and other resource buffers,
  - b. High quality forest resources,
  - c. Individual trees of unique beauty, size, or age,
  - d. Critical habitat areas, including core and supporting areas designated by the New Hampshire Fish and Game Wildlife Action Plan and the Land Conservation Plan for New Hampshire's Coastal Watersheds,
  - e. High quality soil resources,

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- f. Cultural and historic resources,
  - g. View sheds,
  - h. Existing trails, including animal, hiking, snowmobile, or other recreational trails,
  - i. Stone walls, and
  - j. Archeological sites, cemeteries, and burial grounds.
3. Land Classification: The report will classify sections of the land into four categories, as follows:
- a. Legally protected: land areas with specific protection in state, federal, or local law, ordinance, or regulation,
  - b. High Value: land areas that do not have specific legal protection and do have high value natural resources as identified in state or local natural resource studies such as Supporting Lands for Conservation Focus areas,
  - c. Medium Value: land areas that do not have specific legal protection and have identifiable natural resources of lesser number, density, or value than High Value land,
  - d. No protection value: land areas that do not have specific legal protection and have no significant or unique natural resources. Differences in analysis between the Town and Applicant will be noted and explained.
4. Mitigation Plan: The applicant will identify all lands of medium value or greater that are proposed to be disturbed in its design. The applicant will propose a mitigation plan for each such area or natural resource. Where a natural resource(s) will be significantly affected or eliminated by the development, an applicant may propose a mitigation plan to restore or replace the natural resource. If the Planning Board finds a significant impact exists, the Planning Board may require a mitigation plan that may include landscaping.

## **F. Review and Guidance**

- 1. The Conservation Commission will be asked to review and comment upon the Natural Resource Inventory.
- 2. The Planning Board will provide guidance to the applicant regarding the protection needed for each of these resources in the site plan design, and layout, reserving the right to require additional protections or design changes if new information is discovered later.
- 3. When and if the Town's third party Natural Resource Inventory is conducted at the cost of the applicant per RSA 676:4.I.g, the Planning Board shall revisit and may revise the guidance given to the applicant during the Traditional Design Review phase.
- 4. The Planning Board may waive some of the required information if in its judgement the scope of the site plan is such that that information is not material to the Planning Board rendering an informed design review opinion.

## **G. Formal End of Design Review and Pre-Application Phase**

The Planning Board, at the conclusion of a hearing for Site Plan Design Review, will determine the date that will signify the end of the Design Review process and will so notify the applicant in writing within ten (10) days of that decision.

## VII. APPLICATION AND SITE PLAN REQUIREMENTS.

### A. Application Requirements:

1. Every property owner, or his/her designated agent, applying for site review approval by the Planning Board, shall submit an application in accordance with the following regulations;
2. Site Plan Review applications shall be made on forms available from the Town Clerk and be accompanied by a detailed site plan prepared by a licensed land surveyor or professional engineer registered in the State of New Hampshire;
3. Only complete applications will be acted upon by the Board;
4. To be considered complete, an application shall:
  - a. Be made on forms available at the Planning Board office,
  - b. Include a fee in an amount to be determined in accordance with the Town's fee schedule. Unless already paid during the Pre-Application Phase,
  - c. Include ten (10), (or more as determined by the Board's designee) paper copies of the plat (size 24 x 36) and ten (10) paper copies of the site plan (size 11 x 17) as described in Section IX. A Site Plan, as well as 10 copies of all Application materials.
  - d. Include ~~six (6) paper copies~~ and an electronic copy of all application materials and proposed site plans provided in a format which is compatible with town equipment available at time of submittal,
  - e. Include the names and addresses of all abutters as shown in town records, along with envelopes addressed to all abutters, applicant(s), and developer/ surveyor/ agent,
    - i. Names and addresses must be current as of 5 days prior to delivery to the Planning Board,
    - ii. The envelopes shall be prepared for mailing by certified mail-with postage affixed,
    - iii. Be submitted to the Planning Board or its designated agent at least twenty-one (21) calendar days prior to a regularly scheduled meeting of the Board,
  - f. Include a Vicinity Map showing the relationship to the proposed site plan to the adjacent properties and natural features. The Vicinity Map shall be at a minimum of 1 inch equals 400 feet and show the following features within 1,000 feet of the subject property:
    - i. Existing subdivisions adjacent to the proposed site plan and,
    - ii. Locations, names, classifications, and speed limits of existing and proposed streets; and,
    - iii. Boundaries and designations of zoning districts; and,
    - iv. An outline of the proposed site plan and any remaining portion of the owner's property if the proposed plan covers only a portion of the owner's entire contiguous holding;

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- g. Include information on the site's natural features, including wetlands, open space conservation areas, rivers, and other waterways, significant wildlife and fishery, habitats, topography, and other natural resource and building structures, as well as, existing snowmobile, all-terrain vehicle, hiking and recreation trails that may influence the site plan's design to the extent that this information is publicly available and does not require unauthorized entry onto adjoining parcels. Applicants are expected to contact adjacent property owners and to contact off highway recreational vehicle clubs for any access or information that may be required for the above items,
- h. Include ground/aerial photos of the site and immediate area, when requested,
- i. Be accompanied by written assurance from public utility companies that proposed utilities will be installed in accordance with plans submitted as part of the application,
- j. Be accompanied by written certification from appropriate Town officials that the proposed development is in compliance with all local safety and construction requirements,
- k. Be accompanied by a copy of all required State and Federal permits or a certified copy of the State or Federal application form,
- l. Be accompanied by an impact assessment, in narrative form, addressing the proposed project's purpose, scope of operation, and impact on the immediate area of influence and the Town in general. The following aspects shall be addressed, except that the Planning Board may waive certain data requirements where considered appropriate:
  - i. Attendance at public schools,
  - ii. Increase in vehicular traffic,
  - iii. Changes in local population,
  - iv. Increases in municipal costs,
  - v. Load on public utilities or future demand for them,
  - vi. Public safety,
  - vii. Changes in tax revenue,
  - viii. Changes in surface drainage,
  - ix. Increased consumption of groundwater,
  - x. Increased refuse disposal,
  - xi. Pollution of water or air,
  - xii. Land erosion or loss of tree cover,
  - xiii. Disturbance to other aspects of the natural ecology,
  - xiv. Blocking of views,
  - xv. Harmony with the character of surrounding development,
  - xvi. Location of utilities,
  - xvii. In preparing the impact assessment, the developer will explain all underlying assumptions for any of the stated conclusions, including a finding of no impact. Any statistical or technical manuals used should be referenced. Impact

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assessments shall be reviewed and evaluated by the Board as to the completeness of the information submitted by the applicant.

- m. A Preliminary completeness review may be performed by the board's designee using the "Site Plan Application Checklist".
- n. The Planning Board will use the "Site Plan Application Checklist" as a guide to ensure completeness. No application will be accepted as complete until all items on the Checklist have been submitted or written waiver request is submitted.

## **B. Documentation**

The following additional documents shall be submitted with a site plan application where applicable:

- 1. A completed application form, endorsed by the property owners and his agent, which shall include:
  - a. A statement describing the development including the uses to be conducted on the lot, any change of an existing use, or augmentation to an existing use,
  - b. Information sufficient to determine whether the development complies with the New Durham Zoning Ordinance,
  - c. Landscape Plan including a plant schedule that shall list plant quantities, size and type of plant material,
    - i. Landscape Plans should be prepared and stamped by a landscape architect registered in New Hampshire or other qualified professional with knowledge of site design, plant material, and local growing conditions. The plan should be accompanied by a simple narrative that describes the design intent, the plantings and other landscape features, maintenance, tree protection, and other relevant features of the plan,
    - ii. The landscape plan should show all existing and proposed contours and utilities (above and below ground), signage, lighting, and other site features that may influence the selection or location of plantings. The plan should be designed to avoid conflicts (both at the time of planting and in the future) between plantings and other site elements,
- 2. Request for waivers, if any,
- 3. If the development is to be staged or phased, a description of the project in terms of such stages or phases,
- 4. Drafts of deeds, easements, agreements and other legal documents including the following, where applicable:
  - a. Deeds of land to be conveyed to the Town,
  - b. Deeds of easements and right-of-ways,
  - c. The condominium declaration, as it has been prepared for submittal to the State of New Hampshire Attorney General, and
  - d. Agreements between the applicant and the Town regarding public improvements or other matters,
- 5. Certification of the following:
  - a. All actions of the Zoning Board of Adjustment relative to the application,

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- b. Action of the Board of Selectmen on any petitions or other matters relative to the application, and
- c. The actions of any regulatory body of the State of New Hampshire or US Government having jurisdiction over any element of the development, including, but not limited to:
  - i. NH Department of Environmental Services,
  - ii. NH Department of Transportation.

### **C. Requirements for the Site Plan**

- 1. The plan shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet. The size of the Plan (margin to margin) shall not exceed twenty-two by thirty-four (22"x34") inches, as required by the Strafford County Register of Deeds. Appropriate match lines shall be used and so indicated for plans which exceed this size limit.
- 2. The following information shall be included on the site plan. The Planning Board may waive certain data requirements where considered appropriate:
  - a. A title block shall be shown on each sheet, including:
    - i. Title of plan,
    - ii. Owner's name and address, and name of agent, if any,
    - iii. The date the plan was prepared and date of subsequent revisions,
    - iv. Scale of plan, and
    - v. Name, address, and seal of the preparer of the plan,
  - b. North arrow and bar scale,
  - c. Vicinity Plan at a minimum scale of one (1) inch equals one thousand (1,000) feet showing the following:
    - i. Property lines of the parcel being developed in relation to the surrounding area within a radius of two thousand (2000) feet,
    - ii. Names, locations, classifications and speed limits of existing and proposed town streets including the nearest intersection of said streets,
    - iii. Names and locations of watercourses and water bodies on and adjacent to the site, and
    - iv. Existing subdivisions adjacent to the proposed site plan,
  - d. The site plan shall show at a minimum the following:
    - i. Surveyed property lines of the parcel showing their bearings,
    - ii. Names of all abutting property owners,
    - iii. Location and layout of existing and proposed structures and buildings,
    - iv. Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid,
    - v. Area of entire parcel in acres and square feet,
    - vi. Zoning and special district boundaries,
    - vii. Deed reference and tax map number,
    - viii. Location width, curbing and paving of access ways, egress ways and streets within the site,

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- ix. Location and layout of all onsite parking and loading facilities,
- x. Location and size of all municipal and non-municipal utilities and appurtenances including; water, sewer, electrical, telephone, gas lines and fire alarm connections, indication whether overhead or underground, and the location of wells and septic systems,
- xi. Type and location of solid waste disposal facilities,
- xii. Location, elevation and layout of catch basin and other surface drainage features,
- xiii. Location of all physical/natural features including water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls,
- xiv. Dimensions and area of all property to be dedicated for public use of common ownership,
- xv. Location of 100 year flood hazard boundaries,
- xvi. Date and permit numbers of all required state and federal permit,
- xvii. Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel,
- xviii. Dimensions, area and minimum setback requirements on all existing and proposed lots,
- xix. Proposed landscaping plan described below including size and type of plant material,
- xx. Pedestrian walks providing circulation through the site,
- xxi. Location and size of proposed and existing signs, walls and fences,
- xxii. Location and type of lighting for outdoor activities,
- xxiii. Location, widths and purposes of any easements or rights-of-way,
- xxiv. Total on-site square footage of impervious surfaces,
- xxv. The exterior front, side, and rear view of elevations of any proposed buildings and signs which show the dimensions, materials, color, light fixtures, graphics and other design features.

#### **D. Action by the Planning Board**

1. With proper notification to the landowner, Planning Board Members may visit the site to familiarize themselves with it prior to Planning Board acceptance of the application. Individual Planning Board members should not discuss the acceptability of the application with the Applicant or other Planning Board Members except at the Planning Board's meetings.
2. The Planning Board shall accept an application for Site Plan Review by a majority vote at its regularly scheduled meeting only if the application has been submitted in compliance with the application procedures and site plan requirements contained in these regulations.
3. The Planning Board shall begin formal consideration of the application within thirty (30) days after submission and acceptance of the completed application.

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- a. The Planning Board shall act to approve, conditionally approve or disapprove within sixty-five (65) days after accepting the application subject to extension or waiver.
  - b. The Planning Board may apply to the Board of Selectmen for an extension, not to exceed an additional ninety (90) days before acting to approve, conditionally approve or disapprove an application. The applicant may waive the time period requirements for Planning Board action and consent to such extension as may be mutually agreeable (RSA 676:4.I, f).
4. Following a public hearing on a site plan application, the Planning Board shall approve, conditionally approve, deny, or continue the application to a specified date, time and place. Conditional approval may include, but not be limited to, conditions precedent or conditions subsequent to the approval, including the posting of a performance bond, or escrow agreement or other means of surety which may be requested of the applicant by the Planning Board.
5. The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant, stating the reasons for approval, conditional approval, or disapproval. Such correspondence shall specify, where appropriate, those aspects in which the Site Plan Review application fails to conform to the Town's ordinances or the other essential planning criteria, as determined by the Planning Board.
6. Conditions Precedent
  - a. If an application receives approval subject to conditions precedent, the plat will not be signed or recorded until all of the conditions precedent have been met. Such approval is an interim step to final approval. In granting conditional approval, the Planning Board will set a reasonable date, which in no case will be longer than 180 days, by which conditions precedent must be met. Failure to meet the conditions by the date specified, or as extended by request of the applicant and at the discretion of the Planning Board, will have the effect of the application being withdrawn. The applicant must comply with the conditions precedent before a building permit can be issued.
  - b. Additional public hearings will be held by the Planning Board to determine if the applicant has complied with all conditions precedent, except as noted below (RSA 676:4-(i)). Such compliance hearings will be held in accordance with the Public Notice Requirements.
  - c. A public hearing is not required to determine compliance with conditions precedent if the applicant submits evidence of satisfactory compliance with the conditions imposed and that the conditions were:
    - i. Minor plat changes whether or not imposed by the Planning Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment, or
    - ii. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Planning Board, or
    - iii. Conditions with regard to the applicant's possession of permits and approval granted by other boards or agencies;



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- iv. All other conditions precedent shall require a public hearing and notice as required in Section VII of these regulations (Public Notice Requirements).
- 7. Conditions Subsequent, Active and Substantial Development, Substantial Completion.
  - a. Prior to site plan approval, the Planning Board shall determine what will constitute active and substantial development of the property that must be completed within the terms of its approval or within 24 months of final approval for the purpose of determining whether vested rights are established as per RSA 674:38, I(a). The Board shall include these terms in its approval. In making this determination the Board will take into consideration the scope and details of the project.
  - b. The Board in its approval will also specify the amount of development required for the site plan to be in a state of substantial completion, taking into consideration the scope and details of the project.
  - c. When the Planning Board gives final approval to an application, it shall specify a reasonable time in which conditions subsequent to the approval must be met. If the applicant or successor in interest to the applicant fails to perform any condition of the approval within such reasonable time specified in the approval, the approval shall be revoked. In all cases, the process of revocation and the recording of any revocation shall follow the process outlined in RSA 676:4-a,II & III.

## **VIII. Fees**

Unless already as part of the pre-application design review process, any application for approval of a site plan review shall be accompanied by a non-refundable administrative fee according to the approved Town Fee Schedule.

All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the application. A public hearing shall not be required.

Pursuant to RSA 676:4-I (g), it shall be the responsibility of the applicant to pay reasonable fees for technical and professional assistance the Board deems necessary for its review of the application. See also "Action of the Board " Section IX C. of these regulations.

## **IX. PUBLIC NOTICE REQUIREMENTS**

No Site Plan Review application shall be accepted or acted on by the Planning Board without giving due notice to the public. Such notice will be given in the following manner.

### **A. Notice**

The applicant and all abutters shall be notified by certified mail of the date upon which the application will be formally considered by the Planning Board. The applicant and all abutters shall also be notified in the same manner concerning the date of the public hearing. Additional notice shall not be required of a recessed public hearing if notice is provided at the public hearing (including date, time, and place) when hearing is resumed.

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1. Notice shall be mailed at least ten (10) days prior to the scheduled application acceptance and public hearing by the Planning Board.
2. Notice to the general public shall be given at the same time by advertising in a newspaper of general circulation or posting. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal.
3. All costs of notice, including mailing, posting, or publishing, shall be paid by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the application without a public hearing.

## **X. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

### **A. General Requirements**

1. Conformance to Applicable Laws, Rules and Regulations: In addition to the requirements established herein, all developments shall comply with the applicable provisions of the Zoning Ordinance, Subdivision Regulations, and all other applicable Town Ordinances.
2. Self imposed Restrictions: If the owner places restrictions on any of the land contained in the development greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the site plan, or the Planning Board may require that restrictive covenants be recorded with the Strafford County Register of Deeds in a form to be approved by the Planning Board.
3. Specification References
  - a. Reference to State specifications shall mean Standard Specifications for Road and Bridge Construction of the New Hampshire Department of Transportation, approved and adopted 1969, as amended.
  - b. Reference to Uniform Traffic Control Devices shall mean the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the US Department of Commerce, Bureau of Public Roads.

### **B. Building Design**

General Requirements: Building Design shall reflect the Traditional New Hampshire and Architecture and Style consistent with the Master Plan's Town Appearance and Character Policies and Implementation Strategies. Refer to "Appendix B: Design Guidance Document for Site Planning" for more information.

### **C. Streets and Access**

1. General Requirements: All developments shall make adequate provision for safe, satisfactory and suitable access to an existing public street or shall make provisions for

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the construction and dedication of a public street in order to obtain safe and suitable access to the development site. Developments shall not, in general, derive access from an arterial street.

2. Required Improvements:

- a. Where an adjacent existing street from which access is gained is deemed to be substandard by the Planning Board, the upgrading of said street shall be provided by the developer,
- b. Where traffic from a proposed development will adversely impact an adjacent street or intersection, provision shall be made for the mitigation of said impacts by the developer,
- c. Where driveway access from an arterial street may be necessary, the Planning Board may require that such lot be served by a combined access drive servicing several lots in order to limit possible traffic hazard on such street,
- d. Wherever, in the opinion of the Planning Board, traffic generated by a proposed development will adversely impact an adjacent street, existing public streets or the intersection of public streets, the Planning Board may require improvements to be made by the developer to such streets and intersection in an effort to mitigate such impacts,
- e. Wherever, in the opinion of the Planning Board, safe and satisfactory access cannot be gained from an existing public street, the Planning Board may require the construction and dedication of a public street.

3. Design Standards

- a. Wherever a public street is to be constructed and dedicated, that street shall be designed and constructed in accordance with the applicable standards for the type of street as contained in the New Durham Site Plan Review Regulations and Subdivision Regulations.
- b. Wherever an existing public street which provides access to a development is substandard with regard to the applicable standards for the type of street established in the Subdivision Regulations, the Planning Board may require that street to be improved in all respects, including the dedication of additional right-of-way width, so that it will conform to the applicable standards set forth in the Subdivision Regulations.
- c. Wherever a public street, or the intersection of public streets, will be adversely impacted by traffic generated by a development, that street or intersection shall be improved in accordance with requirements established by the Planning Board. Those improvements may include, but not be limited to, the installation of traffic signals, the construction of additional lanes for turning movements, and the construction of raised islands or barriers for channeling traffic.

## **D. Storm Water Management**

1. General Requirements: All developments shall make adequate provision for storm water disposal facilities which shall be designed and stamped by a registered professional engineer. Storm water drainage systems shall be constructed within specified easements

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to carry storm water to existing watercourses or existing storm drains. If the storm water drainage system creates any additional flow over other properties, the developer shall obtain easements therefore from the owners of said properties.

2. Design Standards:

- a. Storm Water Systems: Storm water runoff shall be carried away in a storm water system designed in accordance with the standards established in the New Durham Stormwater Management and Erosion Control regulations. Such drainage facilities shall be located in the road right-of-way where feasible. Where such topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty-five (25) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to a natural watercourse or the other drainage facilities.
- b. Natural Watercourses: Where a development is traversed by a natural watercourse, drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The applicant shall dedicate, whether in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Planning Board.
- c. Accommodation of Upstream Drainage Area: A storm water drainage system shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development permitted by the Zoning and Land Use Ordinance. The Planning Board shall require on-site retention or detention facilities to prevent the overloading of existing downstream facilities.
- d. Flood Plain Areas: Any development in flood plain areas shall be in compliance with the standards for Special Flood Hazard Areas contained in these regulations.
- e. Areas of Poor Drainage: The Planning Board may restrict the development of any portion of the property having poorly or very poorly drained soils in accordance with the Wetland Conservation provisions in the New Durham Zoning and Land Use Ordinance.

## **E. Water Supply**

1. General Requirements: All developments shall make adequate provision for a water supply of potable water for domestic consumption and for water supply for fire protection purposes.
2. Design Standards:
  - a. The location of individual private wells shall comply with all standards of the New Hampshire Department of Environmental Services.
  - b. All water supply systems and facilities shall be designed and stamped by a registered professional engineer.

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- c. A private central water system, serving two or more lots or users, shall conform with and meet all standards set for community water services as established by the New Hampshire Department of Environmental Services (NHDES) even though the (NHDES) may not invoke jurisdiction in all cases.

## **F. Sewerage**

1. **General Requirements:** All developments shall make adequate provision for sanitary sewage disposal facilities. The facilities shall be designed and stamped by a registered professional engineer. Sanitary sewage disposal shall be accomplished through the provision of individual waste disposal systems or a private central sewerage system.
2. **Design Standards:** Sanitary waste disposal may be accomplished by either of the following methods:
  - a. Individual disposal systems, the design and location of which shall be approved by the State of New Hampshire Department of Environmental Services. The systems shall be located on private property, no closer than seventy-five (75) horizontal feet to a watercourse, a water body, a wetland, or a well that is being used as a source of individual water supply.
  - b. A private central sewerage system, the design and location of which shall be approved by the State of New Hampshire Department of Environmental Services. Maintenance and operating costs of the system shall be borne by the developer.

## **G. Non-Municipal Utilities**

**General Requirements:** The applicant is responsible for all coordination with companies to assure that non-municipal utilities are installed in accordance with plans approved by the Planning Board pursuant to these regulations.

## **H. Lighting**

1. **General Requirements:** Lighting needs to meet safety and security requirements and at the same time temper them to help maintain the rural character of New Durham by preserving the visibility of night-time skies and to minimize the impact of artificial lighting on the community as well as nocturnal wildlife.
2. **Design Standards:** Besides the need for safety and security, consideration needs to be given to designing lighting which promotes good neighborly relations by preventing glare from outdoor lights from intruding on nearby properties and public waters or posing a hazard to pedestrians, drivers or boaters.
  - a. Any luminaire emitting more than 1800 lumens shall be fully shielded so as to produce no light above a horizontal plane through the lowest direct light-emitting part of the luminaire.
  - b. Any luminaire with a lamp(s) rated at a total of more than 1800 lumens, and all flood or spot lights with a lamp(s) rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$  where D is the distance

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- in feet to the nearest residential property boundary. The maximum height of the luminaire shall not exceed 25 feet
- c. Any luminaire with a lamp(s) rated at 1800 lumens or less, and all flood or spot lights with a lamp(s) rated at 900 lumens or less, may be used without restriction to light distribution or mounting height. However, the luminaire shall be redirected, or its light output reduced or shielded, as necessary, if it is focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, onto public waters, or it creates glare perceptible to pedestrians, other residents or persons operating motorized conveyances on public ways or waters.
  - d. Luminaires used in public areas such as roadway lighting, parking lots and for exterior building illumination shall be designed to provide the minimum illumination recommended by the Illuminating Engineering Society of North America (IESNA) in the most current edition of their Lighting Handbook.
  - e. Whenever practicable, outdoor lighting installations shall include timers, dimmers, and/or motion-sensors to reduce overall energy consumption and eliminate unneeded lighting.
  - f. To protect light-sensitive wildlife habitats, artificial lighting in or on the periphery of areas currently identified as such by the NH Fish and Game Department shall be minimized and fully shielded to prevent any emission above a horizontal plane through the lowest light-emitting part of a luminaire.
  - g. Luminaires mounted on a canopy shall be recessed in the ceiling of the canopy so that the lens cover is recessed or mounted flush with the ceiling of the canopy and fully shielded. Luminaires shall not be mounted on the sides or top of the canopy, and the sides or fascia of the canopy shall not be illuminated.
  - h. Parking area and driveway lights shall be of full cutoff type without any light penetration above the horizontal plane.
  - i. Seasonal holiday lighting and illumination of the American and state flags shall be exempt from these requirements, providing that such lighting does not produce glare on roadways, public waters, and neighboring residential properties.
  - j. Installations existing prior to the enactment of this regulation are exempt from these requirements.
3. Temporary Lighting: Any temporary outdoor lighting for construction or other purposes that conforms to the requirements of this requirements shall be allowed. Non-conforming temporary outdoor lighting may be permitted by the planning board after considering:
- a. The public and/or private benefits that will result from the temporary lighting,
  - b. Any annoyance or safety problems that may result from the use of the temporary lighting,
  - c. The duration of the temporary non-conforming lighting.
4. Public Area and Roadway Lighting
- a. Installation of any new public area or roadway lighting fixtures other than for traffic control shall be permitted only by decision of the planning board or Board of Selectmen as applicable.

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- b. The installation of street lights at resident request requires approval of abutters and those affected by the glare of the proposed street lamp and shall be permitted only by decision of the Planning Board or the Board of Selectmen, as applicable.
- 5. Prohibitions
  - a. Laser Source Light: The use of laser source light or any similar high intensity light.
  - b. Searchlights: The operation of searchlights for advertising purposes.

## **I. Off-Street Parking and Loading**

- 1. General Requirements: All developments shall make adequate provisions for off-street parking and loading facilities. Such facilities shall be designed to ensure the safety and convenience of pedestrian and vehicular movement on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses. No on street parking, delivery or loading is permitted. Whenever a use existing on the effective date of these regulations is expanded or changed thereafter to a new use, parking facilities shall be provided for such new use.
- 2. Required Improvements: Every development shall provide an area for parking, driveways, and loading on the site which is paved and drained in accordance with the stormwater drainage requirements of these regulations.
- 3. Design Considerations:
  - a. Each and every parking space shall have a safe and convenient access,
  - b. All parking and loading shall be situated on the same tract or parcel of land as the primary use building or structure,
  - c. No paving, parking, driveway, loading area, or stage shall be permitted within fifty (50) feet of any side or rear property line,
  - d. Front set back shall be in accordance with the New Durham Zoning and Land Use Ordinance,
  - e. Provision shall be made on-site for the storage of snow which is removed from the parking and loading areas. (Refer to the Zoning and Land Use Ordinance).
- 4. Parking Standards: The number of parking and loading spaces shall conform to the requirements in the Zoning and Land Use Ordinance. The following parking standards represent minimum requirements and may be increased as part of approval of a site development plan:
  - a. Multifamily dwelling: One and one-half (1-1/2) spaces for each (1) bedroom and two (2) spaces for dwelling units with two (2) or more bedrooms,
  - b. Restaurants: One (1) space per three (3) seats, plus one (1) space per two employees or one (1) space per one hundred fifty (150) square feet of floor space, whichever is greater,
  - c. Wholesale Distribution: One (1) space per eight hundred (800) square feet of gross floor area,
  - d. Manufacturing: One (1) space per each one and one-half (1-1/2) employees, or one (1) space per five hundred (500) square feet of gross floor area,

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- e. Office: One (1) space per three hundred twenty-five (325) square feet of gross floor area,
  - f. Retail: One (1) space per two hundred fifty (250) square feet of gross floor area,
  - g. Church: One (1) space for each four (4) seats of total seating capacity,
  - h. Gasoline Service Station: Three spaces for each service bay, plus one space per employee in the maximum shift,
  - i. Mixed Uses- Sum of various uses computed separately,
  - j. Other: Closest similar use as shall be determined by the Planning Board.
5. Parking Dimensions: The following represent minimum dimensions of parking stalls.
- 6.

Angle	Stall Width	Curb Length	Length Of Space	Aisle Width <sup>1</sup>
90°	9	9	21	18
60°	9	10.4	20	22

<sup>1</sup>Aisle width is measure between the ends of stall lines

## J. Fire Protection

All multi-family, commercial, and industrial development will be located within a five-mile radius of a fire station or have an adequate response time, fire mains and water supply as determined by the Fire Chief.

## K. Signs

- 1. General Requirements: Signs are intended for the identification of the use on the site on which they are located. Signs shall not be a hazard or nuisance by virtue of their location or illumination.
- 2. Design Standards: Sign size, type, location, height, and illumination shall conform to the requirements of the New Durham Zoning and Land Use Ordinance.

## L. Preservation of Natural Features and Amenities

- 1. General Requirements: All developments shall address the preservation of natural resources and amenities.
- 2. Design Standards:
  - a. Grading and clearing should be minimized so as to avoid creating undue erosion or interruption of natural drainage ways. Particular attention should be given to natural features suitable as buffer strips between residential subdivisions abutting commercial or industrial areas. Similar natural features that provide buffers between lots, or sections of a development should be preserved to enhance privacy and attractiveness. Provision for clearing may be made for southerly exposure for solar access to dwellings or buildings,
  - b. If the Planning Board finds certain land to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful



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to the safety, health, and general welfare of the present or future users of the development, inhabitants of the surrounding area, or residents of the Town, the land shall not be developed unless adequate methods are formulated by the developer and approved by the Planning Board to solve the problems created by the unsuitable land conditions. Otherwise, such land shall be set aside for uses as shall not involve such danger,

- c. Developers shall use construction methods which cause the least disturbance to the environment possible. No cut trees, stumps, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy. No debris shall be left or deposited in any area of the development at the time of expiration of the performance bond or dedications of public improvements, whichever is sooner.

## **M. Landscaping**

1. General Requirements: In all developments, a minimum of 25 percent of the land area being developed shall remain in its natural state or shall be maintained as a landscaped area. Areas that are classified as aquifer recharge zones shall have a minimum of 50 percent of the parcel area being developed retained in its natural state or maintained as a landscaped area.
2. Required Improvements
  - a. A landscaped buffer zone shall be required wherever a commercial or industrial development abuts an adjacent residential property.
  - b. Every development shall include landscaping to enhance the appearance of structures, to screen parking, loading storage areas, and waste disposal facilities to improve the visual character of the immediate area.
3. Design Standards
  - a. A buffer zone shall consist of a strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year round dense screen at least six (6) feet high within three (3) years; or an opaque wall, barrier, or fence of uniform appearance six (6) feet high and extending to within six (6) inches of ground level.
  - b. Site landscaping shall consist of trees, shrubs and other plant materials adapted to the growing conditions of the specific site as well as the general area.

## **N. Special Flood Hazard Areas**

All site plan proposals governed by these regulations having land identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of New Durham NH" together with associated Flood Insurance Rate Maps of the Town of New Durham, dated May 2, 1991 shall meet the requirements of the NDFDO, Appendix A of the New Durham Zoning and Land Use Ordinance.

## **XI. ADMINISTRATION AND ENFORCEMENT**

### **A. Technical Assistance**

1. In cases where the Planning Board requires technical assistance and/or special studies to adequately evaluate an application, the Planning Board may secure such professional assistance. Such assistance could include, but not be limited to: planning, engineering, legal, soils analysis, economic, land use or school impact reviews; site inspections during construction, environmental assessments, and other special investigative studies which may be required to make an informed decision on a particular application. (See RSA 676:4.I (b))
2. When the Planning Board requires technical assistance, written reviews shall be prepared and available one week prior to the meeting at which application acceptance will be considered. The reviews will address both application completeness and compliance with applicable laws, regulations, and ordinances. Additional reviews may be prepared in the case of applications that take more than one meeting. Applicants will be notified of and may pick up copies of written reviews at the Town Offices as soon as they are available to the Planning Board.
3. The Applicant shall reimburse the Planning Board for the cost of such technical assistance; the professionals shall work for, and report directly to the Planning Board.

### **B. Waivers**

1. When in the judgment of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause extraordinary and unnecessary hardships, the Board may waive certain portions of the regulations so that substantial justice may be achieved and the public interest secured, provided that such waivers shall not have the effect of nullifying the intent and purpose of the Zoning and Land Use Ordinance, the Master Plan, Subdivision Regulations or these Regulations.
2. In granting waivers, the Planning Board may require such conditions as will, in the Planning Board's judgment, secure substantially the objectives of the standards or requirements of these regulations.
3. The Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:
  - a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other adjacent property,
  - b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is based are unique to the property for which the waiver is sought, and are not applicable generally to other property,
  - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out,

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- d. The waiver will not, in any manner, vary the provisions of the Zoning and Land Use Ordinance, or Master Plan.
4. A petition for any such waiver shall be submitted in writing by the applicant at the time when the application is filed for consideration by the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

### **C. Appeals**

As provided for in RSA 677:15, any person aggrieved by any decision of the Planning Board may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the filing of the decision by the Planning Board.

### **D. Revocation of Approval**

1. An approved and recorded site plan may be revoked per the stipulations of RSA 676:4-a for reasons including but not limited to the following:
  - a. At the request of, or by agreement with, the applicant or the applicant's successor in interest,
  - b. When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval, or
  - c. When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b) and 674:44,III(d) until the work secured thereby has been completed.

## **XII. PERFORMANCE AGREEMENT**

### **A. Period of Performance**

All site improvements shall be constructed and/or installed within the period of time specified in the Planning Board approval of the site plan, unless such time is extended by written mutual consent of the Planning Board and the applicant. Site improvements shall not be considered complete until officially approved by the Code Enforcement Officer and such other federal, state, or local officials as may have jurisdiction. Construction activities and storage of building materials shall only be carried on in such a manner and at such times as to render said activities not unduly objectionable to adjacent properties.

### **B. Certificate of Occupancy**

1. A certificate of occupancy shall be issued by the Code Enforcement Officer for residential and/or nonresidential units only after he/she has approved the adequacy of all required improvements servicing the subject parcel or parcels.

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2. A certificate of occupancy shall be issued provided that all required roads, utilities and other improvements servicing the subject parcel have been constructed and/or installed in accordance with Town specifications.
3. A certificate of occupancy may be issued if only minor improvements are needed to complete the project, and if the completion of these improvements has been delayed due to factors, such as the weather, beyond the control of the developer. The developer must demonstrate to the Planning Board the reasons these improvements were not completed. In addition, the developer must demonstrate that the lack of these improvements as well as the eventual construction of the improvements will not impede the protection of public health and safety.

### **C. Performance Guarantee**

1. An irrevocable letter of credit that will be considered to have automatically been “called” unless the individual or institution advancing the surety obtains a certificate of completion from the Town prior to the expiration date of the security. A performance guarantee shall be filed by the developer with the Planning Board prior to the final plat approval.
2. Such performance guarantee shall be in an amount up to one hundred (100) percent of the cost of construction as determined by the Planning Board to secure to the Town the satisfactory construction and installation of the required improvements.
3. Construction and installation of required improvements must be satisfactorily executed within the time constraints imposed by the Planning Board, or the applicant shall forfeit said performance guarantee, and the surety shall be used to complete and/or install such improvements in accordance with the requirements specified herein. If an extension of such time limit is required, the applicant shall notify the Planning Board at least thirty (30) days prior to said completion date. At the time application for extension is filed, the Planning Board shall have the choice to extend the completion date and/or increase the limit of the performance guarantee.
4. The holder of the money will retain the money until release is authorized by the Town or the money is “called”, that is transferred to the Town of New Durham. The money will be called by the Town if the developer does not obtain a Certificate of Completion from the Town prior to the expiration date of the security. Upon the expiration date, the money will be transferred to the Town if a Certificate of Completion has not been received by the developer from the Town.

### **D. Maintenance Guarantee**

An irrevocable letter of credit to guarantee that all site work was properly done shall be posted by the applicant with the Planning Board if the Planning Board so orders. Such maintenance guarantee shall be in an amount of two percent of the estimated project cost and remaining in force for two (2) years after site improvements are completed. If such repairs are needed and are not satisfactorily installed by the developer, then such guarantee shall be used to complete and/or install such improvements in accordance with the requirements specified herein.

## **XIII. INSPECTIONS, VIOLATIONS AND ENFORCEMENT**

### **A. Inspections of Required Improvements**

1. At least five business days prior to commencing construction of required improvements, or for a phased development, prior to each major phase of construction, the applicant or applicant's agent shall notify the Town Code Enforcement Officer or the Town's designated agent in writing of the time when he/she proposes to commence construction so that the municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met and to assure the satisfactory completion of improvements and utilities required by the Planning Board. If the Code Enforcement Officer finds that he or she is unable to conduct required inspections, a third party civil engineer licensed as a professional engineer by the State of New Hampshire and approved by the Planning Board, shall be hired by the Town, at the applicant's expense, to certify to the Town that all proposed construction installed according to the approved plans. All reports rendered by the third party engineer shall be binding upon the developer.
2. If the inspection official finds that any of the required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, he or she shall so report in writing to the municipal officers, Planning Board and the applicant or applicant's agent. The municipal officers shall take any steps necessary to preserve the municipality's rights.
3. If at any time before or during the construction it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances. The inspecting official shall issue any such approval to the developer in writing and provide notification to the Planning Board which shall be filed with the Town at the completion of all construction or of the particular phase. For major modifications, such as relocation of right-of-ways, property boundaries, change of grade by more than 1% and horizontal centerline adjustments more than four feet within the right-of-way, the Applicant shall obtain permission to modify the plans from the Planning Board prior to constructing the modifications.
4. At the close of each construction season, the Town may, at the expense of the applicant, have the site inspected by a qualified individual. In such event, by December 1, the inspector shall submit a report to the Planning Board, addressing whether storm water and erosion control measures both temporary and permanent are in place, properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems, which were encountered.
5. The applicant or applicant's agent shall be required to maintain all improvements and provide for snow removal on all private streets and sidewalks. until the streets and sidewalks have become public or accepted by the Town.

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**B. As Built Plans**

At the completion of construction, the developer shall submit a set of as-built plans showing the actual location and details of all improvements prepared by a licensed land surveyor or professional engineer registered in the State of New Hampshire, and shall submit three (3) blue-line prints of the plans to the Planning Board.

**C. Enforcement**

No public utility water district, sanitary district, or any utility company of any kind shall serve any lot subject to site plan review for which the Planning Board has not approved a final site plan or the road is accepted by the Town.

The enforcement of these regulations shall be in the manner enacted by the New Durham Selectmen as authorized by RSA 676:17.

## **APPENDIX A: DESIGN GUIDANCE DOCUMENT FOR SITE PLANNING**

### **A. Introduction**

1. This Guidance Document is prepared by the Planning Board of New Durham to provide guidance to applicants as to what are the design features that the Board wishes to foster for the benefit of our residents, commercial investors and visitors. While minimum requirements are detailed in the Site Plan, Subdivision, Lighting and other regulations, the Board will be guided in its decision to approve or conditionally approve an application by the language in Section III of the Site Plan Regulations. The Board in its judgment may require additional design features such as described in, but not limited to, this Guidance Document. According to our regulations, the Planning Board may engage appropriate professionals at the applicant's expense to render their opinion on the design elements presented to it.
2. The Guidance Document has two parts. The first part is in written form and further explains the recommended design elements. The second part of this Guidance Document is a pictorial compendium of good and not so good design that the applicant may find useful. Copies of the pictorial addendum can be obtained from the Land Use Office in Town Hall and is also available on the New Durham Town website.
3. In applying the Regulations and additional design features, the Board's overall approach has the following goals:
  - a. Upgrading the visual character of our Town,
  - b. Creation of distinctive commercial properties that coexist in harmony with parcels in residential use, paying particular attention to architectural features, site planning, signage, landscaping and lighting,
  - c. Promotion of increased walking and bicycling in Town Center with safe, interconnected business facilities,
  - d. Sound access management to maintain effective parking, traffic flow and public safety.
4. While not specifically directed at new or renovated residential buildings in the Town Center district, this information will be of help in the renovation of residential structures so that a harmonious Town center appearance is achieved.

### **B. Site Planning Guidelines (General)**

1. The desired outcome of site planning is an attractive, safe and economically sound relationship between buildings, parking, signage, lighting, landscape (natural or man created), and the surrounding residential properties. The site plan should be based upon a careful study of existing site conditions including topography, wetlands, soil conditions, abutting land uses, and other factors. Site development should minimize disruption of natural features including man-made structures such as barns and stone walls. Open space should be preserved as much as possible and be devoid of commercial activity.

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2. Coordination with Future Development: When site plans are presented for only a portion of the property, the applicant should be able to show a unity of design and how the plan will accommodate future development, including buildings, roads, signs, water management and other features. This Development Plan should incorporate a phasing plan that illustrates the sequence of development and assurance of compatibility of current and future activities.
3. Engagement of Consultants: In order to appraise the degree of conformance with any and all of the desirable architectural features and required standards, and in order for the Planning Board to give final or conditional approval, the Board may engage architectural, landscape, and other appropriate consultants. Any costs of these consultants will be borne by the applicant.
4. References and Resources:
  - a. Kittery, ME Design Standards Handbook,
  - b. Reference to State specifications shall mean Standard Specifications for Road and Bridge Construction of the New Hampshire Department of Transportation, approved and adopted 1969, as amended,
  - c. Reference to Uniform Traffic Control Devices shall mean the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the US Department of Commerce, Bureau of Public Roads.
  - d. Landscape Resources. The following sources are recommended for additional information on the planting and care of plant material:
    - i. American Standard for Nursery Stock: ANSI [www.anla.org/applications/Documents/Docs/ANLStandard2004.pdf](http://www.anla.org/applications/Documents/Docs/ANLStandard2004.pdf), as revised,
    - ii. Landscape Architectural Graphic Standards. Leonard J. Hopper. John Wiley & Sons. 2007,
    - iii. Principles and Practice of Planting Trees and Shrubs. International Society of Arboriculture. 1997,
    - iv. Trees in the Urban Landscape. Site Assessment, Design, and Installation. Peter J. Trowbridge and Nina L. Bassuk. John Wiley & Sons. 2004,
    - v. "New Hampshire List of Prohibited Plant Species" within the document Guide to Invasive Upland Plant Species in NH by the NH Dept of Ag and NH Invasive Species Committee. <http://extension.unh.edu/Forestry/Docs/invasive.pdf>.
  - e. Lighting Resources
    - i. Illuminating Engineering Society of North America. [www.iesna.org](http://www.iesna.org). IESNA document RP 33-99 "Lighting for Exterior Environments" and document G-I-03 "Guideline for Security Lighting for People, Property and Public Spaces."
    - ii. Department of Environmental Services, State of New Hampshire. "Innovative Land Use Planning Techniques: A Handbook for Sustainable Development." Chapter 3.4 "Preserving Dark Skies."
  - f. Signage Resources
    - i. Time Saver Standards for Landscape Architecture, 2nd Edition



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- ii. US Sign Council (USSC) “Sign Legibility Rules of Thumb”
- iii. “Conspicuity and Readability” by the International Sign Association.

### **C. Functional Parking & Loading Elements**

Good site planning should result in an attractive, safe, and economically viable relationship between buildings, parking, landscaping and the surrounding environment. Site plans should minimize the visual effect of parking, feature high quality landscaping, accommodate pedestrian movement, and encourage connections to nearby properties. In addition to requirements set forth in the current Site Plan Regulations, the following should be considered when developing Site plans:

1. Site plans should minimize the number of curb cuts on major roadways to promote efficient traffic flow and increase vehicular, bicycle, and pedestrian safety.
2. Entrances to abutting commercial properties should be combined wherever feasible to minimize curb cuts and provide for more efficient traffic flow.
3. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses. Where such land use conflicts are unavoidable, the lot should be screened with vegetation, earth berms or fences.
4. Site development should consider the safety needs of the pedestrian throughout the property by taking into consideration such things as the use of traffic calming measures (speed bumps), marked crosswalks, appropriate lighting, and vegetation that does not restrict views of pedestrian and vehicular traffic.
5. Parking lots with a single point of access are strongly discouraged. Where dead- end lots are unavoidable, ample space should be provided to safely turn a vehicle around.

### **D. Outdoor Service and Storage Areas**

Outdoor service and storage areas should be integrated into the overall site plan. They should be designed to meet the functional needs of the facility while minimizing any traffic or visual conflicts, audible noise, or smells.

1. All facilities for service including storage, waste collection, and loading/unloading areas should be located at the side or rear of the building. Locations that face public areas or abutting residential areas should be avoided.
2. Service areas should be sited to accommodate turning movements of vehicles without conflicting with other vehicles.
3. Service areas should be screened with walls or fences that complement the design of the main structure thru use of similar materials, detailing, color, etc.
4. Plantings, earth berms, stone walls, and grade changes should also be considered to further enhance screening.

## **E. Stormwater Management**

Treatment basins, infiltration basins, rain ponds, or other measures may might be required to maintain the quality of stormwater runoff and to comply with regulations. All storm water management areas should be treated as integral and attractive parts of the landscape.

1. Where stormwater treatment basins or other related facilities are required, they should be located in the least visible portion of the site. Where visible, they should be graded to conform to natural contours and planted to integrate them into the natural landscape.
2. Treatment areas (Basins, swales, etc.) should be patterned after naturalistic landforms, avoiding hard geometric shapes. Side slopes should be landscaped with appropriate plantings to reduce erosion and for screening. Landscaped islands can be effective in breaking up the mass of a treatment pond while increasing habitat opportunities.
3. Abrupt changes in grades and steep side slopes should be avoided. Transitional grading should be used to blend all earthworks into the natural contours of the land where possible.
4. Man-made drainage structures (e.g., culverts, manholes, and outfalls) that are visible from roadways or residential neighborhoods should be screened with vegetation or treated to reduce their visibility and integrate them into the landscape.
5. Plantings used in stormwater treatment areas should be designed by a qualified professional familiar with the growing requirements of wetland species.
6. Wherever appropriate, treatment basins should be designed to be shared by abutting properties to minimize the amount of land area devoted to stormwater management.
7. Where ground protection is necessary in highly visible locations (e.g., at spillways and culverts), it should be constructed of hand-placed rock or geo-grid, rather than coarse rip-rap. The use of coarse crushed rock in visible roadside ditches is discouraged.

## **F. Sign Design**

Signs play a central role in providing information, wayfinding, and setting the tone for New Durham's visual environment. They inform motorists and pedestrians, while having a direct effect on the overall appearance of the town. In addition to the requirements of the New Durham Zoning and Land Use Ordinance in respect to sign size, type, location, height and illumination, the following additional design features should be considered. Please also refer to the existing Lighting regulations.

1. Signs should be consistent with New England style signage (no neon).
2. Signs should be proportional to business structure (no billboard size signage).
3. Signs should be professionally designed and manufactured (no handmade/hand painted signs).
4. Signs should not be a hazard or a nuisance by virtue of their location or illumination.
5. The shape of the sign should complement the architectural features on the building. Simple geometric shapes are preferred for all signage. Signs should be trimmed and detailed to complement the building.

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6. The principal site identification sign should contain the street address shown in a prominent location at the top of the sign to facilitate wayfinding and 911 emergency response.
7. Objects other than signs designed primarily to attract public attention are discouraged because they distract motorists and contribute to visual clutter. Advertising features that are discouraged include greater than-life size models of food or other products, replicas of spokes-people associated with commercial products, rows of flags or banners, and internally-lit bands of color.
8. The use of “sponsors” logos, slogans, or other messages on a sign, where the ‘sponsor’ is not the occupant of the property or a franchiser of a business located on the property, is strongly discouraged. If a sign is sponsored, the name of the sponsor and/or its logo should not occupy more than 25% of the total face of the sign.
9. Where readerboards are part of a permanent sign, they should contain no more than three lines of text. The readerboard should be fully integrated into the overall sign design by virtue of its form, scale, color, and detailing.
10. Facade mounted signs should be designed as an integral element of the architecture. The shape and materials of the sign should complement the architectural features on the building.
11. Multi-tenant buildings or multi-building sites should have one identification sign conveying an overall identity for the property. This sign should be located near the main entrance. Signs that list multiple tenants should exhibit a logical hierarchy in the display of information (i.e., address, name of building/development, primary tenant, and other tenants). Only essential information (the name of the tenant) should be displayed on the main sign.
12. Lighting fixtures should be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lights should not be aimed toward adjacent streets, sidewalks, or abutting properties. Ground-mounted lighting fixtures should be screened or partially buried to minimize the view of the light source. Top-mounted lighting fixtures should be directed downward in a manner that hides the light source. Uplighting may be used if the fixture will be aimed to prevent light spillage beyond the sign.
13. The illumination level on the vertical surface of the sign should be bright enough to provide a noticeable contrast with the surrounding building or landscape without causing undue glare or reflection.
14. Light Sources should be continuous, direct, white light.
15. Moving, fluttering, blinking, neon or other tubular lighting or signage is discouraged.

## **G. Architectural Design**

1. Buildings and site elements
  - a. In accordance with Site Plan Regulations, its historical heritage, and the expressed desire of the Town’s Master Plan to preserve and promote “New Hampshire architecture,” new or renovated buildings should be influenced by traditional New England building forms and town making patterns, taking into account the specific needs of the intended users, and site specific factors.

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- b. Building and site elements should be of appropriate scale to fit the surroundings. Planters, recessed openings, divided pane windows and shutters, dormers, cupolas, projecting rooflines, recessed facades, covered walkways, colonnades and similar features provide scale and interest to the structure.
  - c. Contemporary architecture and buildings are not excluded, but they should be influenced by colonial forerunners and meet the overall goals to maintain the New Hampshire “feel.”
  - d. Where free standing, non-habitable structures are needed, they should meet the same guidelines as the principal building(s) by repetition of architectural forms and detailing.
  - e. Renovations and additions should add visual interest to existing buildings and conform as much as possible to the design goals of this Section.
  - f. When the site is to accommodate multiple buildings, currently or in the future, the design elements should be coordinated throughout the entire development.
  - g. Building facades should incorporate features, such as pilasters, windows, porches, offsets or change in materials to break the mass of the building and add visual interest. The front façade should have architecturally correct windows and/or displays.
  - h. Each building should have a clearly defined, highly visible customer entrance that is offset from the main façade by appropriate detailing.
  - i. Additional architectural elements, as part of the overall design, to add visual interest, are encouraged. Elements to be considered are covered walkways, overhanging rooflines, recesses or projections, gables and dormers, outdoor sitting areas, and display windows. Similar materials and detailing should be employed on all walls of the building and blank walls should be avoided. Shutters should be sized to fit the opening and used on all windows on a given wall. If awnings are used, they should be an integral element of the overall architecture.
2. Functional elements
- a. All vents, downspouts, electrical conduits, service meters, HVAC equipment, service areas and loading docks, and other functional elements should be parts of the overall design. Meters, utility banks, HVAC equipment and other exterior service elements should be contained in service closets or located out of the view of the public.
3. Plans and illustrations
- a. Applicants are encouraged to review photographic materials available from the Land Use Office as to desired and undesired architectural features.
  - b. The Planning Board may request perspectives of the building to illustrate the three dimensional relationship between the front and side elevations. All drawings should include all architectural details which are integral to the design of the structure.
  - c. If requested, all landscape elements (trees, shrubs, lighting, parking areas and signs) should be included.
  - d. Building elevations presented for Planning Board review should show the location and treatment of all functional elements, including any vending machines on site.

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4. Building materials
  - a. Buildings should be constructed of traditional, high quality materials. Contemporary materials with the same visual characteristics as traditional materials (e.g. cement plank clapboards or vinyl siding) are acceptable if properly detailed with surface textures and appropriate trim. Overlay plywood may be used as secondary material in combination with traditional materials.
  - b. Façade colors that are commonly found in New England villages are appropriate. Colors should not be of high intensity, high reflectance, chrome, metallic or fluorescent.
  - c. Highly reflective or processed materials (e.g. sheet metal, brushed aluminum, concrete block or plywood) are strongly discouraged.
5. Roofs
  - a. Composite asphalt shingles and standing seam non-glare metal, complementing and being darker than the façade, are encouraged. In contrast, high gloss roofing materials are strongly discouraged.
  - b. Roof mounted mechanical, HVAC, and other equipment should be screened from public view or placed in a location where visibility is limited.
  - c. The use of cupolas, dormers, chimneys and other roof projections is encouraged as long as they do not have a tacked-on appearance.
  - d. Roofs should be designed to shed snow, ice, and rainwater in a manner that does not cause a safety hazard or interfere with pedestrians or vehicles.
6. National and regional franchises
  - a. The design of national franchise restaurants, gas stations and retail stores may contribute to the loss of identity and character of our Town Center or residential-agricultural districts by introducing the repetition of generic architectural forms that are found throughout the country. The design for these types of franchises should conform to the applicable part of these design guidelines and reflect an awareness of New England architectural traditions in their form, detailing, and materials.
  - b. New England regional prototypes from national franchises may be acceptable to the Planning Board.
  - c. Applicants should provide the Planning Board information on how site features and accessory structures will be coordinated with the principal building. These include dumpster screens, storage buildings, refrigeration lockers, vending machines, playground equipment, signage, and lighting. Buildings that are stylized to the point where the structure is a form of advertising are not acceptable.
7. Linear strip-mall type buildings
  - a. Linear commercial buildings (e.g., multiple store fronts, multi-tenant offices, and commercial buildings) should be designed with facade and roofline elements that reduce their scale and add architectural interest. The various enterprises should be visually unified through the use of complimentary architectural forms, similar materials and colors, consistent details, and coordinated signage. Variations in the front setbacks are usually necessary to add visual interest, create spaces for common entries, and outdoor social and landscaped spaces.

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- b. Linear structures should include architectural elements designed to provide shelter, encourage pedestrian movement, and visually unite the building. These can include covered walkways extending the length of the building, open colonnades, and similar features. Landscaping, lighting, roof lines and architectural detailing are critical elements in meeting the overall requirement of maintenance of the historical look and feel of New Hampshire towns.
- 8. Gasoline stations and convenience stores
  - a. Service stations and convenience stores that sell gasoline should be designed with facade and roofline elements that reduce their scale and add architectural interest to the building.
  - b. Consideration should be given to pump islands located on the side, so the primary building is the major feature seen from the road.
  - c. Canopies should be integrated into the design of the building and complement the main structure through consistency in roof pitch, architectural detailing, materials, and color. Lighting must conform to lighting regulations.
  - d. Openings for car washes or service bays should be integrated into the design of the building and, if possible, be sited so they are not directly visible from public roadways or adjacent residential areas.
  - e. Connections to the existing or planned public sidewalk should be included in the Site plan to encourage pedestrian use and planned automobile access to or from service stations and convenience stores, and should minimize conflicts with pedestrian or bike traffic.
- 9. Drive-throughs
  - a. Architectural design and circulation planning for buildings with drive-throughs require careful consideration to integrate them into the overall streetscape.
  - b. Drive-through operations and other automobile oriented facilities should be designed with facade and roofline elements that reduce their scale and add architectural interest.
  - c. Drive-throughs should be located at the side or rear of the building and avoid facing public or private roadways.

## **H. Landscaping**

- 1. Introduction: Landscaping should be an integral part of all Site plan developments. Trees, shrubs, and other landscape elements can be used to accentuate buildings, create a sense of identity, reduce the amount of impervious surfaces, and provide human scale and storm water management opportunities. Applicants should carefully evaluate the characteristics of each site and their own maintenance abilities when making the final selection to ensure that the plantings will survive and achieve maturity in their selected location. New Durham should be characterized by a rich variety of landscape materials that enhance human scale, complement the architecture, reinforce circulation paths, highlight entrances, provide canopy shade, and add seasonal interest. Overall landscaping goals include the following:
  - a. Incorporate appropriate plantings that are in scale with their surroundings.

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- b. Separate roadways from commercial development by attractive landscape planter strips.
  - c. Incorporate plantings in parking lots to add aesthetic value, reduce their scale, provide canopy shade, reduce radiant heat from the surface, reduce headlight glare, manage storm water, and add seasonal interest.
  - d. Preserve mature trees and other significant landscape features which help define the character of the community.
  - e. Provide screening for less attractive parts of a site or incompatible land uses.
  - f. Help define areas where pedestrians are safely separated from the road.
  - g. Reinforce wayfinding by emphasizing entrances and circulation patterns.
  - h. Manage invasive species using ecologically sound practices.
2. Design Guidelines
- a. Site plantings should have a variety of layers: a canopy layer consisting of shade trees and/or ornamental trees, a shrub layer and a groundcover layer, all adapted to the growing conditions of the specific site
  - b. Safety: The selection of plant materials should consider public health and safety. Plants that should be avoided include those with poisonous fruits, large thorns, or invasive growth patterns. The ultimate form and height of plantings as they mature should be considered so they will not create unsafe conditions or block sight lines for pedestrians, bicyclists, or motorists.
  - c. Rocks: Large rocks/boulders should be used only as accents in mass plantings. Rocks should not be used as substitutions for shrubs. Where used, they should be buried for at least half of their depth.
  - d. Minimum Plant Sizes: Plant materials should meet the following minimum sizes at planting:
    - Street Trees .....2 1/2 inch caliper
    - Ornamental Trees .....2 inch caliper
    - Evergreen Trees .....6 foot height
    - Deciduous Shrubs .....30 inch height
    - Evergreen Shrubs .....18 inch ht/spread
    - Perennials .....2 year clumps
    - Ornamental grasses .....2 year clumps
    - Ground Covers .....3 inch pots
  - e. Irrigation: The Town of New Durham encourages plantings that are hardy and appropriate for our climate and that do not require irrigation to survive (other than for the establishment period). Underground irrigation that is installed should be designed to prevent overflow or flooding onto walkways or parking lots which can create unsafe conditions. Design of the system should include backflow prevention and utilize control measures such as moisture meters and timers to reduce needless water use.
  - f. Invasive Plant Species: Plant species that are considered invasive or potentially invasive in New Hampshire should not be used in the landscape. The Landscape Plan should indicate how existing invasive species present on the site will be dealt with

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using Best Management Practices. Please refer to the NH Prohibited Plant Species List.

3. Installation and Materials

- a. Contractors should verify the location and elevation of all utilities with the respective utility owners prior to construction.
- b. Plants used should comply with the standards of scientific/botanical name, size, culture, and quality for the highest grades and standards in the latest edition of the American Standard of Nursery Stock.
- c. All disturbed areas not paved should be topped with 6" of loam minimum and planted to reduce erosion.
- d. In order to prevent rot and insect infestation, mulch should not be more than 3" thick total (including previously applied mulch) over the root ball of any plant and should not touch the stem, trunk, or crown of a plant.
- e. Mulch should consist of dark, decomposed, shredded, native bark not longer than 4" in length and ½" in width, free of wood chips and sawdust. Mulch for ferns and herbaceous perennials should be no longer than 1" in length. Trees in lawn areas should be mulched with a 6' diameter min. saucer at least until establishment.

4. Existing Plantings: Mature trees along New Durham's roads are an important element of community character. They provide significant wildlife habitat, year-round visual interest, and comfort to pedestrians. Where practical, existing mature and specimen trees should be preserved during development. Preserving large existing trees within the planter strip will decrease the number of new trees required.

- a. Existing Trees/Plants: The preservation of healthy, existing or unique trees or other significant plantings is highly recommended. These plantings to remain should be noted during the initial site inventory and considered in the development of the sketch plan. The landscape plan should illustrate which vegetation will be preserved and what protection measures will be taken during construction. Transplanting and reusing trees and other plantings is strongly encouraged.
- b. Protection Measures: The landscape plan should show how existing trees will be protected during construction. Tree protection should include all areas within the drip line and should include all surface roots. In order to protect the integrity of the roots, branches, trunk and bark of the tree(s), there should not be any construction activity within the drip line during construction including grading, compaction, utility installation, stockpiling of construction materials, port-a-lets, or refuse; nor movement or parking/storage of vehicles and/or equipment. If tree roots must be disturbed, they should be cut cleanly with sharp tools.
- c. Temporary Measures: Barricades in the form of snow fencing or similar materials should be installed before construction to protect trees and their root zones. The radius of the protection fencing in feet should be at least the diameter of the tree in inches (i.e., a 12-inch diameter tree would require a fence with a radius of 12 feet.) Tree protection fencing should be in place and be continually maintained throughout construction and should be removed when construction is complete.



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- d. Professional Assistance: In the case of specimen or unusually large trees, the Planning Board may require a report from a New Hampshire licensed Arborist that describes the procedures that will be used to protect the tree during and following construction.
  - e. Tree Walls/Wells: Where grading is required near trees to be preserved, properly designed tree wells or walls may be used to ensure the long-term health of the tree. Such structural systems should be designed by a landscape architect or other qualified professional.
  - f. Grade Changes: Where tree roots are at or near the surface, grading within the drip line in excess of a few inches should be avoided since it may cause irreparable damage to the root system and cause the tree to die.
5. Plant Selection and Planting: Trees should be sited to achieve full maturity and display their natural form. Planting plans should emphasize large shade trees within or near the right-of- ways in order to create a more unified streetscape. Commercial development should be separated from the adjacent roads by landscaped planter strips. Planter strips and islands should be designed to screen and mitigate the visual impacts and heat island effects of parking areas and roadways while visually unifying New Durham's commercial sites. Landscaping within and around parking lots can be used to improve its appearance, reduce the scale and amount of paved areas, define edges, provide shade, reduce headlight glare, and add seasonal interest as well as provide areas for storm water management.
- a. Suitability: All plant material should be suitable to New Durham's growing conditions.
  - b. Pedestrian Movement: The lower branches of trees planted near pathways and sidewalks should be at least eight feet above the pavement to minimize interference with pedestrian movement throughout the year.
  - c. Variety in Plantings: The use of flowering shrubs, evergreen shrubs, perennials, annuals, vines, ornamental grasses, and other groundcovers is highly recommended in addition to shade trees, evergreen trees, and ornamental trees.
  - d. Foundation and Wall Plantings: Planting beds are recommended along exposed building edges, foundations and uninterrupted walls. Plantings should be installed an adequate distance from the wall allowing for mature size to allow proper root zone and branch development.
  - e. Strips and islands within parking lots should be a minimum of 10' in width to allow proper room for root development.
  - f. Planter strips that manage stormwater for adjacent areas are encouraged.
  - g. Planter strips and islands should be separated from parking and vehicle travel ways by adequate curbing.
  - h. Groundcovers: Appropriate groundcovers include turf grass, ornamental grasses, perennials, low-growing evergreens and flowering shrubs. Planting other than turf grass should be spaced close enough to achieve full coverage within 3 years after installation. Stone, bark mulch, or other similar inert material should not be used as a substitute for vegetative groundcover.

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- i. Mulch may be used directly under plantings to preserve soil moisture, however, it should not be used as the primary groundcover.
  - j. Trees: Trees within planter strips may be installed in a linear fashion or informal groupings. Linear plantings may be appropriate along roadways to create a boulevard effect, using large spreading deciduous trees to define the edge of the travel way, provide shade for pedestrians, and add scale to commercial corridors. Informal groupings may be appropriate in areas where existing vegetation has already established a particular rhythm and pattern to the streetscape or where there is adequate room.
  - k. Trees should be planted a minimum of 5 (five) feet from the edge of the pavement of the roadway (including gravel), driveways, parking lot bays and other paved areas unless more space is available. An offset of 7 (seven) to 10 (ten) feet or more is preferred to ensure the health of the tree and public safety.
  - l. Trees and other landscaping planted at intersections should preserve a clear area within the sight triangle.
  - m. Parking Lots should be separated from the street by a planter strip, earth berms, walls, and/or other landscape elements to minimize headlight glare and the view of vehicles, while still allowing the public to see the building.
6. Landscaping Within and Around Parking Lots
- a. Parking Lot Perimeter: One tree for every 40 linear foot of parking lot perimeter planted within 10 feet of the lot is encouraged.
  - b. Parking lots with more than two rows (one bay) of parking spaces should have a planter strip between the bays with trees and other plantings in the planter strip.
  - c. Parking spaces in a row should have no more than 10 consecutive spaces without a planter island of approximately 200 SF.
7. Landscape Maintenance: Landscape plans should anticipate 3-8 years for shrubs to achieve maturity, and 15-20+ years for trees. Proper maintenance should be provided to assure that the landscaping achieves its proper form and full height. Maintenance of all landscape elements should be considered in the development of the Site plan.
- a. Guarantee Period: All lawns and plant materials should be guaranteed by the landscape contractor for a period of not fewer than two years. The developer should submit a copy of a guarantee and a contract with the landscape contractor, indicating the terms of the guarantee period, or may obtain a letter of credit.
  - b. Maintenance Plan: A written maintenance plan should be provided as a supplement to the Landscape Plan for all landscape elements installed on the property. The maintenance plan should include (but not be limited to) initial installation, guarantee period, replacement policy, periodic and seasonal maintenance, use of pesticides and fertilizers, irrigation, seasonal displays, and special considerations.
  - c. Safety: Trees in parking lots or those that abut walkways should be pruned to at least eight feet above the paved surface to allow clear and safe passage of vehicles and pedestrians under tree canopy. Shrubs and ornamental plantings in parking lot islands should not exceed 3 feet in height to avoid blocking visibility.

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- d. Replacement Planting: If plant materials specified do not survive or are damaged, they should be replaced in accordance with the performance guarantee to maintain conformance with the approved planting plan and to provide the necessary landscape effect.
- 8. Snow Storage areas should be designated on plans. Snow should be stored a minimum of 5' from shrubs and trunks of trees.