

SITE REVIEW REGULATIONS

CHICHESTER PLANNING BOARD

CHICHESTER, NEW HAMPSHIRE



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AUTHORITY

Pursuant to the authority vested in the Town of Chichester Planning Board voted on at the March 14, 1989, Town Meeting in accordance with the provisions of RSA 674:4 as from time to time amended, the Town of Chichester Planning Board adopts the following regulations governing the review and approval or disapproval of site plans for the development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or resubdivision of the site. These regulations shall be entitled "Site Plan Review Regulations, Town of Chichester, New Hampshire."

EFFECTIIVE DATE

ADOPTED ON April 4, 1989

FOLLOWING A PUBLIC HEARING ON April 4, 1989

REVISED ON November 5, 1992

FOLLOWING A PUBLIC HEARING ON November 5, 1992

REVISED ON November 5, 1998

FOLLOWING A PUBLIC HEARING ON November 5, 1998

REVISED ON January 8, 2004

FOLLOWING A PUBLIC HEARING ON January 8, 2004

REVISED ON March 9, 2004

FOLLOWING TOWN VOTE AT TOWN MEETING March 9, 2004

I. PURPOSE

The purpose of the Site Plan Review Regulations and the site review procedure is to provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of inadequate drainage or conditions conducive to flooding of the property or that of another, inadequate protection for the quality of groundwater, 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, and inadequate provision for fire safety, prevention and control; provide for the harmonious and aesthetically pleasing development of the municipality and its environs; provide for open spaces and green spaces of adequate proportions; 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; require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access of fire fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system; require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval; 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; and include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity. The Planning Board requires reproducible mylars to be recorded with the Merrimack County Registry of Deeds.

II. PROCEDURES

- A. Site Plan Review shall be conducted in accordance with the procedural requirements contained in Subdivision Regulations, for review of final plats including the notice to abutters and a public hearing and in accordance with RSA 676:4 as from time to time amended.
1. The list of all abutters and property owners within 200' should be checked with records at the Merrimack County Registry of Deeds and not obtained from the local tax rolls, as ownership may have changed since town records were last updated.
 2. The applicant shall bear the cost of review, including the cost of notifying abutters, the Board's administrative expenses, the cost of special investigations, the review of documents, advertising, and other costs required by particular applications. (see RSA 676:4 D)
 3. If the site plan meets the evaluation criteria and is approved by the Planning Board, then the applicant may apply for a building permit. No building permit will be issued until approval of the site plan by the Planning Board is granted. The applicant will be notified by mail of approval or disapproval of site plans.
 - a. Applicants may address the Board concerning a potential application. The Board, or its designee, may join the applicant in non-binding discussions beyond the conceptual level or general level involving more specific design and engineering details.
 - b. During DISCUSSION and DESIGN REVIEW sessions, the Board shall not approve or disapprove the proposal or take any other action on the application, except to give general guidance to the applicant.
 - c. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on an application.
 4. The Board's approval of a Final Application shall lapse if all conditions of the Final Approval have not been met within ninety (90) days of the date the Final Approval was granted. If additional time is needed, the applicant shall appear before the Board by the deadline to explain the request for more time. The Board shall then vote on whether to grant an extension.

III. SUBMISSION REQUIREMENTS

1. Completed Application for Site Plan Review
2. Site Plan:
 - a. Sheet size: 22" X 34" maximum, recordable mylar
 - b. Scale: not less than 1" =100'

- c. Match lines when needed
 - d. Three (3) prints of each plan sheet (blue or black line)
 - e. Date, title, graphic scale, north arrow, location map and signature block
 - f. Name and address of developer, designer/engineer, and owner of record
 - g. Show all easements
3. List of current names and addresses of all abutters, including self and owners of and within 200' of any property line. (you may not abut yourself)
 4. Fees as set by the Planning Board.
 5. Topographical plan with contour lines at two (2) foot vertical intervals. Benchmark from USGS datum.

IV. REQUIRED EXHIBITS AND DATA

1. Reproducible mylar showing boundaries, existing natural features including water courses water bodies and wetlands, trees and other vegetation, topographical features, all buildings with their type, size and location, (setbacks), location, width, curbing and type of access ways and egress ways (driveways), plus streets within and around the site, lines of all existing adjoining streets, and any other features which should be considered in the site design process;
2. All elevation view or photograph of all buildings indicating their height, bulk and surface treatment, existing and proposed contours and finished grade elevations; all contours shall be a minimum of 2-foot intervals, type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;
3. Surveyed property lines showing their deflection angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;
4. Location of off-street parking and loading spaces with a layout of the parking indicated and compliance with American Disabilities Act (ADA) requirements;
 - a. Vehicle usage of area: state the number estimated per day and average;
5. Size and proposed location of water supply and sewage disposal facilities and provision for future expansion of such facilities, all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
6. Location, elevation and layout of catch basins and other surface drainage features;
7. The location, size and design of proposed signs and other advertising or instructional devices;

8. Size and location of all public service connections - gas, power, telephone, fire alarm, overhead or underground, location and type of lighting for all outdoor facilities, including direction and area of illumination, type and location of solid waste disposal facilities;
9. Underground storage tanks for petroleum products, and all State Registration Numbers are to be shown on the plan, as well as all pertinent state and federal approvals;
10. Indicate Building and Parking compliance with American Disabilities Act (ADA) requirements;
11. Storage locations within the site for any flammable or hazardous type liquid gases, solid materials or other hazardous materials;
12. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development of Site Review;

V. GENERAL STANDARDS:

- A. Design of development should fit the existing natural and man-made environments with the least stress:
 1. Site preparation is to be conducted with minimal disturbance to existing vegetation. The site shall be adequately landscaped when completed.
 2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate.
 3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting owner is obtained.
- B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to Residential areas abutting non-residential sites:
 1. Buffer strips (the number of feet depending largely on the density of development in the area) must be maintained between use and residential zones. Buffer strip between non-residential and residential zone must contain vegetation or appropriate fencing which will screen non-residential uses from sight from residential area throughout the year.
 2. A landscaping plan must be submitted showing locations and types of vegetation to be retained or established.
- C. Screening must be provided to reduce visual pollution:
 1. Storage areas must be fenced or screened throughout the year from on-site or adjoining parking and neighboring properties.
 2. Litter (garbage) storage areas must be screened throughout the year.
 3. The use of either fencing or hedges is permitted.

D. Parking and Loading and Pedestrian Safety:

1. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties, American Disability Act (ADA) requirements must be met for parking.
2. Sufficient off street loading and/or unloading space must be provided including off street areas for maneuvering of anticipated trucks or other vehicles which shall be designed to ensure the safety of vehicles and pedestrians on the site. Maneuvers for parking and/or loading or unloading spaces must not take place from a public street.
3. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and run-off conditions that would have a detrimental effect on abutting or neighboring properties and public rights-of-way and shall be designed to ensure the safety of vehicles and pedestrians.
 - a. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate run-off; however,
 - b. The Board may require that access, parking, and loading areas be conventionally paved if appropriate or necessary, a minimum of 3" of pavement and 12" of subsoil.
4. Sidewalks a minimum of four (4) feet wide shall be provided for pedestrian traffic to provide connection between the main entrances to business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provisions shall be made for sidewalks running from the street line to the establishments. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways shall be at least six (6) inches above grade and protected by vertical curbing.

E. Erosion and Sedimentation Plan shall:

1. Make provision to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Sediment basins or other acceptable techniques may be required. Diversions, sediment retention basins, and other such devices, shall be constructed prior to any on-site grading or disturbance of existing surface material.
2. Show control measures both during construction and any permanent controls to remain after construction.
3. Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
4. Identify, and relatively locate, proposed erosion and sediment control measures and structures during and after development.
5. Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with the town and the Merrimack County Conservation District standards.

6. Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.
7. Ensure that stripping of vegetation, re-grading or other development will be done in such a way that will minimize soil erosion. Temporary seeding and/or mulching may be required by the Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

F. Illumination:

1. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
2. Indirect lighting should be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking, or flashing lights or signs are not permitted, except electronic message signs may be permitted after being addressed at site review and public hearings, and shall not exceed 4'X6' outside dimensions and its square footage will be included in the total square footage of allowable signage.
3. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development.

Outdoor lighting regulations:

1. Purpose: The intent of this Ordinance is to improve the visibility of the nighttime sky without impacting safety, by reducing lighting conditions including but not limited to, glare, light trespass and sky glow.

2. Definitions:

Luminaire: a lighting fixture that includes a lamp or lamps.

Lumen: a unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.

Glare: light emitted by a luminaire in direct line-of-sight contact with the viewer which causes reduced visual acuity.

Fully shielded lighting: lighting in which the light rays emitted by the fixture are projected below the horizontal plane.

Light trespass: light produced by a luminaire beyond the boundaries of the property on which it is located.

3. Regulations:

A. Application: This Ordinance applies to the Commercial-Industrial/Multifamily Zoning district only.

B. General Lighting Restrictions:

- (i) Any luminaire rated at a total of more than 1800 lumens, and any flood or spot luminaire rated at a total of more than 900 lumens shall be fully shielded and shall not emit any direct light above the horizontal plane through the lowest direct-light-emitting part of the luminaire.
- (ii) No luminaire may be aimed, directed or focused so as to cause direct light from the luminaire to be projected onto adjacent or nearby properties or to create glare perceptible to persons operating motor vehicles on public ways.
- (iii) Lighting shall be designed to limit any increase in off-site illumination to a maximum of two tenths (0.2) of a foot-candle as measured at all boundary lines.

C. Height Restrictions: Any luminaire rated at a total of more than 1800 lumens, and any flood or spot luminaire 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 in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

D. Gas Station - Type Canopies: 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 is fully shielded. Luminaires shall not be mounted on the sides or top of the canopy, and the sides or fascias of the canopy shall not be illuminated.

E. Lighted Advertising Signs:

- (i) Luminaires used to illuminate an outdoor advertising sign shall be fully shielded and directed to the sign structure so as not to create excess glare or light-trespass.
- (ii) Outdoor advertising signs wholly illuminated from within do not require shielding, however, total lamp wattage per sign shall be 60 watts or less.
- (iii) Moving, fluttering, blinking, or flashing lights or signs are not permitted, except electronic message signs may be permitted after being addressed at site review and public hearings, and shall not exceed 4' X 6' outside dimensions and is considered part of the total square footage of allowable signage and shall not be continuous moving and shall only change on 15 minute intervals.
- (iv) The outdoor operation of searchlights, lasers or other high-intensity beams for advertising purposes is prohibited.

F. Outdoor Lighting Curfew: All outdoor luminaires shall be turned off or reduced by at least 50% as measured in lumens within thirty minutes after a business closes.

G. Security Lights: Such lights which are normally "off" and which are activated "on" for less than four minutes occasionally when motion is detected are allowed but must comply with sections Band C.

4. Exceptions: The following are exempt from this Ordinance:

- (i) Temporary luminaires required for construction projects (not to exceed 30 days)
- (ii) Luminaires related to police, fire or other emergency services, and
- (iii) Hazard warning luminaires required by Federal regulatory agencies.

5. Pre-existing Outdoor Lighting:

Any Luminaire that replaces a non-conforming, pre-existing luminaire of any such luminaire that is moved or comes under new ownership must meet the standards of this Ordinance.

Motion Detector Pre-existing luminaires that cause glare to traffic or light trespass to abutters shall fully comply with this ordinance within 6 months.

G. Access to Public Streets:

- 1. Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the town, as adopted and amended.

H. Water supply and sewage disposal systems:

- 1. Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control and/or the Town Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the developer, or his agent, to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The developer shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

I. Flood Hazard Areas:

- 1. Site plans for both non-residential development and multi-family units will be reviewed to determine whether such proposals will meet existing floodplain regulations. If such a proposal is determined to be in a flood prone area, such proposals will be reviewed to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within the flood prone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Septic systems, if required, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters;

- d. The lowest floor (including the basement) is elevated or flood proofed to or above the base flood level.

J. Wetlands:

1. Wetlands are areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions, does support a prevalence of vegetation typically adapted for life in saturated soil conditions. For the purpose of determining buffer areas for site plan and subdivision review, wetland boundaries shall be delineated on the basis of hydrophytic vegetation, hydric soils and wetland hydrology by a Certified Soil Scientist or Certified Wetlands Scientist.
 - a. Septic System Setbacks. As required by the New Hampshire regulation: RSA 485A, Water Pollution; Waste Disposal, septic systems will be set back 75 feet from very poorly drained soils (Hydric A) and 50 feet from poorly drained wetland soils (Hydric B)
 - b. Underground Storage Tanks. No underground chemical or fuel storage tanks of any size shall be located within 200 feet of any wetland.
 - c. Other Setbacks. A 100-foot buffer zone will be maintained between wetlands and any land change.
 - d. Wetlands Identification. Any site plan or subdivision plan containing wetlands in the Chichester Zoning Ordinances, Section C Zoning Map, must show wetland areas determined by a Certified Soil Scientist or Certified Wetlands Scientist. Incurred fees will be paid by the site plan or subdivision plan applicant.
 - e. Preexisting Uses. Preexisting uses are exempt from this ordinance. However, they may not be expanded, altered or changed without a Special Exception provided by the Board of Adjustment.
 - f. Permitted Uses. Uses that will not require the erection of structures or change the surface by digging, dredging or filling are permitted. Examples: Recreational, forestry, tree farming and agriculture using best management practices.

VI. TOWN ENGINEER

The town engineer, or in the absence of a town engineer, a registered engineer hired by the Planning Board shall inspect site improvements at the request of the Board. The Developer shall pay the cost of the Board's employment of said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the engineer. A letter certifying to the developer's agreement to the employment of said engineer shall be filed with the Board as part of the site plan review. Engineer is defined as the duly designated engineer of the Town of Chichester, or other official, who shall be a duly registered engineer.

VII. WAIVERS OF SITE PLAN REVIEW REGULATIONS

The Planning Board may waive any requirements listed in the Site Plan Review Regulations, where it finds that such regulation does not apply to the proposed development.

a. By filing an application, the applicant consents to the inspection of the property by Board members, with reasonable notice.

VIII. PERFORMANCE BOND

The Planning Board may require that a performance bond, in an amount to be determined by the Planning Board, in the form of a passbook, savings deposit, irrevocable letter of credit or a bond, be posted by the developer and held by the Town until the Board of Selectmen is satisfied that all conditions of the site plan approval and any other pertinent Zoning Ordinance(s), Subdivision Regulation(s), and other Town Ordinance(s) or Regulation(s) have been met. The bond may be released in part when the project is substantially completed, at the discretion of the Board of Selectmen.

IX. RECORDATION

The Site Plan, in recordable mylar format, which shows, at a minimum, lot lines and proposed construction, roads, and other improvements, and Planning Board approval, must be recorded with the Merrimack County Registry of Deeds. A copy of the recorded documents, with proof thereon of recordation must be filed with the Planning Board. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well with reference made to such recording on the face of the map.

X. JOINT HEARINGS

In accordance with adopted Rules of Procedure, the Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a proposal. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that a hearing for special exception is held for the project by the Board of Adjustment.

XI. AMENDMENTS

Amendments to these Site Plan Review Regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, as may from time to time be amended.

XII. SEPARABILITY

If any provision herein shall be held to be invalid for any reason by a court, such holding shall not invalidate in any manner, any other provision contained herein.

XIII. DEFINITIONS

The Definitions section of the Subdivision Regulations are hereby adopted by reference.

XIV. PENALTIES

As provided in RSA 676: 15 & 17, as from time to time amended, the Town may obtain and injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove any erection, construction, alteration, or reconstruction which is not in compliance with these Regulations. Any violation of these Regulations may be punishable, as determined by the Selectmen, by either: (a) a civil fine of not more than \$100.00 for each day that such violation is found by a court to continue after the conviction date of after the date on which the violator receives written notice form the municipality that he or she is in violation of the Regulation, whichever is earlier; or, (b) a criminal penalty, which shall be a misdemeanor if the violation is committed by a natural person, or a felony if committed by any other person. In any legal action brought to enforce these Regulations, the prevailing party may recover its costs in pursuing or defending itself in such legal actions.