

# Town of Deering New Hampshire

## **Site Plan Regulations**

**Site Plan Review Regulations for the Town of Deering New Hampshire**

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## **SECTION 1: GENERAL PROVISIONS**

### **1.1 AUTHORITY**

In accordance with the authority vested in the Deering Planning Board by the voters of the Town of Deering on March 9, 2004, and in accordance with the provisions of chapter 674:43 and 44 of the New Hampshire Revised Statutes Annotated, the Deering Planning Board adopts the following regulations governing the review of Site Plans.

### **1.2 PURPOSE**

The purpose of the Site Plan Review process is to protect the public health, safety and welfare; to promote balanced growth; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development. The Site Plan Review Procedure in no way relieves the developer or his/her agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.

### **1.3 SCOPE OF REVIEW**

Whenever any development or change or expansion of use of a site is proposed or whenever any changes are proposed that differ from an existing site plan as previously approved by the Planning Board; before any construction, land clearing, building development or change is begun and before any permit for the erection of any building or authorization for development on such site shall be granted, the owner of the property or his authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation. The Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan Review. Where there is any doubt as to whether or not a project requires Site Plan Review, the affected party should request a determination from the Board. In an effort to clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed:

- 1. If the proposal involves new construction of nonresidential or multi-family development.*
- 2. If the proposal involves a change of use category, e.g., from residential to commercial, or from single family to multi-family.*
- 3. If the proposal involves external modifications or construction, including parking lots (except for single family or duplex housing).*
- 4. If the proposal involves expansion of a building or intensification of use that would result in a change in traffic volume or patterns in the area, noise, parking, lighting, etc,*
- 5. If the proposal involves a property that has never received Site Plan Review from the Planning Board for previous non-residential or multi-family use.*

#### **Activities Not Subject to Site Plan Review**

- 1. Proposals that involve no change in use or level of activity.*
- 2. Internal building modifications to a nonresidential use that do not affect the scale or impact of the existing use.*
- 3. A re-use of a premise for which a Site Plan Review has already been conducted, provided the new use is not different in type or impact.*

## **SECTION 2: WORD USAGE AND DEFINITIONS**

- 2.1 “Person” means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- 2.2 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 2.3 The words “shall” and “will” are mandatory: the word “may” is permissive.
- 2.4 For any term not defined in these regulations, the definition, if any, given in the Town of Deering’s Subdivision Regulations, Zoning Ordinance, or applicable State Statutes shall prevail. Terms and words not so specifically defined shall have their common meaning. In the event a conflict is found between the meaning or definition of any words or term also defined in the Deering Subdivision Regulations or Zoning Ordinance or applicable State Statutes, the most restrictive meaning or definition shall prevail.
- 2.5 **Approved Street:** a Class V or better highway, or a street that corresponds in lines and location with a street shown on a subdivision plan approved by the Planning Board.
- 2.6 **Board:** The word “Board” shall mean the Deering Planning Board
- 2.7 **Buffer:** A landscaped or naturally vegetated area running generally parallel to the boundaries of a parcel or water feature, and intended to lessen the negative impact of a land use on neighboring parcels or nearby areas.
- 2.8 **Certified Soil Scientist:** A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.
- 2.9 **Certified Wetland Scientist:** A person qualified in wetland classification and mapping, who is certified by the State of New Hampshire
- 2.10 **Complete Application:** An application having all necessary parts and components of a whole application, pursuant to Section 3 of these Regulations
- 2.11 **Exotic Species:** Plant species not indigenous to the northeastern United States.
- 2.12 **Frontage:** That portion of a lot bordering on an approved Street
- 2.13 **Ground Cover:** A tightly interlaced protective layer of low, dense-growing plants over the soil
- 2.14 **Impermeable Surface:** Any surface that water will not penetrate, such as but not limited to asphalt, concrete, or roofing
- 2.15 **Historic Structure:** An aged structure listed on the National Register of Historic Places, or located in the Town’s historic district, or designated by the Town as a historic landmark
- 2.16 **Lot:** A piece or parcel of land occupied or intended to be occupied by a principal building or group of buildings and accessory buildings, or utilized for a principal use or uses accessory or incidental to the operation thereof, together with such open spaces as required by the zoning ordinance and having frontage on an approved street, intended to be separately owned, rented or otherwise used as a unit.

- 2.17 **Mounting Height:** The height of a lighting fixture measured as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e., luminaire).
- 2.18 **Multi Family Dwelling Unit:** Any structure containing more than two dwelling units.
- 2.19 **Native Species:** Plant species indigenous to the northeastern United States.
- 2.20 **Owner:** any person, group of persons, firm or firms, corporation or corporations, or other legal entity having title to the land sought to be developed.
- 2.21 **Screen:** Landscaping or fencing, or both, designed to conceal from view all or part of a structure or site that, in the judgment of the Planning Board, is unattractive or otherwise warrants mitigation of the effect of its appearance.
- 2.22 **Steep Slopes:** Slopes with a grade in excess of twenty five percent (25%)

### SECTION 3: APPLICATION PROCEDURES

#### 3.1 GENERAL REQUIREMENTS

- 3.1 Applications shall be filed at the Town Hall with the Planning Administrator thirty (30) days before the next regular meeting of the planning board.
- 3.2 An application may be withdrawn prior to the hearing, however, all application fees shall be forfeited and the applicant shall remain liable for all consultants' fees incurred prior to withdrawal of the application.
- 3.3 By filing an application with the Board, the applicant, including all the applicant's agents, consultants and representatives, consents to the review of the application by independent consultants retained by the Board at the applicants expense for the purpose of, and not limited to:
  - a. Confirming that the application conforms with the applicable state and local requirements; and
  - b. Recommending to the Board any additional studies or investigations and/or information from land surveyors, engineers, architects, attorneys, soil scientists, wetland scientists, or other with expertise in a particular field, and which could facilitate the Board's actions on the application
- 3.4 A professional engineer, architect, or land surveyor, as applicable, who is licensed to practice in the State of New Hampshire, shall prepare all plans submitted to the Board for review.

#### 3.2 DETERMINATION OF POTENTIAL FOR REGIONAL IMPACT

Prior to the public hearing, the planning board shall determine whether or not the proposed development has a potential for regional impact, pursuant to RSA 36:54 et seq.

### **3.3 PROCEDURE FOR SITE PLAN REVIEW**

- A. A proposed site plan will be reviewed according to the standards contained in Section 4, “Design and Construction Requirements.”
- B. Public Hearing Required

The Board shall determine whether or not the application is sufficiently complete to invoke jurisdiction. If the application is deemed sufficiently complete, the Board may begin the public hearing immediately, if public notice (for the hearing) has been given, or shall schedule a public hearing.

The Board shall give notice as follows:

- a. The notice shall include a general description of the proposed site plan that is the subject of the application; shall identify the Applicant and the location of the site plan; and shall state the day, time, and place of the public hearing/meeting.
- b. Notice shall be sent to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural restrictions; and other persons required by RSA 676:4 I(d). The Applicant shall furnish the names and addresses.
- c. For the purpose of these Regulations, in counting days, the day notice is given and the day of the public hearing/meeting are excluded.
- d. Notice shall be mailed at least 10 days prior to the public hearing/meeting.
- e. Notice to the general public shall be given by one publication in a local newspaper of general circulation, or the Planning Board may designate other such paper of general circulation as, at least 10 days prior to the public hearing/meeting.

### **3.4 ACTION OF THE BOARD**

The Board shall act to approve, approve with modifications and conditions, or disapprove the proposed site plan within 65 days following the completeness finding by the Board, except that the Board may apply to the Board of Selectman for an additional 90 days within which to act upon the application. The Applicant may agree to a waiver of the time period. If the Board has not acted within the 65-day period, the Applicant may obtain from the Board of Selectman an order directing the Board to act within 30 days.

If the Planning Board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the Board of Selectman shall certify on the Applicant’s application that the plan is approved pursuant to RSA 676:4, I(c)(1), unless within those 40 days the Board of Selectman has identified in writing some specific site plan regulation, or zoning, or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes, including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

### **3.5 NOTICE OF ACTION**

The Board shall notify the Applicant in writing by means of a Notice of Action, sent by certified mail, of its action on the final site plan. In case of disapproval, the Board shall clearly set forth in the Notice to the Applicant the reasons for its action, with specific reference to standards contained in these Regulations.

For the purposes of these Regulations, the date of the action by the Board is equivalent to the date of the Board's vote for approval or disapproval of the site plan.

The Notice of Action shall set forth the following:

1. A description of the approved site plan indicating title, date, project number, and engineer;
2. A description of all specific conditions required by the Board that are in addition to the design and construction requirements of SECTION 4;
3. A description of any waivers granted by the Board pursuant to SECTION 10;
5. A description of land, if any, to be dedicated to widen existing streets;
6. All agreements, if any, between the Applicant and Board concerning matters not required by these Regulations, but to be performed by the Applicant;
7. Any modifications allowed by the Board of requirements, as authorized by the Regulations;
8. In the case of conditional approvals, those permits or approvals to be obtained, and whether or not a public hearing will be required, under RSA 676:4, II, (I);
9. And any other provisions deemed necessary by the Board. The approved site plan and all representations contained thereon or in other documents, plans, reports, materials, or correspondences submitted by the Applicant shall be considered incorporated by reference into the Notice of Action.

### **3.6 EXPIRATION**

Any site plan for which a Building Permit has not been obtained within one (1) year of the date of approval of the site plan shall be considered void unless the Board grants an extension for good cause. An extension shall be for one (1) year. The Board shall grant no more than one extension for any site plan.

### **3.7 PROCEDURE WHEN APPROVALS FROM THE ZONING BOARD OF ADJUSTMENT ARE REQUIRED**

When the Deering Zoning Ordinance requires approvals from the Zoning Board of Adjustment, the Applicant shall first obtain such approvals before applying for site plan approval. Any applications submitted without the necessary zoning approvals shall be deemed incomplete. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall be controlling.



### **3.8 PROCEDURE WHEN SUBDIVISION APPROVAL IS REQUIRED**

When both subdivision and site plan approval are required on a proposed development, the Board may hold the site plan review hearing at the same time as the hearing required for the final plat by the Subdivision Regulations.

### **3.9 PHASED DEVELOPMENT**

The approval procedure for phased development is:

- A. The entire site shall be approved under these Regulations.
- B. The Planning Board's required improvements set forth in the Notice of Action shall be constructed and installed for each phase. The plan for phasing shall be submitted to the Board and approved as part of the Notice of Action on the site plan approval.
- C. The Applicant shall provide a phasing and construction schedule that shall become part of the approval. If unable to construct within one (1) year of the approved construction schedule for Phase 2 and within one (1) year of all other dates for subsequent phases, then the Applicant shall resubmit the site plan to the Board. The Board shall then review the originally approved site plan against changes that have since occurred in the Town of Deering. The Board may modify or condition the original approval in order to address the current situation.
- D. In the event of any change after Phase 1 in the approved site plan, including changes in phases and construction schedules, the Applicant shall notify the Board in writing of such change. The Board shall determine whether or not the proposed change is an immaterial change or a material change. If the Board determines that the change is an immaterial change, then the Board may review the proposed change. All material changes shall require notice and public hearing. In the event of approval of any change, the Applicant shall be required to submit a revised site plan to the Board.

### **3.10 CONCEPTUAL REVIEW**

- A. For any site development, the Applicant may request the Planning Office to place on the Board's agenda (of a regularly scheduled meeting) a non-binding discussion, conducted in general terms, of the basic concept of the proposed development. The Applicant may end the conceptual review at any time. Public notice of the conceptual review is not required.
- B. In advance of the scheduled conceptual review, the Applicant shall provide a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey Map, showing the following:
  - 1. Existing property lines of the parcel under review;
  - 2. General topography, to include highlight of slopes in excess of 25%;
  - 3. Prominent natural features of the site, to include but not limited to tree lines, specimen trees, watercourses, floodplains, and wetlands;
  - 4. Existing and proposed buildings, parking areas, and roadways.
- C. The conceptual review shall be limited to a discussion of the concept in general terms, for the purpose of familiarizing the Board with the location and type of development, and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the

proposed development is an allowed use in the Zoning Ordinance. The Board shall determine whether the development is compatible with any plans for roads, utilities, and services. The Board shall focus on the characteristics of the site and its relationship to the surrounding area, to determine how well the proposed development fits into the natural environment and the cultural landscape, including historical resources.

### **3.11 SUBMISSION REQUIREMENTS**

A completed application consists of the following items unless the Board grants a written request for waiver(s):

#### **3.11.1 General Requirements**

1. A completed application form
2. A vicinity sketch showing the location of the site in relation to the surrounding public street system (suggested scale: one (1) inch equals five hundred (500) feet)
3. Names and addresses of all abutters, names and addresses of owners of record; names addresses of the Applicant taken from the town records not more than five (5) days before the day of filing;
4. Name of project or identifying title; and tax map and lot number.
5. Names, addresses and seal of all persons preparing the plat, as applicable;
6. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
7. Names and address of the preparer of the plan. Names and business address of persons or firms preparing other data and information, if different from the preparer of the plan.
8. Certification of a valid boundary survey performed within the last five (5) years by a land surveyor licensed in New Hampshire
9. Payment to cover filing and notification fees and escrow deposit;
10. Plats: prepared according to the standards of the NH Land Surveyors and meet the following:
  - a. Plats shall be at any scale between 1"= 20' and 1"=400'.
  - b. Ten (10) copies with the outside dimensions of the plat 22" x 34" and two (2) copies reduced to 11" X 17". When more than one sheet is necessary to show entire plan, include an index plan that shows the entire area.
  - c. The final mylar material composition shall be suitable for electronic scanning and archiving by the Registers of Deeds.
  - d. All plats shall have a minimum ½" margin on all sides.
  - e. All title blocks should be located in the lower right hand corner, and shall indicate but aren't limited to:
    - 1) Drawing title
    - 2) Location, including tax map and lot number
    - 3) Date of plat
    - 4) Sheet number

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- 5) Name of applicant
- 6) Name of owner(s) (if different from applicant)
- 7) Name, address, and telephone number of design firm
11. Physical features and uses of abutting land within 200 feet of the site.
12. Boundary lines, their source, approximate dimensions and bearings, and the lot area in acres and square feet.
13. The shape, size, height, location and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
14. Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site. New roads shall be constructed in accordance with the provisions contained in the Deering Subdivision Regulations.
15. Final road profiles, centerline stationing and cross-sections.
16. Locations of existing and proposed sidewalks and driveways, with indication of direction of travel for any that are one-way. Both vehicular and pedestrian circulation shall be shown.
17. Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets; and copy of any driveway permit(s).
18. Location and total number of parking spaces; loading spaces and other similar facilities associated with the use.
19. A landscape plan, describing the number, location, types, and size of all existing and proposed landscaping and screening.
20. The location, type, and nature of all existing and proposed exterior lighting and signage.
21. Water courses, ponds, standing water, rock ledges, stonewalls; existing and proposed foliage lines; open space to be preserved; and any other man-made or natural features.
22. The size and location of all existing and proposed water mains, sewers, culverts, proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
23. The location and distance to any fire hydrants fire ponds or cisterns.
24. Existing and proposed topographic contours based upon the USGS topographical data, with spot elevations where necessary.
25. Soil and wetland delineation
26. Location of existing and proposed well (if needed), with 75-foot radius on its own lot.
27. Location of any existing or proposed easements, deed restrictions, covenants.
28. Base flood elevations and flood hazard areas, based on available FEMA maps.
29. A letter of authorization from the owner, if the applicant is not the owner.

### **3.11.2 Additional Requirements**

1. Plan for Storm water Management and Erosion Control, if applicable (See Section 13).

2. State subdivision approval for septic systems; septic design approval where applicable; or certification by a licensed septic designer of adequacy of existing system to meet the needs of the proposed use.
3. If existing system is not adequate to meet the needs of the proposed use show location of percolation tests and test results; and the outline of 4,000 square-foot septic area with any applicable setback lines for new septic system.
4. Alteration of Terrain Permit from NH Department of Environmental Services.
5. State/Town driveway permit, as applicable.
6. Report from the Fire Chief, Police Chief, and/or Town Conservation Commission.
7. Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board's counsel.
8. Any other state permits.
9. Any other federal permits needed, including but not limited to, notice of intent.
10. An impact analysis may be required, which takes into account the following items to the extent the Board deems applicable:
  - a) *Demographic Description*
  - b) *Community Facilities Impacts*
  - c) *Environmental Impacts*
11. Any additional reports or studies deemed necessary by the Board to make an informed decision.

### **3.12 "AS BUILT" PLANS**

Supplemental information may be required by the Board to update the final plat to reflect "as built" conditions and details. The plan shall show any easements and dedicated roadways. A security bond may be required to guarantee performance of the applicant's obligations as described herein.

A. The size and location of all existing and proposed public and private utilities. The Applicant shall obtain and furnish a letter stating agreement by the public utilities and cable television company to serve the site. This letter shall include the size and location of existing off-site public utilities with which connections are planned or located within 100 feet of the site.

Applications may not be submitted that rely on the use of utilities planned or under construction unless the proposed utilities are part of the application.

B. A plan for exterior lighting and for the location of signs. The plan shall show the proposed mounting height of all exterior lighting fixtures, as well as analyses and luminance-level diagrams, to include foot-candle measurements, showing that the proposed installation conforms to the lighting-level standards in these Regulations.

The plan shall also include drawings of all relevant building elevations, showing the fixtures, the portions of the walls to be illuminated, the illumination levels of the walls, and the aiming points for any remote light fixtures.

## **SECTION 4: DESIGN AND CONSTRUCTION REQUIREMENTS**

### **4.1 GENERAL REQUIREMENTS**

Development proposed under these standards shall follow sound planning principles that lead to a project that: adheres to the best design standards; is integrated with the community's aesthetics; enhances circulation in the community; will not overwhelm the subject site; will provide safe and appropriate lighting; will provide adequate and appropriate landscaping and parking; and will not result in the excessive expenditure of public funds.

The site shall be of such character that it can be used safely for the construction and installation of the improvements, proposed by the Applicant, without excessive grades, inadequate drainage, and other hazardous conditions. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for natural light and air. Natural cover shall be retained to the extent possible and reasonable. The overall intensity of site development shall be harmonious with the municipality, the neighborhood, and adjacent properties

### **4.2 ACCESS AND CIRCULATION REQUIREMENTS**

- 4.2.1 All property subject to Planning Board review under these regulations, shall have safe and efficient vehicular and pedestrian access to and from public streets via driveways, and where appropriate, sidewalks. The design and construction of all driveways and walks providing access to non-residential and/or multi-family residential sites shall be adequate, in the opinion of the Planning Board, to safely accommodate anticipated traffic volumes generated by the proposed development.
- 4.2.2 Applicants for sites accessed from public streets under the jurisdiction of the New Hampshire Department of Transportation (NHDOT) are required to obtain a valid NHDOT Driveway permit prior to final approval. The Planning Board reserves the right to require a more stringent standard relative to driveway curb cuts onto public streets. In cases where a site is accessed from a public street under the jurisdiction of the Town of Deering, a driveway permit from the Town of Deering is required.
- 4.2.3 All access drives shall be constructed in accordance with the requirements of *A Manual On Uniform Traffic Control Devices*, latest edition, published by the US Department of Transportation, Federal Highway Administration.
- 4.2.4 All sites shall have fire lanes and emergency vehicle access sufficient to fulfill the requirements of the Deering Fire Department.
- 4.2.5 Pedestrian access to all non-residential or multi-family structures shall be provided via walkways constructed in a manner consistent with the requirements of the Americans With Disabilities Act (ADA).

### **4.3 PARKING REQUIREMENTS**

#### **4.3.1 General Requirements**

- a. No land shall be used and no building or structure shall be erected, enlarged, or use of building use changed, unless the off-street parking requirements are provided as specified in this Section. For purpose of this Section, an enlargement of any building shall require the provision of off-street parking for existing buildings as if were newly constructed.

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- b. Required off street parking facilities shall be provided on the same lot as the principal use or uses they are intended to serve, unless otherwise approved by the Planning Board.
- c. Standard parking spaces shall be a minimum of 9-feet wide by 18 feet long. Parking lot access shall be at least twenty feet (20') in width.
- d. A landscaping and lighting plan shall be required for all parking spaces.

### 4.3.2 Off-Street Parking Requirements

The following parking standards represent minimum requirements for the number of off-street parking spaces that must be provided for all development:

a) Multifamily dwelling	Two spaces per dwelling unit
b) Accessory Attached Apartment	One space per dwelling unit
c) Elderly Housing	One space per dwelling unit
d) Hotel, Motel or Inn	One and a half spaces per room
e) Retail Store, Shopping Center, Bank	One space for each two hundred fifty square feet of gross floor area
f) Service Establishments	One space for each three hundred square feet of gross floor area
g) Restaurants, Eat In	One space for each four seats
h) Day Care Facility	One space for each employee plus appropriate off-street area for drop-off and pickup of children.
i) General Offices	One space for each hundred twenty-five square feet of gross floor area
j) Warehouses/Wholesaling	One space per twelve hundred square feet of gross floor area
k) Manufacturing	One space per five hundred square feet of gross floor area
l) Hair Salon, Nails, Tanning	Two spaces per chair/table
m) Uses not listed	Subject to determination by Planning Board

Note: Where the use is not indicated above, the Planning Board may establish parking requirements on an individual basis as the public safety, health, and welfare shall require.

## 4.4 LANDSCAPING AND BUFFERING REQUIREMENTS

- 4.4.1 The general intent and purpose of this section is to ensure adequate and aesthetically pleasing landscape designs are submitted with the site plan application. Said designs shall include appropriate species that will survive and prosper in their proposed location, provide screening, shade parking lot areas and provide three seasons of color throughout the site. The use of native species is encouraged.
- 4.4.2 All plant materials required under this section shall be standard nursery stock, installed in accordance with accepted horticultural standards and must be regularly maintained after installation. The landscaping plan shall note the location, type, and size of proposed

plantings. The planning Board may require additional plantings based upon the size and scope of the project. The owner or owner's agent shall annually inspect all plant materials specified on any site plan approved by the Planning Board. Any required plant materials found to be dead or diseased shall be replaced in kind; failure to complete this requirement may result in a violation of site plan approval.

- 4.4.3 All areas disturbed by construction shall be covered with a minimum thickness of 4-inches of friable topsoil and seeded, covered with sod or planted with ground cover.

### 4.5 EXTERIOR LIGHTING

On-site lighting along roadways, walkways, and parking areas shall be designed with consideration to luminaries, mounting, height, spacing, and distribution of light to assure adequate illumination for the safety of vehicles and pedestrian travel. New lighting technologies have produced lights that are extremely powerful and thus need to be installed sensibly so that they do not create problems of excessive glare, light trespass, and higher energy use. Exterior lighting shall be installed and operated in such a way that adjacent uses are suitably protected. Such lighting shall not interfere with traffic on nearby highways. The standards and guidelines contained in the *Illuminating Engineering Society of North America (IESNA or just IES) Lighting Handbook* shall be utilized to determine the appropriateness of exterior lighting and conformity with these Regulations.

- a. Lighting installations shall include timers, dimmers, sensors, and/or other energy- saving technologies to reduce overall energy consumption and eliminate unneeded lighting.
- b. Proposed lighting installations that are not covered by the special provisions in this section may be approved only if the Board finds that they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated, nor onto adjacent properties or streets, nor skyward, and do not result in excessive lighting levels.
- c. Lighting shall be designed to provide minimum illumination necessary to facilitate the use of the site.
- d. Light sources shall not cast glare upon adjacent properties or on a public right-of-way. The intensity at adjoining streets shall not exceed 0.5 foot-candle, and the intensity at adjoining residential properties shall not exceed 0.1 foot-candles.

#### 4.5.1 Lighting of Parking Lots and Passive Vehicular Storage Areas

- a. All lighting fixtures serving parking lots shall be cut-off fixtures, as defined by the IES, thereby shielding glare.
- b. The site plan may call for parking-lot lighting fixtures of a particular character or architectural style, as either alternatives or supplements to the cut-off fixtures.
  - (1) If such fixtures are not cut-off fixtures, as defined by the IES, the maximum initial lumens generated by each fixture shall not exceed 10,000 lumens.
  - (2) Mounting heights of such alternative fixtures shall not exceed 15 feet.
  - (3) Such alternative fixtures shall direct lighting below the horizontal plane (i.e., downward).
  - (4) The light source shall not be directly visible, and it may be screened by a

refractive lens or translucent globe.

- c. Areas designated as parking lots or passive vehicular storage areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as parking lots or passive vehicular storage areas.

### **4.5.2 Lighting of Gasoline Station/Convenience Store Aprons and Canopies**

- a. Areas on the apron used for parking or vehicle storage away from the gasoline pump islands shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as any other parking area.
- b. Areas around the pump islands and under the canopies shall be illuminated so that the minimum horizontal illumination at grade level is at least 1.0 foot-candle and no more than 5.5 foot-candles. The uniformity ratio (ratio of average to minimum illumination) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot-candles.
- c. Light fixtures mounted on canopies shall be recessed, so that the lens cover either is recessed or flush with the bottom surface (ceiling) of the canopy, and/or is shielded by the fixture or the edge of the canopy. The light shall be restrained to no more than 85 degrees from vertical.
- d. As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used whereby light is beamed upward and then reflected down from the underside of the canopy. In this case fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- e. Lights shall not be mounted on the top or fascias of the canopy, and the fascias of the canopy shall not be illuminated.

### **4.5.3 Lighting of Exterior Display/Sales Areas**

- a. Areas designated, as exterior display/sales areas shall be illuminated so that the average horizontal illumination at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illumination) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.
- b. Light fixtures shall meet IES definitions for cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties, nor skyward.
- c. Fixtures shall be mounted no more than 16 feet above grade, and mounting poles shall be located either inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area.

### **4.5.4 Lighting of Building Facades and Landscaping**

Building facades of a dark color (such as brick or dark paint), or facades of symbolic or historic structures, may be illuminated according to the following guidelines:

- a. The maximum illumination on any vertical surface or angular roof surface shall not



exceed 5.0 foot-candles.

- b. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads, nor skyward.
- c. Lighting fixtures mounted on the building and designed to “wash” the façade with light are preferred.
- d. To the extent practicable, lighting fixtures shall be directed downward, below the horizontal plane.

### **4.5.5 Lighting of Walkways/Bikeways and Parks**

- a. Areas within parks or along walkways and bikeways to be illuminated shall not exceed an average level of 1.0 foot-candle.
- b. Lighting fixtures shall be designed to direct light downward, and light sources shall have an initial output of no more than 10,000 lumens.

## **4.6 ARCHITECTURAL DESIGN STANDARDS**

Section not used at this time.

## **4.7 FIRE PROTECTION**

Section not used at this time.

# **SECTION 5: GENERAL SITE DESIGN REQUIREMENTS**

## **5.1 STORMWATER MANAGEMENT & EROSION CONTROL**

1. The applicant shall submit stormwater management and erosion control plan when one or more of the following conditions are proposed:
  - a. A cumulative disturbed area exceeding 20,000 square feet.*
  - b. Construction of a street or road.*
  - c. A subdivision involving three or more dwelling units.*
  - d. The disturbance of critical areas, such as steep slopes, wetlands, floodplains.*
2. Standard agricultural practices are exempt from these provisions.
3. All storm water management and erosion control measures in the plan shall adhere to the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire”, published by the Rockingham County Conservation District, and the “Model Stormwater Management and Erosion Control Regulation”, published by the NH Association of Conservation Districts, Water Quality Committee.
4. The applicant shall bear final responsibility for the installation, construction, and disposition of all stormwater and erosion control measures required by the Board. Site development shall not begin before the plan is approved.

## **5.2 NOISE**

In lieu of any other regulations governing noise in the Town, the following provisions shall apply:

1. Noise levels shall not exceed the standards set forth below (measured in DB(A)'s):

	Daytime	Night time
Residential Uses	60	50
Commercial Uses	65	55
Industrial Uses	70	65
2. Daytime hours are between 7 AM and 8 PM Nighttime hours are between 8 PM and 7 AM
3. Measurements shall be made at the property line, at least four (4) feet from ground level, using a sound level meter meeting the standards prescribed by the American National Standards Institute.
4. Construction authorized by a building permit allows an increase to 75 DBA for daytime hours.

## **5.3 POLLUTION CONTROL**

To avoid undesirable and preventable elements of pollution such as noise, smoke, soot, particulate, or any other discharges into the environment that might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties is that the applicant will employ the best standards and technology economically available at the time.

## **5.4 PROTECTION OF NATURAL AND HISTORIC FEATURES**

All significant natural and historic features on the site, such as large or unusual trees, natural stone outcroppings, stone walls, etc. shall be shown on the plan. Board approval shall be obtained before removal of such features.

## **5.5 ADA**

Where required by law, all buildings shall have access for handicapped persons.

## **5.6 UTILITIES**

All proposed on-site utilities (electric, telephone, cable TV etc.) shall be installed underground in accordance with the specifications of the individual utility companies involved and in accordance with all applicable local codes, unless otherwise permitted by the Planning Board.

## **SECTION 6: PREMATURE AND SCATTERED DEVELOPMENT**

The Planning Board may disapprove a site plan application that proposes development that is scattered or premature, so as to involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or that necessitates the excessive expenditure of public funds for the supply of such services.

## **SECTION 7: PERFORMANCE GUARANTEE AND PROCEDURES**

As a condition of approval, the planning board shall require the posting of a security in an amount sufficient to defray the costs of construction of streets and public utilities. The amount of the security shall be based on an estimate of costs provided by the applicant; the amount of the security shall also include fees to cover the cost of periodic inspections. At the discretion of the Planning Board, a licensed engineer shall review the proposed security. The applicant shall pay all costs of such review.

The Board and the municipal counsel shall approve the security as to form and sureties. Where electric lines or other utilities are to be installed by a corporation or public utility, a letter of intent shall be required stating that the work will be done in a reasonable time and without expense to the Town. Each approved plat shall contain a time limit for the completion of all improvements. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board.

## **SECTION 8: ADMINISTRATION AND ENFORCEMENT**

### **8.1 GENERAL PROVISIONS**

The Planning Board shall administer these regulations. The enforcement of these regulations is vested with the Selectmen. The Selectmen shall not issue any building permit for construction that requires site plan approval until or unless such planned construction has received site plan approval by the Board.

### **8.2 PENALTIES AND FINES**

Penalties and Fines: Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

### **8.3 CHANGES, ALTERATIONS, AND AMENDMENTS TO AN APPROVED SITE PLAN**

If, at any time before or during the construction of the required improvements, and before the issuance of the Certificate of Occupancy, unforeseen conditions make it necessary or desirable for the Applicant to modify the location or design of any part of the approved site plan, the Board may, after notice and public hearing, approve such changes and alterations. The Applicant shall submit a revised site plan for review and approval.

#### **8.3.1 Immaterial Changes to an Approved Site Plan**

A. At the time that the Applicant files for a Certificate of Occupancy and the Town finds that the Applicant did not develop the site in accordance with the approved site plan, the Planning Board shall determine whether the changes are material or immaterial. If the board deems the changes immaterial, then the application for a Certificate of Occupancy shall be approved. If the Board deems the changes material, then the Applicant shall file for approval of the changes.

B. To be deemed immaterial, the changes must not adversely affect the access, circulation, parking, landscaping, screening, or public safety, and must be caused by site conditions (such as ledge), unforeseen changes in materials, practical problems, or similar circumstances.

### **8.3.2 Amendments to an Approved Site Plan**

If, at any time after the issuance of a Certificate of Occupancy, the Property Owner wishes to modify any part of the site built in accordance with an approved site plan, the Board shall review and may approve such amendments after notice and public hearing of the application.

### **8.3.3 Disclaimer**

The issuance of a Certificate of Occupancy does not absolve the Property Owner from meeting all conditions of the approved site plan. The Property Owner is obligated to maintain the site according to the approved site plan.

## **SECTION 9: APPEALS**

- 12.1 Any person aggrieved by any decision of the Planning Board upon these regulations may appeal to the Superior Court as provided in RSA 677:15
- 12.2 Any person aggrieved by a decision of the Planning Board concerning plan approval or disapproval may appeal to the Zoning Board of Adjustment if the decision was based upon the terms of the Zoning Ordinance, as provided in RSA 676:5, III.

## **SECTION 10: WAIVERS**

Upon written request of the Applicant, the Planning Board may, at its discretion, waive any of these Regulations, other than those regulations required by state law, provided that:

- 13.2 The information is not necessary in order for the Planning Board to make an informed decision;
- 13.3 If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the Applicant shall provide that information.
- 13.4 The waiver, if granted, would not be detrimental to the City or to Abutters, nor contrary to the intent of these Regulations and the Master Plan; and
- 13.5 There would be no net increase in the area of impermeable surfaces on the site as a result of the waiver.

## **SECTION 11: REVOCATION OF PLANNING BOARD APPROVAL**

An approved and recorded subdivision plat may be revoked by the Board in whole or in part, under the following circumstances: (1) at the request of or by agreement with the applicant; (2) when any requirement or condition of approval has been violated; (3) when the applicant has failed to perform any condition of approval within the time specified or within four years; (4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or (5) when the applicant has failed to provide for the continuation of adequate security.

## **SECTION 12: VALIDITY**

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

**SECTION 13: EFFECTIVE DATE**

These regulations, and any amendments thereto shall take effect upon their adoption, and all other site plans review regulations, or part thereof inconsistent therewith, are hereby repealed