

TOWN OF NORTH HAMPTON, N.H.

SITE PLAN REVIEW REGULATIONS

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Section I – Authority

Pursuant to the authority vested in the Planning Board by the Town Meeting held on March 10, 1981 and in accordance with the provisions of New Hampshire RSA 674:43-44, as amended, the Town of North Hampton Planning Board presents the following regulations. These regulations govern the review of site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, whether or not such development includes a subdivision or re-subdivision of the site.

Section II – Purpose

The purpose of these Regulations is to:

- A. 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: (1) inadequate drainage or conditions conducive to flooding of the property or that of another; (2) inadequate protection for the quality of groundwater; (3) 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 (4) inadequate provision for fire safety, prevention, and control;
- B. Provide for the harmonious and aesthetically pleasing development of the Town and its environs;
- C. Provide for open spaces and green spaces of adequate proportions;
- D. 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 Town;
- E. 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;
- F. Require in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- G. 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
- H. Include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity.

Section III – Definitions

In general, words and terms used in these Regulations shall have their customary dictionary meanings. Certain words used herein are defined as follows and are in addition to those outlined in the Town of North Hampton Zoning Ordinance:

Abutter: means a person as defined in RSA 672:3, as amended.

Applicant: means the owner of record of the land to be developed or the duly authorized agent of any such owner.

Completed Application: means the application form and supporting documents, as specified in these Regulations, which contain all the information the Planning Board needs to review a site plan proposal and make an informed decision.

Development: means the construction of improvements on a tract or tracts of land which shall include the enlargement of the structure or physical changes to the site to accommodate the intended use.

Engineer: means a person licensed in accordance with RSA 310-A:2-27, as amended.

Improvement: means all structures, appurtenances, or additions to the site whether above or below the surface of the land, and including but not limited to buildings, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the developer, or required by the Board under these Regulations.

Rain Garden: means a shallow, vegetated basin in the landscape that collects stormwater runoff from a roof, driveway, street or other site locations and allows it to soak into the ground. More complex rain gardens with drainage systems and amended soils are often referred to as bioretention, or bioinfiltration, cells. This practice mimics natural hydrology by infiltrating, and evaporating and transpiring, stormwater.

Sight Triangle: means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Also known as a sight easement. (Added 7/1/2003)

Street: means the same as the definition provided in Section II of the Subdivision Regulations.

Surveyor: means a person licensed in accordance with RSA 310-A:53, as amended.

Section IV - General Provisions

A. Compliance with Other Regulations

The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Town's Zoning Ordinance, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent ordinances and regulations.

B. Minimum Not Maximum

These Regulations shall be interpreted as MINIMUM REQUIREMENTS and compliance with these minimum requirements in no way obligates the Planning Board to approve any particular application solely on that basis. The Planning Board will fully consider all aspects of an application before rendering its decision. This will include study of all site design and technical aspects of the proposal as well as consideration of the impact of the development on resources, on local traffic patterns and on available public utilities, services, and municipal resources. Only after the Planning Board has fully satisfied itself that the proposed project is in the public health, safety, welfare or prosperity, will the application be approved.

C. Suitability of Land

1. Land unsuitable for development due to the presence of poorly drained soils, flood hazard, steep slopes or other conditions constituting a danger to health, safety or the environment or contrary to the

purposes of this Ordinance and the Master Plan shall not be approved for development unless the applicant presents satisfactory evidence or data to the Board, establishing that the methods proposed to overcome any such conditions are adequate.

2. The Planning Board, in its discretion, will not approve such scattered or premature developments as would make danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewerage, transportation, or other public services or necessitate an excessive expenditure of public funds for the supply of such services.

D. Building Permit

No building permit or demolition permit shall be issued by the Building Inspector for the construction of any building, subject to these Regulations, until approval is granted by the Planning Board, as evidenced by an approved Mylar Site Plan, signed by the Planning Board and recorded at the Rockingham County Registry of Deeds, and no certificate of occupancy shall be issued until the terms and conditions of the Planning Board's approval have been fulfilled. (Amended 9/1/98)

E. Review Standards

1. In reviewing site plans, the Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the general public, and shall ensure that proposed development does not have a detrimental effect on the abutters, the neighborhood, and the environment of the Town.
2. In order to attain these goals, the Board shall determine that:
 - a. Appropriate buffers are maintained or installed to screen the use from neighboring properties. Landscape treatment shall consist of natural vegetation, shrubs, trees or fences, as appropriate.
 - b. Safe, adequate and convenient vehicular and pedestrian traffic circulation, both within and adjacent to the site, is provided.
 - c. Sufficient off-street parking and loading space is provided, including off-street areas for maneuvering the anticipated trucks or other vehicles.
 - d. Access parking and loading areas are constructed so as to minimize dust, erosion and conditions that would have a detrimental effect on abutting or neighboring properties. The Planning Board may require paving if appropriate or necessary.
 - e. Grading, paving and storm drainage systems will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.
 - f. Light, glare, odors, noise and vibration will not be discernable off the premises except for indirect lighting on permitted signs or security lighting. Such lighting shall not glare on abutting properties or public highways or streets.
 - g. Access to public streets will meet the standards of the New Hampshire Department of Transportation and/or the Town.

- h. Water supply and sewage and disposal facilities are provided to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services (NHDES) and/or the Town.
3. In acting upon any site plan, the Board may take into consideration the recommendations of the Building Inspector, the Public Works Director, the Fire Department, the Police Department, the Highway Safety Committee, the Conservation Commission, and any other Town agencies or outside specialists which it may consult.

F. Off-Site Improvements

Pursuant to RSA 674:43 and 44, the Planning Board may require the installation of off-site public improvements and amenities, at the expense of the applicant, to assist in the establishment of a sound built environment. Such improvements shall include, but not be limited to, existing roadway improvements, intersection improvements or signalization, sidewalks, landscaping, extension of utilities, and existing drainage improvements, in order adequately to serve the proposed site. The installation of off-site improvements when required shall be made a condition of approval. The Board may require the posting of suitable collateral, as outlined in Section XIV, to insure that all off-site improvements are completed.

G. Approvals

Final approval of a site plan shall not be granted until such time as all conditions of the approval have been met; until all fees have been paid in full and until a final Mylar Site Plan as approved by the Planning Board has been signed by the Planning Board and recorded at the Rockingham County Registry of Deeds. No building permit(s) shall be issued prior to the granting of final approval by the Board. (Amended 9/1/98)

Section V - When Site Plan or Use Change Review is Required (Amended 2/5/96)

A. Site Plan Review Required

The Planning Board shall require site plans to be submitted to it for review by any applicant seeking any of the following:

1. The construction of any non-residential use or multi-family dwellings.
2. The conversion or enlargement of existing non-residential or multi-family uses. The Planning Board shall consider the size and proportion of any building addition when determining whether site plan review is required.
3. Any change of use to a building or site which does not have an approved site plan. The Planning Board may, at its discretion, waive this requirement if there is no anticipated impact on traffic, off-street parking, drainage, municipal services, or the surrounding neighborhood.
4. Approval Required. Prior to land clearing, excavation, site preparation, construction or any other such activity may begin on a site, and before any permit for such activities may be issued, final approval of the Site Plan is required as evidenced by the recording of the approved plan(s) at the Rockingham County of Registry of Deeds. All activity on the site shall be performed in accordance with the approval. (Amended 1/4/00)

B. Use Change Review Required

1. In instances where a change of use does not appear to require a site plan, a change of use review will still be required as outlined below. (Amended 2/5/96) Use changes requiring Planning Board review are determined to be:
 - a. Any use of a residential or non-residential nature which is proposed to be changed to another use which is dissimilar and of a non-residential nature.
 - b. Any change of use resulting in a change in the number of parking spaces required by the Site Plan Review Regulations.
 - c. Any change of use which, in the opinion of the Building Inspector, requires Planning Board approval in order to safeguard the health, welfare, morals, convenience and safety of North Hampton's citizens.
2. The final decision on whether to require a site plan or a use change shall be made by the Board.
3. Each use change request must be accompanied by a fee in accordance with the Town's fee schedule.
4. Uses allowed are only those uses permitted in the appropriate zones under Section 405, Permitted Uses, of the North Hampton Zoning Ordinance.
5. Proposals for Use Change Review must include the following information:
 - a. Present use and proposed use of the property.
 - b. Present and proposed parking facilities (to conform to the requirements of Section X-B).
 - c. A sketch of the property showing street frontage, building location, parking, driveways, traffic flow, loading spaces and walkways.
 - d. Location, description, and size of existing and/or proposed signs.
 - e. Physical changes to the exterior of the structure.
6. The Planning Board may request any further information it deems necessary for proper review of the use change request, and shall not take action upon said request until such time that the information is provided to the Board's satisfaction.

Section VI - Procedures for Site Plan Review**A. Pre-application Review**

The Planning Board provides for an optional pre-application review of site plan plats in accordance with RSA 676:4, II, as follows:

1. Preliminary Consultation Phase

A preliminary consultation and review on applications shall not bind either the applicant or the Planning Board. The preliminary consultation may include, but is not limited to, discussions of the proposal in general terms to include the desirability of the development and the development's relationship to the

Master Plan. Preliminary consultation may occur without the necessity of giving formal public notice as required by RSA 676:4 I (d), but must occur only at formal meetings of the Planning Board. The applicant shall submit an application to be placed on a meeting agenda in accordance with the application and information submittal deadline schedule adopted by the Planning Board. Review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by Section VI-D. In a preliminary consultation, the application may present a rough sketch or other information useful in defining the general scope and concept of the site plan. The Planning Board may make suggestions to assist the applicant in preparing the formal application and in resolving problems foreseen with meeting site plan requirements or other applicable regulations of the Town.

2. Design Review Phase

The optional design review phase on applications is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Planning Board. The design review phase may proceed only after notice to abutters and the general public as provided for in Section VI-D of these regulations. The applicant shall submit a completed application form, a check for the filing fee, an abutter's list, and a preliminary plan in accordance with the application and information submittal deadline schedule adopted by the Planning Board. If the applicant wishes to proceed beyond the design review phase, a public hearing for the final site plan must be held.

B. Formal Application

1. Application for approval of the final site plan should be filed with the Board by the applicant or his agent in writing on forms provided by the Town in accordance with the application and information submittal deadline schedule adopted by the Planning Board, which ensures that there is adequate time to legally notice the application in accordance with the requirements of RSA 676:4.
2. The Board shall within 30 days following the delivery of the application, in accordance with the requirements of RSA 676:4, determine if a submitted application is complete according to the Board's regulations, as outlined in Site Plan Regulations Section VIII, and shall vote upon its acceptance. Upon determination by the Board that a submitted application is incomplete according to the Board's regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.
3. A completed application will be submitted to and accepted for consideration by the Planning Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.
4. The Board may not consider or may deny applications without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.

C. Public Notices

1. Notice of the design review phase or submission of a completed application shall be given by the Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the meeting at which the application will be submitted.
2. The public will be given notice at the same time, by posting at the Town Offices and Town Library and publication in a local newspaper.

3. The notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered and shall identify the Applicant and the location of the proposal.
4. If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session was made known at the prior meeting.

D. Board Action on Completed Application

1. Upon determination by the Board that a submitted application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to extension or waiver.
2. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
3. Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days per RSA 676:4, I, (c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's site plan review application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Site Plan Review Regulations, Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing 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.
4. If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within 5 business days of such vote.

E. Conditional Approval

1. The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:
 - a. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
 - b. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
 - c. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided said permits and approvals themselves have not required a change to the Plat

submitted to the Board or to any other conditions imposed by the board. All other conditions shall require a hearing and notice to abutters and the public.

2. The applicant shall have one year to comply with the conditions of approval and to have the plan signed by the Board. During this first year, the conditionally approved plans are exempt from changes in the zoning ordinance or subdivision and site plan review regulations.
 - a. If the conditions are not met within one year, the conditional approval shall lapse, unless granted a one year extension by the Board prior to the expiration date.
 - b. Requests for a one year extension described above (VI.E.2.a) shall be made in writing and submitted to the Board with sufficient time prior to the expiration date, for the request to be properly posted for a public hearing. The applicant or its designee shall appear at the meeting at which the Planning Board may consider the request for an extension.
 - c. The Board shall have the option of holding a public hearing, with notice to abutters and the public as required in Section VI.D if the Board determines that conditions have changed appreciably.
 - d. Conditionally approved plans that are granted extensions shall not be exempt from amendments to the zoning ordinance, site plan regulations or subdivision regulations that occur after the original expiration date set one year after the conditional approval.
 - e. Only one (1) one-year extension may be granted. The Planning Board may grant additional exceptions as it deems appropriate.
 - f. The Board shall have the authority to deny a request for an extension to a conditionally approved plan if the applicant cannot comply with the conditions. 1/20/2011

F. Final Approval of Site Plans

Site plans shall be deemed to have received final approval if, and only if, all of the following items have been met:

1. all conditions of approval have been met,
2. the site plan has been signed by the Planning Board, and
3. the site plan has been recorded at the Rockingham County Registry of Deeds.

G. Validity of Approved Site Plans

In accordance with RSA 674:39, all site plans that are approved and signed by the Planning Board and recorded shall be exempt from all subsequent changes in site plan review regulations and zoning ordinances except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval provided that:

1. active and substantial development or building in accordance with the approved site plan has begun on the site within 24 months after the date of approval,
2. development remains in full compliance with the public health regulations and ordinances, and
3. at the time of approval and recording, the site plan conforms to the site plan review regulations and zoning ordinances then in effect at the location of such site plan.

H. Revocation of Approved Site Plans

All site plans that are approved and signed by the Planning Board and recorded may be revoked per the conditions and circumstances stated in RSA 676:4-a.

I. Developments of Regional Impact

In accordance with RSA 36:54-58, the Board shall review all site plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57.

Section VII - Fees

A. Application Fees

The applicant(s) shall pay an application fee to cover the costs of the hearing, posting, publishing and mailing of notices and site inspections. The Board shall determine these fees not less than annually, and a schedule of current fees shall be available from the Planning and Zoning Administrator in the Town Office.

All fees 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 site plan without a public hearing.

B. Other Fees

Pursuant to RSA 674:44 V, it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application.

Section VIII - Completed Application Requirements

A. Submission Requirements

The following information is required on the site plan or as part of the submission package in order for the application to be considered complete:

1. Application: A completely filled out and signed application form, which may be obtained in the Town Office.

All application documents, plans, supporting documentation and other materials shall also be provided in digital Portable Document Format (PDF), one file for each plan. Digitally submitted files are in addition to and do not replace any current submission requirements. Digital files shall be complete and exact copies of the corresponding paper submittals (e.g., plans shall be at the same scale and sheet size as the paper copies).

Applicants may submit additional digital files to assist in presentations at public hearings, but such additional digital files shall not be considered part of the application unless corresponding paper documents are also provided. This digital format will be kept in the Planning Department digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties.

2. Abutter's List: On a separate sheet of paper, a list of the names and mailing addresses of all abutters, the owner(s) of record (and applicant, if different), obtained from the Town records not more than five (5) days before submitting the application, and any engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plan. (Amended 2/5/96)
3. Fee: A check made payable to the Town of North Hampton equal to the fee required by Section VII.A.
4. Plan: Applicants shall submit fourteen (14) paper copies of the site plan in the format required by Section VIII.B.
5. Approvals: Applicants shall submit evidence of prior and current approval by the North Hampton Zoning Board of Adjustment if requisite.

B. Plan Format and Information Required

1. Sheet size which conforms to the requirements of the Registry of Deeds of Rockingham County for filing. These sheet sizes are: 8.5" x 11"; 11" x 17"; 17" x 22"; 22" x 34".
2. Abutters must be indicated on any plan submitted, showing their location in relation to the proposed site plan.
3. Scale should be not more than 1" = 100' (one inch = 100 feet).
4. Proposed site plan name or identifying title.
5. Correct current names of owner(s) of record (and applicant, if different).
6. Date, north arrow, location (locus) map.
7. Name, license number, signature(s), and seal of the N.H. registered land surveyor, and engineer, if applicable.
8. Tax map and parcel number(s).
9. Zoning (including overlay) district references.
10. Endorsement block for approval by the Board.
11. Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to by a professional surveyor licensed in New Hampshire.
12. Title and deed references.
13. All easements and rights of way.
14. The plat should list all variances and special exceptions granted by the Board of Adjustment for the parcel involved and the dates granted.
15. Existing and proposed topographic contour boundaries at two (2) foot intervals.

16. Natural features such as water courses, ponds, wetlands, and appropriate setbacks, 100-year flood elevation contour, rock ledges, tree lines and other essential features which are significant to the site design process.
17. Existing and proposed streets, driveways, parking, pavement and buildings.
18. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage disposal facilities, gas lines, power lines, telephone lines, cable lines, fire alarm connection, and other utilities.
19. Description of proposed grade surfaces (i.e., grass, pavement, etc.), and percent of sealed surface (driveways, parking lots and roofs).
20. Stormwater drainage control plan, including location of catch basins, culverts and drains; method of storage and disposal; and calculations of volume and frequency of run-off.
21. Location of existing and proposed fire hydrants, street lighting, fencing, loading docks and exterior lighting.
22. Description and location of exterior utility areas including solid waste disposal facilities, HVAC units, electric transformers, towers, aboveground fuel storage tanks, etc.
23. The type, extent, and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
24. The location, size and design of proposed signs and other advertising or instructional devices.
25. Location of proposed on-site snow storage.
26. Location and results of test pits and location of primary and secondary leach bed sites as required by NHDES.
27. Two (2) copies of an architectural rendering showing all elevation views of all buildings and their exterior design.

C. State and Federal Permits Required as Applicable

The following state or federal permits may be required as applicable:

1. N.H. Department of Environmental Services (NH DES) septic system design approval.
2. N.H. Wetlands Board "Dredge & Fill" permit.
3. N.H. Department of Transportation driveway access permit.
4. N.H. Department of Environmental Services (NHDES) WS411 permit for underground storage tanks as regulated by RSA 146-C.
5. Any other State or Federal permits required.

D. Local Items Required as Applicable

The following studies or plans may be required by the Board, as applicable:

1. Traffic impact analysis, as outlined in Section IX-B.
2. Soil erosion and sedimentation control plan, as outlined in Section IX-A.
3. High Intensity Soil Mapping, including the seal of the licensed Soil Scientist.
4. Landscaping plan, as outlined in Section X-C.

E. Community Impacts

1. Community Impacts. For single-user retail establishments over fifty thousand (50,000) square feet in floor area, the applicant shall provide adequate funding to the town to retain a consultant of the town's choice with appropriate experience to complete and present an Economic and Fiscal Impact Analysis.
2. The impact statement shall include the following elements:
 - a. Identification and assessment of the impacts of the proposed project, including positive, negative, and indirect impacts.
 - b. Proposed measures to mitigate adverse impacts and /or maximize positive impacts including provision of infrastructure or public services improvements sufficient to support the project. Any adverse impacts that cannot be mitigated shall be identified.
 - c. Mitigation measures to be implemented by the applicant shall be identified.
3. The impact statement shall assess the following areas of potential impact:
 - a. Types of jobs created
 - b. Number of full-time (forty (40) hrs/wk) and part time (less than forty (40) hrs/wk) jobs created.
 - c. Estimate of the amount of local labor to be used in the construction of the project and in employment. Local is defined as town or county residents or businesses.
 - d. Evaluation of the market and financial feasibility of the project. Include a Trade Area analysis indicating the market proposed for the project and the area from which patrons will be attracted, and any plans for phased construction. Include any further market studies prepared for the project by the applicant.
 - e. Evaluation of the potential for the proposed project to create an over-supply of retail space in the town using industry-accepted standards for commercial floor area per resident.
 - f. Evaluation of the impact of the proposed project on commercial vacancy rates in the town and the county.

- g. Estimate of the extent the proposed project would reduce the diversity of the town's economic base by eliminating smaller businesses.
- h. Comparison and evaluation of the projected costs and benefits to the town resulting from the project, including:
 - i. Projected costs arising from increased demand for and required improvements to public services and infrastructure.
 - ii. Value of improvements to public services and infrastructure that the developer will provide.
 - iii. Projected tax revenues to the town to be generated by the project.
 - iv. Projected impact of the project on land values (both residential and commercial) and potential loss or increase in tax revenues to the town.
 - v. Short and long-term projection of increased revenues to the town, and costs resulting from the proposed project.
 - vi. Estimate of the difference between how much of the revenue generated by the proposed project will be retained and re-directed back into the economy of the community compared to other retail chain stores and locally owned, independent retailers in the town.
 - vii. Estimate of traffic impacts to the town and regional traffic impacts including the need for improvements to infrastructure such as roads, bridges, and traffic signals, the traffic impact on neighboring communities, and consideration of the need to evaluate the regional impact of the project.

Section IX - Special Requirements

A. Erosion and Sediment Control Regulations

- 1. The Planning Board may require the submission of an erosion and sediment control plan for the purpose of controlling soil erosion and sedimentation in surface water resulting from site construction and development. In determining if a plan is required, the Planning Board shall consider the potential impact of the project and ascertain if any of the following conditions are proposed:
 - a. A cumulative disturbed area exceeding 20,000 square feet;
 - b. Construction of a street or road;
 - c. Disturbed critical areas.
- 2. The following standards shall be applied in planning for erosion and sediment controls:
 - a. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" as amended and adopted by the Rockingham County Conservation District.
 - b. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.

- c. Appropriate control measures shall be installed prior to removal of vegetation.
 - d. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized.
 - e. Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and waterbodies shall be protected from sediment.
 - f. Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
 - g. Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area.
 - h. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days.
- 3. The applicant shall bear final responsibility for the installation, construction, and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Planning Board may require collateral in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or other surety. Site development shall not begin before the erosion and sediment control plan is approved. Erosions and sediment control measures shall be installed as scheduled in the approved plan.
 - 4. The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails adequately to maintain such measures, the town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.
 - 5. Inspection shall be made by an agent of the Planning Board during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained. This shall be done at the expense of the developer.

B. Traffic Impact Analysis

- 1. Traffic Impact Analysis: All proposed non-residential and multi-family development proposals shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner of his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location or any other traffic-generating characteristic of the development. Traffic impact studies shall address each of the following items:
 - a. Traffic circulation, access and egress, adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.

- b. Pedestrian safety, circulation, access and egress.
 - c. Off-street parking and loading.
 - d. Emergency vehicle access.
 - e. Off-site improvements necessitated by the development.
2. The Planning Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4 I(g), that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.
- C. Blasting and/or Explosive Demolition
1. Applications proposing blasting for any purpose shall comply with the Board's Regulations Governing Blasting and/or Explosive Demolition included in the Excavation Regulations as Appendix F.

Section X - Design and Construction Standards

An applicant shall use the following design and construction standards when developing a site within the Town of North Hampton. These standards and requirements shall be construed as the minimum standards and requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

A. Access Design and Standards

Traffic access to the site from Town streets shall ensure the safety of vehicles and pedestrians. The design and construction standards for points of access are as follows:

- 1. All permits for driveways and other access points onto a State highway shall be obtained from the NH Department of Transportation prior to final approval of the site plan. Permits required for driveways onto local streets shall be obtained from the Town's Department of Public Works.
- 2. The Board shall approve of the design for a proposed access/egress point onto the public way. Said point shall provide an adequate sight distance, grade, width, and curb.
- 3. In all cases, the number of points of access to a given street shall be held to a minimum, preferably one, in order to reduce traffic hazards from turning movements and to ease the installation of traffic control devices when necessary.
- 4. Two driveways or accesses shall be allowed only when a lot has a frontage of 300 feet or more.
- 5. Driveways or accesses shall be located at least 100 feet from street intersections and major driveway entrances, where possible.
- 6. Driveways onto State highways shall be designed in accordance with the NH Department of Transportation's Administrative Rules Tra302, as amended. These design standards shall also apply to driveways onto local highways, where possible.

7. The Board may require improvement of existing access/egress point(s) to provide safe flow onto abutting streets, should increased traffic be generated by the development. Improvements could include reducing the number and/or widths of access/egress points and requiring one way traffic patterns.
8. Off-site requirements may be required, such as pavement width, deceleration lanes, curbing or signal devices.
9. Traffic circulation, pedestrian access, parking and loading facilities, emergency and fire access shall be designed and located to ensure safety on the site.

B. Parking Lot Design

1. Parking areas and drives shall be paved if public use is intended; however, the Board may waive paving to reduce runoff which cannot be disposed of properly.
2. Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.
3. Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
4. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees.

Parking Angle (degrees)	Aisle Width (feet)
45	13
60	18
90	22

5. Parking spaces shall be arranged so that cars will not back into a public street.
6. The minimum grade for parking areas shall be .5%, the maximum grade shall be five percent (5%).
7. The final design of the parking lot shall be subject to approval of the Board, which may require other standards as special circumstances warrant.
8. A building permit shall be required prior to the installation of any pavement (concrete or bituminous) on any parking lot, roads, driveways or sidewalks, including the installation of any curbing. Pavement installed on a lot which contains no new structures shall be charged only a processing fee for the building permit. (Amended 9/1/98)

C. Landscaping and Screening

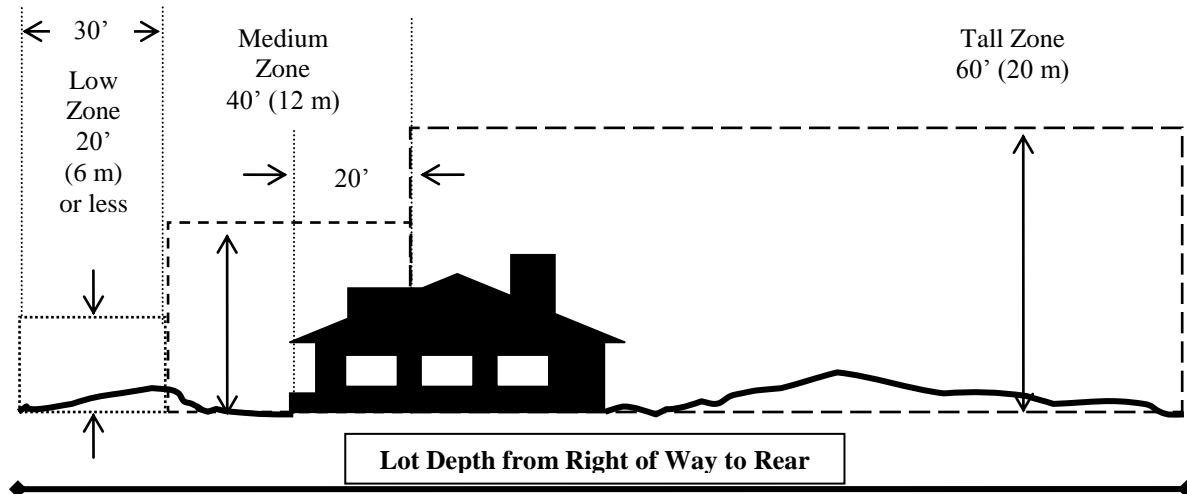
1. Greenspace Requirement: In addition to the required 10-foot wide landscaped buffer area around the perimeter and the 5% minimum landscaped area in parking lots, 10% of the remaining upland area of

a lot shall have no impervious surface and shall be landscaped according to the Landscaping and Screening standards in Section X.C.2 below. (Amended 4/12/2003)

2. The purpose of this Article is to establish regulations that will, over time, help maintain and restore the rural New Hampshire seacoast character of the Town. Encouraging the planting of sustainable vegetation – including ground cover, shrubs, and trees – that are native to the region will achieve this objective. In addition, plantings of varying species and degrees of maturity will have immediate and long-term benefits that are not only aesthetic, and economically viable, but also ecologically important for wildlife, water protection. Landscape plans submitted with applications shall be created using best management practices according to standards established by the New Hampshire Landscape Association or the Sustainable Landscape Group, Office of Sustainability Programs, University of New Hampshire. (Amended 4/12/2003)
 - a. Landscaping and screening must be provided with proper regard to adjacent properties, the public highway and within the site, including interior landscaping of parking areas. The proposed landscape design must be compatible with any well-executed and maintained adjoining property landscape design. The landscape design, as submitted to the Planning Board, shall indicate prominent landscape elements on adjoining properties within 25 feet abutting the subject site.
 - b. Where the site abuts residential property, activity on the subject property shall be screened from the residential property by appropriate landscaping, including berming, mounding, the use of plant materials, and/or existing natural vegetation so as to limit the visual and aural impact of the commercial development. Fencing along will not be considered an acceptable method of screening.
 - c. Vegetated buffer strips of at least twenty-five (25) feet minimum width from the property line shall be provided where a proposed non-residential development abuts a residential zone. Where appropriate, existing growth must be incorporated into the buffer strips of landscaping design. Buffer strips must contain vegetation that will screen the view from adjacent residential property during all seasons.
 - d. A landscaping plan must be submitted and approved, showing locations and types of vegetation to be retained or established. Configuration and vegetation (including height) will be reviewed by the Board on a case by case basis to ensure reasonable visual and noise screening and to contribute aesthetic natural quality to the development.
 - e. Vegetation. Mature trees and existing natural vegetation shall be maintained whenever possible. New development shall incorporate plants characteristics of the region and in natural masses. An adequate percentage of vegetation that retains its foliage shall be used to provide screening in winter months. Salt tolerant species shall be used where appropriate.
 - f. Trees. All Commercial and Industrial development shall plant new trees in accordance with the following:
 - i. Salt Tolerance. Trees planted within 25 feet of a street right-of-way shall be salt tolerant and appropriate documentation shall be presented with the landscaping plan.
 - ii. Overhead clearance. Tree size and planting locations shall be selected so that the tree, upon reaching its mature size, shall not interfere with existing overhead utility lines, unless, as part of the application, the overhead line are to be relocated.
 - iii. Planting zones. Planting trees in zones is encouraged along lateral and read boundaries, as follow:

- aa. **Sight Triangles at Points of Ingress and Egress:**
Landscaping plans shall delineate sight triangles at all points of access and egress to driveways, rights-of-way, and public thoroughfares. Commonly accepted standards for delineating and planting within sight triangles shall be used.
- bb. **Low Zone (Front and lateral boundaries to a depth of 30' from the edge of the right-of-way):**
Trees that grow no taller than 20 feet. Low-zone trees may be planted anywhere within this zone, including tree plantings under or near utility lines.
- cc. **Medium Zone (Lateral boundaries from a depth of 30' from the right-of-way to a line 20' past the front of the forward most building on the site):**
Trees that grow no taller than 40 feet in height. Appropriate soil spaces are: wide planting areas or medians 4 feet to 8 feet wide, large planting square eight-foot square or greater and other open areas of similar size or larger.
- dd. **Tall zone (Rear and lateral boundaries not covered by the above zones):**
Trees that grow 50 feet or more in height. Plant trees at least 35 feet away from buildings to allow for proper root development and minimize damage to buildings. These trees must also have a very large planting area or medians greater than eight feet to allow for root system, trunk diameter and root flare.

Tree Planting Zone Diagram



- g. **Landscape Security.** A posted security equal to 25% of the installed cost of the plantings will be held by the Town for two (2) growing seasons to ensure prompt replacement of any dead plantings. The Construction Inspector from the Town's engineering consulting firm shall inspect site landscaping annually and recommend reduction of the bond, as appropriate.
- 3. All outdoor storage areas, loading areas and trash receptacles shall be located or screened and fenced to prevent visibility from public roads, parking areas, or neighboring properties. The manner of waste disposal shall be specified and the site plan shall show the location of all waste disposal facilities.

4. In accordance with Section 406.11 of the Zoning Ordinance, a ten foot wide landscaped buffer area around the perimeter of lots is required for any parcel in the Industrial Business/Residential District.
5. Parking areas shall be landscaped according to the following design standards in order to break up the visual expansiveness of parking lots and to reduce glare and heat:
 - a. Parking areas should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjacent properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.
 - b. A minimum of five percent of the interior of a parking area, excluding the required buffer areas, shall be landscaped with shade trees, low shrubs, and/or groundcover.
 - c. A continuous landscape strip should be provided between every four rows of parking. The strip should be a minimum of eight (8) feet in width to accommodate a low hedge and shade trees.
 - d. Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the site.
 - e. Landscaping plans should use trees with groundcover or low shrubs as the primary landscape material within parking lots and avoid tall shrubs or low-branching trees that will restrict visibility.

D. Snow Storage

Provision shall be made to store snow accumulation during the winter months, and such provisions shall be shown on the site plan.

E. Architecture/Appearance Standards (Added 7/1/2003)

In order to "...provide for the harmonious and aesthetically pleasing development of the municipality and its environs..." (NHRSA 674:44,II(b)), the Planning Board will use the following criteria in its review of the architectural design of proposed commercial structures.

The guidelines are directed towards, but not limited to, assisting corporate franchises and commercial developments in the design of structures, and related properties, which reflect the small town, rural and agricultural atmosphere that is unique to North Hampton.

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

These standards are not likely to foresee all possible proposed building situations. The Planning Board will make decisions concerning unforeseen situations with the purposes of these standards in mind.

1. Purposes of these standards are:
 - a. To restore, over time, the rural New England character of the Industrial/Business-Residential District (I/B-R) along Route 1 (See *North Hampton Master Plan 1999*, Conclusion, p.CG-4);

- b. To improve the appearance of the I/B-R District, a goal that received broad citizen support in the survey published in the *1999 Master Plan* (over 80% considered it Very Important or Important); and
- c. To provide design standards to assist with the development, renovations and restorations of commercial properties to complement the overall New England-style ambiance of the community.

2. Submission Requirements

For Site Plan Review Architecture Plans and Specifications shall, at a minimum, include the following:

- a. Plot plans;
- b. Foundation plans;
- c. Floor plans for each occupied floor;
- d. Elevations for all sides of proposed structures that specify exterior materials and colors;
- e. Roof plans that specify materials and colors; and
- f. Additional details and plans the Board believes in the best interests of the community in reviewing the project.

No building permit shall be granted for a commercial, industrial or multi-family building unless an architectural plan drawn to scale meets all of the Site Plan Review Requirements of the Planning Board. All application materials shall have been filed with and approved by the Planning Board.

3. Standards

a. Site Development and Organization

The development of the site must address various elements in providing a total design plan. The building's degree of visibility from public rights of way, orientation, setback, alignment with the street, and relative spacing with respect to other structures will be considered in the overall design. Long, strip-mall type development should be avoided. "U-shaped", "L-shaped", etc., structures are encouraged. The overall architectural theme for the site should create a positive image for the project and contribute to the positive image of the Industrial/Business-Residential District.

All existing natural and man-made features of the site should be carefully considered for integration into the overall site design. It is important to cluster buildings within a development wherever feasible to encourage open space. A compact building arrangement provides savings in grading, paving, utilities and other costs and conserves natural site features and open space.

b. Architectural Standards

- i. Roofs. Monotony of design or warehouse style structures shall be avoided. Variation in detail, form and sitting shall be used to provide visual interest. In order to prevent the construction of warehouse style buildings (i.e. long horizontal roof lines), all new buildings, canopies (e.g. covering fuel pumps) and additions shall be pitched roofs of 3:12 or greater, or gabled roofs, where practical. Shed, gambrel and barn style roofs are also acceptable. Dormers are encouraged. Roofs should have overhangs.

- In large commercial structures over 200 feet in length where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines a long portions of the façade to create the appearance of multiple attached buildings. Additionally, changes in building elevations may be used in conjunctions with pitched roofs to give the appearance of multiple attached buildings.
- ii. Building materials. Exterior surfaces of buildings, including roofs, shall be covered with materials traditionally used in New England or products that simulate such materials, including but not limited to clapboards, shingle, stone, brick, or architectural concrete masonry units (CMUs). Exposed plain concrete block, corrugated steel, or sheet plastic or sheet fiberglass are not acceptable exterior materials.
 - iii. Awnings. Awning covers should be made of fabric or simulated fabric-like material. Illuminated or franchise-type awnings are not acceptable.
 - iv. Architectural details. Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, skylights and arches are among details to be considered and encouraged. All features and details should be in proportion to the building, and in keeping with traditional New England architecture.
 - v. Windows and doors. Windows should comprise no less than 5% of the exterior wall surface or portions of buildings facing a public right-of-way, parking area, or any developed area. All windows and doorways should be encased with trim that enhances the appearance of the building.
 - vi. Fencing. Fences made of traditional materials and/or products that simulate such materials are encouraged – e.g. pickets, split rails, wrought iron, brick, or stone. Preservation and restoration of existing stone walls is strongly encouraged. Chain link security fences may only be allowed where appropriate, but their use is generally discouraged.
 - vii. Lighting. Site lighting must be designed so that no light spills or reflects on to adjacent properties and does not cause a safety problem for vehicular traffic. A “dark-sky” standard – that is, no light radiating above the horizontal plane at the low point of any luminaire – is required for all lighting plans.
 - viii. Public Address Systems. Use of amplified public-address systems is prohibited.
 - ix. Intercoms. Use of drive-through intercoms is prohibited; unless the applicant demonstrates that sound from such systems will not spill on to adjacent properties. In no event shall these systems be approved for use before 7:00 AM or after 9:00 PM.
 - x. Color. Exterior colors of buildings and accessories shall be muted and unobtrusive. Excessively bright colors, such as those often used by franchises, are not acceptable.
 - xi. Mechanical Equipment. All rooftop mechanical units shall be located so as not to be visible from street level or from other public areas on the ground level. Wall or ground mounted equipment shall be screened from public view with fences or vegetation.

c. Architectural Standards for Wireless Communications Facilities [“WCFs”] (Added February 5, 2007)

- i. Introduction:
- aa. Purpose:

The purpose of these regulations is to establish uniform and comprehensive appearance standards for Wireless Communication Facilities that minimize their detrimental aesthetic effects on the rural New England character and heritage of North Hampton and are consistent with the Vision Chapter of the Master Plan of the Town of North Hampton.
- bb. Authority:

These regulations are adopted pursuant to the authority of RSA 674:16 and 674:44, to accomplish their purpose. Due to the evolving nature of the field of wireless technology, flexibility is needed for the effective application of these regulations.
- ii. Definitions:

The following definitions shall apply to these regulations and are distinct from definitions of terms for use in the Zoning Ordinance:

 - aa. **Alternative Antenna Structure:** A building or other structure, including its Antennas and their supporting apparatus and any base structures, that employ innovative siting and design techniques to disguise, camouflage or conceal the presence of the supporting apparatus for Antennas the Antennas themselves and the base structures in a manner compatible with the Facility’s environs, including, without limitation, structures designed to resemble clock towers, belfries, steeples, grain silos and flag poles, whether or not functioning as such structures. Monopoles disguised as trees shall not be considered Alternative Antenna Structures.
 - bb. **Antenna:** Any fixed apparatus that has surfaces designed to transmit and/or receive radio frequency signals in free space.
 - cc. **Base Station:** A fixed-location facility that houses radio transmission and reception equipment and related supporting equipment associated with a communication system in order for the system to function.
 - dd. **Dish:** Any parabolic or spherical Antenna reflecting surface used for sending and/or receiving electromagnetic waves.
 - ee. **Distributed Antenna System (“DAS”):** A set of Wireless Communication Facilities that disperses Antennas throughout a region and which connects those Antennas to one or more communications hubs located remotely from the Antennas themselves. The term “DAS” also covers other dispersed Personal Wireless Service Facilities, such as repeaters and applications of unobtrusive micro-cell technology.
 - ff. **Essentially invisible:** “Essentially invisible” means that all aspects of a wireless communications facility are compatible with their environs with the result that a reasonable observer either will not notice the facility under normal conditions or, in noticing the facility, will not consider it an abnormal and obtrusive feature in its surroundings.
 - gg. **Existing:** When applied to the following -- Tower, building, structure, use or facility -- any such object or objects, lawfully constructed and used in accordance with this Ordinance, prior

- to the filing of an application for a Wireless Communication Facility being considered under this Ordinance.
- hh. **Facility:** A set of integrated components housed at a site that enables the transmission and/or reception of radio communications. Components that might be part of a Facility include but are not limited to Antennas, Towers, or other structures, cables, radio and communications equipment, and support equipment such as auxiliary or emergency power supplies, equipment sheds, cabinets or rooms.
 - ii. **Height:** When referring to a Tower or other structure, the distance measured from its base to its highest point.
 - jj. **Overall Height:** The Height of a Tower or other structure supporting an antenna plus the Height of any attachments or appurtenances extending above the Tower or supporting structure, plus the Height of the building or structure, if any, on which it is mounted.
 - kk. **Personal Wireless Service Facility (“PWSF”):** A facility that provides commercial mobile wireless services, unlicensed wireless services and common carrier wireless exchange access services, as defined in Section 332 of the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(C)(i).
 - ll. **Pre-existing Towers:** Any Tower lawfully permitted and constructed prior to March 11, 1997.
 - mm. **Public Rights of Way:** All federal, state and town public streets, highways, roads, ways, including rights of ways, and all private ways open to the public or over which the Town has an easement for public travel.
 - nn. **Receive-only Antennas:** Antennas used only for purposes of receiving radio communications, including but not limited to television and radio broadcasts, global positioning system signals, or reception of communications for monitoring purposes, such as with scanners. Dishes are not included.
 - oo. **Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more Antennas and, when attached to the ground, is in excess of 35 feet in Height, or, when attached to a building or structure other than a Tower, extends more than 20 feet above that building or structure, including without limitation self-supporting lattice Towers, guyed Towers, or monopoles and “faux” tree monopoles, but excluding Alternative Antenna Structures and Utility Poles or Equivalents.
 - pp. **Town Owned Land:** Any land over which the Town, acting in its proprietary capacity, has a sufficient ownership or property interest to allow the placement of a Wireless Communications Facility, as defined by this Ordinance.
 - qq. **Utility Pole or Equivalent:** A shaft that:
 - 1. supports lines and associated equipment for services that include, but are not limited to electric, cable television, or telecommunication services, or
 - 2. is comparable in height, appearance and diameter to Utility Poles in use in the facility’s environs, or
 - 3. is a street light, traffic signal, athletic field light or other approved structure.

Utility Poles and Equivalents must meet the following criteria:

4. Only as wide in diameter as needed to meet safety and code requirements and maintain structural integrity; and
5. Only as tall as necessary to fulfill their purpose, but in any case, no more than 70 feet in Height and no more than 80 feet in Overall Height.

Utility Poles or Equivalents are not considered Towers.

In addition to being subject to site plan review by the Planning Board, initial installation of any new Utility Poles or Equivalents in conjunction with applications for WCFs shall be subject to the jurisdiction of the Board of Selectmen or the State Highway Commission, pursuant to RSA Chapter 231.

- rr. **Wireless Communications Facility (“WCF”):** Shall mean any combination of components at one site that provides for the transmission and/or reception of radio frequency communications. The term “Wireless Communications Facility” (“WCF”) must not be confused with the term “Personal Wireless Service Facility” (“PWSF”) defined above. WCF applies to all forms of radio communication. PWSFs are a subset of WCFs.

- iii. **Hierarchy of Design Preferences:**

This Subsection X.E.3 shall apply to all WCFs proposed, unless the WCF is exempt under provisions of Subsection X.E.3.c.x below.

The Planning Board, at its sole discretion, may engage expert consultants, at the expense of the applicant, to secure advice about any or all supporting materials submitted in support of an application under these regulations.

The Planning Board shall apply the following hierarchy in reviewing proposed designs for WCFs, to achieve the Purposes of these regulations, as provided in Subsection X.E.3.c.i above:

In all three designs, as prioritized below, ground-based equipment related to the operation of a WCF and its antenna(s) shall be housed in a building compatible with the environs of the WCF, and all such structures shall comply with all architectural standards in Subsection X.E.1-3. above.

- aa. **Essentially invisible designs:**

First, essentially invisible designs shall be used unless deemed technologically impossible or unreasonable in the sole discretion of the Planning Board.

“Essentially invisible designs” for a WCF’s Antennas and Antenna support structures include, but are not limited to:

1. co-location on Existing Towers, co-location on or use of Existing Antennas where technically possible, or co-location on Existing Alternative Antenna Structures,
2. installation of essentially invisible antennas, such as “whip” antennas or “canister-style” antennas, on Existing Utility Poles or Equivalents or on existing structures of other kinds, such as water towers, belfries, or steeples, or
3. installation of Antennas completely within an Existing structure, such as a steeple, belfry, or chimney.

- bb. **Visible but effectively disguised or camouflaged designs:**

Second, if and only if the Planning Board in its sole discretion finds that the applicant has demonstrated that essentially invisible designs are not technologically possible or not reasonable, then visible but effectively disguised or camouflaged designs shall be used.

Visible but effectively disguised or camouflaged designs for a WCF's Antennas and Antenna support structures include, but are not limited to:

1. new Alternative Antenna Structures that are fully compatible with their environs, such as a silo, enclosing a WCF, that is adjacent to an existing barn and of a size appropriate to the barn or
2. a faux-tree monopole tower where a tree of its appearance and Overall Height are, in the sole discretion of the Planning Board, found to be compatible with the environs.

cc. Visible undisguised or non-camouflaged design:

Third, if and only if the Planning Board in its sole discretion finds that the applicant has demonstrated that both essentially invisible designs and visible but effectively disguised or camouflaged designs are not technologically possible or not reasonable, then visible undisguised or non-camouflaged designs may be used.

Visible undisguised or non-camouflaged designs with respect to a WCF's Antennas and Antenna support structures in order of preference include, but are not limited to:

1. new Alternative Antenna Structures that may be less than fully compatible with their environs, such as a wildlife observation tower or fire tower in an area where one would not normally be sited,
2. a faux-tree monopole tower where a tree of its appearance and Overall Height are not fully compatible with the environs,
3. a monopole tower, or
4. any another type of tower, such as a lattice tower.

iv. Other Permits or Approvals for PWSF:

In light of the National Wireless Telecommunications Siting Policy, the facts that would be reviewed by the Planning Board in its site-plan review of a PWSF application may also be germane to any other land use board from which permits or approvals are required.

Therefore, in the event that one or more other permits or approvals are required from any other municipal land use board to construct a PWSF, an applicant must file all information required in this Section with its application to that other land use board to the extent that such information is relevant to the jurisdiction of the other land use board.

v. Review Procedures:

The Planning Board shall act upon each application in accordance with the procedural requirements of the Site Plan Review Regulations.

Any applicant submitting a site plan proposing a new WCF that is not an essentially invisible design shall submit written evidence demonstrating that an essentially invisible design is not technologically possible or not reasonable to provide equivalent coverage within the geographic area specified in the application.

Similarly, any applicant proposing a new WCF that is neither an essentially invisible design nor a visible but effectively disguised or camouflaged design shall submit written evidence demonstrating that an essentially invisible design or visible but effectively disguised or camouflaged design is not technologically possible or not reasonable to provide equivalent coverage within the geographic area specified in the application.

vi. Waivers:

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing regulations or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations either at the request of the applicant as described below or at the discretion of the Planning Board. The purpose of granting waivers under provisions of these regulations shall be to ensure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

- aa. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property -- including but not limited to diminution in property value -- and will not be contrary to the public interest.
- bb. The granting of a waiver will not be inconsistent with the intent of the North Hampton Zoning Ordinance, North Hampton Master Plan, or Official Maps.
- cc. Such waiver(s) may be granted in a manner that will substantially secure the objectives, standards and requirements of these Site Plan Regulations.
- dd. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
 - 1. Topography and other site features.
 - 2. Availability of alternative site locations.
 - 3. Geographic location of property and the environs of the site.
 - 4. Size/magnitude of project being evaluated and availability of co-location.
- ee. Conditional Waivers:

In approving waivers, the Board may impose conditions that it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.
- ff. Procedures for Waivers:

A petition for any such waiver that the applicant requests shall be submitted in writing for Board review with the application or at such subsequent time as the need for a waiver becomes evident to the applicant. All requests for waivers shall be made as soon in the process as possible. No waivers shall be permitted that substantially change the initial application so that the Board no longer has jurisdiction over the application. The petition for a waiver shall state fully the grounds for the waiver and all of the facts relied upon by the applicant to support the request. Failure to submit the petition in writing shall require an automatic denial.
- vii. Decisions:

Possible decisions rendered by the Planning Board include approval, conditional approval, or denial. Decisions shall be rendered in writing in accordance with RSA 676:3.

In granting the Conditional Approval of a proposed Site Plan, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed facility on adjoining properties or on the rural New England Character and heritage of the Town.

Because the National Wireless Telecommunications Siting Policy, Section 332(c)(47 U.S.C. 332(c)), states that a denial of a permit for a PWSF shall be based upon substantial evidence contained in the written record, the Planning Board shall ensure that substantial evidence exists in the written record upon which to base its decision.

viii. WCF Visual Characteristics and Lighting:

This Subsection shall apply to all proposed WCFs, unless the WCF is exempted under provisions of Subsection X.E.3.c.x below.

The standards in this Subsection are in addition to those in Zoning Ordinance Section 415.5.A and together with those shall govern the installation of WCFs. The Planning Board may waive these requirements if and only if it determines that the goals of these regulations are better served by virtue of such a waiver.

- aa. At a WCF site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural and/or developed character of their settings. These facilities shall also be subject to all other Site Plan Review Regulation requirements.
- bb. If installed on a Utility Pole or Equivalent, Antennas shall extend no more than one foot laterally from the surface of the Utility Pole and/or no more than ten feet above the top of the Utility Pole or Equivalent.
- cc. If installed on a Utility Pole or Equivalent, equipment enclosures, if any, associated with the Antenna(s) may extend beyond one foot from the surface of the shaft if they are not more than 35 feet above ground at their highest point.
- ix. WCF Security, Removal, and Consultant Fees:
Provisions of Subsection X.E.3.c shall apply to all WCFs proposed, unless the WCF is exempt from these regulations in Subsection X.E.3.c.x below.
- aa. Collateral Required:
The Planning Board shall set the form and reasonable amount of collateral that represents the actual cost projected for the removal and disposal of abandoned Utility Poles or Equivalents with Antennas installed or Towers. In the event that the owner of the Utility Poles or Equivalents with Antennas installed or Tower is incapable or unwilling to remove such structure when they cease to be operated, the structures may be deemed abandoned as set forth in paragraph b below, and the Town may remove such structures and offset against the collateral any and all costs incurred. The Planning Board shall also require a certificate of appropriate insurance or evidence documenting the owner's self-insurance covering the construction and operation of Utility Poles or Equivalents with Antennas installed or a Tower on the Public Right of way for Town Owned land, and may require advance notice of any changes in coverage.
- bb. Removal of Abandoned Antennas, Utility Poles and Equivalents and Towers:
Any Antenna, Antenna cable, Antenna mounting hardware, DAS or a Utility Pole or Equivalent or Tower that is not operated for a continuous period of 12 months shall be considered abandoned and assumed to be detrimental to the public welfare. The owner, its successors or assigns, and all tenants owning equipment on such structure shall remove the abandoned items within 90 days of receipt of a declaration of abandonment from the Town notifying said person of such abandonment. A declaration of abandonment shall only be

issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operators of the abandoned items. If the abandoned items are not removed within 90 days, the Town may offset against the collateral any and all costs incurred to have them removed.

If there are two or more users of a single Antenna, Utility Pole or Equivalent or Tower, this provision shall not become effective until all users cease using the Antenna, Utility Pole or Equivalent or Tower.

- cc. Consultant Fees:
The Board may retain the services of a consultant qualified in wireless communications services to review the application and all associated information. The consultant may not be a person who has appeared before or represented any private party in front of the Town or any of its permitting boards within the preceding twelve (12) months on any matter concerning a WCF. The Board may further require, pursuant to RSA 676:4 I(g), that the applicant reimburse the Town for reasonable costs of this review. No application shall be approved until such fees, if applicable, are paid in full.
- x. Exemptions from These Regulations: Antennas Allowed in All Zoning Districts:
This Subsection applies to Antennas associated with WCFs other than PWSFs. Each of the Antenna types listed in this Subsection is also eligible as a WCF to apply approvals and permits under these regulations and the Zoning Ordinance.
- aa. Amateur Radio Antennas; Receive-Only Antennas:
Towers or the installation of any Antenna that is under 70 feet in Overall Height and is owned and operated by a federally licensed amateur radio station operator.
- bb. Public Safety Communications Services Antennas:
Antennas for public safety communications services up to 20 feet above the Height of the structure on which they are mounted or the maximum Height allowed in the zoning district, whichever is greater.
- cc. Antennas intended for private non-commercial use:
Antennas intended for private, subject to requisite building permits, mounted on an existing structure with an Overall Height no more than 20 feet above the structure. With Site Plan Review, such Antennas may be mounted on masts or small Towers no more than 70 feet in Height.
- dd. Antennas for Business or Commercial Purposes:
Antennas for business or commercial radio communications, including personal wireless services communications that are subject to applicable PWSF requirements of these regulations, but only to the extent that these regulations are not in conflict with federal law or regulations.
- ee. Dish and Over the Air Reception Device Antennas:
Dish and Over the Air Reception Device Antennas shall be not be subject to these regulations, except in manner that is consistent with the regulations of the FCC on Earth Station Antennas, currently located in 47 C.F.R. §1.4000 and §25.104, as those regulations may be amended from time to time.

- ff. Exceptions to these exemptions:
 - 1. Satellite Dish Antennas are not permitted in commercial or industrial zones when the Code Enforcement Officer determines that the siting of such a facility constitutes a hazard to public health or safety, including but not limited to, fire or traffic.
 - 2. The application of this Subsection shall be no more burdensome to satellite Dish Antenna users than is necessary to achieve the health or safety objective.
- gg. Non-PWSF Antennas Mounted Indoors:

Antennas not used to provide personal wireless services or to support the operations of a PWSF may be mounted indoors without Planning Board review as long as they are installed and operated in a manner compliant with applicable federal, state and local codes and regulations.
- xi. Saving Clause:

If any provision of these regulations of WCFs is found to be unenforceable or unlawful by a court of competent jurisdiction, such provision of these regulations shall be considered severable, and such a finding shall not be construed to invalidate the remainder of the WCF regulations.

F. Stormwater Management (Amended 5/16/17)

1. Applicability Standards

These standards apply to all projects subject to Section X.F. At the discretion of the Planning Board, qualifying applications may be required to include a post-construction stormwater management plan prepared by a NH licensed engineer.

- a. Purpose: The purpose of post construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.
- b. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of North Hampton. This regulation seeks to meet that goal through the following objectives:
 - i. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
 - ii. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
 - iii. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable.
 - iv. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these

management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.

- v. Protect the quality of the Town's groundwater resources, surface water bodies and wetlands.
- c. All projects under review by the Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NH Department of Environmental Services (NHDES) Alteration of Terrain (AOT) program shall comply with the standards of EPA and/or NHDES permits and this section, whereas the stricter standards shall apply.

2. Minimum Thresholds for Applicability

- a. **Minimum Thresholds for Applicability:** These stormwater management standards apply to all projects requiring Planning Board review and approval under Section V.A. For smaller projects that disturb less than 15,000 square feet an applicant may request a waiver of the full standards providing minimum protections and management are implemented. For the purpose of these standards, disturbance is defined as any alteration of the land surface or permanent removal of vegetation or trees associated with a development activity.
- b. **Waiver Option for Small Development Projects:** At the request of an applicant, the Planning Board may grant a waiver to any or all stormwater standards for projects that: disturb less than 15,000 square feet; create less than 5,000 square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland.
- c. **Conditions for Granting of Waivers:** In order for the Planning Board to issue a waiver, the applicant must demonstrate and board must find the application meets the minimum criteria listed below and, if granted, will be considered conditions of approval.
 - i. Runoff from NEW impervious surfaces shall be directed to a filtration and/or infiltration device or properly discharged to a naturally occurring or fully replanted and vegetated area with slopes of 15 percent or less and with adequate controls to prevent soil erosion and concentrated flow.
 - ii. Impervious surfaces for parking areas and roads shall be minimized to the extent possible (including minimum parking requirements for proposed uses and minimum road widths).
 - iii. Runoff generated from NEW impervious surfaces shall be retained on the development site and property and mimic natural hydrologic processes to the maximum extent possible, or it is determined that the biological and chemical properties of the receiving waters will not be degraded by or its hydrology will benefit from discharge of stormwater runoff from the development site.
 - iv. Compliance with standards 2.c.i-iii above will be determined by the Planning Board on a case by case basis as site conditions and constraints will differ greatly between various redevelopment proposals.

3. Best Management Practices

- a. **Performance Specifications:** All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications in the

NHDES Stormwater Management Manual Volume 2 (December 2008 or current revision) a copy of which is available from the NHDES website at www.des.nh.gov/organization/divisions/water/stormwater/manual.htm.

- b. Water Quality Protection: All aspects of the application shall be designed to protect the quality of surface waters and groundwater of the town of North Hampton as follows:
 - i. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, harm, impair or contribute to an impairment of such waters.
 - ii. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of the New Hampshire Department of Environmental Services (NHDES) including but not limited to those involving Underground Storage Tanks, Above Ground Storage Tanks, hazardous Waste and Best Management Practices for Groundwater Protection (Env-Wa 401).
- c. Stormwater Management for New Development: All proposed stormwater management and treatment systems shall meet the following performance standards:
 - i. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines, May 2009, as amended) available from the UNH Environmental Research Group website at http://www.unh.edu/erg/stream_restoration/nh_stream_crossing_guidelines_unh_web_rev_2.pdf
 - ii. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) in order to reduce the generation of the stormwater runoff volume for both new development and redevelopment projects (see Element D for redevelopment standards). An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.
 - iii. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
 - iv. All areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for vector control.
 - v. Salt storage areas shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH DES published guidance such that no untreated discharge

- to receiving waters results. Snow storage areas shall be located in accordance with NH DES published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>
- vi. Runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to the maximum extent possible to minimize Effective Impervious Cover (EIC) and reduce the need for irrigation systems.
 - vii. All newly generated stormwater, whether from new development or expansion of existing development (redevelopment), shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems, privately owned drainage systems (whether enclosed or open drainage). Runoff shall not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions (developed condition or undeveloped condition).
 - viii. A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the *NHDES Stormwater Manual Volumes 1 and 2*, December 2008, as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not lower water quality or contribute to existing water body impairments.
 - ix. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year, 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume GRV according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 1.0; HSG-B: 0.75; HSG-C: 0.4; HSG-D: 0.15. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site.
 - x. The physical, biological and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.
 - xi. The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
 - xii. The design of the stormwater management systems shall take into account upstream and up gradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.

- xiii. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the *NHDES Stormwater Manual Volume 3* guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas.
- xiv. All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.
- xv. Every effort shall be made to use pervious parking surfaces as an alternative to impervious asphalt or concrete for general and overflow parking areas. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions.
- xvi. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

4. Applicability for Redevelopment

a. Redevelopment Criteria:

- i. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.
- ii. For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects with the important distinction that the applicant can meet those requirements either on-site or at an approved off-site location. The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on-site to the maximum extent practicable.
- iii. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
 - aa. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of filtration media; or
 - bb. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

5. Rain Gardens

Because of their on-going inspection, maintenance, and reporting burden and consequent expense to the landowner and the Town, Rain Gardens are not encouraged for stormwater management. They may be permitted, however, if all following conditions are met:

- a. A professional who has appropriate certifications or licenses to provide Rain-Garden designs has prepared the plan for the proposed Rain Garden.
- b. The proposed design meets requirements properly to handle a 100-years storm event and to treat any special run-off characteristics required by activities on the site.
- c. The actual installation of the Rain Garden meets or exceeds all design specifications for the proposed Rain Garden, as certified by a qualified independent professional who is not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
- d. With the design for the Rain Garden the designer shall submit a management plan for routinely inspecting, maintaining, and at least annually reporting to the Town the condition of the Rain Garden.
- e. The management plan in (d) above shall comply with best management practices for maintaining Rain Gardens provided in the most current revision of the University of New Hampshire ("UNH") document titled "Regular Inspection and Maintenance Guidance for Bioretention Systems / Tree Filters," and all inspections shall use the "Checklist for Inspection of Bioretention Systems / Tree Filters" included in this UNH document.
- f. All inspections specified in the management plan shall be conducted by a qualified independent professional who was not the designer and not the installer and who is the Town Engineer or whom the Town Engineer has approved.
- g. The landowner agrees to comply with and implement the management plan in (d) above -- so long as the Rain Garden remains a component of the stormwater management system on the property.
- h. The landowner shall pay all compliance expenses -- including, but not limited to, those for inspecting, maintaining and reporting -- so long as the Rain Garden remains a functional component of the stormwater management system on the property.
- i. All applications for installation of one or more Rain Gardens as a stormwater management system or as a component of a stormwater management system shall comply with Paragraphs i-iv below:
 - i. The owner of the property agrees to grant the Town the right to take remedial action at the expense of the owner, if the Rain Garden is found not to function as designed and has not been restored to full functionality by the owner within 90 days of notice from the Code Enforcement Officer.
 - ii. The owner agrees to reimburse the Town for all expenses the Town incurs as a result of enforcement as provided in Paragraph 1 above.
 - iii. Appropriate notes shall be added to the recorded Mylar to memorialize the above conditions of approval.
 - iv. Appropriate deed restrictions shall be added to the deed of the property to memorialize the above conditions of approval.

5. Stormwater Management Plan Approval and Recordation

- a. **Plan Approval and Review.** The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by a third party may be required of any stormwater management and erosion control plan prepared under these regulations. The technical review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant.

- b. Recordation of Approved Stormwater Management Plan. After final Planning Board approval, and established as a condition of such approval, the owner of record of the property shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements of and responsibilities described in the approved stormwater management plan (see RSA 477:3-a). The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478.

6. Operations and Maintenance Criteria

Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan or subdivision plan. The owner of record of the property shall record a Notice of Decision of these plans at the Registry of Deeds. The Notice of Decision shall be attached to the property deed and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.

7. Post-Construction Stormwater Infrastructure – Inspection and Responsibility

- a. Landowners shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified engineer that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If no report is filed by September 1, municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.
 - i. If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.
 - ii. If violations or non-compliance with a condition(s) of approval are found on the site during routine inspections, the inspector shall provide a report to the Planning Board documenting these violations or non-compliance including recommend corrective actions. The Planning Board shall notify the property owner in writing of these violations or non-compliance and corrective actions necessary to bring the property into full compliance. The Planning Board, at their discretion, may recommend to the Board of Selectmen to issue a stop work order if corrective actions are not completed within 10 days.
 - iii. If corrective actions are not completed within a period of 30 days from the Planning Board or Select Board notification, the Planning Board may exercise their jurisdiction under RSA 676:4-a Revocation of Recorded Approval.
- b. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.

- c. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.

G. Septic System Siting Requirements

1. In no case shall the Planning Board grant final approval of a proposed site plan until the following State approvals, if necessary, have been received: New Hampshire Department of Environmental Services (DES) Subdivision Approval; DES Subsurface Disposal; DES Site Specific; DES Wetlands Board - Dredge and Fill Permit; DES Water Supply Approval; and U.S. Army Corps of Engineers 404 Permit.
2. In areas served by individual on-site sewage disposal systems, it shall be incumbent upon the applicant or his agent to adequately demonstrate that the lots will meet all current state and local septic system disposal standards. No site plan of land will be approved which cannot meet these standards.
3. The applicant or his agent shall be required to submit all site information, including but not limited to percolation tests, test pits, soil, slope, and minimum distance data as may be required by the North Hampton Zoning Ordinance to determine the suitability of the lot(s) for on-site sewage disposal.

H. Fire Protection

Fire alarms and fire hydrants shall be provided as specified by the North Hampton Department. These items shall be shown on the site plan and installed by the applicant.

I. Sidewalks

Sidewalks shall be provided for pedestrian traffic to provide connection between the main entrances of businesses, industries, multi-family housing units, and parking areas.

Section XI - Special Flood Hazard Areas

All site plan proposals governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of North Hampton, N.H." together with the associated Flood Insurance Rate Maps of the Town of North Hampton, N.H., shall meet the following requirements:

1. Site plan proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.
3. Adequate drainage shall be provided to reduce exposure to flood hazards.
4. New and replacement water systems (including on-site systems) shall be located, designed, and constructed to minimize infiltration and avoid impairment.
5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

6. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
7. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the N.H. Office of Emergency Management and Wetlands Board, and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.
8. Site plans shall include 100-year flood elevation data.

Section XII - Parking Requirements

Each site plan submitted to the Board must provide as a minimum, the number of parking spaces required by the regulations for each use on the parcel. A parking space is an off-street parking area of not less than nine feet in width and eighteen feet in length. Handicapped parking spaces shall be twelve feet wide. All parking must be on-site or be assured by perpetual easement. Off-street parking shall be provided as set forth below.

<u>Land Use</u>	<u>Required Parking Spaces per Indicated Area</u>
Dwelling Unit	2 per dwelling unit
Assembly/Finishing Operations	1 per 800 sq. ft. GFA
Bar	1 per 2 seats
Bank	1 per 300 sq. ft. GFA
Bowling Alley	4 per alley
Car Wash	10 per washing lane
Church	1 per 3 seats
Industrial	1 per 800 sq. ft. GFA
Light Manufacturing	1 per 800 sq. ft. GFA
Hospitals/Clinics	1 per 250 sq. ft. GFA
Motel	1.5 per sleeping room
Nightclub	1 per 3 seats
Offices	1 per 300 sq. ft. GFA
Research/Testing Laboratories	1 per 1,000 sq. ft. GFA
Restaurants*	
No take out service	1 per 3 seats
Take out portion	1 per 30 sq. ft. GFA
Retail Store	1 per 300 sq. ft. GFA
Schools	
Public	2 per classroom; but not less than 1 per teacher and staff
Private	2.5 per classroom; but not less than 1 per teacher and staff
Service Station	4 per bay
Shopping Center	1 per 300 sq. ft. GFA
Storage/Warehousing	1 per 5,000 sq. ft GFA
Theater	1 per 3 seats

Notes: GFA = Gross Floor Area

*For restaurants with a combination of seating and take-out, calculate each area separately and combine the results.

Section XIII - State Dealer's License Requirements

A. Definition of Dealer

Any site for storage of or display of 3 or more registered or unregistered motor vehicles, OHRV, utility vehicles, trailers, RV's, boats, or construction equipment for wholesale or retail sales shall be considered a dealer and subject to Site Plan Review Regulations.

B. Site Plan Requirements for Dealers

All dealerships shall conform to the following requirements to obtain Planning Board approval as required to obtain State of New Hampshire Dealer's License:

1. Each site shall be approved for only 1 dealer's license.
2. Each site shall be considered as a separate dealership and shall conform to site plan requirements.
3. Each site shall have one building that shall maintain a minimum of 1,200 sq. ft. of inside storage devoted to vehicle use only and shall conform to current BOCA Building and NFPA Fire Safety Codes, and State of New Hampshire Septic and Water Pollution Codes for floor drains and storage of waste oils and antifreeze solutions.
4. Each site shall have display parking for a minimum of 25 vehicles in addition to normal parking requirements needed for buildings on site. All parking requirements shall conform to the parking standards of the site plan review regulations.
5. Each site shall conform to current landscaped buffer strip requirements as defined in Zoning Ordinance 406.11 and current driveway permits required by the State of New Hampshire RSA 236.13.
6. Each site shall maintain an on-site area for loading and unloading of vehicles that are delivered via transport.

Section XIV - Performance and Maintenance Collateral

A. Posting of Collateral

1. Collateral shall be in a form and amount, and other conditions all satisfactory to the Board to insure for the Town the construction and installation of any required improvements within a period of time not to exceed three (3) years. The time limit for completion from the date of final approval shall be expressed in the collateral. The collateral shall remain valid and available until drawn upon by the Town or released in accordance the procedures specified below.
2. The Board may further extend the time of three (3) years for completion when the reasons for delay were unforeseeable and beyond the reasonable control of the applicant. Any such extension shall be in writing and approved by a majority of the Board and shall only be granted after ensuring the validity, adequacy, and availability of the collateral for such extension. Any such extension shall be solely at the discretion of the Planning Board.
3. The applicant shall file with the Board a detailed estimate of all costs of required street improvements, drainage structures, utilities, or other improvements. The Board may have the estimate reviewed by a professional consultant, if deemed necessary. The cost of this review shall be

borne by the applicant. The Board, after considering the estimate, and other pertinent information, shall determine the amount of the collateral required.

4. Collateralization shall comport with the “Policy for Collateralizing Performance Obligations,” which is found in the Appendix of this document. As this policy may be occasionally updated, the most current version is available from the Planning & Zoning Department.

B. Release of Collateral

1. The collateral shall be released in phases as portions of the secured improvements or installations are completed and accepted by the Board, in accordance with the plan approved by the Board.
2. The collateral shall not be released until the Board has certified after inspection, by the Planning Board or its designee, that the required improvements have been completed in accordance with the approved plan. A fee, payable by the applicant, may be charged to cover the cost of professional consultation selected by the Board to assist in determining completion of all required work to the construction standards of the Town.

C. Additional Collateral Required

In cases where a building is completed and a Certificate of Occupancy is requested prior to the completion of all site elements as required by the Planning Board and/or depicted on the approved and signed plan(s), the Planning Board, or their designee, may require the applicant to provide collateral for the work remaining as defined in this chapter. In no case shall a Certificate of Occupancy be issued until all of the required site elements are completed to the satisfaction of the Town, or until collateral, as described herein, has been accepted. (Amended 9/1/98)

D. As-Built Plans (Amended 6/20/17)

The Planning Board may determine that the scope of a proposed Site Plan warrants As-Built plans. If the Board does make this determination, it will be prior to granting approval of a Site Plan. If As-Built plans are required, after completing an approved project, the applicant shall submit As-Built plans suitable for recording at the Registry of Deeds, and after review and approval, the Town shall record those plans. The As-Built plans shall include a list of all deviations from the original approved Site Plan. The applicant shall be responsible for all costs associated with the As-Built plans.

For Site Plans which the Board did not require an As-Built plan, in inspecting a completed project and prior to issuing a Certificate of Occupancy, the Town Building Inspector or Town Engineer may determine that deviations from approved plans were sufficiently material to require As-Built plans.

As-Built plans shall meet all the same requirements required of site plans. In addition, As-Built plans shall also meet the requirements of this section and any additional requirements specified by the Board. Two prints of this information shall be submitted to the Planning Board, or its agent, for approval. The Building Inspector or Town Engineer must approve the As-Built plans and they must be registered at the Registry of Deeds prior to the issuance of a Certificate of Occupancy.

Section XV - Administration and Enforcement

A. General

These Regulations shall be administered by the Planning Board. The enforcement of these Regulations is vested with the Board of Selectmen.

B. Waivers

1. Following a public hearing for which proper notice has been given to the general public and abutters, the Board may waive such requirements of the foregoing Regulations that it determines:
 - a. are not requisite to the interest of public health, safety, general welfare, and
 - b. which do not contribute to the objectives of the regulations because of special circumstances and conditions relating to a particular site plan. When making its determination as to any waiver, the Board shall take into consideration the prospective character of the development and of abutting properties.
2. When the applicant desires the waiver of any provisions of the foregoing Regulations, he shall include a request therefor with a statement of reasons for such request, with the application for approval of the preliminary or final plan. Any such request for waivers shall be included in any notice given to the public and also in notice to abutters. Costs for any additional public hearing held for the purpose of waivers shall be assessed to the applicant.

C. Penalties and Fines

Any violation of this Regulation shall be subject to a civil fine or criminal penalty as provided in RSA 676:17, as amended. The Board of Selectmen, or the Building Inspector, are hereby designated as the proper local authorities of the Town to institute appropriate action under the provisions of RSA 676:17.

D. Conflicting Provisions

Where these Regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

E. Validity

If any Section or part of Section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or Sections or part of a Section or paragraph of these Regulations.

F. Effective Date

These revised regulations are effective as of March 20, 2018 and have been filed with the North Hampton Town Clerk.

APPENDIX A

POLICY FOR COLLATERALIZING PERFORMANCE OBLIGATIONS

Purpose

The purpose of this policy is to standardize the Planning Board's requirements for collateralizing performance obligations for conditionally approved site plans, subdivision plans, and excavation plans. (November 1, 2011)

Definitions

Performance Security: The collateralization of obligations imposed by the Planning Board as conditions of site plan, subdivision or excavations approvals. Such collateral shall be in the form of cash, or letter of credit in accordance with the provisions set forth in the following policy.

General Provisions for Collateralization

1. All obligations imposed by the Planning Board as conditions of site plan, subdivision or excavation approval, with respect to itemized schedules of work to be performed, estimated costs and expected completion dates, including collateralization requirements, if any, shall be set forth in the Performance Security Agreement contained herein.
2. Proposed schedules of work, estimated costs and expected completion dates shall be reviewed by the Town's engineer, and the engineer's recommendation shall be given due consideration by the Board.
3. Estimates of the total cost of work in the schedule shall be increased by no less than 10% to cover contingencies, including unanticipated events and inflation over the period during which the work is to be completed.
4. Cash collateral shall be acceptable as performance security for amounts not to exceed \$5,000 and only under the terms and conditions stated below.
5. Letters of credit shall be acceptable as performance security in any amount provided that the letter of credit complies with the terms and conditions stated below.

Cash Collateral: Terms and Conditions

1. Applicant shall execute the Town's "Performance Security Agreement" that specifies the purpose of the security and rights of the Applicant and Town with respect to the collateral held in escrow.
2. Cash collateral shall be provided as cash and not in any other form, including "cash equivalents" such as CDs, bonds, stocks, or similar financial instruments.
3. It shall be held in escrow in a bank of the Town's choosing.
4. It shall be held in an account designated as an escrow account solely for the purposes specified in the Cash Performance Security Agreement.
5. The account shall be separate and apart from accounts holding assets of the Town and shall NOT be commingled with the Town's assets.
6. Interest on cash held in escrow shall be held in the escrow account until released according to the terms and conditions of the Cash Performance Security Agreement.
7. Applicant shall not be named in the title of the account.

Letters of Credit: Terms and Conditions

1. Applicant shall execute the Town's "Performance Security Agreement" that specifies the purpose of the security and rights of the Applicant and Town with respect to the letter of credit.
2. The letter of credit shall be issued by a major bank in the State of New Hampshire – e.g., TD Bank, Bank of America, Citizens Bank.

3. The letter of credit shall specify conditions under which the Town may draw on the letter of credit and requirements for the Town to draw on it –e.g., a sight draft and certification of work for which the draw is required.
4. The letter of credit shall provide for the Town to draw on the letter of credit upon certification of a default by the Applicant in general terms -- e.g., “a default has occurred pursuant to provisions set forth in the approval of the plan titled XXXX conditionally approved by the North Hampton Planning Board on [DATE].”
5. The letter of credit shall be irrevocable.
6. The letter of credit shall be “evergreen” and shall provide that:
 - a. The Issuer must give notification of not less than 90 days prior to allowing the letter of credit to expire, and
 - b. in the event that the Issuer gives notice of intent not to renew the letter of credit at expiration, the letter of credit may be fully drawn prior to the expiration date upon presentation of a sight draft only.
7. The letter of credit shall provide for partial drawings.
8. The Town may hold as a cash collateral any amount drawn in excess of the amount from time to time due and owing and shall not be obligated to return amounts, if any, so drawn to the issuing bank of the letter of credit unless and until the obligations to which the letter of credit relates of the Applicant have been fully performed by the Applicant and accepted by the Town.
9. The sole right of the issuer of the letter of credit to any amount drawn excess of the amount from time to time due and owing shall be an unsecured right to receive such amount, if any, upon the full and final completion of the obligations of the Applicant whose performance is assured by the letter of credit.

APPENDIX B

NORTH HAMPTON SITE PLAN REVIEW REGULATIONS RECORD OF AMENDMENTS TO 1993 PRINTED VERSION

All pages of the current version of the Site Plan Review Regulations are dated December, 1993, with the following exceptions, which update these regulations as indicated:

Page 4	Dated: February, 1996	Amendment to title of Section V
Page 5	Dated: February, 1996	Amendment to Section V-B, paragraph 1
Page 3	Dated: September, 1998	Amendment to Section IV-D, revise
Page 4	Dated: September, 1998	Amendment to Section IV, add G
Page 9	Dated: September, 1998	Amendment to Section VII-A, revise
Page 10	Dated: February, 1996	Amendment to Section VIII-A.2
Page 15	Dated: September, 1998	Amendment to Section X-B, add sub. 8
Page 16	Dated: September, 1998	Amendment to Section X-C, add C
Page 17	Dated: September, 1998	Amendment to Section X-F, revise
Page 21	Dated: September, 1998	Amendment to Section XIV, add C
Page 5	Dated: January 4, 2000	Amendment to Section V, add A.4
Page 17	Dated: April 12, 2003	Amendment to Section X, new D.1
Page 17	Dated: April 12, 2003	Amendment to Section X, new D.2 and renumber remaining sections
Page 28	Dated: April 12, 2003	Amendment to Section XIV, add B and renumber remaining sections
Page 2	Dated: July 1, 2003	Amendment to Section III, new definition
Page 20	Dated: July 1, 2003	Amendment to Section X, new F. and renumber remaining sections.
Page 24	Dated: February 5, 2007	Amendment to Section X.F.3, new c.
Page 10	Dated: March 19, 2007	Amendment to Section VIII.A. new 5.
Page 13	Dated: December 27, 2007	Amendment to Section VIII.E. Community Impact
Page 9	Dated: July 15, 2010	Amendment to Section VII.A. Fees
Page 9	Dated: January 20, 2011	Amendment to Section VI.E.2
Entire		
Section	Dated: April 21, 2011	Replace "surety" with "collateral"
Page 36	Dated: April 21, 2011	Replace Section XIV Performance and Maintenance Collateral
Page 40	Dated: April 21, 2011	Add Appendix A – Collateralization Policy
Page 40	Dated: November 1, 2011	Omit Surety bonds Appendix A
Page 16	Dated: April 17, 2012	Add Blasting Regulations
Page 5	Dated: December 18, 2012	Eliminate V.B.1.c. Any change of use which results in the need for a new occupancy permit
Page 10	Dated: August 19, 2014	Add paragraph under Application submission requirements, VIII.A.1 to add the requirement of submitting digital pdf format of applications and supporting documents.
Page 6	Dated: May 17, 2016	Sections VI.A.1 & 2 and B.2 change language regarding deadlines for application submittals
Pages 17 & 31	Dated: May 16, 2017	Eliminate Section X.C, replace Section X.G in its entirety, and renumber remaining sections
Page 40	Dated: June 20, 2017	Replace Section XIV.D in its entirety

Pages 6 - 10 Dated: March 20, 2018

Revise Section VI and Section VIII application procedures to comply with State of NH RSA's and delete reference to Little Boar's Head approvals.