

ALTON, NH

SITE PLAN REVIEW REGULATIONS



ADOPTED: DECEMBER 18, 2012

ALTON SITE PLAN REVIEW REGULATIONS

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ALTON SITE PLAN REVIEW REGULATIONS

SECTION 1 - GENERAL PROVISIONS

1.01 AUTHORITY

Pursuant to the authority vested in the Planning Board by the voters of the Town of Alton at the Town Meeting on March 15, 1984 and in accordance with RSA 674:43 and 44, the Planning Board adopts the following rules governing the review of site plans for the development or change or expansion of use of tracts for nonresidential uses or multi-family dwelling units, whether or not such development includes a subdivision or re-subdivision of the site.

1.02 PURPOSE

- (A) The purpose of these regulations is to ensure that development:
1. Does not impose unreasonable costs upon the community;
 2. Does not exceed the development capacity of the site or the capacity of community resources and infrastructure;
 3. Will not unreasonably impact adjacent properties;
 4. Will increase the site's resistance to natural hazards;
 5. Will avoid inadequate stormwater drainage that could result in erosion, sedimentation, and flooding;
 6. Will provide safe and attractive streets, driveways, parking areas;
 7. Will make adequate provisions for fire safety, prevention and control;
 8. Will require suitably located streets of sufficient width to accommodate existing and prospective traffic and to provide adequate access for firefighting equipment to the site and buildings and coordinated so as to compose a convenient system;
 9. Will provide for open spaces and green spaces of adequate proportions;
 10. Will require that the land shall be of such character that it can be used for building purposes without danger to health;
 11. Will not generate harmful noise, smoke, soot, particulates, light, dust, or other nuisances, pollutants, or hazards;
 12. Will provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
 13. Will protect rivers, streams, wetlands, floodplains, and groundwater drinking water supplies;
 14. Fits with surrounding land and buildings, preserves, and is consistent with the architectural heritage of Alton; and
 15. will create conditions favorable for health, safety, convenience, and prosperity.

- (B) It is also the intent of these regulations to simplify the development process; to provide explicit direction as to what is or is not subject to site plan review; and to provide a greater degree of flexibility in meeting the Town's objectives.

1.03 JURISDICTION

- (A) The provisions of these regulations shall apply to all land within the boundaries of the Town of Alton.
- (B) Any person proposing a Site Plan in the Town of Alton must apply to the Planning Board for approval of such activity.
- (C) A Site Plan Review application must be made and approved before any binding offer to sell, rent, or lease a proposed area or part thereof; before any construction, land clearing, or building development is begun; before any permit for the erection of any building may be granted.
- (D) No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved Site Plan plat has been presented or forwarded to the Code Official.

1.04 APPLICABILITY

- (A) When any development, building, or change or expansion of the use of land is proposed as outlined to follow, site plan approval is required before any construction, land clearing, building development or change is begun, and before any permits are granted. When there is any question as to whether a project requires Site Plan Review, the Planning Board has the responsibility for making that determination.
- (B) The following outlines what projects are subject to a Major Site Plan Review, a Minor Site Plan Review and projects that are not subject to any Site Plan Review.

1. **Projects that require a Major Site Plan Review**

The development or expansion of the use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site that includes:

- a. New principal buildings or accessory buildings greater than 750 square feet for non-residential or multi-family residential use (structures containing more than 2 dwelling units);
- b. Additions of 750 square feet or more of gross floor area to any existing principal or accessory buildings for non-residential or multi-family residential use (structures containing more than 2 dwelling units);
- c. Projects that involve the development, paving, filling, grading, clearing of an additional disturbed land area of 2,000 square feet or more for non-residential or multi-family residential use (structures containing more than 2 dwelling units);

- d. Establishment of Personal Wireless Service Facilities.
2. **Projects subject to Minor Site Plan Review**
- The development or expansion of the use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site that includes:
- a. New principal buildings or accessory buildings less than 750 square feet of gross floor area in size for non-residential or multi-family residential use (structures containing more than 2 dwelling units);
 - b. Additions to principal or accessory buildings of less than 750 square feet of gross floor area in size for non-residential or multi-family residential use (structures containing more than 2 dwelling units);
 - c. Projects that involve the development, paving, filling, grading, clearing of an additional disturbed land area of less than 2,000 square feet for non-residential or multi-family residential use (structures containing more than 2 dwelling units);
 - d. Site Plans for a Home Business;
 - e. A change in use (e.g. from multi-family residential to office use; from restaurant to retail use) or layout of non-residential or multi-family residential buildings or property which involves one or more of the following:
 - (1) changes in traffic flow;
 - (2) an increase in traffic generation;
 - (3) an increase in parking demand;
 - (4) changes to drainage;
 - (5) an increase in demand or changes in water; sewer or other utilities;
 - (6) changes in fuel storage;
 - (7) changes in hazardous material storage; and
 - (8) changes to the outside layout and use(s) of the site
 - f. Agricultural activities including:
 - (1) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus elephus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*).
 - (2) The breeding, boarding, raising, training, riding instruction, and selling of equines.
 - (3) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.

- (4) The commercial raising, breeding, or sale of poultry or game birds.
 - (5) The raising of bees.
 - (6) The raising, breeding, or sale of domesticated strains of fur-bearing animals.
 - (7) Farm roadside stands as defined in RSA 21:34-a, III.
 - (8) Farmers markets as defined in RSA 21:34-a, V.
 - (9) Agritourism as defined in RSA 21:34-a, VI.
 - g. Any other activity subject to the Site Plan Review Regulations that the Planning Board determines to be subject to the Minor Site Plan Review process after review of a Conceptual Consultation for the proposal.
3. **Projects Not subject to any Site Plan Review**
- a. Agricultural activities except those agricultural activities specified in Section 1.04 (B) 2. f. above.
 - b. Proposals that involve no change in use;
 - c. Proposals that involve a change of use, but do not involve one or more of the criteria outlined in Section 2. e. above. A change of use that is included in this sub-section needs a certificate of occupancy from the Code Official as required by Section 1.22.
 - d. Internal building modifications to a non-residential use provided the modifications comply with building and fire codes as determined by the Code Officer and/or the Fire Chief. Internal building modifications to a non-residential use section needs a certificate of occupancy from the Code Official as required by Section 1.22 (A). Temporary special events which require no permanent alterations to the site or construction of structures or buildings and which function safely within the approved configuration of the site and access to the site as approved by the Board of Selectmen; and
 - e. Development of one and two family residential uses.

1.05 DEFINITIONS

- (A) The definitions contained in the Alton Zoning Ordinance and Subdivision Regulations shall also apply, where applicable.
- (B) As used in this chapter, the following terms shall have the meanings as follows:
 - 1. 100-Year Flood: [from FDO] see Base Flood.
 - 2. Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under

consideration. For purposes of receipt of notification by a municipality of a local land use Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use Board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use Board.

3. Acceptance: Recognition by a majority vote of the Planning Board by members present at a meeting that an application is complete and ready for further consideration.
4. Accessory Apartment: A separate, independent, accessory and subordinate dwelling unit either located on the same property as the primary single family dwelling or within the primary single family dwelling itself. Examples include an apartment over a garage, a basement apartment or an extension to the existing house.
5. Accessory Building or Use: A building or use incidental and subordinate to the main building and its use and occupying the same lot.
6. Agriculture: As defined by NH RSA 21:34-a, with the exception of septage, as amended. (Revised 08 March 2011)
7. Agritourism: As defined by RSA 21:34-a VI, means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation. (Added 08, March 2011)
8. Alternative Tower Structure: Innovative siting techniques that shall mean man made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
9. Alton Planning Board or Board: The Planning Board of the Town of Alton, New Hampshire.
10. Amusement Use: Indoor: Pinball/video arcade, dance hall, bowling alley, movie theater, tennis center, gymnasium. (Added by ATM 3/11/97)

11. Amusement Use: Outdoor: Miniature golf, drive-in theater, circus/carnival. [Added by ATM 3/11/97]
12. Annexation: The sale, transfer, or other conveyance of land to the owner of adjoining land which does not increase the number of parcels, lots, or owners and does not result in additional lots of substandard areas under the Zoning Ordinance. Annexations include minor lot line adjustments and boundary agreements.
13. Antenna: Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), page network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.
14. Antique Shop: A store, whether a principal use or accessory use, which sells exclusively furniture and home furnishings over seventy-five years old.
15. Applicant: The owner(s) of record or the duly authorized agent of the owner(s) of record of any land, which is proposed to be developed through the subdivision or site plan review process.
16. Approval: Recognition by the Planning Board, certified by written endorsement on the site plan, that the site plan meets the requirements of these Regulations and in the good judgment of the Board, satisfies all criteria of good planning and design.
17. Area of Shallow Flooding: [from FDO] A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one (1%) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
18. Area of Special Flood Hazard: [from FDO] Is the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.
19. Assisted Living CCRC facilities: Facilities which provide housing and care for residents who are no longer medically self-sufficient but who are not yet in need of the more expensive (and more institutional) skilled nursing care. An example would be an arthritis patient who needs assistance with dressing and the like but

who can otherwise carry on a daily routine. Assisted Living facilities must include room and board (serving a minimum of one meal per day - up to three), provision of personal care assistance, medication assistance, and minimum qualification for employed staff per NH Chapter He-P 805 & He-P-804. The housing component of the facility is located within one building on the site. (Added 14 March 2006)

20. Automobile, motorcycle, light truck sales, leasing or rental: Sales, leasing, rental, and related servicing of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half (1 1/2) tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers, and similar items; excluding, however, commercial wrecking, dismantling, or junkyard. (Added 14 March 2006)
21. Automobile Service Station: Any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the servicing of motor vehicles and small engine repair including grease racks, tire repairs, battery changes, hand washing of automobiles and the sale of merchandise and supplies related to the servicing of motor vehicles, but excluding body and fender work, painting, storage of autos not in operating condition or other work involving noise, fumes, glare or smoke.
22. Automotive and Truck Repair Garage: A structure, premises and land in which, or upon which, a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.
23. Automotive and Truck Motor Vehicle Dealer: Every person engaged full or part time in the business of selling or exchanging new and second hand motor vehicles on commission or otherwise having complied in full with the intent and conditions of RSA 236:112 V (A), as amended.
24. Automotive and Truck Used Motor Vehicle Dealer: Every person or firm engaged full or part time in the business of selling or exchanging second hand motor vehicles on commission or otherwise having complied in full with the intent and conditions of RSA 236:112 V (B), as amended.
25. Automotive and Truck Junk Motor Vehicle Dealer: Every person or firm who has an established place of business at which he is engaged full or part time in the business of buying second hand motor vehicles for the purpose of taking the same apart, or buying and selling parts of second hand motor vehicles, or tires for the

assembling of second hand motor vehicle parts, in accordance with RSA 236:112 V (c), as amended.

26. Automotive and Truck Motor Vehicle Washing Facility: A site or structure used for the washing of trucks or automobiles.
27. Basal Area: The cross sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.
28. Base Flood: [from FDO] The flood having a one (1%) percent chance of being equaled or exceeded in any given year.
29. Basement: [from FDO] Any area of the building having its floor sub- grade (below ground level) on all sides.
30. Bed and Breakfast: Overnight accommodation and morning meal in a dwelling unit provided to transients for compensation.
31. Best Management Practice (BMP): A proven or accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of stormwater runoff.
32. Boat Sales and Service: A facility for the sales, servicing, and fueling of new and used boats. The facility may include a retail sales area for boating related accessories. No overnight docking facilities and no all day or overnight parking facilities are provided. (Amended 14 March 2006)
33. Boat Sales: A facility which displays and sells boats for retail purposes. A boat sales facility may perform only routine tasks necessary to prepare a new boat for use in the water. (Amended 14 March 2006)
34. Boat Service: A facility that provides maintenance, repair and upkeep of boats including hull repair, engine repair and routine maintenance. (Added 14 March 2006)
35. Boat Storage: A location where boats are stored for commercial purposes within or without a structure.
36. Breakaway Wall: [from FDO] A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

37. Building: [from FDO] See Structure [from FDO]
38. Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum setbacks. (Added 3/14/00)
39. Building Trade or Repair Shop: A structure used for storing, maintaining and supporting a contractor's operations. The structure is accessory to the contractor's operations. This is not to be considered a contractor's storage yard.
40. Campground: A parcel of land with one or more specific sites that has provision for the pitching of a tent or the parking of any recreational vehicle or trailer for use as sleeping quarters on a temporary basis.
41. Certificate of Occupancy: A document issued by the Code Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable municipal codes and ordinances.
42. Certified Soils Scientist: A person who, by reason of special knowledge of soil science principles acquired by professional education and practical experience, as specified by RSA 310-A:84, I and II, as amended, is qualified to identify, classify, and prepare soil maps according to the standards of the National Cooperative Soil Survey, or standards adopted by the New Hampshire Department of Environmental Services, or standards adopted by the Board, and who has been duly certified by the State of New Hampshire.
43. Certified Wetlands Scientist: Means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, as amended, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the State of New Hampshire.
44. Church: A building or structure or group of buildings or structures that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

45. Code Official: The person selected by the Board of Selectmen to interpret and enforce the Building Codes, the Health Regulations and the Zoning Ordinance.
46. Clear Days: For the purpose of public notice, clear days shall not include the day of publication or posting of the notice and shall not include the day of the public hearing.
47. Commercial: A use primarily concerned with the sale of goods or services.
48. Commercial Function Facility: A facility designed exclusively and predominantly for the gathering of people for functions or events for commercial purposes including but not limited to, weddings, reunions, birthday parties, and other social, religious, political or meeting events. Such facilities may be located entirely within a building or other enclosed structure, under a tent, outside or in some combination of all three. The owner of a residential property that holds an infrequent event on his/her property that is non-commercial in nature and/or family-related is exempt from the definition of a commercial function facility. Concert venues are not included in the definition of a commercial function facility.
49. Complete Application: A final Site Plan plat and application form submitted with all other information and materials required by the Planning Board as required by Section 3.01 for a Minor Site Plan Review and Section 4.01 and 4.02 for a Major Site Plan Review. The information submitted shall be sufficient to invoke the Board's jurisdiction to accept the application as complete, begin the review process, and make an informed decision.
50. Conceptual Consultation: This is the first step of the pre-application review process prior to the Design Review application or Final Site Plan Review application. A Conceptual Consultation is an optional step for both a Minor or a Major Site Plan Review application.
51. Conditional Approval: Recognition by the Planning Board, certified in a written Notice of Decision, that the site plan is not finally approved until all the conditions precedent set forth in the Notice of Decision are met.
52. Condominium: Real property and interest therein, where the undivided interests in the common area are vested in the unit owners or in cooperative or corporate association consisting of the unit owners. It includes, but is not limited to multifamily, group, clustered or single family housing wherein units are individually owned but wherein open space and other facilities are held in

common ownership. Condominiums shall be considered a subdivision plan as outlined in RSA 356:B, as amended and reviewed accordingly.

53. Conservation: A careful preservation and protection of something, planned management of a natural resource to prevent exploitation, destruction or neglect. (Added 14 March 2006)
54. Contiguous Lots: Means adjacent or abutting lots which have a common boundary line.
55. Day: A calendar day unless otherwise noted.
56. Construction Observation: Construction monitoring by the municipal engineering consultant chosen by the Planning Board to review and comment in relation to the Site Plan Review Regulations and the approved plans and permits.
57. Construction Trailer: A boxcar or mobile trailer used at a construction site where a residential or commercial building is being undertaken and utilized for storage, occupancy or warehousing purposes. (Added 3/13/07)
58. Continuing Care Retirement Communities (CCRC): A single retirement community site or campus containing two or more of the following components: 1) Independent Living CCRC facilities, 2) Assisted Living CCRC facilities, 3) Skilled Nursing CCRC facilities, and 4) CCRC Support facilities. (Added 14 March 2006)
59. Contractor: The person or company representing the Owner/Developer who is responsible for the construction of the proposed development in accordance with the approved plans.
60. Contractor Equipment Storage: Area used for the storage of equipment and material used in contractor's business. (Added 3/14/00)
61. Corner Lots: A lot with at least two contiguous sides abutting upon streets. (Added 3/13/07)
62. Critical Areas: Disturbed areas of any size within 50 feet of a stream, bog, water body, or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.
63. Dark Sky Specification: Specification of the International Dark-Sky Association, 3225 N. First Ave., Tucson AZ 85719, <http://www.darksky.org>, intended to control sky-glow.

64. Day Care, Home: (Family day care home) An occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.
65. Design Review: This is the second step in the pre-application review process following the optional Conceptual Consultation step and prior to the required Final Site Plan Review application. The Design Review step is optional for a Minor Site Plan Review application and a required step for a Major Site Plan Review application.
66. Development: [from FDO]Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations and excluding agricultural and silvicultural practices.
67. Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
68. Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil, or vegetation has been covered.
69. Drive-in Restaurant: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles including take out and including those establishments where customers may serve themselves and may eat and drink food, refreshments, or beverages in automobiles and including establishments intended for large volume or fast service with on or off-premises consumption, which, because of the nature of sales, operation or market service cause a large volume or frequent turnover of vehicular traffic.
70. Driveway: Shall be defined as any path of access used by motor vehicles to gain entry upon private property from a public right-of-way. This includes: parking pads, private roads and any other means of access to public or private property from a public highway.

71. Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. There shall be separate entrances for each unit.
72. Dwelling - Single-family: A detached residential building other than a manufactured home, designed for and occupied by one family only. (Amended 14 March 2006)
73. Dwelling - Multi-family: A residential building designed for or occupied by three or more families on a single lot.
74. Dwelling Structure: Any enclosed space wholly or partly; which may contain one or more dwelling units; used or intended to be used for living, sleeping, cooking, and eating.
75. Dwelling Unit: One room or group of rooms, constituting a separate independent housekeeping establishment for owner occupancy, rental, or lease; located within a dwelling structure and physically separated from any other dwelling unit which may be in the same dwelling structure, forming a single habitable dwelling unit with facilities used or intended to be used by a single family for living, sleeping, cooking, and eating.
76. Dwelling Unit - CCRC (Continuing Care Retirement Community): A dwelling unit, with or without kitchen facilities, located within a CCRC site which provides the required Continuing Care Retirement support services and facilities for seniors or disabled persons. (Added 14 March 2006)
77. Easement: An acquired privilege which one party may have in the land of another.
78. Elderly Housing: Any elderly housing development under this section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 U.S.C. Sec 3601 et seq. The Planning Board may require assurance of compliance with the Act by deed restriction or other instrument as condition of approval. "Such assurance may consist of a written plan submitted by the developer, which shall set forth: (1) the regulations under the Fair Housing Act where by a project may lawfully discriminate in favor of elderly residents, and (2) how the developer proposes to comply with such requirements, including covenants and other deed restrictions and other to-be-recorded agreements". At least one resident of the household must be 62 years old or older. (Added 14 March 2006)

79. Energy Facility: A facility, which produces energy to include the following only: solar power, methane or hydropower as a small scale (under 100KW). (Amended 14 March 2006, 10 March 2009)
80. Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
81. Escrow: Monies placed in escrow with the Town to cover all costs related to plan reviews and/or construction observations based on an executed agreement with the municipal engineering consultant or other professional.
82. FAA: An acronym that shall mean the Federal Aviation Administration.
83. FCC: An acronym that shall mean the Federal Communications Commission.
84. FDO: The definition pertains to the Floodplain Development Overlay Districts SECTION 660
85. FEMA: [from FDO] The Federal Emergency Management Agency.
86. Fire Wood Processing Site and/or Facility: A structure and/or site used for the processing of logs into fuel wood. Such site or structures include, but are not limited to, wood splitters, saws and wheeled vehicles used for moving the logs for processing.
87. Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: housing, a mounting bracket or pole socket, a lamp holder, ballast, a reflector or mirror and/or a refractor or lens.
88. Flood or Flooding [from FDO]: means a general and temporary condition of partial or complete inundation of normally dry land areas from:(1) the overflow of inland or tidal waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source.
89. Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
90. Flood Elevation Study - [from FDO]: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination,

evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

91. Flood Insurance Rate Map (FIRM) - [from FDO]: means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.
92. Flood Insurance Study - [from FDO]: see Flood Elevation Study.
93. Floodplain or Flood-prone Area - [from FDO]: means any land area susceptible to being inundated by water from any source.
94. Flood Proofing - [from FDO]: Any combination of structural and non- structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
95. Floodway - [from FDO]: see Regulatory Floodway.
96. Forestry: Timber growing and harvesting, not including processing activities such as sawmills and assembly yards.
97. Franchise Architecture: A building style, design, or form which can be identified, without use of any other signage, as a specific business entity by name.
98. Frontage, Shoreland: The average of the distances measured in feet along the natural mean high water level reference line and along a straight line drawn between the points at which the reference line intersects the side lines of the property or properties that fall within the jurisdiction of Article 600, Section 601 of the Zoning Ordinance titled Shoreland Protection Overlay District.
99. Frontage, Street: The distance along the front lot line or right-of-way line of a Class V Highway or better lawfully existing in the Town of Alton, or as approved by the Planning Board measured in feet. The minimum frontage distance shall be contiguous. Each lot shall meet minimum frontage requirements on the street through which beneficial access is achieved. (Amended 9 March 2004. Amended 14 March 2006. Amended March 2007, 2008)
100. Functionally Dependent Use - [from FDO]: A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or

passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

101. General Store: Any retail establishment of 2,000 square feet or less in size which offers for sale prepackaged food products, household items, news papers and magazines, as well as sandwiches and other freshly prepared foods for off-site consumption.
102. Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.
103. Greenhouse - (Commercial Greenhouse): A structure in which plants, vegetables, flowers, and similar materials are grown for sale.
104. Height of Luminaire: The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
105. Highest Adjacent Grade - [from FDO]: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
106. Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than or equal to 0.43 in any layer as found in Table 3-1 of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."
107. Historic Structure - [from FDO]: Any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or

- (2) Directly by the Secretary of the Interior in states without approved programs.

108. Home Business: A Home Business is an accessory use of a dwelling unit for a high impact business use which results in a product or service. It is a business which is carried on by a resident or residents who shall have their residence in the dwelling unit, which is clearly subordinate to the residential use of the dwelling unit, and which complies with **all** of the criteria outlined in **SECTION 333 Criteria for a Home Business**. If the Home Business does not have an on-premise sign, does not have any non-resident employees, does not have any customer, client or employee traffic, does not have any outside operations, storage, or display of materials or products, then it is allowed by right with no minor site plan review required. Only Home Businesses exceeding these thresholds need a minor site plan review.
109. Independent Living CCRC: Facilities which provide housing and care for residents who have few health care needs that prevent them from carrying on a normal lifestyle. Support facilities must include room and board (serving a minimum of one meal per day - up to three), provision of personal care assistance, medication assistance, and minimum qualification for employed staff per NH Chapter He-P 805 & He-P-804. These facilities typically consist of small multi-family dwellings but can also include some more single-family-oriented living facilities such as townhouses, villas or cottages. The Continuing Care Retirement Community support facilities may be located in a separate building on the same site.
(Added 14 March 2006)
110. Indirect Light: Direct light that has been reflected or has been scattered off other surfaces.
111. Kenel: An establishment in which a primary use is housing dogs, cats, or other household pets, and/or grooming, breeding, boarding, training or selling of animals. (Added 08 March 2011)
112. Lamp: The component of a luminaire that produces the actual light.
113. Land-Locked Lot: A parcel, which is substandard by reason of no legal access.
114. LED: Light emitting diodes are diodes (electronic components that let electricity pass in only one direction) that emit visible light when electricity is applied, much like a light bulb. Light-emitting diodes produce more light per watt than incandescent bulbs

115. Laundry or Dry Cleaning includes Self Service: Cleaning of clothing either by water and soap or by chemicals.
116. Library: A place in which literary, musical, artistic or reference materials are kept for use and not for sale (except for non-profit sales, by the Library, itself).
117. Light Industry: A use involving the manufacture of a product not requiring heavy, noisy, or otherwise objectionable machinery or transporting equipment.
118. Light Source: Light source includes any reflector, refractor or globe as well as the lamp.
119. Light Trespass: The shining of light produced by a luminaire or luminaires beyond the boundaries of the property on which it is located.
120. Lodge or Private Club: A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.
121. Lodging House: A building in which the rooms are rented with or without meals to three (3) or more, but not exceeding ten (10) persons.
122. Lot: A parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and open spaces.
123. Lot Line Adjustment: Please refer to the definition of Annexation.
124. Lot of Record: A lot existing under deed or a lot described by metes and bounds and recorded as a Plan for Record, or a lot which is part of a subdivision approved by the Alton Planning Board and recorded in the Belknap County Registry of Deeds.
125. Lot Size: The total square footage of land area within the boundaries of the lot.
126. Lowest Floor - [from FDO]: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

127. Lumber Yard: An establishment where the general public can purchase building supplies.
128. Lumen: A unit of luminous flux. One-foot candle is one lumen per square foot. For the purposes of this Regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.
129. Luminaire: This is the complete lighting system, and includes a lamp or lamps, lenses and a fixture.
130. Manufactured Housing: As defined by RSA 674:31, as amended, a manufactured home is any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. This definition shall not include pre- site built housing as defined in RSA 674:31A.
131. Manufactured Home - [from FDO]: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days.
132. Manufactured Home Park: Land upon which two or more manufactured homes are parked and occupied for living purposes, regardless of whether or not a charge is made for such accommodations. A park remains in single ownership with lots offered on a rental basis. (Amended 14 March 2006. Formerly called Mobile Home Park.)
133. Marina: A facility for the storing, servicing, fueling, berthing and securing of boats and that may include eating, sleeping and retail facilities for owners, crews and guests.
134. Master Plan: The Master Plan adopted by the Town of Alton Planning Board in 2006, as amended, pursuant to RSA 674:2, as amended.
135. Mean Sea Level - [from FDO]: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations

shown on a community's Flood Insurance Rate Map are referenced.

136. Medical Center, Medical Laboratory – (Medical building): A building that contains establishments dispensing health services.
137. Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without necessity of passing through the main lobby of the building.
138. Municipal Engineering Consultant: A private engineering firm chosen by the Planning Board to provide plan reviews and on-site construction observation.
139. Museum: An institution devoted to the procurement, care, study and display of objects of lasting interest of value.
140. Natural Woodland Buffer: A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.
141. Non-Conforming Lot: A lot that lawfully existed at the time the ordinance became effective, but which does not conform with the minimum lot size, minimum street frontage, minimum shoreland frontage, and/or minimum buildable area regulations for the district in which it is located.
142. Non-Conforming Structure: A building or structure which was lawfully maintained at the time the ordinance became effective, but which does not conform with the use regulations for the district in which it is located, or the general provisions of the ordinance.
143. Non-Conforming Use: A use legally existing prior to the adoption or amendment of this ordinance and which is not in compliance with requirements of the district in which it is located.
144. Nursing Home: An institution for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics addiction.
145. Off-Site Improvements: Those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval of the Planning Board. Such Off-Site Improvements shall be limited to any necessary highway, drainage, and water and sewer upgrades pertinent to the development.

146. Open Space: A portion of a lot which is open and unobstructed from its lowest level to the sky except by natural vegetation. Said land, or portion thereof, shall not be occupied by buildings, parking lots, driveways, or other structures or man made impervious surfaces. Open space shall not include right-of-ways or vehicular easements, wetlands or slopes greater than 25%. Septic fields shall be permitted to be installed in open space.
147. Outdoor Lighting: The night time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
148. Outdoor Recreation: Commercial recreational uses conducted in a natural or semi-natural setting, such as hunting preserves and paintball games. Outdoor Recreation does not include uses defined in this Ordinance as Amusement Use - Outdoor. (Added 3/14/00)
149. Owner(s): All persons with a legal interest in the land to be subdivided or developed.
150. Parking Space: An off-street space available for the parking of one motor vehicle.
151. Pharmacy: A retail store which devotes at least 65% of the useable retail space to the sale of medicines, medical supplies, and personal care products. The intent being to restrict this use to the traditional pharmacy.
152. Phasing: Development undertaken in a logical time and geographical sequence.
153. Plans: Site plans, engineering drawings, cross sections, profiles, architectural drawings, etc
154. Plat: An accurately scaled map, plan, drawing or chart prepared by a licensed land surveyor depicting the subdivider's plan or subdivision which is presented to the Board for recording in the Belknap County Registry of Deeds.
155. Pre-Application Review: The two steps, Conceptual Consultation and Design Review prior to filing a complete final application.
156. Pre-existing Towers or Antennas: Shall mean any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance.
157. Pre-site Built Housing: As defined in RSA 674:31-a, a pre-site built house means any structure designed primarily for residential

occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in off-site manufacturing facilities in conformance with the US Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. This definition shall not include manufactured housing as defined in RSA 674:31. (Added by ATM 3/11/97)

158. Professional Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, etc.
159. Project Area: The area within the site plan boundaries.
160. Protected Shoreland: For natural fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters.
161. Public Waters:
 - a. All fresh water bodies listed in the official list of public waters published by the Department of Environmental Services pursuant to RSA 271:20, II, whether they are great ponds or artificial impoundments.
 - b. Rivers, meaning all year round flowing waters of fourth order or higher, as shown on the current version of the US Geological Survey 7 ½' topographic maps.
 - c. Merrymeeting Marsh – is defined as 520.1 feet above sea level. (Amended 14 March 2006)
162. Recreational Vehicle: Any of the following vehicles:
 - a. Travel trailer - A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation having a body width of not over 8 feet and length of not over 40 feet.
 - b. Tent/camper - A vehicular portable structure that folds open for temporary occupancy designed for travel recreation and vacation use.
 - c. Pick-up camper - coach - converted bus - A structure mounted or to be mounted on a truck type chassis, for use as a temporary dwelling for travel, recreation and vacation.
 - d. Motor home or van - A portable, temporary dwelling to be used for travel, recreation and vacation use, constructed as an integral part of a self propelled vehicle.
163. Recreational Vehicle - [from FDO]:
 - a. built on a single chassis;

- b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and
 - d. designed primarily **not** for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
164. Recreational Use – Not For Profit: The purpose of which is not for gain and serves the general public, specifically excluding commercial recreation (this section does not preclude rental of single family dwellings).
165. Reference Line:
- a. For natural fresh water bodies without artificial impoundments, the natural mean high water level. It shall be the responsibility of the owner/applicant to determine this water level. Where this water level is not easily discernible or in question, the natural mean high water level may be determined by the Department of Environmental Services.
 - b. For artificially impounded fresh water bodies, the waterline at full pond as determined by the elevation of the top of the impoundment structure.
 - c. For rivers, the ordinary high water mark. It shall be the responsibility of the owner/applicant to determine this water level. Where this water level is not easily discernible or in question, the ordinary high water mark will be determined by the Department of Environmental Services.
166. Regulatory Floodway - [from FDO]: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.
167. Removal or Removed: Cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered.
168. Repair: Work conducted to restore an existing, legal structure by partial replacement of worn, broken, damaged or unsound parts or to fix a specific defect, during which all of the exterior dimensions are intact and remain so at the conclusion of construction. The foundation shall remain intact or the foundation may be reinforced or repaired to accommodate the new construction or repair work. Repair shall not be used to allow the total demolition of an existing structure.

169. Restaurant: A building or other structure used principally to provide refreshment or meals to the public for consumption principally on the premises, including cafes, lunchrooms, cafeterias, tea rooms, sandwich shops and the like, but not including fast food restaurants.
170. Restaurant, Fast Food: A building used principally to dispense prepared food and/or beverages to the public for consumption on or off the premises, the major attributes of which are assembly line preparation of food and speed of dispensing, self-service to the customer's automobiles and which generates a large volume and rapid turnover of entering and exiting motor vehicle traffic.
171. Retail Store: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
172. Right-of-Way: Any area of land used for, or intended to be used for a street, road, or public use. The usage of the term "right-of-way" for land platting purposes in these Regulations shall mean that every right-of-way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right-of-way and not to be included within the dimensions or areas of such other lots or parcels.
173. Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
174. Road or Street: A public or private thoroughfare, highway, street, road, or avenue, including the full width of its right-of-way, lawfully existing in the Town of Alton.
175. Schedule: A timetable.
176. School: Any building or part thereof, which is designed, constructed or used for education or instruction in any branch of knowledge.
177. Seasonal Cabin: A small residential structure that does not have all year round water availability (because of water service, insulation, heating, etc.), and is used for only the spring, summer and fall seasons.
178. Security: Any assurance that may be accepted by the municipality to ensure that improvements required as part of an approval for an application for development will be satisfactorily completed.

179. Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
180. Setback: The distance from the extreme limit of a structure to a boundary line.
181. Shielding: Opaque attachment to a lighting fixture to prevent direct light from shining in a particular direction.
182. Shoreland Frontage: (Deleted March 12, 2002.) See Frontage, Shoreland.
183. Site Plan: An accurately scaled drawing showing the boundaries of the project area, the existing and proposed site features including, but not limited to, structures, parking, driveways, landscaping, lighting and natural features on the site.
184. Skilled Nursing CCRC Facilities: Facilities which provide housing and care for those whose health care needs require the constant attention of a medical staff. The housing component of the facility is located within one building on the site. (Added 14 March 2006)
185. Small Engine Repair: An establishment where lawn mowers, lawn equipment, snow blowers, and similar yard maintenance equipment is serviced. (Sales of such equipment are not considered under this definition).
186. Small Wind Energy Facility: A structure which produces energy on a small scale not exceeding 100 KW.
187. Special Exception: A special allowance granted under specific authority of the ordinance when all of the conditions stated in the ordinance are found to exist, permitting a use of land or buildings in a manner that is other wise prohibited.
188. Special Flood Hazard Area -[from FDO]: An area having special flood, mudslide (i.e. mudflow) and/or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, A1-30, AE, A99, and AH.
189. Stabilized: When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass or a good covering of hay or straw mulch (2 tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.

190. Start of Construction - [from FDO]: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street and/or walkways; or does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not part of the main structure.
191. Storage Containers: Any vehicle or structure so designed and constructed in such manner for transportation and/or storage of goods, equipment and/or materials, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by other motive power. This is specifically intended to include storage containers, pods and steel shipping containers. (Added 3/13/07)
192. Stormwater Runoff: The water from precipitation that is not absorbed, evaporated, or otherwise stored within the contributing drainage area.
193. Stream: Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.
194. Street: A public thoroughfare, highway, street, road or avenue, including the full width of its right-of-way, lawfully existing in the Town of Alton.
195. Structure: Anything constructed or erected, or attached to a fixed location on the ground.
196. Structure - [from FDO]: means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
197. Studio, Art or Photographers: A place where works of art are created, displayed and sold, or instruction of the arts to students

occurs in the fields of painting, drawing, sculpture, etching, craftwork, fine arts, photography, or similar fields. (Added 14 March 2006)

198. Subdivider: The registered owner(s) or the authorized agent of the registered owner(s) of a subdivision.
199. Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of and for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision under this title. (RSA 672:14, as amended)
200. Subdivision, Major: The subdivision of land into four or more lots, plats or sites; or fewer lots if new streets, or other municipal improvements are proposed.
201. Subdivision, Minor: The subdivision of land into three (3) or fewer lots that are fronting on an existing street that meets Town road standards, and requiring no new streets, or other municipal improvements.
202. Submission: The presentation of an application to the Planning Board at a regularly scheduled meeting for consideration of completeness.
203. Substantial damage - [from FDO]: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
204. Substantial Improvement - [from FDO]: Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty (50%) percent of the market value of the structure. The market value of the structure should be: (1) the appraised value of the structure prior to the start of the initial repair or improvement; or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely

necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places.

205. Surveyor: Duly designated licensed land surveyor as required by the New Hampshire licensing laws.
206. Telecommunications Facilities: Any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications services (PCS), and common carrier wireless exchange access services.
207. Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guide towers, or monopoles. The term shall include: television towers, radio towers, microwave towers, cellular phone towers, alternative tower structures, and the like.
208. Temporary Outdoor Lighting: The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.
209. Tower Height: The distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
210. Town Engineer: The duly designated licensed engineer representing the Town of Alton, or if there is no such official, the Planning Board Consultant or licensed engineer approved by the Board.
211. Upland: Landforms other than Jurisdictional Wetlands (lakes streams and wetlands) and wetlands as defined in RSA 674:55. (Added 3/13/07)
212. Utility: A governmental, nonprofit or private organization that provides the public with gas, water, sewage, transportation, communication or similar services.
213. Variance: A waiving of the strict requirements of the ordinance made under general authority when there is a showing of peculiar conditions inherent in the property which cause a hardship under the terms of this ordinance.

214. Voluntary Merger: When an owner of two or more contiguous preexisting approved or subdivided lots or parcels merges them for municipal taxation and regulation purposes per RSA 674:39-a.
215. Warehouse: Facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature for later distribution to wholesalers and retailers. Includes cold storage. Does not include terminal facilities for handling freight. (Amended 14 March 2006)
216. Waste: Material that is processed for resource conservation such as yard waste, septage, compost, stump grindings, etc. Excluding sludge and hazardous waste as defined under RSA 147-A: 3, 1, as amended, or listed under RSA 147-A: 3, 11, as amended.
217. Waste Facility: A site or structure used for the storage, processing and/or distributing of waste material.
218. Water Extraction Site and/or Facility: A site or structure used for the commercial extraction of “spring” water. The site or facility can include, but is not limited to, entrance roads, parking, storage tanks, pumping facilities, purification facilities and office space.
219. Water Surface Elevation - [from FDO]: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
220. Wetlands: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to swamps, marshes, bogs and similar areas.

1.06 COMPLIANCE WITH ZONING

The Planning Board will not approve or modify and approve any site plan review unless all buildings and structures shown on said plan comply with the zoning ordinance of the Town or unless a variance or a special exception from the terms thereof has been properly granted by the Zoning Board of Adjustment. Any approvals required from the Zoning Board of Adjustment must be obtained and submitted as part of a final Site Plan Review application in order for the application to be deemed complete.

1.07 COMPLIANCE WITH THESE REGULATIONS

All plans and all procedures relating thereto shall in all respects comply with the provisions of these rules and regulations, unless the Planning Board authorizes a waiver there from in specified instances as provided in Section 1.10.

1.08 PROFESSIONAL REVIEW

The Planning Board may require the applicant to pay the cost of a professional review of various parts or of the whole of the proposed site plan upon such terms and conditions as the Planning Board deems to be appropriate as provided by RSA 676:4-I (g). By way of example, the Planning Board may request professional reviews by a civil engineer, attorney, environmental consultant, soil scientist, wetland scientist, wildlife biologist, etc. The Planning Board shall select the professional(s). For each professional review required by the Planning Board on a particular site plan application, the Planning Board shall determine an amount to be placed in an escrow account with the Town for the estimated cost of the scope of services to be provided by the consultant chosen by the Planning Board. The applicant must deposit this amount with the Town to establish this escrow account before the consultant will begin his/her review for the Planning Board and before the application will proceed in the review process.

1.09 FAMILIARIZATION WITH REGULATIONS

The applicant shall familiarize himself with all State and Town regulations relative to zoning, health, buildings, roads and other pertinent data, so that he is aware of the obligations and standards with which the proposed site plan must comply.

1.10 WAIVER OF REGULATIONS

- (A) The Planning Board may grant a waiver of any portion of these Site Plan Review Regulations. The Planning Board may only grant a waiver if the Board finds, by majority vote, that:
 - 1. Strict conformity would pose an unnecessary hardship on the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
 - 2. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate the waiver will properly carry out the spirit and intent of the regulations.
- (B) Applicants for all Major Site Plan Reviews are encouraged to discuss any waiver requests during the Design Review of the project that the applicant anticipates requesting with the final site plan application.
- (C) All waivers must be requested in writing as part the submittal for a final Site Plan Review application.
- (D) Waivers will be considered before the Planning Board determines whether the final site plan application is complete. If the waiver is not approved by the Planning Board, then the application is not complete. The applicant needs to resubmit the application, including the information not waived, for another completeness review by the Planning Board at a subsequent meeting.

1.11 APPLICATION OF THE MOST RESTRICTIVE REGULATIONS

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which

imposes the greater restriction or the higher standard shall govern, to the extent not contrary to state law.

1.12 DEVELOPMENTS HAVING POTENTIAL REGIONAL IMPACT

All applications shall be reviewed for potential regional impacts based on the guidelines in Section 5.24. Upon such a finding, the Board shall furnish the regional planning commission(s) and any affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Board shall notify the regional planning commission(s) and the affected municipalities by certified mail of the date, time and place of the hearing, and of their right to appear with the status of abutters to offer testimony concerning the proposal.

1.13 TIME FRAMES FOR START OF CONSTRUCTION, COMPLETION OF CONSTRUCTION AND EXPIRATION OF APPROVAL

- (A) Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within twenty-four (24) months.
- (B) Site Plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six (6) months.
- (C) Approved site plans are protected from future changes in regulations and ordinances in accordance with RSA 674:39 Five Year Exemption.

1.14 TIME FRAME FOR COMPLIANCE WITH CONDITIONS

- (A) When the Board approves an application, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions that are required prior to signing and recording the site plan. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board under (B) to follow, and the applicant shall be required to seek a new site plan approval from the Board.
- (B) If an applicant feels that additional time is required beyond one (1) year, a different schedule of compliance must be formally requested at the time of application. Unless the Board specifically approves a different compliance schedule, the one (1) year limit shall apply. If an applicant makes a good faith effort to complete established conditions, but is unable to comply with the one (1) year deadline, a request for an extension must be submitted to the Planning Board at least thirty (30) days prior to the expiration of the one (1) year period. The Board shall determine whether a

reasonable effort has been made to comply and shall then determine what, if any, extension is acceptable.

1.15 SECURITY

- (A) Final approval of a site plan shall not be granted and no site plan shall be signed by the Chair or his designee until either:
 - 1. security in an amount sufficient to defray the costs of construction of streets, public utilities or other public improvements and any off-site improvements has been approved; or
 - 2. all streets, public utilities or other public improvements and any off-site improvements have been completed, inspected and approved.
- (B) If the applicant chooses the build first option then:
 - 1. the site plan will not be signed until the all streets, public utilities or other public improvements and any off-site improvements have been constructed and approved;
 - 2. security for stabilizing and restoring the site must first be submitted to the Planning Department before final approval and construction begins. The applicant shall submit a cost estimate for the site restoration prepared by a civil engineer for review by the municipal engineering consultant of the Planning Board's choice. This cost estimate shall include a break down of time and materials associated with stabilizing and restoring the site to ensure that on-site environmental conditions and features are protected and that off-site properties are not adversely impacted in the event said improvements fail to be installed. The proposed amount of the security to cover the costs of restoring and stabilizing the site shall be reviewed and approved by the municipal engineering consultant of the Planning Board's choice.
 - 3. After all the subdivision improvements have been constructed, inspected and approved, the applicant shall provide the Planning Department with a maintenance or warranty security in the amount of 10% of the total cost for all the subdivision improvements to be held for a period of 18 months. This maintenance or warranty security will be released by the Planning Department to the subdivider after the 18 month period if the municipal engineering consultant of the Planning Board's choice verifies that all of the subdivision improvements are without material defect and the security is ready to be released.
 - 4. If the subdivider chooses to provide full security for all remaining improvements before all construction of the subdivision improvements are complete, then the subdivider must follow the provisions outlined in Sections 1.15 (C) to follow.
- (C) If the applicant chooses the security option then:
 - 1. The applicant shall submit a cost estimate of the improvements prepared by a civil engineer for Town review by the municipal engineering consultant of the Planning Board's choice. This cost estimate shall include a break down of time and materials

associated with completion of all subdivision and any off-site improvements and shall be the basis for establishing the amount of security before the inflation factor is added. The proposed amount of the security shall be reviewed and approved by the municipal engineering consultant of the Planning Board's choice and shall be sufficient to cover the costs of the improvements and the estimated cost of inflation over the projected term of the security not to exceed 10% per year. All costs of such review shall be paid by the applicant. The Planning Board shall have the discretion to specify the period for completion of the improvements to be detailed in the security in order to secure to the Town the actual construction and installation of such improvements. The Town shall have the power to enforce such securities by all appropriate legal remedies.

2. Forms of Security: Acceptable forms of security include:
 - a. Irrevocable letter of credit: An irrevocable letter of credit is the preferred form of security. A suggested form for an irrevocable letter of credit is attached as Appendix A. Irrevocable letters of credit with language differing from the suggested irrevocable letter of credit form or alternative forms of security must be approved by the Planning Board after review by Town Counsel at the applicant's expense.
 - b. Surety bond: Where a surety bond is provided as security, it shall be issued by a Surety Company authorized to do business in the State of New Hampshire and shall be approved as to form and sureties by Town Counsel at the applicant's expense.
 - c. Certified check or bank check: When a certified check or bank check is proposed as security it shall be properly endorsed to the Town of Alton. Any security submitted in an amount of \$100,000 or more shall be deposited into an interest bearing account by the Town Treasurer.
 - d. Cash. Any cash submitted in an amount of \$100,000 or more shall be deposited into an interest bearing account by the Town Treasurer.
 - e. Other type of security: Other type of security shall be approved by the Planning Board after review and approval by Town Counsel at the applicant's expense.
3. The security shall be posted with the Planning Department before the Planning Board will sign and record the Site Plan. Security must be posted before any clearing, construction or development begins on the site.
4. Each approved Site Plan shall contain a time limit for the completion of streets, public utilities and other public improvements.
5. The performance guarantee may be released by the Planning Board all at once at the completion of the project or in phases as portions of the secured improvements or installations are completed.

6. To release security in phases, a Conditional Certificate of Occupancy Permit for each phase needs to be approved by the Planning Board as provided in Section 1.21 (B).
7. After all the streets public utilities or other public improvements have been constructed, inspected and approved, the applicant shall provide the Planning Department with a maintenance or warranty security for all the streets public utilities or other public improvements in the amount of 10% of the total cost for all those improvements to be held for a period of 18 months. This maintenance or warranty security will be released by the Planning Department to the applicant after the 18 month period if the municipal engineering consultant of the Planning Board's choice verifies that all of those improvements have held up and the security is ready to be released.

1.16 DEFINITION OF "ACTIVE AND SUBSTANTIAL DEVELOPMENT AND BUILDING" AND "SUBSTANTIAL COMPLETION OF IMPROVEMENTS UNDER RSA 674:39 FIVE YEAR EXEMPTION"

The Planning Board may as a condition of site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

- (A) 'Substantial completion of the improvements as shown on the site plan; and
- (B). 'Active and substantial development or building.

1.17 SIGNING THE SITE PLAN AND ISSUANCE OF BUILDING PERMITS

- (A) A site plan is not formally approved and no building permits, including foundation permits, shall be issued, unless specifically authorized by the Board, until and unless the Site Plan has been signed by the Chairman of the Planning Board or his designee.
- (B) Prior to signing the Site Plan, the Chair or his designee shall determine that all required State and Federal permits have been obtained, all "prior to issuance of building permit" conditions have been met, that required construction observation and security fees have been submitted, all application fees have been paid, and that any other conditions established by the Board have been met.

1.18 OFF-SITE IMPROVEMENT FEES

- (A) The Planning Board may collect fees towards off-site improvements rather than require that those improvements be undertaken by the developer only when, in the judgment of the Board, the following conditions exist:
 1. There is a serious off-site issue that needs to be corrected in order to assure that a proposed development will not exceed the existing capacity of roads, water, sewer, or drainage systems, nor create hazards such as flooding or fire, nor otherwise impose excessive public expense.
 2. The necessary improvement(s) require expense beyond that which can reasonably be attributed to the proposed development.

3. The fees to be collected can reasonably be expected to result in the necessary improvements, and that those improvements can reasonably be expected to be completed within five (5) years of the date of the payment of the fee.
- (B) Any fees collected under the provisions of this section shall be administered by the Planning Department in conjunction with the Highway Department and the final release of funds shall be approved by the Board of Selectmen..

1.19 CONSTRUCTION OBSERVATION SERVICES AND ESCROW ACCOUNT

- (A) The Planning Board shall require construction observation services for all major site plans which include street and/or utility line construction or for other site plans at the Planning Board's discretion. The cost of the construction observation services shall be borne by the applicant and shall be utilized to pay the costs of construction observations by the municipal engineering consultant chosen by the Planning Board.
- (B) If the Planning Board determines the need for construction observation services and requires such as a condition of final site plan approval, then prior to the Planning Board signing the Site Plan, the applicant shall sign an agreement for construction observation services and establish an escrow account for the those services with the Town. The initial deposit in the account shall be based on an estimate for the cost of construction observations based on the project classification prepared by a civil engineer for the applicant and reviewed by the municipal engineering consultant chosen by the Planning Board. The Planning Board may increase the amount of the initial deposit if information indicates more difficult development conditions may be encountered during construction such as ledge or intercepting the water table. The applicant shall maintain a positive balance in the account at all times during construction to cover the expenses for construction observation services or be subject to a "Cease and Desist" order by the Code Official or such other enforcement measures deemed appropriate as provided in Sections 1.23 and 1.24. Any remaining balance in the account after issuance of a Final Certificate of Occupancy Permit as per Section 1.21 (C) of these regulations shall be refunded to the applicant.
- (C) After satisfying all conditions precedent of the Planning Board approval, the applicant must have a Preconstruction Meeting with the Town officials and the municipal engineering consultant before construction may begin.
- (D) Periodic construction observations of the work by the municipal engineering consultant chosen by the Planning Board are required during construction or alternation of all roads and utility line construction. Construction observations are required:
1. After installation of soil erosion and sediment control measures, but before grading has been started.
 2. After clearing and grubbing and removal of topsoil has been completed, but before grading has been started.
 3. After the addition of required fill and setting of culverts, but before

- gravel base has been laid.
4. After gravel base has been laid and compacted, but before surfacing has been placed.
 5. During surfacing.
 6. At such other times as may be found necessary by the Board.

Other observations may take place when there is a project inquiry/complaint, land alteration of a significant natural feature, drainage, water, sewer utilities, curbing, sidewalk, guardrail, pavement or concrete placement, signage or pavement markings, landscaping and turf establishment and structural elements such as retaining walls.

It shall be the responsibility of the applicant to notify the municipal engineering consultant chosen by the Planning Board of all required construction observations at least 48 hours in advance, Saturdays, Sundays, and Holidays excluded.

1.20 SITE PLAN MODIFICATIONS

- (A) After the Planning Board's approval of a site plan, it will be the applicant's responsibility to see that construction does not deviate from the approved site plan. Any changes to utilities, roads, or structures or other public improvements shall be reviewed by the municipal engineering consultant chosen by the Planning Board to determine if the changes are minor or major. If the Planning Board does not require construction observation by the municipal engineering consultant, then the Code Official will determine if changes to the site plan are minor or major. Minor changes may be approved by the municipal engineering consultant chosen by the Planning Board. Major changes shall require the submission of an amended final site plan review application with notice to abutters at the applicant's expense and approval by the Planning Board before construction can proceed on the basis of major changes.
- (B) Minor changes, by way of illustration, may include, but are not limited to, minor building or site adjustments due to unusual conditions encountered on-site during construction, an improvement in design such as a lower street grade, greater setbacks, additional storm drainage facilities or more landscaped open space, and minor changes to the location of roads, utilities, and building foundations due to subsurface conditions encountered during construction.
- (C) Major changes, by way of illustration, may include, but are not limited to, major building or site adjustments, which result in either the movement or elimination of drainage facilities, utility line(s) or access(es), which create the potential of adversely affecting an abutting property as a result; downsizing utility lines; increasing road grades; increasing lot coverage over 2%; and decreasing curve radii. Major changes shall require the resubmission a final amended site plan application and approval by the Planning Board before construction can proceed on the major changes.
- (D) Failure of the applicant to obtain the Planning Board's review of other than minor changes in the approved site plan shall cause the Code Official

to use enforcement measures deemed appropriate and necessary as provided in Section 1.23 Administration and Enforcement and 1.24 Penalties and Fines.

1.21 PHASING OF A SITE PLAN

If an applicant proposes to phase the implementation of a site plan, then the phases shall be identified and approved as part of the Design Review Site Plan Review application. The applicant would then be required to apply and be approved for Final Site Plan Review for each phase. The applicant would need to comply with the time frames outlined in Sections 1.14 and 1.15 for each phase. A Final Site Plan Review application must be consistent with a phasing plan approved as part of the Design Review application. If a Final Site Plan Review application is not consistent with the phasing plan approved as part of the Design Review application, then the applicant must apply and be approved for another Design Review application.

1.22 CERTIFICATE OF OCCUPANCY PERMITS

- (A) Certificate of Occupancy Permit Process: No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official. An application for a Conditional or Permanent Certificate of Occupancy Permit must be submitted to the Code Official a minimum of two weeks in advance of the date desired for permit issuance. Upon receipt of the application, the Code Official will request each pertinent Town department and the municipal engineering consultant chosen by the Planning Board, if required, to inspect the site as needed and review the site, building development including internal building modifications, the use, and/or change of use for conformance with these regulations, the site plan approved by the Planning Board, the Building Codes and the Fire Codes. A Permanent Certificate of Occupancy Permit shall not be issued until any and all remaining issues have been satisfactorily resolved with the pertinent Town departments and the municipal engineering consultant chosen by the Planning Board, if required, demonstrating compliance with these regulations, the site plan approved by the Planning Board, the Building Codes and the Fire Codes.
- (B) Conditional Certificate of Occupancy Permit: A Conditional Certificate of Occupancy Permit may be issued by the Code Official if:
1. Uncompleted items for the site and or building(s) are non-safety-related;
 2. There is good cause shown for why the remaining improvements cannot be completed before occupancy;
 3. All of the site and building improvements completed to date comply with these regulations, the Site Plan approved by the Planning Board, the Building Codes and the Fire Codes;
 4. The applicant guarantees that all the remaining items for completion of the site plan will be accomplished within ninety (90) days by providing security in an amount to cover the cost of the remaining site improvements plus inflation over the remaining period. The acceptable forms of security are outlined in Section

1.15 (C). Failure by the applicant to complete the remaining items for the site within the three month period and failure to obtain a Permanent Certificate of Occupancy Permit will result in withdrawal of the Conditional Certificate of Occupancy Permit by the Code Official and may result in enforcement measures as provided in Sections 1.23 and 1.24 to follow.

- 5, If the applicant provided security for the construction of streets, public utilities or other public improvements, the Town may release part of that security based on the recommendation of the municipal engineering consultant chosen by the Planning Board as part of the construction observation services retaining 10% of the cost of the improvements for 18 months as warranty security.
- (C) Permanent Certificate of Occupancy Permit: A Permanent Certificate of Occupancy Permit may be issued by the Code Official after:
1. all the site improvements have been completed and inspected by the pertinent Town departments and the municipal engineering consultant chosen by the Planning Board, if required, as part of the construction observation services and
 2. those departments and the municipal engineering consultant chosen by the Planning Board, if required, as part of the construction observation services have determined that all site and building improvements have been completed in accordance with the Site Plan approved by the Planning Board, the Building Codes and the Fire Codes; and these regulations.
 3. If the applicant provided security for the construction of streets, public utilities or other public improvements, the Town may release all but 10% of that security based on the recommendation of the municipal engineering consultant chosen by the Planning Board as part of the construction observation services. The remaining 10% of the cost of the improvements shall be retained for 18 months as warranty security.

After issuance of a Permanent Certificate of Occupancy Permit, the remaining balance in any escrow account held by the Town for construction observation services, any security held by the Town for completion of the site improvements, or any security held by the Town for completion of streets, public utilities or other public improvements shall be refunded to the applicant.

1.23 ADMINISTRATION AND ENFORCEMENT

These regulations are administered by the Planning Board and enforced by the Code Official. A municipal engineering consultant retained by the Planning Board and paid by the applicant shall be responsible for the construction observations for public roads and utilities water, drainage, erosion control, phone, cable, and electric service. The Code Official shall be responsible for the proper inspection of foundations, buildings, landscaping, parking areas and other site improvements.

1.24 PENALTIES AND FINES

- (A) Failure to comply with these regulations can result in penalties in accordance with the provisions of RSA 676:15, as amended Injunctive Relief , RSA 676:17 as amended Fines and Penalties, RSA 676:17-a as amended Cease and Desist Orders, and RSA 676:17-b, as amended, Local Land Use Citations; Pleas by Mail.
 - 1. The Code Official can issue a “cease and desist” order on his own motion or at the request of the Planning Board detailing the reasons therefore. A cease and desist order shall include a provision giving the property owner ten (10) business days to request in writing a hearing before the Board of Selectmen on the terms and conditions of said cease and desist order. Said hearing shall occur within ten (10) business days of receipt of said requests. Dates of notice and/or hearing shall not be counted in the above time periods. This provision does not change or amend either party’s rights of enforcement or appeal pursuant to RSA 676:15-17-b.
- (B) Failure to comply with the conditions and schedules established by the Board shall constitute a violation of these regulations and shall be grounds for revocation of the Board’s approval, in accordance with the provisions of RSA 676:4-a, as amended.

1.25 FIVE YEAR EXEMPTION

- (A) Pursuant to RSA 674:39, as amended, every site plan approved by the Planning Board and properly recorded in the Registry of Deeds shall be exempt from all subsequent changes in Subdivision Regulations, Site Plan Review Regulations, impact fee ordinances, and Zoning Ordinances adopted by the Town, 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 has begun on the site by the owner or the owner's successor in interest in accordance with the approved site plan within 24 months after the date of final approval including any conditions of approval and recording the approved site plan, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the town at the time of commencement of such development;
 - 2. Development remains in full compliance with the public health regulations and ordinances specified in this section; and
 - 3. At the time of approval and recording, the site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such site plan.
- (B) Once substantial completion of the improvements as shown on the site plan has occurred in compliance with the approved site plan or the terms of said approval or unless otherwise stipulated by the Planning Board, the rights of the owner or the owner's successor in interest shall vest and no

subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

- (C) The Planning Board may, as part of its site plan regulations or as a condition of site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:
 - 1. Substantial completion of the improvements as shown on the site plan for purposes of fulfilling paragraph 2; and
 - 2. Active and substantial development or building, for the purposes of fulfilling paragraph 1.
- (D) Failure of the Planning Board to specify by regulation or as a condition of site plan approval what shall constitute 'active and substantial development or building' shall entitle the site plan approved by the Planning Board to the 5 -year exemption described in paragraph 1. The Planning Board may, for good cause, extend the 24 -month period set forth in paragraph 1(a).

1.26 REVOCATION OF RECORDED APPROVAL

- (A) A site plan which has been filed with the appropriate recording official under RSA 674:37 may not be revoked, in whole or in part, by the Planning Board, except pursuant to this section, and only under the following circumstances:
 - 1. At the request of, or by agreement with, the applicant or the applicant's successor in interest.
 - 2. When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
 - 3. When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA 674:39.
 - 4. When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the site plan no longer conforms to applicable ordinances or regulations.
 - 5. When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III (b) and 674:44, III (d) until such time as the work secured thereby has been completed.
- (B) Prior to recording any revocation under this section, the Planning Board shall give notice, as provided by RSA 676:4, I(d), to the public, the applicant or the applicant's successor in interest, and all abutters and holders of conservation, preservation, or agricultural preservation restrictions. The notice shall include the Planning Board's reasons for the revocation. A hearing with notice as provided in RSA 676:4, I (d) shall be held at the request of any party receiving such notice, submitted within 30

days of receiving such notice, or if the Planning Board determines to hold a hearing.

- (C) A declaration of revocation, dated and endorsed in writing by the Planning Board, and containing reference to the recording information for the site plan being revoked, shall be filed for recording with the Registry of Deeds, no sooner than 30 days after written notification of the revocation is served on the applicant or the applicant's successor in interest, in person or by certified mail, or 30 days after any public hearing, whichever is later. If only part of an approval is revoked, that portion of land subject to revocation shall be clearly identified in the declaration. The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation, as identified by the municipality.
- (D) A revocation under this section may be appealed pursuant to RSA 677:15. Nothing in this section shall affect the municipality's ability, either before or after such a revocation, to pursue other remedies or penalties as set forth in RSA 676:15-17.

1.27 APPEALS

Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal as follows:

- (A) Appeals to the Zoning Board of Adjustment: Decisions by the Planning Board based solely upon interpretation of the Zoning Ordinance may be appealed to the Zoning Board of Adjustment (ZBA) or Belknap County Superior Court, as determined by the provisions of RSA 676:5,III. Appeals to the ZBA must be filed within 30 days after the date upon which the Board voted to approve or disapprove the application.
- (B) Appeals to Superior Court: All other decisions by the Planning Board may be appealed to Belknap County Superior Court, per the provisions of RSA 677:15. The appeal shall be presented to the Court within 30 days after the date upon which the Board voted to approve or disapprove the application.

1.28 VALIDITY

If any section, clause, provision, portion, or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion or phrase of these regulations.

1.29 AMENDMENTS

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing. Certified copies signed by a majority of the Planning Board members shall be recorded at the Belknap County Registry of Deeds, filed with the Town Clerk and filed with the NH Office of Energy and Planning.

1.30 INTERPRETATION

In the matters of interpretation of these regulations, the opinion of the Planning Board shall prevail.

1.31 SEVERABILITY

If any part or provision of these Regulations or application thereof to any person or circumstances is judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations, or the application thereof to other persons or circumstances.

SECTION 2 - APPLICATION PROCEDURES

2.01 CONCEPTUAL CONSULTATION

- (A) Prior to filing a design review application or final application, applicants may engage in an informal discussion with the Board as a Conceptual Consultation for either a Minor or Major Site Plan Review.
- (B) A Conceptual Consultation application shall be filed with the Planning Board 21 days prior to the regular scheduled meeting for the Planning Board review.
- (C) A Conceptual Consultation can only occur at a posted meeting of the Board. Such Conceptual Consultation shall be informal and directed toward:
 - 1. Reviewing the basic concepts of the proposal;
 - 2. Reviewing the proposal with regard to the master plan and zoning ordinance; and
 - 3. Explaining the state and local regulations, including the Site Plan Review Regulations, that may apply to the proposal.
- (D) The applicant may use a general map sufficient to explain the concept; such map, however, shall not include any specific design, engineering or surveying information. The Planning Board will stop further consideration of a Conceptual Consultation application if the applicant presents plans that are too detailed regarding engineering and surveying information.
- (E) Abutters are not notified of this step in the process. This step is not required, but is optional at the request of the applicant.
- (F) In no case is either the applicant or the Board bound by any discussion, and any statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

2.02 DESIGN REVIEW APPLICATION

- (A) A Design Review Application goes beyond the conceptual and general stage, involving more specific design and engineering details of the potential application. The Design Review Application is the phase of the planning process when the issues can be identified by the Planning staff, the Planning Board and abutters and alternatives explored to resolve those issues. For major projects, it is the appropriate time to conduct a site walk, identify any special studies needed for submission with the final application, discuss any waiver requests for the final submission, and discuss whether the project is a project of potential regional impact.

- (B) A Design Review Application is required for projects requiring a **Major** Site Plan as outlined in Section 1.04, B, 1 unless waived by the Planning Board during a Conceptual Consultation. A Design Review Application is conducted by the Planning Board at a public hearing with abutters and the public properly notified, as set forth in Section 2.04.
- (C) A Design Review Application is **not** required for projects requiring a **Minor** Site Plan Review. A Design Review Application for **Minor** Site Plan Reviews is optional for the applicant.
- (D) A Design Review Application for a **Major** Site Plan Review or a **Minor** Site Plan Review application shall be filed with the Planning Board 21 days prior to the regular scheduled meeting for Planning Board review.
- (E) The Planning Board shall conduct a public hearing on a Design Review application for a **Major** Site Plan Review or a **Minor** Site Plan Review with notice given to the abutters, the applicant, any holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat.
- (F) Notice shall be given by certified mail, mailed at least ten (10) "clear days" prior to the submission to the Planning Board. The public will be given notice at the same time, by posting at the Town Hall, by posting at the Post Office, by posting on the Town website, and publication in a newspaper of general circulation.
- (G) The notice shall give the date, time, and place of the Planning Board meeting at which the Design Review Application for a **Major** Site Plan or **Minor** Site Plan application will be reviewed, shall include a general description of the proposal to be considered, and shall identify the applicant and the location of the proposal.
- (H) Additional notice is not required for an adjourned session provided that the date, time, and place of the adjourned session are made known at the prior meeting. The applicant is responsible for paying for the cost of any additional notice that is required.

2.03 FINAL APPLICATION: SUBMISSION OF A COMPLETE APPLICATION AND DETERMINATION OF THE APPLICATION COMPLETENESS

- (A) A complete final application for a **Major** Site Plan or **Minor** Site Plan shall be filed with the Planning Department a minimum of 21 days prior to the regular scheduled meeting of the Planning Board. A complete final application shall consist of all data required in Section 3 for a **Minor** Site Plan or Section 4 for a **Major** Site Plan of these regulations unless one or more submission requirements are waived by the Planning Board before acceptance of the final application as complete.
- (B) At the next meeting no more than 30 days from the date of delivery for which notice can be posted, the Board will determine whether the final application is complete. If the application is incomplete, the Board will identify the missing items and the applicant will need to resubmit under a new notification procedure.

- (C) Acceptance of a complete final application shall only occur at a meeting of the Planning Board after due notification has been given according to Section 2.04. Acceptance of a complete final application will be by affirmative vote of a majority of the Board.

2.04 PUBLIC HEARING AND NOTIFICATION

- (A) The Planning Board shall not take action on a Design Review, submission of a final application for completeness review, or a public hearing on a final application for a **Minor** or **Major** site plan application without first holding a public hearing, with notice as provided below.
- (B) Notice of a public hearing on a Design Review, submission of a final application for completeness review, or a public hearing on a final application shall be given to the abutters, the applicant, any holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any site plan.
- (C) Notice shall be by certified mail, mailed at least ten (10) "clear days" prior to the submission to the Planning Board. The public will be given notice at the same time, by posting at the Town Hall, by posting at the Post Office, and publication in a newspaper of general circulation.
- (D) The notice shall give the date, time, and place of the Planning Board meeting at which the application will be formally submitted to the Board, shall include a general description of the proposal to be considered, and shall identify the applicant and the location of the proposal.
- (E) If the notice for the public hearing was included in the notice for the submission of an application for completeness review, additional notice of the public hearing is not required. Additional notice is not required for an adjourned session provided that the date, time, and place of the adjourned session are made known at the prior meeting.
- (F) If an application is noticed for Design Review, a separate notice is required for submission of a final application for completeness review or a Public Hearing on a final application.
- (G) The Planning Board reserves the right to require the applicant to pay for the cost to notice the abutters and the public again if an application has been continued more than three times.

2.05 APPLICATION REFERRAL TO TOWN DEPARTMENTS

The Planning Department shall refer an application for a Minor Site Plan Review and an application for a Design Review and Final Application for a Major Site Plan Review to the Town departments for review and comment.

2.06 BOARD ACTION ON A COMPLETE APPLICATION

- (A) The Board shall begin consideration of the application at a public hearing following a determination by the Planning Board that the final application is complete. The public hearing can be scheduled later on the same agenda and date as the completeness determination or at the next Board meeting. The Board shall act to approve, conditionally approve, or

disapprove the complete final application within 65 days of acceptance as complete.

- (B) 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. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting on a final application if the applicant is not amenable to an extension.
- (C) Approval of the final application and any conditions of approval shall be indicated in the Notice of Decision available to the applicant within 5 days of the decision. If any final application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in the written Notice of Decision available to the applicant within 5 days of the decision.

2.07 FAILURE OF THE PLANNING BOARD TO ACT

- (A) In the event that the Planning Board does not act on an accepted final application within the prescribed time period, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days.
- (B) If the Planning Board fails to act within 40 days of receiving this directive from the Selectmen, the Selectmen must approve the final application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

2.08 CONDITIONAL APPROVAL

- (A) The Board may grant conditional approval of a final application, but the site plan will not be signed until all of the conditions precedent have been met.
- (B) A further public hearing is **not required** when such conditions:
 1. Are administrative in nature;
 2. Involve no discretionary judgment on the part of the Board;
 3. Involve permits and approvals granted by other boards or agencies, unless any subsequent changes to the plan would constitute grounds for a new application process.
- (C) An additional public hearing **is required** to consider conditions that are not simply administrative in nature and which may involve judgment by the Planning Board such as submission of an adequate drainage plan or submission of a landscaping plan that will provide an adequate buffer for an abutter. The public hearing will be limited to considering the condition(s) of approval under review.
- (D) If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new final application.

2.09 SITE INSPECTIONS

- (A) Whenever the Board deems it necessary for the consideration of an application to visit the site, a time will be arranged for a site inspection. If

a majority of the Planning Board attends, such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A, and minutes shall be kept.

- (B) All applications are conditioned upon the owner allowing access to the property by Planning Board members and members of the public, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

2.10 FEES

- (A) The applicant is responsible for all fees incurred by the processing of applications as per the fee schedule approved by the Planning Board.
- (B) Failure to pay such costs shall constitute valid grounds for the Board to not accept the application as complete.
- (C) It is the responsibility of the applicant to pay reasonable fees for plan review, special investigative studies, environmental assessments, legal review of documents, administrative expenses, or other matters required by the Board in order to make an informed decision on the application. Please refer to Section 1.07 on Professional Review.

2.11 CONCURRENT AND JOINT HEARINGS

The applicant or the Planning Board may request a joint hearing with one or more land use boards in conjunction with a site plan review hearing if approval from all boards is required for the same project.

SECTION 3 - SUBMISSION REQUIREMENTS FOR A MINOR SITE PLAN

3.01 COMPLETE APPLICATION

A complete application for a Minor Site Plan application shall consist of the following items unless a written request for waiver(s) is granted by the Board before the application is considered for completeness. Refer to Waivers in Section 1.10. A complete application shall include:

- (A) **Application Form and Checklist:** A completed application form signed by the landowner or the landowner's authorized agent and a completed application checklist;
- (B) **Abutter's List:** An abutter's list to include:
 1. Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
 2. The name and address of any professional(s) assisting with preparing the application and site plan;
 3. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
 4. The landowner(s) and applicant(s) if different from the landowner(s); and
 5. The holders of any easements or rights-of-way on the subject property.

- (C) **Letter of Authorization:** A letter of authorization from the owner if the applicant is not the owner;
- (D) **Fees:** Payment of application and notification fees based on the Planning Board fee schedule.
- (E) **Executive Summary:** An Executive Summary of the proposed Minor Site Plan to include:
 - 1. A description of the proposed business;
 - 2. The area (sq. ft.) within the structures allocated to the proposed business;
 - 3. The days and hours of operation;
 - 4. The number of employees or subcontractors who use the site as their base of operations;
 - 5. The extent of normal customer/business traffic including truck deliveries;
 - 6. Any unusual demand for utility service(s);
 - 7. The provisions of fire protection; and
 - 8. Any other descriptive information on the proposed business which will be helpful to the Planning Board in evaluating the impacts of the proposed site development.
- (F) **Site Plan Requirements:** The applicant shall submit one (1) paper copy of the complete set of site plans 11" x 17" in size and five (5) paper copies of the complete set of site plans 22" x 34" in size. A Site Plan drawn to the scale of 1" = 20' shall include:
 - 1. Site location map which shall show the proposed development in relation to major roads in the vicinity of the site;
 - 2. A site plan of the property showing the boundary lines and approximate size of the area included in the site;
 - 3. Name and address(es) of owner(s) of record, and the applicant(s), if different from owner(s);
 - 4. North point, graphic scale, date of preparation, dates of revisions, legend, and name of person preparing the site plan;
 - 5. Zone District(s) and the location of all applicable setbacks;
 - 6. The location and dimensions of **existing and proposed** structures, on-site parking areas, handicapped facilities (including parking and handicapped access to buildings), sidewalks, driveways, loading zones, storage areas, and landscaped open space areas on the property.
 - 7. Location and height (in stories) of all structures on the site and a general floor plan of the structures;
 - 8. The location of all on-site wells including the 75 foot protective radius from a private well or 200 feet from a community well; or the public water line and the private water service line serving the property;
 - 9. The location of any existing septic tank and leach field for the on-site septic system or the location of any percolation tests and proposed septic system location;

10. Location, height and design (elevation) showing the dimensions of any proposed sign(s);
 11. Any plans for screening any site features;
 12. Location of rivers, streams, ponds, lakes, or other watercourses or bodies of water;
 13. The location 100 year floodplain(s) and floodway(s) as designated by the Flood Insurance Rate Maps for the Town of Alton effective May 17, 1988, as amended;
 14. Location of the Shoreland Protection Overlay District and the Aquifer Protection Overlay District, if applicable;
 15. Location of wetlands included on the National Wetlands Inventory Maps and/or any very poorly drained soils as mapped by the Natural Resource Conservation Service, if applicable;
 16. Location of any stone walls, architectural or historic features, and cemeteries or graveyards;
 17. Direction of stormwater flows on the site and existing and proposed drainage facilities;
 18. The location(s) and type of fixture(s) for any existing or proposed outdoor lighting;
 19. Temporary and permanent erosion and sedimentation control provisions, if needed;
 20. General topography of the site at 20' contours from USGS maps;
 21. The seal and signature of all professionals assisting with the preparation of the application.
- (G) **Other Information:** Other information may be required by the Planning Board, as applicable, including:
1. State subdivision approval for septic systems; septic design approval; or certification by a septic designer of the adequacy of existing system;
 2. Alteration of Terrain Permit from the NH Department of Environmental Services;
 3. Dredge and Fill Permit for proposed wetland impacts from the NH Department of Environmental Services;
 4. Plans for Stormwater Management and Erosion Control;
 5. EPA Phase II Stormwater Permit approval;
 6. State or Town driveway permit;
 7. State Shoreland permit;
 8. Approval for municipal water connection;
 9. Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Town Counsel.

10. Any professional(s) assisting with preparing the application shall submit an insurance certificate that names the town as an insured beneficiary.
 11. Any other local, state and/or federal permits.
- (H) **Waivers:** Written requests for any waivers. Please refer to Section 1.10 of these regulations;
- (I) **Additional Information:** The Planning Board may require such additional information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.

SECTION 4 - SUBMISSION REQUIREMENTS FOR A MAJOR SITE PLAN

4.01 DESIGN REVIEW APPLICATION

A Design Review Application for a Site Plan Review shall consist of the following items unless a written request for waiver(s) is granted by the Planning Board. Refer to Waivers in Section 1.10.

- (A) **Application Form:** A complete application form signed by the landowner or the landowner's authorized agent and a completed application checklist; ;
- (B) **Abutter's List:** An abutter's list to include:
1. Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
 2. The name and address of any professionals assisting with preparing the application and site plan;
 3. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions; and
 4. The landowner(s) and applicant(s) if different from the landowner(s).
 5. The holders of any easements or rights-of-way on the subject property.
- (C) **Letter of Authorization:** A letter of authorization from the owner if the applicant is not the owner;
- (D) **Fees:** Payment of application and notification fees based on the Planning Board fee schedule.
- (E) **Executive Summary:** An Executive Summary of the proposed Major Site Plan to include:
1. A description of the existing and proposed uses;
 2. The area (sq. ft.) within each structure allocated to each proposed business;
 3. The days and hours of operation of each proposed use;
 4. The number of employees or subcontractors who use the site as their base of operations;
 5. The extent of normal customer/business traffic including truck deliveries;
 6. Any unusual demand for utility service(s); and

7. Any other descriptive information on the proposed business which will be helpful to the Planning Board in evaluating and impacts of the proposed site development.
- (F) **Site Plan Requirements:** : The applicant shall submit one (1) paper copy of the complete set of site plans 11" x 17" in size and five (5) paper copies of the complete set of site plans 22" x 34" in size. A Site Plan drawn to the scale of 1" = 20' shall include:
1. Names & addresses of owner(s) of record; name & address of applicant, if different from owner; parcel ID number(s).
 2. Name of the site plan, the project location, the date the plan was prepared, each revision date with notation of what the revision was; north arrow, legend, and scale of the plan.
 3. Signature, license number, and/or seal of the preparer of the plan, and every engineer, architect, land surveyor, wetland scientist, soil scientist, and any other professional whose seal appears on the plan.
 4. Names & addresses of abutting land owners and of every holder of conservation, preservation, or agricultural restriction.
 5. Zoning district for the site and for abutting properties.
 6. Schedule of zoning requirements, such as lot area, frontage, setbacks, etc. Setbacks shall be depicted on the proposed site plan.
 7. Boundary survey showing all metes & bounds showing dimensions to the hundredths of a foot, bearings to at least minutes, and curve data.
 8. Location of any new streets, pedestrian right-of-ways, reservations, easements, and areas to be dedicated to public use.
 9. Topography shown by 2' contour intervals
 10. Location and height (in stories) of all buildings and any other structures on the site.
 11. Elevation views of each side of the building, addition, or alteration showing location, shape, size, height, and type of construction of new buildings or additions or alterations to existing buildings, including all mechanical equipment.
 12. General floor plan of the building or addition
 13. Structures, utilities, roads and other paved areas
 14. Location and width of entrances, exits and driveways.
 15. Location, grades, and width of sidewalks
 16. Location and surface material of loading zones and storage areas.
 17. Location, width of aisles, size and number of parking spaces, and surface material of parking lots.
 18. Location, size and number of handicapped parking spaces and handicapped access provisions
 19. Description of fire protection measures including, but not limited to, access to and around buildings, installation of sprinkler systems, construction of dry hydrants connected to a permanent water supply of adequate size, and other provisions for fire safety.
 20. Location of percolation tests and/or other test pits.

21. Location of an on-site wastewater system to serve the proposed uses
22. The location of all on-site wells including the 75 foot protective radius from a private well or 200 feet from a community well; or the public water line and the private water service line serving the property.
23. Approximate location of driveways and/or roads, wells, septic systems and any other pertinent features to abutting properties within 200' of the site.
24. Approximate location of buildings on abutting properties within 200' of the site.
25. Location of rivers, streams, ponds, lakes, or other watercourses or bodies of water.
26. Location of Shoreland Protection Overlay District boundaries.
27. Surveyed location of jurisdictional wetlands. If there are no jurisdictional wetlands on the site, a certified wetland scientist shall attest to that fact in writing.
28. Location of Aquifer Protection Overlay District boundaries.
29. Location of FEMA-designated 100 year floodplain and floodway.
30. Soil types and boundaries from soil mapping prepared by the Natural Resources Conservation Service.
31. Location and approximate size of open space (in acres or square feet).
32. Location of wooded areas, significant tree stands.
33. Location and type of existing easements.
34. Location of stone walls, architectural or historic features including, but not limited to old wells, foundations, mill sites, etc.
35. Grades of all paved areas, direction of flow of runoff.
36. Location and type of drainage system elements: infiltration systems, catch basins, culverts, outfalls, etc.
37. Landscaping plan concept showing the location of proposed new landscaping, and any existing landscaping that will be retained including any wooded areas.
38. Location and proposed method of screening any air conditioners, heat pumps, compressors, generators, fans, and other devices which produce noise.
39. Location, type, and height of exterior lighting
40. Location, size, height, and design (elevations) of signage.
41. Snow storage areas and/or plans for removal of snow from the area or site.
42. Typical cross sections and grades of roads, driveways, parking areas, and sidewalks.
43. Location of any outside areas used for the display or storage of merchandise inventory or materials used in the business and any plans for screening.
44. The phasing schedule if the project will be built in more than one phase.

45. A conceptual approach for a Stormwater Management, Sediment and Erosion Control and Drainage Plan.
 46. The seal and signature of all professionals assisting with the preparation of the application.
 47. The location of any proposed on-site fuel tank whether above or below ground.
 48. The location of any outside dumpster and any plans for screening.
 49. The location of any cemeteries or grave sites on the subject property and the required setbacks.
- (G) **Other information, as applicable:**
1. Reports from the:
 - a. Fire Department,
 - b. Police Department,
 - c. Code Department,
 - d. Water Department, if applicable
 - e. Highway Department and
 - f. Town Conservation Commission, if applicable.
 2. Any proposed deed restrictions; and all proposed deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and proposed rights of drainage across private property.

4.02 COMPLETE FINAL APPLICATION FOR A *FINAL MAJOR* SITE PLAN REVIEW

A complete application for a final *Major* Site Plan Review application shall consist of the following items unless a written request for waiver(s) is granted by the Board before the application is considered for completeness. Refer to Waivers in Section 1.10.

- (A) **Application Form:** A complete application form signed by the landowner or the landowner's authorized agent and a completed application checklist;
- (B) **Abutter's List:** An abutter's list to include:
 1. Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
 2. The name and address of any professionals assisting with preparing the application and site plan;
 3. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
 4. The landowner(s) and applicant(s) if different from the landowner(s); and
 5. The holders of any easements or rights-of-way on the subject property.
- (C) **Letter of Authorization:** A letter of authorization from the owner if the applicant is not the owner;
- (D) **Fees:** Payment of application and notification fees based on the Planning Board fee schedule.
- (E) **Executive Summary:** An Executive Summary of the proposed Major Site Plan to include:

1. A description of the existing and proposed uses;
 2. The area (sq. ft.) within each structure allocated to each proposed business;
 3. The days and hours of operation of each proposed use;
 4. The number of employees or subcontractors who use the site as their base of operations;
 5. The extent of normal customer/business traffic including truck deliveries;
 6. Any unusual demand for utility service(s); and
 7. Any other descriptive information on the proposed business which will be helpful to the Planning Board in evaluating the impacts of the proposed site development.
- (F) **Site Plan Requirements:** : The applicant shall submit one (1) paper copy of the complete set of site plans 11" x 17" in size and five (5) paper copies of the complete set of site plans 24" x 34" in size. A Site Plan drawn to the scale of 1" = 20' shall include:
1. Names & addresses of owner(s) of record; name & address of applicant, if different from owner; parcel ID number(s).
 2. Name of the site plan, the project location, the date the plan was prepared, each revision date with notation of what the revision was; north arrow, legend, and scale of the plan.
 3. Signature, license number, and/or seal of the preparer of the plan, and every engineer, architect, land surveyor, and soil scientist whose professional seal appears on the plan.
 4. Names & addresses of abutting land owners and of every holder of conservation, preservation, or agricultural restriction.
 5. Zoning district for the site and for abutting properties.
 6. Schedule of zoning requirements, such as lot area, frontage, setbacks, etc. Setbacks shall be depicted on the proposed site plan.
 7. Boundary survey showing all metes & bounds showing dimensions to the hundredths of a foot, bearings to at least minutes, and curve data.
 8. Location with metes & bounds description of any new streets, pedestrian right-of-ways, reservations, easements, and areas to be dedicated to public use.
 9. Topography shown by 2' contour intervals
 10. Location and height (in stories) of all buildings and any other structures on the site.
 11. Elevation views of each side of the building, addition, or alteration showing location, shape, size, height, and type of construction of new buildings or additions or alterations to existing buildings, including all mechanical equipment.
 12. General floor plan of the building or addition.
 13. Structures, utilities, roads and other paved areas.
 14. Location and width of entrances, exits and driveways.
 15. Location, grades, and width of sidewalks.
 16. Location and surface material of loading zones and storage areas.

17. Location, width of aisles, size and number of parking spaces, and surface material of parking lots.
18. Location, size and number of handicapped parking spaces and handicapped access provisions.
19. Fire protection measures including, but not limited to, access to and around buildings, installation of sprinkler systems, construction of dry hydrants connected to a permanent water supply of adequate size, and other provisions for fire safety.
20. Location of percolation tests and/or other test pits.
21. Location and design of an on-site wastewater system to serve the proposed uses.
22. Location, size and design of water connection if served by Town water.
23. Approximate location of driveways and/or roads to abutting properties within 200' of the site.
24. Approximate location of buildings, all wells, septic systems and any other pertinent features on abutting properties if within 200' of the site.
25. Location of rivers, streams, ponds, lakes, or other watercourses or bodies of water.
26. Location of Shoreland Protection Overlay District boundaries.
27. Surveyed location of jurisdictional wetlands. If there are no jurisdictional wetlands on the site a certified wetland scientist shall attest to that fact in writing.
28. Location of Aquifer Protection Overlay District boundaries.
29. Location of FEMA-designated 100 year floodplain and floodway.
30. Soil types and boundaries from soil mapping prepared by the Natural Resources Conservation Service..
31. Location and approximate size of landscaped open space (in acres or square feet).
32. Location of wooded areas, significant tree stands.
33. Location and type of existing easements.
34. Location of stone walls, architectural or historic features including, but not limited to old wells, foundations, mill sites, etc.
35. Grades of all paved areas, direction of flow of runoff.
36. Location and type of drainage system elements: infiltration systems, catch basins, culverts, outfalls, etc.
37. Landscaping plan showing the location, type, and size (at time of planting) of proposed new landscaping, and any existing landscaping that will be retained; landscape detail drawings.
38. Location and screening of any air conditioners, heat pumps, compressors, generators, fans, and other devices which produce noise.
39. Location, type, and height of exterior lighting, and foot candle data
40. Location, size, height and design (elevations) of signage.
41. Snow storage areas and/or plans for removal of snow from the area or site.
42. Location of any stump dump(s).

43. Construction details (including cross sections) of roads, driveways, parking areas, and sidewalks; roadway classification, roadway type; roadway geometry; roadway layout coordinates; driveway sight distances; typical cross-section topography;
44. Location of any outside areas used for the display or storage of merchandise inventory or materials used in the business and any plans for screening.
45. The phasing schedule if the project will be built in more than one phase.
46. The construction schedule for the project.
47. An opinion of construction costs for construction of streets, public utilities or other public improvements provided by the applicant's engineer.
48. The seal and signature of all professionals assisting with the preparation of the application.
49. The location of any proposed on-site fuel tank whether above or below ground.
50. The location of any outside dumpster and any plans for screening.
51. The location of any cemeteries or grave sites on the subject property and the required setbacks.

(G) **Engineering Plans and Reports:**

1. **Roads:**
 - a. Engineering plans shall show the location, names and widths and classification of any existing and proposed roads.
 - b. Grades, profiles, cross-sections, and other engineering data on any proposed roads will be required by the Board to determine that these roads will meet Town of Alton Highway Policies and Regulations.
 - c. The centerlines of all proposed roads shall be staked in 50 foot stations and at a minimum cross-sections shall be provided at every station and every culvert crossing.
2. **Driveways**
 - a. The location of existing and proposed driveways;
 - b. All proposed driveway locations on both existing and proposed roads shall be shown on the plans and staked and the sight distance identified for each driveway in both directions.
3. All plans and plats containing information on roads, water and other utilities shall contain the Certification by a N.H. registered engineer that the design of roads, driveways and utilities in the proposed subdivision conform to the requirements of the Alton Highway Policies and Regulations.
4. Stormwater Management, Sediment and Erosion Control and Drainage Plan:

- a. The applicant shall submit a Stormwater Management, Sediment and Erosion Control and Drainage Plan (Plan) to the Planning Board for any tract of land being developed where one or more of the following conditions are proposed:
- (1) the cumulative disturbed area will be more than 20,000 square feet; or
 - (2) construction/reconstruction of a road or street is involved; or
 - (3) where critical areas may be disturbed.

The Planning Board may waive the requirement for all or part of this Plan if it determines that a Plan is unnecessary because of the size, character, or natural conditions of a site. All requests for waivers shall be made in writing by the applicant as per Section 1.10 with supporting technical documentation to demonstrate minimal environmental impact.

- b. The following application materials shall be submitted for a Stormwater Management, Sediment and Erosion Control and Drainage Plan:
- (1) Site drawing of existing and proposed conditions:
 - (a) Locus map showing property boundaries
 - (b) North arrow, scale, date
 - (c) Property lines with bearings and total distances. Monuments need to be set before the plat is signed.
 - (d) Easements
 - (e) Structures, utilities, roads and other paved areas
 - (f) Earth stockpiles, equipment storage, stump disposal and staging areas
 - (g) Topographic contours at 2' intervals
 - (h) Critical areas
 - (i) Surface water and wetlands, drainage patterns, and watershed boundaries within the project area and within 200' of the project boundary
 - (j) Boundaries of the 100-year flood plain
 - (k) Vegetation
 - (l) Soils information for design purposes or for determining highly erodible soils shall be determined from a National Cooperative Soil Survey (NCSS) soil series map. A High Intensity Soil Map of the site, prepared in accordance with SSSNNE Special Publication No. 1, can only be used for

design purposes and not for determining highly erodible soils.

- (m) Areas of poorly or very poorly drained soils including any portion to be disturbed or filled
 - (n) Location of all temporary and permanent stormwater management and erosion and sediment control BMP's including structural, non-structural, and vegetative BMP's
 - (o) Description of all temporary and permanent structural and non-structural BMP's with detailed drawings of each as appropriate. The narrative shall discuss of each measure, its purpose, construction sequence, and installation timing as they apply to the site. The description of vegetative BMP's shall include seeding specifications.
 - (p) A schedule for the construction observations and maintenance of all BMP's
 - (q) Areas and timing of soil disturbance including areas of cut and fill
 - (r) Earth movement schedule
 - (s) Tabulated sequence of construction
 - (t) Construction schedule
- (2) A drainage plan and study done by a N.H. registered engineer. The plan and study shall be based on a 25 year storm event and the study shall be done to the standards outlined in a professionally recognized source.
 - (3) A construction phase Stormwater Management and Erosion Control Plan prepared by a N.H. registered engineer.

(H) Other information, as applicable:

1. State subdivision approval for septic systems; septic design approval; or certification by septic designer of adequacy of existing system.
2. Site Specific Permit from NH Department of Environmental Services for Alteration of Terrain.
3. Dredge and Fill Permit for proposed wetland impacts from the New Hampshire Department of Environmental Services;
4. EPA Phase II Stormwater Permit approval.
5. State/Town driveway permit.
6. Any other local, state and/or federal permits.
7. Reports from the:
 - a. Fire Department,
 - b. Police Department,
 - c. Code Department,

- d. Water Department, if applicable,
 - e. Highway Department and
 - f. Town Conservation Commission, if applicable.
8. Approval for municipal water connection(s).
 9. State Shoreland permit;
 10. Any deed restrictions; all deeds covering land to be used for public purposes; easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board's counsel.
 11. Written approval for service from utility companies to provide service to the site shall be submitted. Where electric lines or other utilities are to be installed by a corporation or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town. A layout indicating how the site will be served by electric, telephone, and any other public utility must be provided. If the utility company(s) requires an easement to provide service, no final approval shall be granted by the Alton Planning Board until such easements are secured. If no easements are required, a letter of intent to provide service from the utility company(s) must accompany the application
 12. Any professional(s) assisting with preparing the application shall submit an insurance certificate that names the town as an insured beneficiary.
 13. Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to traffic, school, fiscal and environmental impact analysis. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.
 14. The applicant shall submit a proposal in writing to satisfy the following terms under the five-year exemption clause (RSA 674:39):
 - a. Active and substantial development within the first 24 months; and
 - b. Substantial completion of the improvements.

SECTION 5 - DESIGN AND PERFORMANCE STANDARDS

5.01 GENERAL STANDARDS

In review of any Site Plan Review Applications conducted under these regulations, the Planning Board will require that adequate provisions be made by the owner or his agent for:

- (A) Sites for non-residential and multi-family development shall be reviewed so as to minimize traffic congestion, traffic hazards, unsightliness, annoyance to other nearby land uses, erosion, and other effects detrimental to the abutters, the area, and the environment of the Town of Alton.

- (B) Appropriate buffers shall be installed and maintained to screen the use from neighboring properties. The Planning Board encourages naturally vegetated buffers using native vegetation whenever possible. Fences may be used, if appropriate.
- (C) Sufficient off-street parking shall be provided for the anticipated use in accordance with Section 5.07 of these Regulations and in accordance with the standards as set forth by the Parking Generation, Institute of Transportation and Engineers, 2nd Edition, 1987, as may be amended. This reference shall be used in determining parking needs for uses not listed in Section 5.07.
- (D) Sufficient off-street loading space shall be provided, including off-street areas for maneuvering the anticipated trucks or other vehicles, in accordance with standards as set forth by the Institute of Transportation and Engineers
- (E) Access, parking, and loading areas shall be constructed so as to minimize dust, erosion, and runoff conditions that would have a detrimental effect on abutting or neighboring properties. The Planning Board may require paving if appropriate or necessary.
- (F) Grading, paving, and storm drainage systems shall not result in erosion, sedimentation of streams, or damage to abutting properties and roads.
- (G) Light, glare, odors, noise, and vibration shall not be discernible off the premises except for indirect lighting on signs or security lighting. Such lighting shall not glare on abutting properties or public highways or streets. The Board may desire additional information regarding the layout and intensity of site lighting to ensure that adjacent properties and the character of the area are not adversely affected by lighting on a site. The applicant may be required to provide an illumination plan.
- (H) Access to public streets shall meet the standards of the New Hampshire Department of Public Works and Highways and/or the Town of Alton's Highway Policies and Regulations, as adopted and as may be amended.
- (I) Water Supply, sewage, and disposal facilities shall be sized to adequately meet the needs of the proposed use as specified under the regulations of the New Hampshire Department of Environmental Services and regulations of the Town of Alton.
- (J) Traffic circulation and access including adequacy of entrances and exits, traffic flow, sight distances, access to State highways, and Town roads, turning lanes and any required traffic signalization.
- (K) Pedestrian and bicycle safety and access when needed.
- (L) Storm water drainage and ground water recharge.
- (M) Water supply, wastewater and septage disposal and solid waste disposal.
- (N) Adequate fire safety, prevention and control, including suitably located and coordinated travel ways, of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access to buildings for fire fighting apparatus and other emergency equipment.
- (O) Conformance with all existing regulations and ordinances. The proposed use, building design and layout shall meet the provisions of the Zoning Ordinance, the Site Plan Review Regulations, and other regulations and

- ordinances of the Town and shall be in such size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- (P) Demonstration that the proposal is generally consistent with the Town's Master Plan.
 - (Q) Minimize the impact on neighboring land uses.
 - (R) Adequate green areas, open spaces, conservation easements, slope and drainage easements as may be necessary and/or applicable.
 - (S) Sidewalks, when required, shall be installed and constructed in accordance with the specifications of the Town of Alton.

5.02 GENERAL REQUIREMENTS FOR SITE PLAN REVIEW

The applicant shall observe the following general requirements and principals of Site Plan Review:

- (A) Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, impermeable soil, or other menace shall not be platted for building, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood or sewage hazard, until appropriate measures have been taken by the owner or his agent to eliminate such hazards. .
- (B) All public or private utilities, sewerage, and drainage facilities, curbs, and sidewalks, when required, shall be installed and constructed in accordance with the specifications spelled out in the Town of Alton's Subdivision Regulations and Highway Policies and Regulations.
- (C) A layout indicating how the site will be served by electric, telephone, and any other public utility must be provided. If the utility company(s) requires an easement to provide service, no final approval shall be granted by the Alton Planning Board until such easements are secured. If no easements are required, a letter of intent to provide service from the utility company(s) must accompany the application.
- (D) The Board may require special improvements, which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular site plan. Any such special requirements shall be stated in writing in the Minutes of the Board and/or other agreement with the reasons therefore.
- (E) The development of the site shall not change the topography of the land to be developed by the removal of trees, shrubs, soil, and rocks, except that which is necessary for the building of structures, driveways, parking areas, and sidewalks. The Development shall conform to the extent appropriate to the natural topography of the site. Site clearing shall be kept to the minimum required for the construction of Buildings and improvements, taking into consideration the need for pedestrian and vehicular safety, the need for light and air, the need for views, and the goal of minimizing the adverse visual impact of the project. Natural cover shall be retained to supplement required landscaping to the extent possible and reasonable.
- (F) The proposed location and height of buildings or structures, walls and fences, parking, loading, landscaping and snow removal shall be such that

it will not interfere or discourage the appropriate use of land adjacent to the proposed site or unreasonably affect its value.

- (G) The proposed site Development shall provide for the harmonious and aesthetically pleasing Development of the site and the neighboring properties.

5.03 FIRE PROTECTION

The Planning Board may require adequate fire protection measures to ensure safe access to and around Buildings and sites for fire fighting purposes after recommendations by the Fire Department. For sites served with water from the Alton water system, the water lines and fire hydrants shall be designed and constructed to comply with the Town specifications. For sites served by an on-site water supply, the amount, location and specifications for an adequate on-site water supply for fire fighting shall be determined by the Planning Board after a recommendation from the Fire Department. All Buildings shall be required to comply with state and local fire codes.

5.04 TRAFFIC IMPACT ANALYSIS

- (A) All commercial, industrial, or multi-family residential development proposed to be located on or having an affect on a Town-maintained road or street shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide a traffic impact analysis when deemed necessary by the Board due to size, location, or traffic generating characteristic of the development.
- (B) Traffic impact analyses shall address each of the following:
 1. Traffic circulation and access, including adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization. The Planning Board may require accident statistics. The Board, as policy, recommends access to the site be combined with access to another site, through a shared driveway or parking lots connected by access roads wherever possible.
 2. Pedestrian safety and access.
 3. Off-street parking and loading.
 4. Emergency vehicle access.
 5. Off-site improvements necessitated and to be constructed by the developer.
- (C) 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 that the developer place the funds for the estimated cost for this review with the Town of Alton in escrow. No plan shall be approved until such fees, if applicable, are paid in full.
- (D) The Planning Board shall not approve projects that would reduce the level of service (LOS) at public intersections impacted by the proposed project

by two (2) levels of service or more. Nor will projects be approved if in the Board's judgment existing conditions do not provide sufficient capacity to support the project, or if approval of the project would result in large expenditures of public funds to address traffic problems caused by approval of the project. NOTICE: The Board shall normally not approve a site plan which would result in service level "F" during peak hour, or where service level "F" conditions presently exist during peak hour. The Board shall normally not approve site plans which would result in service level "E" during peak hour or where service level "E" exists during peak hour, unless in the Board's judgment adequate corrective actions are anticipated to be complete by the time of the completion of the site plan.

- (E) For purposes of calculating LOS, the Planning Board's primary reference shall be the latest edition of the Institute of Transportation Engineers Highway Capacity Manual and Trip Generation Manual.

5.05 STREETS, ROADS & DRIVEWAYS

All public and private streets, roads, driveways, sidewalks, pedestrian ways, and bikeways shall conform to the requirements and standards of the Town of Alton Highway Policies and Regulations.

5.06 NON-SEWERED AREA SYSTEM SITING REQUIREMENTS

- (A) It shall be incumbent upon the applicant or his/her agent to adequately demonstrate that the site will meet all current State and local septic system disposal standards. No site plan of land will be approved which cannot meet these standards.
- (B) The applicant or his/her 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 Planning Board to determine the suitability of the lot(s) for on-site sewage disposal.
- (C) For community water systems the site shall contain an area of land sufficient in size and site characteristics to be used as an auxiliary septic system absorption field. Said area shall be reserved for this use and must be capable of meeting the pertinent minimum standards as set forth above. The location of the auxiliary absorption field area shall be indicated on the site plan and at the final siting of the system.
- (D) Planning Board approval is subject to all State, Federal, and local septic requirements.

5.07 OFF-STREET PARKING

- (A) **Parking Design:**
 - 1. Provisions for on-site or off-street parking are an important component of the site design. The amount of parking provided must be enough that it prevents excessive demands for on-street parking, but not so much that it wastes land and unnecessarily detracts from the aesthetics of the site and neighborhood.

2. Parking lots shall be designed so as to assure safe flow of vehicles and pedestrians, to allow unobstructed access for emergency vehicles, and so as to be visually attractive.
3. The Board shall normally not approve parking which backs directly onto a public street.
4. Loading. Loading zones shall be located so they will not interfere with the public use of sidewalks, streets, or parking areas.
5. Surfacing. All parking areas and driveways thereto shall be paved or graveled for year-round use and must be graded and drained so as to infiltrate or carry off all surface water. The drainage system designed for the parking areas and driveways shall be based on assuming the parking areas and driveways are paved even if initially proposed as gravel surfaces. Pervious surfaces are encouraged for parking areas, unless there are overriding environmental limitations, or the parking is intended to serve a high traffic-volume area (<500 ADT).
6. Safe and convenient pedestrian access shall be provided by such features as well articulated crosswalks, separation of walkways from motor vehicle traffic, and lighting.
7. Every attempt shall be made to locate parking lots to the side and/or rear of the building.
8. Through traffic on fronting Streets shall not be significantly impeded or endangered by vehicles entering or leaving the site;.
9. Any access point shall provide a safe stopping sight distance. An access proposed onto a state highway shall comply with the driveway access standards of the New Hampshire Department of Transportation. An access proposed onto a Town road shall comply with the standards contained in the Alton highway Policies and Regulations.
10. The ingress/egress to a parking facility shall be clearly marked and said markings shall be maintained year around. One-way entrances shall be 13' to 15' wide and two-way, 24' to 28' wide. Access/egress curb cuts shall be aligned with on-site parking design.
11. The plan for vehicular circulation, parking and loading shall ensure the safety of vehicles, pedestrians and bicyclists on or along the border of the site.
12. Necessary traffic controls (Signs, lights, etc.) will be installed.
13. The proposal shall conform to the Town's off-street parking regulations as outlined above.
14. The street(s) serving the site shall be of sufficient width and load-carrying capacity to accommodate existing and projected traffic.
15. Driveway access points from commercial Uses shall have a minimum turning radius of fifty (50) feet.

(B) Number of Spaces:

1. In all Zoning Districts except Residential/Commercial, each site shall provide at least the minimum number of parking spaces for

the site, determined as the sum of the following for each use on the site:

- a. Residential: 2 spaces per unit; except 1 ½ spaces per unit for elderly housing.
- b. Retail: 1 space per 300 square feet of gross floor space plus 1 space per 5 employees.
- c. Office/Business Service: 1 space per 300 square feet of gross floor space plus 1 space/ 5 employees.
- d. Marina: 1 space per wet or dry storage unit plus 1 space per employee.
- e. Restaurant: 1 space per 3 seats.
- f. Private Club: 1 space per 200 sq. ft. gfa.
- g. Lodging: 1 space per room available plus 2 spaces.
- h. Meeting Rooms/ Auditorium/Church/ Funeral Parlor/Convention Center: 1 space per 6 seats (bench space plus 1 seat/20") or 50 sq. ft of assembly room area.
- i. Industrial/ Warehouse: 2 spaces plus 1 space /2 employees.
- j. Automotive Service Station: 5 spaces plus 3 per service bay.
- k. Hospital/Nursing Home: 1 space per 8 beds plus 2 additional spaces.
- l. School: 2 spaces per 35 square feet of assembly area.
- m. Laundries: 1 space per 200 sq. ft. gfa plus 1 space/5 employees.
- n. Medical Center/Laboratory: 1 space per 100 sq. ft. gfa.
- o. Drive-in Restaurant: 1 space per 50 sq. ft gfa plus 1 space/ 5 employees.
- p. Motel/Hotel: 1 space per unit plus 2 additional spaces plus 1 space/ 5 employees.
- q. Kindergarten- Day Nursery: 1 space/staff member plus 1 space/10 children.
- r. Governmental Building: 1 space/200 sq. ft. gfa.
- s. Library/Museum: 1 space per 200 sq. ft. of area accessible to the public.

NOTE #1: If use not listed, the Planning Board shall use a reasonable, similar use to determine parking requirements.

NOTE #2: gfa = gross floor area

2. The following standards, among others, may be suitable for substitution for the standards given in Section 5.07: Parking Generation (Institute of Transportation Engineers, 2nd Edition, 1987); and Parking (Robert Weant and Herbert Levinson, ENO Foundation for Transportation, Westport, CT, 1990).

Such substitutions shall be submitted in writing and may be subject to outside professional review at the applicant's cost.

3. In the Residential/Commercial zone, parking shall be calculated in a different manner. Typically, on-site parking is insufficient or is lacking completely. However, the downtown currently functions and people do find parking, so rather than establishing a number of spaces required, it is hereby determined that the amount of on-site parking is a base from which to analyze changes in parking demand. New or changing uses shall be evaluated from the perspective of changes in the demand for on-site parking. Proposed changes which decrease demand shall be permitted. Proposed changes, which increase demand, shall be permitted only upon provision of additional parking spaces in an amount equal to the increase in parking demand. Such spaces may be provided by one or more of the following means:
 - a. Additional on-site parking spaces shall be provided.
 - b. Off-site parking spaces, located within 500' of the site on land owned or leased by the applicant shall be provided. The Board may increase this distance to 1,000' where the parking is intended for employees rather than customers.
 - c. If the Town establishes the required mechanism, the applicant can contribute to a Town fund for the maintenance and possible future development of additional downtown parking. A fixed dollar amount per parking space shall be established by the Town. This fund shall be a dedicated fund to be solely for the purposes of creating and maintaining downtown public parking.
4. Handicap Parking Spaces. All sites which provide on-site parking shall provide handicap parking spaces and accompanying access aisles in accordance with Federal Americans with Disabilities Act (ADA), as amended.
 - a. For the convenience of readers, the smaller size parking lot standards are summarized below:

<u>Total Parking Spaces:</u>	<u>Minimum Which are Accessible:</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

- b. One in every eight-handicap spaces, but not less than one, shall be designated as "van accessible" and shall be served by an 8' access aisle.
- c. Each handicap space shall be identified with pavement marking and a sign. Van accessible spaces shall require an additional sign to indicate that it is van accessible. Signs

shall be mounted such that they are not obscured by other parked vehicles.

5. On-Street Parking. The applicant may be granted permission to utilize nearby on street or other public parking for part or all of the required parking for the site. A parking study must be prepared for the Board to document the suitability of such allowance. The publication entitled Parking, referenced in Section 5.07, may be a suitable reference.

(C) **Off-Street Parking Setback:**

Off-Street Parking shall be setback from the property lines and/or right-of-ways a minimum of five (5) feet.

(D) **Stall Dimensions - Normal and Compact Cars:**

Normal vehicles require a rectangular space of at least 9 ft. by 20 ft.; compact vehicles, 8 ft. by 18 ft. Compact vehicles may not exceed 30% of the total number of Parking Spaces. Parking spaces for compact cars shall be signed for Compact Car Parking Only.

(E) **Parking Lot and Aisle Dimensions:**

Parking Angle	45	45	45	60	60	60	70	70	70	90	90	90
Stall Width	8'	9'	10'	8'	9'	10'	8'	9'	10'	8'	9'	10'
Aisle Width	12'	12'	11'	15'	16'	15'	19'	23'	21'	22'	26'	24'

(F) **Cross Aisle Widths:**

Cross aisles and circulation drives through parking lots where vehicles backup shall be a minimum of 12' wide for one-way circulation and a minimum of 22' wide for two-way circulation. Refer to E. above for aisle widths with varying parking stall angle and stall width.

(G) **Parallel Parking:**

Normal vehicles require a rectangular space of at least 9' by 24'; small vehicles require a space 8' by at least 21'.

5.08 PARKING LOT LANDSCAPING

(A) **Purpose:**

Landscaping in a parking lot:

1. enhances the visual environment;
2. protects and preserves the appearance, character, and value of surrounding areas;
3. promotes public safety by guiding vehicles and pedestrians within a site;
4. moderates heat, wind, and other local climatic effects produced by parking lots; and
5. minimizes nuisances such as noise and glare.

(B) **Landscaping Standards:**

To achieve those purposes, all parking lots containing ten (10) or more parking spaces shall be required to be landscaped as follows:

1. **Perimeter Requirements**

Landscaping in perimeter setbacks is intended primarily to screen parked vehicles from the roadways or abutting properties, and secondarily to enhance the visual quality of the development. Perimeter landscaping may include but not be limited to:

- a. low berms covered with groundcover, small shrubs, flowers, etc.;
- b. low hedges of plants suitable for creating a dense screen; or
- c. low fences;
- d. provided that the type of landscaping relied upon for screening shall be at least three (3) feet in height and no greater than four (4) feet in height at maturity; or a combination of those types of screens with taller bushes or trees. Existing trees shall be saved whenever possible. Additional trees or groups of trees shall be planted to provide shade and visual breaks in the parking lot.

2. **Interior Requirements**

- a. At least ten percent (10%) of the interior area shall be unpaved planting areas, each forty (40) square feet or larger, providing at least one (1) tree of at least four (4) inch trunk diameter as measured twenty-four (24) inches from the ground when installed per eight (8) parking spaces, located to assist in guiding traffic, providing shade, or preserving existing trees.
- b. Additionally, one (1) tree at least three (3) inches in diameter as measured twenty-four (24) inches from the ground when installed shall be required at the ratio of one (1) tree per ten (10) parking spaces. Trees must be protected from vehicular damage and salt damage. Salt resistant species shall be used.

5.09 SITE LANDSCAPING:

It is the intent of the Planning Board that each site plan shall have attractive and well-maintained landscaping. The Board recognizes that industrial, commercial, and multi-family residential sites vary considerably, and, thus, a specific landscaping standard other than for parking areas has not been established. The following guidelines are provided as indicators of Board concerns and requirements

- (A) Landscaping throughout shall be designed to further the quality and natural features of the setting. Landscaping shall be used to:
 1. Screen and soften the parking area, or other expanses of paving.
 2. Provide a setting for the building.
 3. Buffer and merge the various uses.
- (B) Minimum landscape coverage will be:
 1. Residential Commercial Zone: 15%;
 2. Recreational Service Zone: 20%;
 3. Residential Zone: 25%;
 4. Residential Rural Zone: 40%;

5. Lakeshore Residential Zone: 50%; and
6. Rural Zone: 50%.

Note: Undisturbed wooded areas may be included in the calculation.

- (C) Minimum street front and side landscaping shall be 25 feet from the right-of-way .
- (D) Screened Parking - All parking areas shall be screened to a minimum height of three feet above the edge of the road by landscaping, mounding, decorative fences or wall, or a combination thereof.
- (E) Within parking lots, large-scale trees shall be planted in landscaped strips, or raised islands, along the ROW. With landscaped raised islands at the ends of each row. This will prevent drivers from driving erratically across ROW's.
- (F) Landscaping and/or a solid visual barrier shall be used to screen loading areas and trash disposal areas.
- (G) Landscaping shall be used to form a buffer between non-residential and residential uses, and between single-family and multi-family projects, especially when multi-family units are different in height, form, and/or material than adjacent single-family units.
- (H) Landscaping shall be used to establish and/or maintain an attractive streetscape adjacent to roadways.
- (I) Landscaping shall be designed to allow for screening of vehicular headlights in parking areas.
- (J) Landscaping shall be utilized to minimize erosion and sedimentation.
- (K) Landscaping shall be maintained so that it continues to provide its designed function(s).
- (L) All landscaping required by these provisions shall be kept in good condition and replaced as necessary to the standards herein, and be kept free of refuse and debris by the owner.
- (M) A full landscaping and maintenance program prepared by an arborist, landscape architect, or other qualified individual or firm may be required by the Board. Security to ensure proper installation may be required to extend up to twelve (12) months subsequent to final construction.
- (N) The Board may require snow fencing or other protective devices to be installed prior to the start of site clearing in order to assure that mature trees or other important nature resources or landscaping features of the site are protected from vehicles, fill, storage of materials, or construction activities.
- (O) The Planning Board encourages the main emphasis of the landscaping effort be expended enhancing the “front door” image of the property as viewed from the adjacent public Streets and enhancing the image of the property as viewed from existing or potential neighboring residences.
- (P) The Planning Board recognizes that the reuse or redevelopment of existing buildings inherently involves difficulty in complying with new standards when properties were originally developed under different and, in most cases, lesser standards. Therefore, the Planning Board will use its discretion in applying these standards to redeveloping sites with the goal of trying to maximize the amount of landscaped green space which can practically be obtained in these situations. New development on currently

vacant sites will be expected to meet the standards unless extenuating circumstances exist in the opinion of the Planning Board.

Note: The landscaping requirements are set forth as strong guidelines from which the Planning Board may grant some deviation if it can be demonstrated that the modification will result in an improved plan overall.

5.10 LIGHTING:

(Amended January 4, 2010)

(A) General:

1. Appropriate outdoor lighting increases safety, enhances the Town's nighttime character and helps provide security. Excessive light creates glare and sky glow, and increases energy cost. Light trespass reduces privacy. Lighting shall be of sufficient intensity and located so as to provide safe passage of pedestrians and vehicles on, to, and from the site. However, excessive lighting is to be avoided, and energy conservation is encouraged.
2. This Site Plan Regulation is intended to minimize or eliminate the problems associated with light trespass, glare and sky glow. Fixtures must be installed and maintained in a safe condition and so as to prevent light from shining directly onto adjacent properties or into the eyes of vehicle operators on adjacent public ways.

(B) Regulations

All outdoor lighting installed in the Town of Alton shall be in conformance with the requirements established by this Regulation.

(C) Exterior Lighting

1. **Lighting Plan:** A lighting plan shall be prepared indicating fixture specifications, placement, and area lighting intensities on the ground. This plan shall be submitted as part of the plat for site plan review.
 - a. Fixture specification and placement will follow the concept that all light must shine in a generally downward direction.
 - b. No direct light shall shine beyond the applicant's property boundaries.
 - c. Although correct placement and specification should give desired distribution, shielding may be added to further control light distribution.
 - d. Height of luminaire shall be limited to 25 feet unless waived by the Planning Board for specific applications.
2. **Boundary Light Intensity:** All Lighting fixtures shall be specified, placed and directed so that total illumination intensities at all property boundaries does not exceed 1.0 foot candle.
3. **Glare:** No operation or activity shall be conducted so as to cause or create unnecessary glare. Any operation or activity producing irremediable glare shall be conducted so that total illumination intensity does not exceed 1.0 foot candle at the property boundaries.

4. **Appropriate Intensity for the Need:** Outdoor lighting illumination intensities shall be the minimum required to meet operational and safety standards. It is recommended that parking area and other non- secure area lighting be reduced or extinguished outside of business hours.
 5. **Entrance and Exit Lighting:** When building entrances and exits need to be lighted shielded fixtures shall be used. If these fixtures raise the property boundary illumination intensity above 1.0 foot candle, shielding shall be added.
- (D) **Recommendations**
1. **Fixture Type:** It is recommended that high-pressure sodium lighting *not* be used.
 2. **Reflective Surfaces:** Consideration should be given to utilizing material that reflects the minimum amount of light while meeting the surfacing needs of the particular area.
- (E) **Exceptions**
1. Lighting of the United States Flag.
 2. Customary holiday lighting.
 3. Emergency lighting required by a public agency in the performance of its duties.
- (F) **Effective Date and Grandfathering of Nonconforming Lighting**
1. This regulation took effect immediately upon majority vote of the Planning Board members on January 4, 2010, and shall supersede and replace all previous regulations pertaining to outdoor lighting.
 2. All lighting lawfully in place prior to the effective date of the regulation on January 4, 2010 shall be grandfathered. A grandfathered fixture may be replaced with a similar fixture, but if the fixture is moved or relocated the requirements of this regulation must be applied.
- (G) **Authorization for Installation of Public Area and Roadway Lighting**
Installation of any new public-area and roadway lighting fixtures, other than for traffic control, shall be specifically approved by the Board of Selectmen.
- (H) **Notification Requirements**
The Town of Alton site plan application shall include a statement asking whether the planned project will include any outdoor lighting.

5.11 SPECIAL FLOOD PROTECTION PROVISIONS

- (A) If any portion of the property undergoing Site Plan Review is within the 100-year floodplain, the limit of the 100-year floodplain shall be depicted on the plan. If no portion of the property is within the 100-year floodplain, a note shall be placed on the plan stating that no portion of the property is within the 100-year floodplain.
- (B) All site plan proposals within the 100-year floodplain shall minimize potential flood damage, public utilities and facilities shall be constructed so as to minimize flood damage and adequate drainage shall be provided. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

1. all such proposals are consistent with the need to minimize flood damage;
 2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. adequate drainage is provided so as to reduce exposure to flood hazards.
- (C) All site plans shall conform to the requirements of Section 660 Floodplain Development Overlay District in the Zoning Ordinance.

5.12 SURFACE WATERS

- (A) Any project discharging into the surface water of the Town may require a Section 401 (Clean Water Act) discharge permit from the State, may require a Chapter 485-A:17 wetland permit from the State, and may require a Section 404 or Section 10 fill permit from the U.S. Army Corps of Engineers.
- (B) Any project with pipe discharge into surface waters of the Town must include a description of steps to be taken to avoid back flow of surface waters onto the site.
- (C) If water is discharged back into the bedrock well for geothermal applications, then the applicant must demonstrate that the discharge water is not contaminated and is in compliance with the standards and requirements of the New Hampshire Department of Environmental Services.

5.13 PROTECTION OF NATURAL AND HISTORIC FEATURES

- (A) Each significant natural feature within the site, including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features, shall be shown on the plan and preserved to the greatest extent possible. Planning Board approval shall be obtained before removal of such features. No stream, brook, river, wetland, lake, pond, or aquifer shall be adversely affected.
- (B) Each existing building or man-made structure, including stone fences, cemeteries, graveyards, old wells, cellar holes, old mill sites, etc. shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features shall not be altered, destroyed, or removed without Planning Board approval.

5.14 STORM WATER DRAINAGE AND EROSION CONTROL

- (A) An adequate surface storm water drainage system for the entire area shall be provided if required by Section 4.02 (G) 4. a. No increase in peak stormwater volume or velocity between pre and post-development conditions as measured at the subject property line is permitted, unless a certified written stormwater agreement/easement is provided. Plans for storm water drainage shall be completed by a NH Licensed Professional Engineer. The drainage system for the parking areas and driveways shall be designed assuming they are paved. No new drainage ways shall be created unless necessary easements are obtained. Such easements shall be

duly recorded on the plat and the property deeds involved. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines of the parcel upon which such development occurs, unless it is within an approved public storm drainage system.

Storm drains and other drainage facilities shall be based upon a design flow to accommodate a 25-year/24-hour storm. All watercourses shall be designed so as not to create erosive velocities. Calculations of runoff used to determine storm water system design shall be submitted for Planning Board review.

- (B) Provisions shall be made to accommodate the runoff caused by changed soil and surface conditions during and after development. Sediments in the runoff water shall be trapped until the disturbed area is stabilized. Erosion/sedimentation control structures shall be constructed prior to any on-site grading or disturbance of existing surface material.
- (C) A storm water system shall be constructed in accordance with the following requirements:
 - 1. The storm water system shall include an adequate number of appropriately sized catch basins and/or drop inlets and shall be fully designed to handle all computed or reasonably anticipated storm water drainage. The minimum size, slope, and location of the pipe shall be determined by a qualified engineer and installed under his/her supervision.
 - 2. No storm water pipe, catch basin, drainage inlet, or other pipe floor drain proposed to drain surface water shall be connected to any sanitary sewer system, pipe, or other part of said system. All storm water pipe shall be inspected and approved by an engineer before being covered.
 - 3. Water shall not drain from the site onto abutting properties, into roads, or into waterways in amounts exceeding existing pre-development levels unless a drainage easement can be obtained from the abutter.
- (D) A disturbed area of less than one acre may not need a plan, but must comply with accepted Best Management Practices.
- (E) A disturbed area of 100,000 square feet (or 50,000 square feet inside the protected shoreland pursuant to RSA 483-B) requires a Site Specific Alteration of Terrain permit from NH Department of Environmental Services.
- (F) Disturbed areas of one acre or more may also require a Phase II permit from the US Environmental Protection Agency.
- (G) All measures in the plan shall meet as a minimum the Best Management Practices set forth in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire".
- (H) Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.

- (I) Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.
- (J) The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.
- (K) Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.
- (L) Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.
- (M) Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 25- year, 24-hour storm event and for additional storm event frequencies as specified in the design criteria of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."
- (N) Priority should be given to preserving natural drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area.
- (O) 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 30 days unless conditions dictate otherwise.

5.15 FUMES, SMOKE, DUST, AND ODOR

- (A) The finished site development shall not generate or create undesirable and preventable elements of pollution such as smoke, soot, particulates or other discharge into the environment which might prove harmful to persons, structures, or adjacent properties or be in violation of State or Federal laws. Fumes, smoke, dust, and odors shall be managed so as not to diminish the use of adjacent properties or pose a potential health threat. Smoke stacks, exhaust fans, and vents shall be located so as to avoid disruption of adjacent properties.
- (B) The Board may require air sampling and/or technical studies at the applicant's expense to demonstrate that the proposed project complies with these standards.
- (C) Any project requiring Federal or State air quality permits must have obtained those permits, and must include one (1) copy of all submission data as well as a copy of the permit(s) as part of any final site plan approval or conditional approval.
- (D) The Board may require a monitoring program, paid for by the applicant, to assure continued compliance with these standards and any permit conditions.

5.16 HAZARDOUS AND TOXIC MATERIALS

The Board may require that a hazardous/toxic materials evaluation of the site be prepared for the Board by a qualified firm or individual, when in the Board's judgment there is reason to believe contamination of soil and groundwater by hazardous or toxic materials may exist on the site.

5.17 NOISE

- (A) The noise resulting from the use of a site shall not cause a nuisance and shall comply with the Alton Noise Control Ordinance.
- (B) No construction activities shall begin until 6:30 AM. This includes starting and idling Heavy Vehicles or Equipment and construction activities generating outside noise such as nail guns and jack hammers. Outside construction activities shall stop at or before 9:00 PM. The Planning Board may further limit outside construction site noise as a condition of site plan review approval.
- (C) Air conditioners, heat pumps, compressors, generators, fans, and other devices which produce noise shall be so located and screened as to meet the above noise standard, and so not to be visually offensive to adjacent property owners or as seen from public streets. Each site plan shall indicate the location of all such devices and include a brief description of how this standard will be met.

5.18 SCREENING

- (A) Appropriate screening/buffers, as determined by the Planning Board, are to be installed and maintained to provide privacy and noise reduction to residential properties abutting non-residential uses. Appropriate screening/buffers may include, but are not limited to, earth berms, solid privacy fencing, landscaping, setbacks, etc.
- (B) Waste collection facilities shall be provided on-site. Storage areas and waste collection areas shall be fenced or effectively screened by some other means from on-site and adjoining parking areas and from neighboring properties to the greatest extent possible. They shall be located in the rear or sides of the site and structure, whenever feasible.

5.19 SNOW HAZARDS

The Planning Board will examine the Site Plan to determine any danger related to the disposition or storage of snow. It shall be the developer's responsibility to eliminate snow hazards such as the potential of snow falling from roofs onto vehicles or pedestrians.

5.20 SNOW STORAGE AND REMOVAL

- (A) The site needs to provide adequate areas for on-site snow storage and/or off-site removal which are acceptable to the Planning Board. If snow is to be stored on site, storage locations must be shown on the site plan. Drainage systems must not be blocked by snow storage. Retention or detention systems shall be utilized to avoid rapid spring runoff from snow melt, to prevent sediment loading of drainage systems, surface waters, or wetlands, and to allow for the settling out of salts and other potential contaminants prior to leaving the site.

- (B) The Planning Board may permit snow storage within parking spaces that are required to fulfill the minimal parking requirements of the Zoning Ordinance. These snow storage areas need to be identified and approved as part of a final site plan review. Snow shall be stored and/or removed so as to allow the continued safe passage of vehicles into, out of, and through all travel lanes.
- (C) Snow shall not be stored so as to accumulate on adjacent properties or so as to result in spring flooding of adjacent properties or public ways.
- (D) Snow shall not be stored within required landscaped areas (excluding grass area) or where it will block sight distances at exit points.
- (E) If the Planning Board determines the on-site snow storage plan is not adequate, then the applicant shall make provisions acceptable to the Planning Board for off-site removal and storage of the snow.

5.21 FILLING/EXCAVATION

- (A) Applicable site plan applications must include a narrative of the amount (if any) of fill or excavation that will be required for the project. Filling of the site shall be carried out in a manner that will result in a suitable base for construction and in accordance with the following standards.
- (B) Fill material must be free of chemical contaminants, organic material such as stumps, branches, and cuttings, demolition debris such as building block, timbers, and siding materials.
- (C) Filling must be carried out in lifts subject to the recommendation of the municipal consulting engineer and compacted after each lift.
- (D) The applicant must demonstrate that proposed fill will not intrude on jurisdictional wetland or floodplain areas. If either is involved, the Board will not approve a site plan unless all appropriate Town, State, and Federal permits for such filling have been obtained.

5.22 UTILITIES

- (A) The Board may require a detailed analysis of existing utilities and the potential impact of the proposal upon them. Site plans shall not be approved which fail to demonstrate that there is sufficient capacity for all required utilities.
- (B) All utilities must comply with the applicable utility company construction standards. .
- (C) Where electric lines or other utilities are to be installed by a corporation or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
- (D) A layout indicating how the site will be served by electric, telephone, and any other public utility must be provided. If the utility company(s) requires an easement to provide service, no final approval shall be granted by the Alton Planning Board until such easements are secured. If no easements are required, a letter of intent to provide service from the utility company(s) must accompany the application.

5.23 OFF-SITE IMPROVEMENTS

- (A) Pursuant to RSA 674:21, V (j), it is the intent of the Town that the uses allowed by the zoning ordinance are permitted with the overriding condition that there be adequate capacity on the site and within the Town to absorb the impacts that such development may generate. The Town wants to protect itself from unsafe conditions, excessive public expenditure of funds, and usage demands beyond the capacity of the Town's road, water or drainage systems. The Planning Board may require the applicant at his/her expense to retain a consultant of the Planning Board's choice to study the need for any off-site improvements.
- (B) Planning Board Guidelines for Off-Site Improvements.
 1. The Board shall utilize objective factual data to determine what, if any, off-site problems will be associated with a proposed development, relative to highway, drainage, and water upgrades.
 2. If the Board determines that off-site deficiencies exist which must be improved as part of a proposed development, that the developer will not be able to correct those deficiencies, and that the payment of off-site improvement fees will not result in the correction of those deficiencies, the Board shall have the authority to deny the proposed development.

5.24 CRITERIA FOR DETERMINING DEVELOPMENTS OF POTENTIAL REGIONAL IMPACT

- (A) Development of regional impact means any proposal before the Planning Board which in the determination of the Planning Board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:
 1. Relative size or number of dwelling units compared with existing stock;
 2. Proximity to the borders of a neighboring community;
 3. Transportation networks;
 4. Anticipated emissions such as light, noise, smoke, odors, or particulates;
 5. Proximity to aquifers or surface waters that transcend municipal boundaries; and
 6. Shared facilities such as schools and solid waste disposal facilities.
- (B) If the Planning Board determines a project is a development of potential regional impact, then it shall be reviewed following the procedures outlined in RSA 36:56 and RSA 36:57.

5.25 RECREATION AREAS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

A Site Plan for Multi-Family Dwellings shall make adequate provision for on-site recreational Uses for the residents of the proposed Development. This will minimize the likelihood that public safety will be endangered by the extensive Use of internal roads and parking areas for recreation.

5.26 SIGNS

The number, size, location and type of Sign(s) shall conform to the Sign regulations in the Alton Zoning Ordinance, as amended.

5.27 OUTSIDE DISPLAY OR STORAGE OF MERCHANDISE INVENTORY AND MATERIALS USED IN A BUSINESS

Any outside areas used for the display or storage of merchandise inventory or materials used in the business shall not conflict with sidewalks, parking, drainage, landscaping, and sight distance and intersections. Depending on the location, the Planning Board may require screening from all or particular perspectives.

5.28 STUMP DUMPS

- (A) In accordance with RSA 149-M:1, all locations of on-site burial of stumps incidental to the clearing of land for site plans must be indicated on the formally approved final site plan.
- (B) The applicant must submit verification that this information has also been sent to the State Director of the Bureau of Solid Waste.
- (C) Under no circumstances shall stump burial locations be placed within seventy-five (75) feet of any public or private drinking water supply

5.29 WATER AREA SYSTEM SITING REQUIREMENTS

- (A) If an applicant intends to utilize Town of Alton water service he/she should make an appointment with the Alton Water Works Department to determine proper requirements and procedures. Plans must be submitted for review, if required. Written approval for allocation and hookup is required prior to Planning Board approval.
- (B) If an applicant is proposing a community water system, then the community water system shall comply with the requirements of the NH Department of Environmental Services.

5.30 DESIGN GUIDELINES

(A) Purpose

These General and Design Guidelines (Guidelines) are intended to encourage building architecture that is complementary to the community. Each application represents unique circumstances, challenges and opportunities that must be taken into account in both the design and review processes. It is intended that the Design Guidelines be administered with flexibility while trying to maintain consistency in order to encourage responsive, creative and innovative architectural designs.

As provided in the authorizing state statute for Site Plan Review (NHRSA 674:44, II (b)): "In order to "... provide for the harmonious and aesthetically pleasing development of the municipality and its environs, these building design guidelines are intended to help preserve the distinctive appearance of Alton, and implement a vision of the Town that has been expressed through the 2006 Master Plan Vision Chapter. The Planning Board believes that by implementing these Guidelines, the character of Alton will be preserved, the property values will be

maintained, and the community with benefit overall from aesthetically pleasing development.

(B) **Applicability**

1. It is the intent that these Guidelines shall apply only to non-residential and multi-family residential development.
2. In order to approve an Application for Site Plan Review, the Planning Board shall find that the application demonstrates substantial conformity with the following Guidelines.
3. Recognizing that every property, every proposal, and every situation is unique, the Planning Board may waive, modify, or soften any of the general and design guidelines herein as it reasonably deems appropriate, based upon the individual circumstances of any application.
4. No particular architectural style is stipulated and innovative, contemporary, and distinctive designs are encouraged, provided they are respectful of general design principles and context.

(C) **General Guidelines**

An application is considered to meet the aesthetic considerations of these Guidelines if the Planning Board, in its judgment, determines that the application demonstrates reasonable overall conformity with the Purpose, above, and the Guidelines that follow.

1. The proposed building design demonstrates sensitivity towards and is complementary of, the architectural heritage of Alton, New Hampshire.
2. Some places in Alton contribute to the landscape character of the community and region because of their location and scenic qualities. Many such properties and approaches act as gateways, providing first impressions and reinforcing Alton's sense of place. Consideration should be given towards complementing these resources through the careful siting of new buildings, and the application of the Guidelines
3. Buildings should be compatible with traditional New England architecture. They should be articulated to express an architectural identity, will be handsome and dignified and significant enough to be worth saving into the future.
4. The reuse of existing structures that have special architectural, historical, cultural, or contextual value by the applicant is strongly encouraged.
5. Modifications and additions to existing buildings should be harmonious with the character of the existing building when the existing building would reasonably be considered to be in general conformance with the goals of these guidelines.
6. Buildings should possess an overall integrity. Architectural details should not give the impression of being tacked on but rather should be integral to the overall design. (For example, use of undersized shutters on a picture window or installation of an elaborate classical portico or cupola on an otherwise clearly utilitarian big box would be discouraged.)

7. It is recognized that many national and regional chain businesses seek to build a standard design across the country or region without regard to local conditions. However, the Planning Board will evaluate all proposed designs for their compatibility with our own local community character and for conformance with the purpose of these regulations. It shall be the obligation of the applicants to develop designs that are compatible with our community character; the Town of Alton need not make adjustments to accommodate these template designs.

(D) **Design Guidelines**

The purpose of these Guidelines is to encourage architecture that draws its inspiration from traditional New England examples. Building design should reinforce a human scaled environment through careful consideration of architectural forms, massing, detailing, number and use of materials, and color. The Planning Board strongly encourages consideration of these design elements.

1. Building Orientation

- a. How a building is positioned or located on a site can complement or detract from the site and/or the architectural character of the surrounding area.
- b. The orientation of proposed buildings should take into consideration building setbacks, spacing between buildings and alignment of building(s) as evidenced in the development pattern of the surrounding area;

2. Building Scale and Proportion

- a. Building elevations, scale, massing and the proportional relationship between structures can complement or detract from the architectural character of the surrounding area.
- b. The scale and proportion of proposed buildings should take into consideration the scale and proportion of buildings as evidenced in the development pattern of the surrounding area.
- c. Visual conflicts between properties should be minimized.

3. Massing

- a. The physical bulk or mass of buildings, particularly larger or elongated ones, can either enhance or detract from the architectural character of the community.
- b. Structures should be carefully designed to break up their mass into smaller visual components providing human scale, variation and depth.

4. Building Façade

- a. Facades for new or renovated structures should provide visual interest from all visually accessible sides.
- b. Windows, doorways and architectural detailing and patterns should complement the building form and historical context.
- c. Facades should be designed to establish a complementary relationship with other site considerations such as

pedestrian scale and orientation, signage, landscaping and lighting.

5. **Architectural Details**

- a. Architectural features and details such as cornices, corner trim, doorways, entrances, windows/trim, awnings, dormers, balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches etc., can provide or enhance visual interest, provide a pedestrian scale and help mitigate negative effects of building mass.
- b. Architectural features and details should be considered in every building design.
- c. Traditional features and details associated with Alton's architectural heritage are strongly encouraged; are among the details to be considered and encouraged.
- d. All features and details should be in proportions with the building.

6. **Roofs & Rooflines**

- a. Rooflines can provide visual interest and help to reduce the mass of a building.
- b. Variation in detail, form and siting shall be used to provide visual interest.
- c. Type, shape, pitch and direction of roofs should be considered in the design.
- d. Traditional roofline types such as gabled, hipped, and gambrel that are evidenced in Alton's architectural heritage are strongly encouraged. Shed and barn style roofs are also acceptable.
- e. Monotony of design or warehouse style structures shall be avoided. In order to prevent the construction of warehouse style buildings (i.e. long horizontal roof lines often with flat roofs), all new buildings and additions are encouraged to have pitched roofs or gabled roofs, where practical.
- f. Roofs are encouraged to have appropriate overhangs.
- g. Dormers are encouraged.

7. **Materials, Texture and Color**

- a. Exterior building materials, texture and colors should be treated as significant design elements that help define the appearance of a structure and create visual interest.
- b. The use of traditional materials that are consistent with Alton's vernacular or indigenous architecture, or materials having the same visual effect, are strongly encouraged.
- c. Consideration should be given to the materials, textures and colors used in the neighborhood.
- d. Subtle, neutral colors should be used on larger, plain buildings.
- e. Paint colors should relate to the natural colors of building materials, such as brick, stucco, etc.

- f. Complimentary colors on architectural details are encouraged, as are historic colors.
 - g. Bright, franchise colors are discouraged.
 - h. Exterior surfaces of building should be covered with traditional materials or products which simulate natural materials, including but not limited to clapboards, shingles, stone, brick, or architectural concrete masonry units.
 - i. Exposed plain cinder block, corrugated steel, sheet plastic, or sheet fiberglass are not acceptable.
 - j. Pitched roofs should be constructed of shingles, metal roofing, or other materials traditionally used in this region.
8. **Entrances**
Articulation of the entrance is encouraged through the use of a portico, canopy, awning, sidelights, surround, or other device.
9. **Awnings**
Brightly colored or illuminated franchise type awnings are not acceptable. Awnings may be made of transparent materials (glass or clear Plexiglas type products). Awning covers designed for shade should be made of fabric or simulated fabric-like material.
10. **Windows**
- a. Windows should be incorporated on front and side facades to humanize the building.
 - b. It is preferable that the windows be vertical instead of horizontal. The width of the window is preferably $\frac{2}{3}$ of the height.
 - c. The use of large picture-type windows for first-floor retail uses is strongly encouraged.
 - d. Windows may be used for either interior illumination or for display purposes.
11. **Building Renovation or Addition**
Where an existing building has features that are consistent with the Guidelines, proposed renovations or additions should be designed to respect the proportions, patterns, detailing, materials, etc., of the original building. Where the existing building does not have features that are consistent with the Guidelines, the owner/applicant is encouraged to upgrade the structure to meet the Guidelines.
12. **Fencing**
Fences made of traditional New England materials are encouraged. (i.e. picket, split rail, wrought iron, brick, stone). Chain link security fences may be allowed where appropriate, but their use is generally discouraged.
13. **Signs**
- a. Signs should be designed to meet the needs of individual uses while complementing the building, the site and its surroundings.
 - b. The design of building-mounted signs should complement, not detract from the architectural features of the building.

- c. Signs should be scaled to the architectural elements that surround it.
 - d. Consideration should be given to sign form, color, lighting and materials that are compatible with the building and its surroundings;
14. **Design Continuity**
 Each building design, from the simple to the complex, requires the coordination of multiple design elements such as architectural style, form, massing, materials, detailing, etc. The proposed building design shall demonstrate coordination of design elements and an overall design continuity

SECTION 6 - PERSONAL WIRELESS SERVICE FACILITIES ORDINANCE

6.01 Purpose:

It is the goal of the Town of Alton to protect the public health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses. The purposes of these regulations are to:

- (A) Facilitate wireless communication services to the residents and businesses of the Town of Alton.
- (B) Minimize adverse visual impacts of wireless communications facilities through design and siting standards.
- (C) Encourage the location of facilities in non-residential areas.
- (D) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
- (E) Discourage proliferation of antenna support structures through sharing requirements.
- (F) Minimize the detrimental economic impacts on adjacent property values.
- (G) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

6.02 Regulations:

Please refer to Section 603 of the Alton Zoning Ordinance for the regulations applicable to Personal Wireless Service Facilities.

6.03 Application Submittal Requirements:

In addition to the information required for site plan review applications specified elsewhere in these regulations, development applications for wireless communications facilities shall include the following information:

- (A) A report from a qualified professional engineer which:
 - 1. Specifies the facility's height and design including a cross section and elevation;
 - 2. Documents the height above grade for all potential mounting positions for co-located antennas, and the minimum separation distances between antennas;

3. Describes the antenna support structure's capacity, including the number and type of antennas that it can accommodate;
 4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 5. Documents that the site analysis included at least two (2) other sites and the reasons the sites were not adequate for the wireless communications facility. The analysis should also demonstrate that the proposed location is beneficial to both the Town of Alton, and the applicant.
 6. Includes an engineer's stamp and registration number.
- (B) For all wireless communication service towers, a letter of intent committing the owner and his or her successors an interest to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- (C) The following items shall be submitted as part of any application (at the Planning Board's option they may be submitted as part of precedent conditions on any approval, prior to issuance of a building permit):
1. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);
 2. Proof of compliance with applicable Federal Communications Commission Regulations;
 3. A report from a qualified professional engineer which demonstrates the facility's compliance with Alton's structural and electrical standards (to be submitted to the Code Official); and
 4. An agreement between the facility owner, property owner, and the Town of Alton the abandonment procedures as stated in the Zoning Ordinance.
- (D) The following supplemental information:
1. Locations, uses, and approximate size and height of all buildings and structures within five hundred (500) feet of the proposed wireless communication facility;
 2. Elevations of all facades, indicating exterior materials and color of the facility; and
 3. Plans shall be drawn at the scale of one (1) inch equals fifty (50) feet.
- (E) Independent Evaluation:
The Planning Board requires, at the expense of the applicant, an independent evaluation of any wireless communications facility proposals, by a qualified licensed professional engineer selected by the Planning Board.

SECTION 7 - EFFECTIVE DATE

These regulations, and any amendments thereto, shall take effect upon their adoption, and all other site plan review regulations or parts thereof inconsistent therewith, are hereby repealed and replaced. Upon enactment, these regulations shall be signed by the Chairman of the Board or its designee, filed with the Alton Town Clerk and filed with the Office of Energy and Planning.

These Site Plan Review Regulations were originally adopted by majority vote of the Planning Board on May 14, 1984.

The most recent amendments to the Site Plan Review Regulations were adopted by majority vote of the Planning Board on _____, 2012.

Planning Board Chair

Planning Board Vice-Chair

Planning Board Member

Planning Board Member

Planning Board Member

Planning Board Member

Planning Board Member

APPENDIX A

SUGGESTED FORM OF ACCEPTABLE IRREVOCABLE LETTER OF CREDIT

Board of Selectmen
Town of Alton
1 Monument Square
Alton, N.H. 03809

Dear Town Officials:

RE: _____ Site Plan

By this document, the _____ Bank (hereinafter "issuer") hereby issues an irrevocable letter of credit in the amount of \$_____ to the Town of Alton on behalf of _____ (hereinafter "developer"). This irrevocable letter of credit is issued to guaranty completion of all improvements required by the Alton Planning Board and the Town of Alton Site Plan Review Regulations in conjunction with a site plan entitled "_____", dated _____, prepared by _____, and approved by the Alton Planning Board on _____.

It is understood that the improvements guaranteed by this irrevocable letter of credit include but are not limited to the following:

- 1.
- 2.
- 3.

These improvements shall be completed by_____.

It is agreed and understood by the issuer of this letter of credit that it shall be issued for a period of ____ months. If all improvements guaranteed by this letter of credit are not completed by _____(date) and if an Certificate of Occupancy Permit indicating completion of all improvements has not been issued by the Town of Alton Board of Selectmen, then this letter of credit shall be automatically considered to have been called and without further action by the Town of Alton or its Board of Selectmen, the _____ Bank shall forward a check in the amount of \$_____ to the Treasurer of the Town of Alton. The funds so forwarded to the Town Treasurer shall be used exclusively for the purpose of completing the improvements which are guaranteed by this letter of credit.

Any funds not needed by the Town to complete improvements required by the site plan referred to above shall be returned to the _____ Bank.

(Signature of Bank Official)

Date

I have read this letter of credit and agree to its terms.

(Signature of Developer)