

SITE PLAN REVIEW



REGULATIONS

***Town of Gilmanton, New Hampshire
Planning Board
PO Box 550
503 Province Road
Gilmanton, NH 03237
Tel: (603) 267-6700
Fax (603) 267-6701***

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SITE PLAN REVIEW REGULATIONS

SECTION I. AUTHORITY

Pursuant to the authority vested in the Planning Board by the voters of the Town of Gilmanton on and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Gilmanton Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multi-family dwelling units (more than two units), whether or not such development includes a subdivision or re-subdivision of the site.

SECTION II. PURPOSE

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

SECTION III. SCOPE OF REVIEW

Whenever any development or change or expansion of use of a site is proposed or whenever any changes are proposed that differ from an existing site plan as previously approved by the Planning Board or before any construction, land clearing, building development or change is begun and before any permit for the erection of any building or authorization for development on such site shall be granted, the owner of the property or his authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation.

The Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan Review. Where there is any doubt as to whether or not a project requires Site Plan Review, the affected party should request a determination from the Board.

A. General

Subject to the exceptions stated below, these regulations apply to any of the following actions, regardless of whether the action includes a subdivision or re-subdivision of the site:

- (1) Any new commercial, industrial, multi-family development of land (including, but not limited to, the construction of any building, any addition to a building, any other structure, or parking areas).
- (2) Any Change of Land Use, as described below.
- (3) Any expansion of the physical size of an existing nonresidential land use.

B. Change of Use

A "Change of Land Use" occurs when there is a change in the quality, character, or intensity of the use of a building or site, such that there is likely to be a noticeable impact on the neighborhood or the town. A Change of Land Use may occur even though the general classification of use remains the same and even if the proposed change does not involve construction. A Change of Land Use is determined from the most recent use to the proposed use. The standards of review listed in Article V of these regulations also indicate the kinds of impacts that would be considered in determining whether a Change of Land Use would occur.

1. The following are examples of Changes of Land Use:
 - (a) A gas station succeeding a hardware store.
 - (b) A professional office succeeding a retail store.
 - (c) A commercial parking lot succeeding unused land.
 - (d) A "pick-your-own" produce farm succeeding a hayfield.
2. The following are examples that would not ordinarily be considered changes of use:
 - (a) One retail store succeeding another.
 - (b) A real estate office succeeding an insurance agency.
 - (c) One restaurant succeeding another.

However, even in these examples, there may be a Change of Land Use if there is a substantial change in the character, quality, or intensity of use. For example, an adult nightclub succeeding a breakfast cafe is a Change of Land Use, even though both may be called "restaurants" because they serve food. Similarly, a used car dealership succeeding a flower shop is a Change of Land Use, even though both may be called "retail stores" because they sell goods to consumers. In contrast, a record store or clothing store

succeeding a book store, or one pizzeria succeeding another, would not be a Change of Land Use, except in unusual circumstances.

All determinations as to whether a project involves a Change of Land Use will be made by the Planning Board, or their designee. In order to make this determination, a Request for Change of Tenancy/Change of Use form shall be submitted to the Planning Department for approval prior to occupancy. Such decisions do not require a public hearing.

C. Activities Not Subject to Site Plan Review

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

SECTION IV. DEFINITIONS

Unless otherwise defined herein, definitions contained in the Gilmanton Zoning Ordinance and the Subdivision Regulations shall apply to these Regulations.

SECTION V. APPLICATION PROCEDURE

A. Receipt of Application; Notice.

1. Upon receipt of an application for Site Plan Review, a preliminary determination of the completeness of the application will be made. If the application appears to satisfy the minimum requirements set forth in Section VI, the application will be placed on the agenda for a public hearing for the first meeting of the Planning Board scheduled to occur according to the published application deadline schedule, after the date the application is received and a preliminary determination for completeness has been made. [See RSA 676:4, I(b).]
2. When any application is scheduled for a public hearing before the Planning Board, the clerk or other designee will send notice by certified mail to the applicant, all abutters, all holders of conservation preservation or agricultural preservation restrictions, and every licensed professional whose seal appears on any Plan submitted with the application, stating the date upon which the application will be formally submitted to the Board. Notice will be mailed at least 10 days before the meeting at which the application is to be submitted. Notice to the public will be given by posting such notice as required by law. The notice will include a general description of the proposed project and will identify the applicant and the location of the project. [See RSA 676:4, I(d).]

3. All costs of notice, whether mailed, posted or published, will be paid by the applicant prior to any public hearing, and no application will be deemed complete until such costs are paid.
4. The Planning Board may choose to arrange a visit to the site with the applicant at any time after the filing of the application. The applicant will cooperate by allowing access to the site at a time reasonably convenient to both the applicant and the Board. All applications are subject to the applicant allowing access to the property to the extent reasonable and necessary to permit proper review of the application.
5. Any site inspection at which a quorum of the Planning Board is present will be deemed a public meeting subject to all provisions of the Right-to-Know Law, RSA 91-

B. Determination of completeness; developments of regional impact; notice of public hearing.

1. A formal submission of the application will be made at the meeting of the Planning Board scheduled for such submission pursuant to Article IV, 203- 11. Upon receipt of the application at that meeting, the Planning Board will determine whether the application is complete [RSA 676:4, I(b)]. An application will be deemed incomplete if it does not satisfy the minimum requirements of Section VI, or if the Board determines that additional information is required as provided in Section VI. C. and the application does not contain such additional information. If possible, the applicant will be given an opportunity at that meeting to provide any additional information required to make the application.
2. If the Board determines that all required information has been provided, the application will be deemed complete.
3. At the same time, the Board will determine whether the application, if approved, would result in a Development of Regional Impact, as defined in RSA 36:55. If the determination is in the affirmative, the Board will comply with the procedures set forth in RSA 36:57.
4. If the Board determines that the application is incomplete and the applicant fails at that meeting to provide the additional information required to make the application complete, the Board will notify the applicant in writing within 72 hours of the reasons for the determination of incompleteness. [RSA 676:3, II; 676:4, I(c)(1)].
5. The Board will not be deemed to have received a completed application sufficient to invoke its jurisdiction until it determines that the application is complete. If the Board determines that the application is complete, it will either immediately proceed to hold a public hearing on the application, if notice has previously been

given that a public hearing may commence at that meeting; or schedule a public hearing on the application not more than 30 days after the determination of completeness. [RSA 676:4, I(c)(1)]

C. Hearing on complete applications

At the public hearing scheduled in accordance with the preceding section, the Planning Board will hear testimony from the applicant and any consultants, experts, and agents employed by the applicant. The Planning Board will also allow questions by members of the Board, questions from abutters and other residents.

[See RSA 676:4, I(e).]

D. Approval or disapproval of plan.

The Planning Board must act to approve, conditionally approve, or disapprove the Site Plan within 65 days after the determination of completeness under Section VI. The Planning Board may apply to the Selectmen for an extension, not to exceed an additional 90 days, before acting on the application. The applicant may waive the requirement of the Planning Board action within these time periods and consent to any extension that is mutually agreeable. [See RSA 676:4, I(c)(1),(f).]

1. Approval.

The Planning Board will approve the Site Plan if all of the requirements in Section VI. are determined to be satisfied or waived.

2. Conditional approval.

The Board may grant “conditional” approval of the Site Plan if all of the requirements of Section VI will be satisfied or waived upon the fulfillment of certain conditions, but only when the conditions are:

- (a) Minor Site Plan changes, whether or not imposed by the Planning Board as a result of a public hearing, if compliance with such changes is administrative and does not involve discretionary judgment;
- (b) Conditions which are in themselves administrative and involve no discretionary judgment on the part of the Board; or
- (c) Conditions regarding the granting of permits or approvals by other boards or agencies.

All other conditions will require a hearing and notice as provided in this Regulation, except that additional notice will not be required of an adjourned session of a hearing

with proper notice if the date, time and place of the adjourned session are made known at the prior hearing. [See RSA 676:4, I(i).]

3. Disapproval.

The Planning Board may disapprove a Site Plan that is determined not to satisfy all of the requirements of this Regulation. In the event of disapproval, the ground or grounds for the disapproval will be adequately stated in the records of the Planning Board and will be provided in writing to the applicant within 72 hours.

E. Inspections and Consultants

Responsibility of applicant for costs of consultants and investigations.

Throughout the process of consideration of the Site Plan application, the Planning Board may consult with licensed professionals and other consultants. The applicant will be required to pay all fees incurred by the Planning Board for such consultants and for any investigations, studies, or reviews in connection with the Site Plan application. The Planning Board may require the applicant to pay the estimated costs for such consultants and investigations in advance at one or more times after the Site Plan application is filed. The applicant will be notified in writing of this determination and the amount of the estimated costs.

F. Expedited Review

1. The Board may provide for an expedited review of minor site plans. Criteria the Board will use to determine whether an application qualifies as a minor site plan include, but are not limited to, the following:
 - a. When there is no new construction.
 - b. When site impacts are not expected to be significant, in terms of traffic, noise, parking, lighting, etc.
2. Under the expedited review procedure, the Board may waive certain submission requirements, such as the need to have a surveyed/engineered plan. The Board's expectation is to have, at a minimum, a base plan drawn by a surveyor/engineer showing existing conditions and proposed changes.
3. A completed application shall consist of the following items unless a written request for waiver(s) is granted by the Board:

a. Completed application form, accompanied by:

1. Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
2. Names, addresses and seal of all persons preparing the plat, as applicable;
3. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
4. Application and notification fees;
5. Five paper copies of the Plat.

b. Plat Submission Items

1. Name of project or identifying title; names and addresses of owners of record; and tax map and lot number.
2. North arrow, date of the plat, scale appropriate to the scope of the development; name and address of person preparing the plat; signature block for Planning Board approval.
3. Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets; and the zoning district(s).
4. Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets; and copy of any driveway permit(s).
5. Location and total number of parking spaces; loading spaces and other similar facilities associated with the use.
6. The location, type, and nature of all existing and proposed exterior lighting and signage.
7. Base flood elevations and flood hazard areas, based on available FEMA maps.
8. Reference note for any ZBA Decisions, noting all approval dates and conditions.
9. Any other information deemed by the Planning Board as necessary to make an informed decision.

G. Conceptual Review

Prior to formal application for Site Plan approval, an applicant, or the authorized agent, may request an informal consultation under RSA 676:4 II (a) with the Board to discuss the proposal and preliminary concepts associated with the proposed development, and to provide the Board an opportunity to provide its input in order to assure conformance with current regulations.

1. This consultation shall neither bind the applicant nor the Board.
2. This consultation shall be limited to conceptual discussions related to the desirability of the proposed development.
3. This consultation shall occur only at a regular or special meeting of the Board

4. This consultation shall require formal abutter notification via U.S. Mail (noncertified).
5. Plan review under this section shall not constitute a completed application, nor formal acceptance by the Board under RSA 676:4, I (c); nor shall any plans submitted for conceptual consultation be deemed to be a completed application under that section.
6. For Conceptual Consultation, an applicant shall provide information sufficient for the Planning Board to give meaningful comments. Six (6) copies of the concept plan shall be submitted, along with the completed Site Plan Application, an abutter list and one set of abutter labels.

SECTION VI. SUBMISSION REQUIREMENTS

A completed application shall consist of the following items unless a written request for waiver(s) is granted by the Board:

A. Completed application form, accompanied by:

1. Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
2. Names, addresses and seal of all persons preparing the plat, as applicable;
3. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
4. Application and notification fees;
5. Five paper copies of the Plat, prepared according to the standards of the NH Land Surveyors Association and the County Register of Deeds, as follows (Note every requirement will be needed in every case, applicant should discuss with Staff to tailor requirements to project specific issues):
 - a. Plats shall be at any scale between 1"= 20' and 1"=400'.
 - b. The outside dimensions of the plat shall be 8 1/2" X 11", 11" X 17", 17" X 22", or 22" X 34", or as may be otherwise specified by the County Registry of Deeds.
 - c. The material composition shall be suitable for electronic scanning and archiving by the Registers of Deeds.
 - d. All plats shall have a minimum 1/2" margin on all sides.
 - e. All title blocks should be located in the lower right hand corner, and shall indicate:
 - 1) type of survey
 - 2) owner of record
 - 3) title of plan
 - 4) name of the town(s)
 - 5) tax map and lot number
 - 6) plan date and revision dates;
 - 7) letter of authorization from the owner, if the applicant is not the owner of record.

B. Plat Submission Items

- 1.** Name of project or identifying title; names and addresses of owners of record; and tax map and lot number.
- 2.** North arrow, date of the plat, scale appropriate to the scope of the development; name and address of person preparing the plat; signature block for Planning Board approval.
- 3.** Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets; and the zoning district(s).
- 4.** Physical features and uses of abutting land within 200 feet of the site.
- 5.** Boundary lines, their source, approximate dimensions and bearings, and the lot area in acres and square feet.
- 6.** The shape, size, height, location and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
- 7.** Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site. New roads shall be constructed in accordance with the provisions contained in the Gilmanton Subdivision Regulations.
- 8.** Final road profiles, center line stationing and cross sections.
- 9.** Location of existing and proposed sidewalks and driveways, with indication of direction of travel for any which are one-way. Both vehicular and pedestrian circulation shall be shown.
- 10.** Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets; and copy of any driveway permit(s).
- 11.** Location and total number of parking spaces; loading spaces and other similar facilities associated with the use.
- 12.** A landscape plan, describing the number, location, types, and size of all existing and proposed landscaping and screening.
- 13.** The location, type, and nature of all existing and proposed exterior lighting and signage.
- 14.** Water courses, ponds, standing water, rock ledges, stone walls; existing and proposed foliage lines; open space to be preserved; and any other man-made or natural features.
- 15.** The size and location of all existing and proposed water lines, sewers, culverts, proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
- 16.** The location and distance to any fire hydrants and/or fire ponds.
- 17.** Existing and proposed topographic contours (two foot).
- 18.** Soil and wetland delineation by a Licensed Wetland Scientist; plans shall be stamped.
- 19.** Location of existing and proposed well, with 75-foot radius on its own lot.
- 20.** Copy of certification by a licensed septic designer that an existing system is adequate to meet the needs of the proposed use.
- 21.** Location of any existing or proposed easements, deed restrictions, covenants.
- 22.** Base flood elevations and flood hazard areas, based on available FEMA maps.

23. Reference note for any ZBA Decisions, noting all approval dates and conditions.

C. Other

1. Plan for Stormwater Management and Erosion Control, if applicable (Per Subdivision Regulations, Section VII E).
2. State subdivision approval for septic systems; septic design approval where applicable; or certification by septic designer of adequacy of existing system.
3. Alteration of Terrain Permit from NH Department of Environmental Services.
4. State/Town driveway permit, as applicable.
5. Report from the Fire Chief, Police Chief, and/or Town Conservation Commission.
6. Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board's counsel.
7. Any other state and/or federal permits.
8. An impact analysis may be required, which takes into account the following items to the extent the Board deems applicable:
 - a) *Demographic Description*
 - b) *Community Facilities Impacts [no impact fees]*
 - c) *Environmental Impacts*
9. Any additional reports or studies deemed necessary by the Board to make an informed decision. Should the Board determine that some or all of the above-described information is to be required; the applicant will be notified in writing within ten (10) days of the meeting at which the determination was made.

D. "As Built" Plans

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

SECTION VII. Inspections and Consultants

A. Responsibility of applicant for costs of consultants and investigations.

Throughout the process of consideration of the Site Plan application, the Planning Board may consult with licensed professionals and other consultants. The applicant will be required to pay all fees incurred by the Planning Board for such consultants and for any investigations, studies, or reviews in connection with the Site Plan application. The Planning Board may require the applicant to pay the estimated costs for such

consultants and investigations in advance at one or more times after the Site Plan application is filed. The applicant will be notified in writing of this determination and the amount of the estimated costs.

SECTION VIII PERFORMANCE GUARANTEE

- A. As a condition of approval, the planning board may require the posting of a performance guaranty in the form of a surety or cash bond or a letter of credit in an amount sufficient to defray the costs of construction of public streets and public utilities; along with planned erosion control/methods planned for the site. The amount of the surety or cash bond or letter of credit shall be based on an estimate of costs provided by the applicant; the amount of the surety or cash bond or letter of credit shall also include fees to cover the cost of periodic inspections. At the discretion of the Planning Board, the estimate of costs shall be reviewed by a licensed engineer retained by the Board. If the engineer determines the estimate provided by the applicant is too low, the Board may adjust the amount of the surety or cash bond or letter of credit to reflect estimate recommended by the engineer. All costs of such review shall be paid by the applicant.
- B. The surety or cash bond or letter of credit shall be approved as to form and content by the Board. The party providing the surety or cash bond or letter of credit must be approved by the Board, and it may ask for additional information regarding the party in order to make a decision. Where electric lines or other utilities are to be installed by a corporation or public utility, a letter of intent shall be required stating that the work will be done in a reasonable time and without expense to the Town. Each approved plat shall contain a time limit for the completion of all improvements. The performance guarantee shall be released in phases as portions of the improvements or installations subject to the guaranty are completed and approved by the Board or its designee, in accordance with the plan approved by the Board.

SECTION IX. GENERAL STANDARDS

- A. Design of development** should reasonable fit the existing natural and manmade environments:
 - 1. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped, as delineated in a landscape plan.
 - 2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or newly installed ground cover, shrubs, or trees where appropriate.
 - 3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting landowner is obtained.

B. Illumination:

1. Outdoor lighting shall not glare on abutting properties or on public highways or streets. Where applicable, cut-offs to all light fixtures shall be required.
2. Outdoor lighting is restricted to that which is necessary for advertising and security of the property.
3. Use of down directional lighting with timers or motion sensors shall be required.

C. Pedestrian Safety:

Where the Planning Board deems it necessary, sidewalks shall be provided for pedestrian traffic to provide connection between the main entrances of business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provision shall be made for sidewalks.

D. Off-street Parking and Loading Requirements:

Traffic and Parking: All adequate traffic access, circulation and parking must be provided to ensure the safety of vehicles and pedestrians. Criteria for such a determination shall include, but need not be limited to, the following:

1. Access to public streets must meet the requirements of the New Hampshire Department of Transportation and/or the Town Road Agent.
2. New roads proposed for public use shall be constructed to the standards contained in the Gilmanton Subdivision Regulations.
3. In the event that shoppers, employees, and/or residents are anticipated to require pedestrian access from the street, provisions shall be made for sidewalks running from the street side to the establishment. Sidewalks shall be provided for pedestrian traffic to provide connection between the main entrances of business, housing or industrial establishments and parking areas.
4. Sufficient off-street parking must be provided for the anticipated use to accommodate employees, customers and/or residents so that no parking is forced onto public streets.

Where one structure has combined uses, the requirement for parking shall be met separately for each use. Where there is a conflict amongst various categories, the strictest requirement shall be followed.

Minimum parking requirements shall be based upon the following:

a. Rest/Convalescent Home/Assisted Living.	45 space per bed
b. Inn, Motel, Boarding House	1 space per room plus 1 space per 3 employees plus additional requirements for other uses over 100 s.f.
c. Light Manufacturing	0.83 space per KSF ¹
d. Medical Office	3.52 spaces per KSF
e. Office Buildings, Banks,	1 space per 200 s.f. of gross and Professional Services floor area (gfa) (lawyer, doctor, accountant, real estate or insurance office)
f. Multi-family Housing	1.52 spaces per unit
g. Retail, Commercial or Service Business (beauty shop, appliance repair, etc.)	4 spaces per KSF
h. Multi-family (Elderly) Housing	1.25 sp. per unit
i. Restaurant	.55 sp. per seat
j. Marina	1 sp. per 4 boat slips, plus 1 sp. per employee
k. Church or Community Building	1 sp. per every 3 seats (bench capacity is computed at 1 seat per 20 inches) or 50 s.f. of assembly room space.
l. Public Private School, Pre-school Center Elementary and Jr. High	1 space per staff member plus 2 spaces per 10 children. 2 space per classroom plus additional as per this subsection (k.).

¹ KSF = per 1,000 square feet of space.

Sr. High or Equivalent

1 space per 8 students

Advanced Education

Based on Planning
Board Review.

For any use other than those specifically mentioned in Subsection D.4, the parking requirements shall be as for the closest similar use as determined by the Planning Board.

Each parking space shall contain minimum of 180 sf. The arrangement of parking spaces shall be approved by the Planning Board.

All automobile parking areas shall be reviewed according to the suggested design layouts in Table 1.

5. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvers for parking and/or loading or unloading must not take place from a public street.
6. Access, parking and loading areas shall be constructed so as to minimize dust, erosion, and run-off conditions that would have a detrimental effect on abutting or neighboring properties.

TABLE 1

<u>Angle to Drive</u>	<u>Min. Stall Width</u>	<u>Min. Stall Length</u>	<u>Min. Aisle Width</u>
0	9	23	15
30	9	21	15
45	9	20	15
60	9	20	18
90	9	18	22

7. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvers for parking and/or loading or unloading must not take place from a public street.
8. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and runoff conditions that would have a detrimental effect on abutting or neighboring properties.

9. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate runoff; however, the Board may require that access, parking and loading areas be conventionally paved, if deemed appropriate.
10. In site plans of more than one (1) use, the aggregate number of parking spaces shall be apportioned based on the various uses, with respective areas designated on the plan.

E. Landscaping/Screening:

1. **Landscaping:** Adequate landscape buffers, landscaping fencing and/or screening may be required to protect adjoining properties and public roads from the impact of commercial or multi-family developments on the site, including but not limited to, appearance, heat, wind, run-off, glare, smoke, noise, or other environmental effects of such development. Landscape buffers, landscaping and/or screening are to also be provided to improve the attractiveness of the site. Criteria for such a determination shall include, but need not be limited to the following:
 - a. Sufficient landscape buffers, landscaping and/or screening shall be provided to reduce noise and provide privacy between proposed development and abutting properties. Landscape buffers shall contain vegetation and if necessary, fencing to screen the site from abutting properties during both summer and winter months in widths according to Table 2. Natural vegetation retained on the site can meet this requirement if of sufficient maturity and quality, as determined by the Planning Board.

**TABLE 2
MINIMUM LANDSCAPE BUFFER WIDTHS**

	Single Family Dwelling	Neighboring Multi-family	Low Impact Development	High Impact Development
Single Family Dwelling	None	20'	30'	40'
Multi-family Dwelling	20'	20'	30'	40'

Low Impact Development	30'	30'	10'	20'
High Impact Development	40'	40'	20'	10'

Low Impact Development: A commercial or industrial use that operates in a manner that, in the opinion of the Planning Board, will have a minimal impact on abutting properties due to noise, hours of operation, lighting and traffic volume.

High Impact Development: Projects deemed by the Planning Board as having a potential negative impact on abutting property due to noise, hours of operation, lighting or anticipated traffic volume.

Vegetation Units: One evergreen tree (minimum six feet tall) or one shade tree (minimum 2.5 inch caliper) equates to one vegetation unit; ornamental trees (minimum 2 inch caliper) equates to five units and shrubs minimum 18 inches tall) equate to one unit.

- b. If not comprised of natural vegetation, the landscape buffer shall contain a minimum of 60 vegetation units per 100 linear feet chosen to suit the use and characteristics of the site and desired function of the buffer in the neighborhood. Trees shall be planted/arranged in a manner to provide a strong visual buffer to the adjoining property.
- c. Adequate landscaping areas shall be provided between the site and public highways or streets in beds with a minimum width of ten (10) feet . A minimum of four (4) trees or forty (40) vegetation units (as defined in paragraph E.1) per one hundred linear feet of road frontage (or portion thereof) will be planted.
- d. Adequate interior landscaping, islands and strips covering a minimum of 5% of the parking lot area shall be provided in parking areas of more than twenty 20 spaces.
- e. Species and planting methods should be suitable to the site conditions and support long-lasting, healthy, attractive plants. **Invasive, exotic species shall not be used.** If any plants die they must be replaced at the owner's expense. Plants should be mulched with two inches of bark or other mulch to retain moisture.
- f. Garbage collection and storage areas shall be screened.
- g. Outdoor lighting shall be down-directional and not glare on abutting properties or on public highways or streets.

F. Street Access/Traffic Pattern:

Access to public streets will meet the requirements of the NH Department of Transportation and/or the Town of Gilmanton. Any new road construction shall conform to the road standards as specified in the Gilmanton Subdivision Regulations. The internal traffic pattern will accommodate the proposed use, as well as providing easy, unimpeded access for emergency vehicles.

G. Water Supply and Sewage Disposal Systems:

Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the NHDES. It shall be the responsibility of the applicant to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewerage disposal system. Existing systems shall be evaluated by a NH Licensed Designer of Subsurface Disposal Systems to determine the system is adequate to serve the needs of the proposed development in accordance with NHDES regulations.

H. Fire Protection

Applications for site plan review shall be required to address water supply needs for fire protection. The Fire Chief shall review all proposals to determine whether or not water supply should be addressed for that particular proposal; if so, the following requirements apply:

- 1.** Compliance with the requirements of National Fire Protection Association.
- 2.** The Fire Chief shall complete an inspection of the proposed site to evaluate the availability of existing water supply in the area.
- 3.** The Fire Chief shall implement all applicable provisions of the National Fire Prevention Association's Standard on Water Supplies for Suburban and Rural Fire Fighting.
- 4.** The Fire Chief shall determine the type, location and spacing of any water supply (such as fire ponds, cisterns, etc.)
- 5.** Following the inspection and evaluation, the Fire Chief will submit his findings in writing to the Planning Board.
- 6.** All proposed developments, whether including the provision of hydrants or other water supply facilities, shall be accessible to firefighting and other emergency equipment.

I. Stormwater Management and Erosion Control

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

J. Underground fuel storage tanks

Shall comply with the standards of the NH Water Supply and Pollution Control Division, as set forth in Part Env-WS 411, NH Code of Administrative Rules.

K. Noise

When reviewing a site plan application that involves a non-residential use that is abutting a residential use, the Planning Board shall review potential noise impacts during the review of the application. Hours of operation, the orientation of the building/operations and noise sources will be taken into consideration when reviewing the application and if deemed necessary by the Planning Board, mitigation measures will be required to reduce noise impacts.

L. Pollution Control

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

M. Protection of Natural and Historic Features:

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

N. Underground Utilities:

Where appropriate, installation of any new utilities and/or transmission lines shall be buried underground.

O. Outdoor Event Venue

Definitions:

Minor Outdoor Event: 1 – 49 attendees and six or less Events per year.

Major Outdoor Event: 50 or more attendees and more than six Events per year.

For those Applicants applying for a commercial Outdoor Event Venue Conditional Use Permit, as provided for in the Zoning Ordinance, the following provisions shall apply:

1. Purpose and Intent

The addition of an Outdoor Event Venue may have the potential to generate increased impacts on a neighborhood that did not previously exist. In reviewing such uses the Planning Board has the authority to establish reasonable limits to Outdoor Event Venue's as it relates to the specific event size, scale, number of potential participants, and frequency of activity and hours of operation. The Planning Board also has the authority to establish such reasonable conditions as may be necessary to carry out the spirit and intent of these Regulations.

The applicant must prove out that events to be hosted will protect the public interest and not be a nuisance to the neighborhood, more particularly the site design must prove that it will:

- a. Maintain the rural character of the neighborhood;
- b. Clearly show adequate onsite parking and parking procedures for the largest potential events;
- c. Indicate sound-level controls and methods suitable to protect the public from undue noise, including limited hours of operation.

2. The Planning Board may consider the following when reviewing an Outdoor Event Venue Application:

- a. The primary access road width, construction, and type (gravel, dead-end roads, through roads, State roads, etc.) existing traffic volumes, and proposed traffic volumes.
- b. Proximity of abutting residential dwellings to the proposed activities;
- c. Existing site characteristics (topography, natural vegetation, proximity to surface waters/wetlands, etc.) and the likelihood that the natural site characteristics will adequately buffer or mitigate potential impacts;

- d. The site design, lot size and how the proposed use avoids adverse impacts to the neighborhood and how the site is proposed to be configured or modified to mitigate and prevent adverse impacts; and
 - e. The nature and design of the proposed activities including their proposed scale, size, frequency, and operating hours, and the likelihood that they produce unreasonable impacts or nuisances given the above factors.
 - f. The use of any accessory structures on the property and the extent of such use.
3. Other issues and concerns that have been put forth by Board members and the public:
- a. Initial approval shall be valid for one year, after which the applicant shall be required to renew its approval from the Planning Board. If, in the opinion of the Board, the approval has operated within approval limits, the applicant will not be required to re-apply in subsequent years. However, the applicant will be required to file an Outdoor Event Venue renewal form each year with the Planning Administrator.
 - b. The minimum lot area for Major Outdoor Event's shall be 10 acres.
 - c. All operations shall demonstrate how sanitary facilities will be addressed during events. This site plan is exempt from Article III-A: Sanitary Protection of the Zoning Ordinance. Use of portable toilets shall require a contract with a licensed septic disposal facility. The contract shall become a conditional approval of the application and shall be submitted to the Planning Administrator prior to any events commencing.
 - d. The applicant shall be required to contract with a NHDES permitted solid waste management facility to dispose of all solid waste materials associated with the use and operation of the venue. A copy of the contract shall become a conditional approval of the application and shall be submitted to the Planning Administrator prior to any events commencing. At no circumstance shall the Gilmanton Transfer Station be utilized to dispose of any solid waste materials associated with the use and operation of the venue.
 - e. All parking shall be onsite and no parking shall be permitted within a town Right-of-way. Parking shall be adequate to accommodate both attendees as well as event staff. At a minimum one parking space shall be provided for every two seats for dining/event area. Parking spaces dimensions and layout shall follow specifications as outlined in Non-residential Site Plan Review Regulations, Section IX.D, Off-street Parking. Parking shall be orderly and parking lot staff shall be utilized. Where fields or lawns are used for temporary parking, the use and frequency shall be such that vegetation is maintained in a good and stable condition. In the event of rain or other destabilizing influence that results in rutting or other degradation to the turf, the parking area shall be restored within 5 days to the property owner's satisfaction.
 - f. A 1,000-foot setback to any abutting residence shall be required. This setback can be reduced by 75 feet for every 50 feet of existing onsite vegetative buffer (trees).

The noted setback may be relaxed if the applicant provides a positive noise/light restriction plan at the property line limiting the sound traveling off site and provides an adequate means and procedure to self-monitor noise levels along with maintaining a log of decibel levels recorded during the Event. The noted setback may also be relaxed with written consent of the affected abutter.

- g. The operation of the Outdoor Event Venue shall not exceed a decibel level of 75 dBA. Said measurement shall be taken from the event owner's property line. Failure to adhere to the noted decibel level shall be grounds for the Planning Board to consider revocation of the Venue's site plan approval.
- h. Review and comment shall be obtained from the Police and Fire Departments for all applications. **Note:** Fire regulations relative to life safety code requirements often regulate place of assembly and it is strongly recommended that applicants contact the Fire Department well in advance of submitting an application to the planning board. For Events involving 100 or more guests an Emergency Management Plan shall be required. At the discretion of the Police Chief, a police detail may be required at the expense of the applicant.

*Tent Permitting shall be obtained for any tents that are 400 sq. feet or larger.

i. Site Plan Requirements

- 1) Minor Outdoor Event: Site plan may be hand drawn.
 - 2) Major Outdoor Event: Requires a site plan be prepared by a professional engineer, surveyor or architect licensed in the State of New Hampshire. The Board reserves the right to make a determination, based upon the specifics of the proposed site, if a hand drawn plan or a professional plan is required regardless if the project is a Minor or Major Outdoor Event.
- j. At a minimum the site plan shall include the following details. The Planning Board reserves the right to request additional details and studies as it deems necessary.
- 1) Descriptive outline of the proposed Outdoor Event Venue noting type of events, hours of operation, size and frequency.
 - 2) Note location of all activities including the use of any onsite accessory structures.
 - 3) Note location of all lighting and their size.
 - 4) Note location of all sanitary facilities.
 - 5) Outline dimensioned parking areas, access ways and traffic flow.

- k. Note: Property owners whose land is in Current Use are strongly urged to meet with local assessing officials to review potential impacts to their Current Use standing should an Outdoor Event Venue become operational on their property.

SECTION XI. REVOCATION OF PLANNING BOARD APPROVAL

- A. An approved Site Plan with a recorded Notice of Decision may be revoked by the Board in whole or in part, under the following circumstances: NH RSA 676:4-a
 - (1) At the request of or by agreement with the applicant;
 - (2) When any requirement or condition of approval has been violated;
 - (3) When the applicant has failed to perform any condition of approval within the time specified or within four years;
 - (4) When four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or
 - (5) When the applicant has failed to provide for the continuation of adequate performance guaranties.

SECTION XII. ADMINISTRATION AND ENFORCEMENT

- A. These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen. The Selectmen shall not issue any building permit for construction that requires site plan approval until or unless such planned construction has received site plan approval by the Board.
- B. **Waivers:** The requirements of these regulations may be waived or modified when, as provided for in RSA 674:44 III.e, in the opinion of the Board, specific circumstances surrounding site plan exist. The planning board may only grant a waiver if the board finds that: 1) strict conformity would pose an unnecessary hardship to the applicant and a 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 plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.
- C. **Penalties and Fines:** Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.
- D. **Appeals:** Any person aggrieved by a decision of the Planning Board may appeal said decision to the superior court pursuant to RSA 677:15, except when disapproval by the Board is based upon non-compliance with the zoning ordinance, in which case an appeal can be taken to the Board of Adjustment.
- E. **Limitations of Approval:** Planning Board approval of a Site Plan shall be valid for one year from the date of approval; applicants shall obtain a building permit within the one year period. Applicants shall have 120 days from the date of approval to submit final drawings to the Board for signature.

F. Payment of required fees and expenses: Every applicant for Site Plan Review must pay the required fee at the time of filing the application. In addition, the applicant will be responsible for all postage expenses incurred by the Board for notices and other mailings related to the application, all administrative expenses and all consultant and investigation fees as provided in Article VI. [See RSA 674:44, V; RSA 676:4, I(g).]

SECTION XIII. VALIDITY

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

SECTION XIV. AMENDMENTS

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing following the notification as required by State Statute.

SECTION XV. EFFECTIVE DATE

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