

**CHAPTER 123**  
**SITE PLAN REVIEW**  
**REGULATIONS**

**Amended April 28, 2011**  
(Changes to Article 123-4.A.4 and 123-8.E only)

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## ARTICLE I: GENERAL PROVISIONS

**123-1. Authority.** Under authority of RSA 674:43 and authorization from the 1982 Town Meeting, as amended, the Planning Board repeals the previous Chapter 123 and its Exemption Policy and hereby adopts this new Chapter 123 on January 14, 1993. This chapter applies only to sites with non-residential and/or multi-family residential uses.

**123-2. Purpose.** The general purpose of this chapter is to guide the character of non-residential and multi-family development, re-development, expansion, and change of use in order to provide for the health, safety, convenience, prosperity, and general welfare of the Town's inhabitants, businesses and visitors. Throughout these regulations, the Board seeks to balance the demand for growth, development and change with the need to preserve and enhance those qualities that make Conway a safe and desirable place to live, work and visit. In keeping with this general purpose, the following are specific objectives of this chapter:

- A. To balance the landowner's rights to use their land with the corresponding rights of abutting landowners and the public at large to be protected from undue hazards, disturbances, nuisances, pollution and diminution of property values;
- B. To protect public safety by means such as requiring appropriate provision and arrangement of roads, driveways, sidewalks, traffic aisles, parking, loading areas and emergency vehicle accesses;
- C. To provide for fire safety and prevention;
- D. To protect and preserve significant natural and man-made features, including but not limited to scenic views, stone walls, large trees, and historic structures;
- E. To promote the harmonious and aesthetically pleasing development of the Town, ensuring visual harmony of neighborhoods, providing adequate provision of greenspace and open space, protecting the natural beauty of the Town and enhancing the quality of life for residents;
- F. To maintain the vitality of the tourist economy while allowing economic growth in all sectors of the economy;
- G. To protect environmental quality by means such as controlling erosion and providing for sanitary sewage disposal; and
- H. To ensure the provision of adequate facilities and services as are necessary to serve the proposed uses.

### **123-3. Definitions.**

**Abutter:** means any person whose property is located in New Hampshire or Maine and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For the purpose of receiving testimony only, and not for the purposes of notification, the term “abutter” shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration. For the purposes of receipt of notification, 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.

**Applicant:** the owner of the property or an agent with owner's written authorization. All actions of the agent shall be binding upon the owner.

**Bonding:** any acceptable form of financial security. The specific dollar amount, the form, and any associated agreements or stipulations shall be negotiated directly with the Board of Selectmen.

**Development:** the construction or improvements or change of use on a tract or tracts of land for nonresidential and/or multi-family use.

**Disturbed Area:** the area of land, excepting that covered by greenspace and building(s), changed by human construction activities.

**Greenspace:** a permeable area of vegetated ground surface.

**Industry:** a use engaged in manufacture, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, treatment, packaging, storage, sales and distribution of such products.

**Multi-family:** three or more residential units in one building.

**Plan:** any plan sheet other than a site sketch.

**Plat:** a plan sheet to be recorded at the Carroll County Registry of Deeds to indicate final approval.

**Plat Standards:** standards which dictate the content and presentation of plats and/or plans.

**Side Walk Sales:** temporary outdoor sales of merchandise, including but not limited to: art, food and clothing, within the sidewalk area of a retail use, for a temporary basis. Temporary shall mean seasonal, weekends, fair weather; not permanent.

**Site Sketch:** a scale drawing of a site.

**State Highway:** any Class I, II, III or IV road.

**Temporary Events:** an event whose occurrence is limited to not more than 14 days per calendar year.

**Tent Sales:** sales of goods within a temporary structure with fabric or non-rigid walls or roof of cloth. For the purpose of these regulations, tent sales shall be considered temporary events.

**Total Required Parking:** the minimum number of parking spaces required by on-site uses.

**123-4. Applicability.** There are three possible applications of this code to development of a non-residential or multi-family site to be determined by the designee of the Board:

- The code is NOT APPLICABLE;
- The Planning Board provides a MINOR REVIEW; or
- The Planning Board provides a FULL REVIEW.

The following criteria specify the level of review necessary for a proposal to develop a commercial or multi-family site:

- A. Not Applicable. The determination of "not applicable" by the designee of the Board shall mean that no site plan review approval is necessary, although other types of approvals or permits may be necessary per other municipal codes and an application shall be kept on file. The Site Plan Review Regulations shall be deemed not applicable for the following:
1. Temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site as determined by designee of the Board; or
  2. Special events approved by the Board of Selectmen.
  3. Agricultural buildings as defined in the Town of Conway Zoning Ordinance (§147-6 Definitions).
  4. Small undertakings where it is demonstrated that:
    - (a) All proposed changes to the structure and/or site conform to all other applicable codes and reasonably conform to the site design standards of this Chapter;
    - (b) Proposed changes do not increase the intensity of use on the site beyond the service capacity of existing on-site infrastructure (including but not limited to parking, traffic generation and septic loading);
    - (c) Any net reduction in greenspace on the lot is less than or equal to 200 square feet;
    - (d) Any increase in structure floor space is less than or equal to 100 square feet; and
    - (e) In order to ensure that cumulative impacts can be evaluated by the Planning Board in a public forum this ~~This~~ subsection (§123-4. A. 4.) shall not be applied if its application combined with prior applications since the latest review by the Planning Board would result in a cumulative decrease of green space greater than 400 square feet or in a cumulative increase in structure floor space greater than 200 square feet. ~~more than twice before a Minor or Major Review by the Planning Board is required so that cumulative impacts can be evaluated in a public forum.~~
  5. Where the Planning Board finds that the change of use and/or physical changes to the site are insignificant relative to the existing development.
- B. Minor Review. A Minor Review by the Planning Board shall be required for any development that does not qualify to be "not applicable" or "full review."

- C. Full Review. Unless deemed not applicable pursuant to 123-4.A.5. A Full Review by the Planning Board shall be required for the following:
1. Establishment of non-residential use where no non-residential use currently exists;
  2. Establishment of multi-family use where no multi-family use currently exists;
  3. Reduction in greenspace on the lot exceeds 1,000 square feet; or
  4. The increase in structure floor space exceeds 1,000 square feet or 25% of existing floor space, whichever is more restrictive.

## ARTICLE II: APPLICATION PROCEDURES

**123-5. Minor Review.** The application for a Minor Review shall be made to the Planning Board. The applicant shall follow the process specified in Section 123-8 through Section 123-19 of this Chapter. In the case of approved Minor Review applications, plans will not be recorded at the Registry of Deeds, unless required by the Planning Board. The following shall apply:

- A. Submit to the Planner a complete application as defined in Article V. Applicants are advised to utilize this checklist themselves to avoid submitting incomplete applications which will cause delays. Note that other governmental approvals must be applied for at the time of application submission, though the actual permit or approval may be a condition of Site Plan Review approval.
- B. A site sketch must be prepared by the applicant for a Minor Review application. This sketch need not be prepared by a surveyor or engineer. The site sketch shall be drawn reasonably to scale such that it reasonably depicts the site. The applicant should use a tape measure to ensure distances are reasonably accurate, and all such measurements should be indicated on the sketch. If multiple sheets are needed, the applicant is advised to draw a base sketch and make copies of it. Additional information can then be written or drawn on the copies in contrasting colors.
- C. The Planner shall prepare a written review of the application and provide it to the Planning Board one week prior to application acceptance. The Planner shall be responsible for obtaining the input of other Town staff, although applicants shall be responsible for obtaining precinct input and approvals. Applicants and abutters may pick up at Town Hall a copy of the written review as soon as it is available to the Board.
- D. Board members should visit the site to familiarize themselves with the site.

**123-6. Full Review.** The application for a Full Review shall be made to the Planning Board. The applicant shall follow the process specified in Section 123-7 through Section 123-18 of this Chapter. In the case of approved Full Review applications, approved plans shall be signed and recorded at the Registry of Deeds. The following shall apply:

- A. Submit to the Planner a complete application as defined in Article V. Applicants are advised to utilize this checklist themselves to avoid submitting incomplete applications which will cause delays. Note that other governmental approvals must be applied for at the time of application submission, though the actual permit or approval may be a condition of Site Plan Review approval.
- B. Plans and plats shall be prepared by New Hampshire licensed surveyors and possibly professional engineers for a Full Review Application. The following are the standards which shall be met:
  - 1. Sheet Size. Sheet size shall not exceed 24" by 36".
  - 2. Scale. The scale of all plats shall be at least 1" = 40' or larger (e.g. 1"=30'; 1"=20', etc.).
  - 3. Supplemental Plans. In the event that there are plan sheets accompanying the primary site plan plat, and because only the plat will be recorded at the Registry of Deeds, all supplemental plan sheets shall be referenced by title and latest date of revision on the plat to be recorded.

4. NH Licensed Surveyors and Professional Engineers. The detailed boundary survey and other related survey information including but not limited to setbacks, building locations and topography, shall be certified by a NH licensed surveyor regarding its accuracy. Road design, drainage, and floodplain construction shall be certified by a NH licensed professional engineer to meet all applicable standards and regulations. Certification shall be indicated on plans by professional stamp and the accompanying signature. In all cases, the plat to be recorded shall be certified by the surveyor and/or professional engineer.
- C. The Planner shall prepare a written review of the application and provide it to the Planning Board one week prior to application acceptance. The Planner shall be responsible for obtaining the input of other Town staff. Applicants may pick up at Town Hall a copy of the written review as soon as it is available to the Board.
  - D. The Planning Board should conduct a site visit prior to application approval. When possible, this site visit shall precede application acceptance to ensure that the Board is familiar with the site prior to any discussions.

**123-7. Pre-Application Meetings.** Pre-application meetings are permitted for Minor Review and Major Review applications, and are highly recommended by the Board. Such meetings can identify potential problems in an application prior to major investments in site design by the applicant. Per RSA 676:4, II, all pre-application meetings are optional at the applicant's discretion, and are separate and apart from the formal consideration of the application. The following shall apply:

- A. Preliminary Conceptual Consultation. This meeting shall be directed at a review of the basic concept of the proposal and suggestions that might be of assistance in resolving problems with meeting requirement during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.
- B. Design Review. The Board and applicant may engage in non-binding discussions beyond conceptual and general discussions which involve more specific design, planning and engineering details; provided that the design review may proceed only after formal public notice to the public and all abutters. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in Section 123-8.B, and shall provide all required materials and information required for public notice per Sections 123-11 and 123-12.

**123-8. Fees.** In accordance with RSA 676:4,I(g) and RSA 674:44,V, the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application:

- A. An application for a Minor Site Plan Review shall not be considered complete unless it includes a filing fee of one hundred and seventy-five dollars (\$175).
- B. An application for a Full Site Plan Review shall not be considered complete unless it includes a filing fee of two hundred dollars (\$200) and thirty dollars (\$30) per new motel/hotel/transient room/suite and multi-family dwelling unit and/or \$0.06 per gross square foot of any other new non-residential floor space. The applicant shall also submit a recording fee of thirty dollars (\$30) per plan sheet to be recorded and fifteen dollars (\$15) for each 8.5" by 11" page to be recorded.
- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be five dollars (\$5) per abutter (or any other party notified) and thirty dollars (\$30) for the published notice.
- D. A tax Map amendment fee of fifty dollars (\$50) shall be assessed for each plan sheet to be used to amend the Town's Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of ~~forty~~ eighty-five dollars (\$~~40~~85) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §123-8.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town's adopted standards the applicant will be charged an additional fee of thirty-five dollars (\$35) per hour. Said fee to be paid by the applicant prior to final approval.
- H. A plan scanning fee of ten (\$10) per sheet shall be assessed to facilitate digitizing the final approved plans.
- I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.

**123-9. Submission of Application Materials.** All materials to be submitted to the Planning Board for consideration shall be submitted prior to the meeting so that staff, Board members and abutters may have sufficient opportunity to review the application without unnecessarily delaying the proceeding of the meeting. The following shall apply:

- A. **Application Acceptance.** In accordance with RSA 676:4,I(b), all materials required to constitute a Complete Application shall be submitted to the Town at least twenty-two (22) days prior to the meeting at which it will be considered for Application Acceptance.
- B. **Other Public Hearings.** New materials shall be submitted to the Town at least twenty-two (22) days prior to a meeting when a new public notice is required.
- C. **Continued Meetings.** When consideration of an application is continued and new information is required, the Board shall specify the deadline for filing this new information. In no case shall it be less than ten (10) days prior to the meeting. The deadline shall be stated in the motion to continue.

**123-10. Application to Other Governmental Units.** The Planning Board shall not grant a final approval to an application until all other government permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior local approval. All applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining Town final approval. (Note: Applicants unfamiliar with the Town of Conway should be aware that there are eight independent and sometimes overlapping municipal precincts within the Town, and that each may require permits or approvals for matters such as fire safety and water/sewer service.)

**123-11. Public Notice.** Public notice pursuant to RSA 676:4, I (d) shall be required for Site Plan Reviews. The Public Notice shall identify the property owner, the location, and a general description of the proposal.

- A. Public notice shall be required for the following:
  - 1. design review meetings;
  - 2. meetings at which an application is considered for acceptance; and
  - 3. meetings at which a public hearing is conducted.
- B. Public notice shall be mailed to the applicant, holders of conservation, preservation or agricultural preservation restrictions, the applicant's authorized representative, and each abutter at least 10 days prior to the meeting for which the notice is required. Such notification shall be mailed by certified mail.
  - 1. Using the Abutters List form provided by the Town, the applicant shall prepare a current list of abutters no sooner than 5 days prior to the submission the application. In the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association. It shall be the Applicant's responsibility to ensure that the names and addresses regarding officers of a collective or association noticed under this article are current and complete. In the case of an abutting property being in another municipality it shall be the Applicant's responsibility to ensure that the names and addresses regarding those properties are current and complete; and
  - 2. The applicant shall provide an adhesive mailing label for each party on the Abutters List, including the applicant and authorized representative.

- C. Public notice shall be posted at Town Hall and one other public place at least 10 days prior to the meeting.
- D. Public notice shall be published in a newspaper of general circulation. This notice shall be sent to the newspaper at least 10 days prior to the meeting.
- E. Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior hearing, the Board shall state the location, date, time at which the continued session will resume, and deadlines for the submission of new or updated materials.

**123-12. Regional Notice.** In accordance with RSA 36:54-58, applications which might have a regional impact shall require additional notice, and by State law require additional time for public notice.

- A. Determination of potential for regional impact shall be found only for applications which qualify for Full Review, and further which meet any of the following impacts:
  - 1. any portion of the property is located within 1,000 feet of the Town of Conway border;
  - 2. the proposal involves 10,000 square feet or more of new non-residential floor space;
  - 3. the proposal involves 50 or more residential units;
  - 4. the proposal involves property located on a Great Pond which crosses municipal boundaries; or
  - 5. other as the Board may reasonably determine.
- B. Notice shall be sent by certified mail 14 days in advance of the scheduled public hearing to the North Country Council and to each town reasonably likely to be affected, with each governmental entity to be considered an abutter for purposes of computing public notice fees.

**123-13. Application Acceptance.** Before an application is reviewed by the Board, it must be accepted by a formal vote of the Board. The applicant shall attend this meeting to ensure that questions can be answered and issues clarified if necessary. Per RSA 676:4, I (b), the Board shall vote to accept the application only if it determines that the application is complete per this chapter and such decision must occur within 30 days of application submission per RSA 676:4, I(c). Upon acceptance, review of the application may proceed. If an application is not accepted, the Board may proceed with Design Review, but as stated in Section 123-7, such discussion shall not be binding on the applicant or Board. The Design Review meeting may be continued to another date for Application Acceptance without further notice.

**123-14. Applicant's Presentation (Optional).** Following application acceptance, at each meeting, the Board shall offer an applicant no more than 10 minutes in which to make a general presentation to the Board and the audience. The applicant is solely responsible for bringing any audio-visual materials and equipment needed. This presentation should include a brief description of the proposed project and a general description of the design, layout, and so forth. This is not the forum to raise specific issues, so the presentation should remain general. The presentation will be cut off at 10 minutes to avoid unnecessary delay to subsequent applicants.

**123-15. Public Hearing.** The Board shall open a public hearing following application acceptance and the applicant's presentation (if any). The purpose shall be to solicit public input, comments, questions and concerns. The Chairman may temporarily suspend public comment during the public hearing to allow the Board time to deliberate, vote on waivers, and so forth. The public hearing may be continued if an additional meeting is required. Only when all pertinent, new public input is complete shall the hearing be closed. The applicant shall be responsible for attending the public hearing, including all continuations, to ensure that questions can be answered and issues clarified if necessary.

**123-16. Decision.** Pursuant to RSA 676:4, I(c), the Board shall issue a decision within sixty-five (65) days of application acceptance, subject to time extensions as per RSA 676:4, I (f). Applications that are not accepted require no decision. The Board must approve, conditionally approve, or deny the application, as follows:

- A. Approval. The Board shall grant approval to an application when it fully complies with this chapter, including both design standards and compliance with procedures, subject to waivers granted and grandfathered rights.
- B. Conditional Approval. The Board may grant conditional approval to an application when minor additional action by the applicant will bring the application into full compliance for Approval. This may include payment of fees, changes in design, and other matters, subject to the requirements of RSA 676:4, I (i):
  - 1. minor plan changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
  - 2. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
  - 3. conditions with regard to the applicant's possession of permits and approvals granted by other governmental units.

Conditional approvals shall be assigned an expiration date which is coincident with a regularly scheduled meeting not more than 90 days from the date when the conditional approval is granted. The Planning Board may, at its discretion, extend the expiration date beyond 90 days. However, in no case shall the expiration date be extended beyond one year from the original date when the conditional approval was granted unless the Planning Board for good cause agrees to extend the conditional approval for an additional period of time beyond that one year period.

- C. **Disapproval.** The Board shall disapprove an application when it fails to comply with the design standards or procedures of this chapter, for failure to meet reasonable deadlines established by the Board, or for failure to pay fees. If the Board includes the phrase "without prejudice" in the motion to disapprove, it signifies that the application was denied for procedural reasons rather than design reasons, and that it may be re-submitted without design changes as a new application to the Board at a later date.

**123-17. Notice of Decision.** As required by RSA 676:3, within 72 hours of the meeting the Town shall issue a Notice of Decision which states the final decision reached by the Board regarding the application. In the case of a conditional approval, the Notice of Decision shall state all conditions to be met for final approval. Upon fulfillment of the stated conditions the Board shall issue a new Notice of Decision stating that all conditions have been satisfied, and shall sign and record the plats if applicable. In the case of a denial, the Notice of Decision shall state the reasons for denial as required by RSA 676:4,I(h) and RSA 676:3,I.

**123-18. Appeals.** Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal as follows:

- A. A staff decision regarding a Staff Review may be appealed to the Planning Board. This appeal shall be made in writing and must be submitted to the Town within 30 days of the issuance of the Notice of Decision. The Board shall, at its own expense, hold a noticed Public Hearing to determine if it upholds or overturns the decision.
- B. Any decision of the Board may be appealed to Carroll County Superior Court in accordance with RSA 677:15.

### ARTICLE III: DESIGN STANDARDS

#### **123-19. Traffic Generation and Impact.** (reserved)

**123-20. Driveways and Vehicular Access.** To ensure site safety and to protect the safety and capacity of the road network, the following standards are established to control site access:

- A. Any property having access onto a State Highway shall obtain a State Driveway permit, or a letter from the NH DOT stating that such permit is not necessary given the scope of the current application.
- B. Any property having access onto a Town Highway shall obtain a Town Driveway Permit, or a letter from the Public Works Director stating that such permit is not necessary given the scope of the current application.
- C. A lot shall have no more than one driveway onto each road on which it fronts, except that a pair of one-way driveways (one each entrance and exit) which are adequately designed, signed and marked as being one-way may be substituted for a single two-way driveway, and except as permitted in Section D next below.
- D. Due to access needs of Industry, industrial uses in the Industrial-1 District may have multiple driveways provided that they are not located within 100 feet of any other driveway on or off-site.
- E. All commercial driveways shall be paved with bituminous concrete.
- F. Driveways shall be in accordance with Article 131-67.C (8).
- G. For commercial sites, there shall be connecting drives (not considered driveways when calculating the limit on the number of driveways) provided to the property boundaries of adjoining commercial sites to permit access to adjacent properties without forcing patrons to travel on the road network.
- H. In the case of a concurrent subdivision and site plan or where otherwise feasible, shared driveways for adjacent lots shall be required. All shared driveways shall require a recorded cross-easement for access.
- I. The Board may require the frontage of the property and the driveway to be curbed if it will improve traffic control and safety. Curbing shall be granite.

**123-21. Parking.** Off-street parking spaces shall be provided in accordance with these specifications for any change of use, new use, or expansion. In no case shall on-street parking be credited for any site because its availability is subject to change over time based on the public need to use the right-of-way for other, possibly conflicting, uses.

- A. Number of Spaces. Each site shall provide at least the minimum number of parking spaces for the site, determined as follows:

1. The following minimum standards shall apply:

| USE                                 | SPACES REQUIRED                                  |
|-------------------------------------|--|
| Church, School, Theater             | 1 per 3 seats                                    |
| Lounge                              | 1 per 2 seats                                    |
| Restaurant                          | 1 per 3 seats                                    |
| Hospital, Nursing/Convalescent Home | 1 per 3 beds plus 1 per 3 employees on day shift |
| Industrial                          | 1 per 1.2 employees based on max. shift          |
| Hotel, Motel, Lodging House         | 1.1 per lodging unit                             |
| Private Club or Lodge               | 1 per 4 members                                  |
| Office                              | 1 per 250 square ft. of gross area               |
| Business Service Establishment      | 1 per 250 square ft. of gross area               |
| Residential                         | 2 per unit                                       |
| Retail                              | 1 per 200 square ft. of gross area               |
| Personal Service Establishment      | 1 per 200 square ft. of gross area               |
| Mall                                | 1 per 200 square ft. of gross area               |

2. Alternative Standards. Per Section 123-43 regarding Waivers and Substitutions, the following parking standards may be suitable for substitution:

- a. Parking Requirements for Shopping Centers; Summary Recommendations and Research Study Report. Urban Land Institute. Washington, 1982.
- b. Shared Parking. Urban Land Institute. Washington, 1990.
- c. Parking Generation. Institute of Transportation Engineers. Washington, 1987.

B. Credit for Public Parking Lot. In the event that there is a public parking lot within 400 feet, the amount of parking to be provided by the applicant may be reduced by up to 20% of the total required, as defined by Section A above, to account for patron use of the public lot. In no case shall the number of spaces credited to the public parking lot exceed 10% of the total number of spaces in the public lot.

C. Parking Reduction. (Reserved)

D. Parking Space Location. Of the total number of parking spaces required, off-site parking on a separate private lot of record shall be permitted in lieu of on-site parking when the following conditions are met:

1. the parking spaces on the other lot of record are located within 400 feet of the parking area on the applicant's lot;
2. the other parking is off-street;
3. the applicant's use is permitted in the zoning district in which the off-site parking is located;
4. the lot providing the parking documents excess parking spaces are available based on parking standards in this Code; and
5. a recorded parking easement which specifies the number and location of parking spaces is provided.

E. Minimum Number of Handicap Parking Spaces. Each site shall provide the appropriate number of handicap parking spaces, as specified by New Hampshire Code of Administrative Rules, PART Ha 304.02, as amended.

**123-22. Parking Lot Design.** Parking lots shall meet the following design requirements, in addition to any other applicable design requirements contained in this Chapter:

- A. Aisle Widths. Minimum aisle widths in parking lots shall be 18 feet for one-way aisles, and 24 feet for two-way aisles.
- B. All parking lots, loading areas and travel aisles shall be paved with bituminous concrete.
- C. Parking Space Dimensions. Minimum parking space sizes shall be nine feet wide by 18 feet long. Handicap parking spaces shall be 11 feet wide by 18 feet long and must adjoin a five-foot access aisle, which may be shared by adjoining handicap parking spaces.
- D. Traffic Control Islands. In any parking lot, no more than two travel aisles, one or two way, may run generally parallel to one another without separation by a raised, curbed traffic control island which runs parallel to and the full length of the aisles. Traffic control islands shall be a minimum of twelve feet in width. At the ends of each traffic control island there shall be 12 foot-wide raised islands that shall extend (on both sides, if parking rows are double) the full length of the parking stalls. The applicant, if desired, may shorten the main traffic control islands no more than 14 feet at each end to better allow for the removal of snow. If the main traffic control island is proposed to be shortened, pavement markings will be required to prohibit through-traffic. The Board may require additional traffic control islands to prevent or correct traffic safety problems. Curbing shall be granite.
- E. Traffic Circulation. The parking lot design shall be such that there is safe and adequate traffic circulation, and room to stack exiting vehicles separate from the entering traffic lane(s).

**123-23. Loading.**

- 1. All non-residential sites shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles, and so that delivery vehicles can be parked completely out of the right-of-way.
- 2. Outside facilities for trailers, vehicles or other portable structures (including containers) used for storage or warehousing of goods or material shall be screened from sight from abutting properties and streets by means of an opaque or vegetated buffer approved by the Board. The facility and buffer shall be represented on an approved site plan. The square footage of the facility is deemed as disturbed area and shall be considered in the parking demand calculations.

For construction projects having a valid Building Permit, a trailer located on the site for the lesser of one (1) year or the life of the building permit, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created, is not subject to this subsection.

**123-24. Snow Removal.** Snow removal shall be considered for all sites, and the general plan for snow removal shall be indicated in a note. Locations for snow storage shall be designated on the plat, or there shall be a note indicating that all snow shall be removed from site. In no case shall snow be stored on a landscaped area in which the snow pile could destroy the landscaping.

**123-25. Pedestrian Access and Circulation.** All sites shall provide for safe pedestrian access and circulation. Such provision shall include sidewalk access to existing street-side sidewalks if applicable, pedestrian aisles through parking lots and other facilities as are appropriate for the site.

**123-26. Lighting.** Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

1. Outdoor lighting fixtures shall not be mounted higher than twenty-five (25) feet;
2. Individual light fixtures (or the sum for clusters of fixtures supported on a single pole) shall not exceed 40,000 lumens. As an incentive to promote the use of energy efficient Light Emitting Diode (LED) fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the maximum illuminance of individual light fixtures (or the sum for clusters of fixtures supported on a single pole) may be increased by twenty-five percent (25%) and shall not exceed 50,000 lumens;
3. The total initial site lumens of all site lighting systems shall not exceed four (4) lumens per square foot of disturbed area. As an incentive to promote the use of energy efficient LED fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the total initial site lumens of all site lighting systems may be increased by ten percent (10%) and shall not exceed 4.4 lumens per square foot of disturbed area;
4. Site lighting shall not trespass beyond property lines; luminance along property lines shall be measured within six (6) feet of finish grade along the property line;
5. All lighting fixtures shall be listed as approved by the International Dark Sky Association (IDA), fully shielded and installed per manufacturer's specifications;
6. The Board may reduce the permitted heights to reduce or eliminate undue adverse impacts.

**123-27. Storm Drainage.** Storm drainage of the site shall be designed with provisions for retention and gradual release of stormwater. This shall include provisions for upgrading the existing drainage system if it is inadequate. All additional stormwater and runoff, which results from the proposed development shall be retained on-site and shall not drain onto adjacent properties, roads or waterways. Drainage plans and calculations, prepared and certified by a licensed NH Professional Engineer, shall be submitted with the application. Drainage facilities shall be designed to accommodate a 25 year storm event. Where drainage is being calculated for a compacted gravel surface such as a parking lot, the calculations shall reflect a paved surface so that future paving of the lot does not significantly alter the drainage of the site.

**123-28. Utilities.** To enhance the design of the site and the Town, all utility systems shall be placed underground in conformity with the terms and specifications of the utility company involved under the following circumstances:

- A. for new development or new buildings; and
- B. for expansions of greater than 5,000 square feet or 50%, whichever is more restrictive, of floor space.

**123-29. Landscaping.** Every lot shall comply with the following standards in order to: enhance site design; enhance privacy; separate, screen and shield potentially conflicting land uses or abutters from undue impact; reserve a portion of the lot to remain undeveloped, permeable, and vegetated; control excessive storm water runoff; prevent soil erosion and pollution of water bodies; reduce heat, glare and dust; not detract from the Town's aesthetic qualities; and help integrate the built environment with the natural environment.

- A. Buffer Areas. Every lot shall reserve a buffer area along and within its perimeter boundaries in accordance with the following:

1. The buffer area shall be defined as that area within the front, sideline, and back lot line setbacks as specified in the Conway Zoning Ordinance, and 100 feet from the platted right of way of the North-South Road between the extension of the centerline of Barnes Road and the centerline of Depot Road, except as limited in Section "5" below, and setbacks from natural resource (such as from rivers or lakes) shall not apply;
2. The buffer area shall be vegetated, except for driveways and other features approved by the Board;
3. The buffer area shall not be used for merchandise display, vehicle parking or storage, or any other use which conflicts with the purpose and standards of this landscaping section;
4. Driveways shall cross the buffer areas at an angle of 90 degrees +/- 15 degrees to the perimeter boundary;
5. In the Conway Village Commercial and North Conway Village Commercial districts, the buffer shall not include the area within the front setback. The purpose for this exception is to permit activities related to the primary use within this area, such as outdoor restaurant seating or merchandise display. Such uses shall require Board approval under this chapter, and related site improvements such as additional parking and drainage shall be required; and
6. In order to mitigate nuisance to abutting residential uses and residentially zoned lands, the Planning Board may increase the buffer depth to as much as fifty (50) feet. The Board may also require additional mitigation (including but not limited to vegetation and fencing) or a combination of mitigation strategies to protect abutting residential properties.

- B. Greenspace. In all zoning districts, greenspace shall comprise no less than 25% of the total lot area, exclusive of wetlands, waterbodies, 100 year floodplain (or 10 year floodplain adjacent to Pequawket Pond), and slopes over 25%, except as permitted in Section 1 below.

1. In the Industrial-1 District, greenspace shall comprise no less than 25% of the total lot area, inclusive of wetlands, 100 year floodplain (or 10 year floodplain adjacent to Pewquaket Pond), and exclusive of slopes over 25% and waterbodies.

- C. Industrial uses in the Industrial-1 District shall plant at a minimum, trees fifty feet on center in the rear and side setback areas. Trees shall be planted twenty-five feet on center in all front setback areas. Where buffer areas are adjacent to sites that are landscaped, every effort shall be made to stagger tree plantings such that they fill in the existing voids on the adjacent site. Additionally, every effort shall be made to save existing trees on site. Additional tree plantings may be required by the Board to screen the visual impact of buildings and to aid in noise reduction.
- D. Trees. All lots regulated by this chapter (except those subject to §123-29.C) shall have trees in accordance with Section 1-11 below.
1. Trees, either newly planted or existing on the lot, shall be provided at the rate of one tree per 500 square feet of disturbed area, provided that, in the case of an expansion of an existing site, credit for existing trees shall be granted only for trees which the applicant demonstrates are in excess of the requirements for the existing site under this Chapter;
  2. To be credited as landscaping, a tree shall have a caliper of at least 3" at a point six inches above the top of the root ball;
  3. Credit for landscaping shall only be given to existing trees within 70 feet of the proposed main structure(s) or parking lots;
  4. For existing trees which will be preserved, those with a caliper of 12" or more may be credited by the Board as two trees, and those with a caliper of 24" or more may be credited by the Board as four trees, provided the applicant complies with the relevant sections "4," "5," "6," "7," "8" and "9" below;
  5. To be credited as landscaping, any tree which is planted within 25 feet of a street right-of-way shall not be of a salt-sensitive species, and appropriate documentation shall be presented with the landscaping plan;
  6. A minimum of 50% of the total number of required trees for the entire site shall be located in islands and along the borders of the required parking lots(s);
  7. Lots which require traffic control islands pursuant to Section 123-23 shall locate at least 10% of the total number of required trees for the entire site within the required traffic control islands;
  8. Street trees are required to be planted as part of the landscaping required herein. Salt tolerant trees are defined in the manuals referenced in subsection 10 below, of at least 3" caliper measured at a point 6" above the root ball, shall be planted within 15 feet of the edge of the pavement of all public rights-of-way, at a rate of at least 1 tree per 50 of right-of-way. Accordingly, trees should be planted 50 feet on center. Trees shall be planted between the road and the sidewalk where practical. A minimum of 2 street trees shall be required per lot. The Planning Board shall provide guidance as to the planting location of all proposed street trees;

9. Tree size and planting locations shall be selected so that the tree, upon reaching its mature size, shall not interfere with existing overhead utility lines, unless, as a part of the application, the overhead lines are to be relocated;
10. Planting and transplanting of trees shall be in accordance with accepted horticultural standards, as specified in "The Planting and Care of Shade trees," (Maine Forest Service and NH Cooperative Extension Service, Bulletin No. 10, June 1985), or an equivalent technical manual approved by the Board; and
11. Existing trees that are to be credited as landscaping shall be protected during site construction activities. A snow fence shall be erected around the tree to protect the roots from soil compression and to help prevent branches from being broken. No storage of any materials or driving of any vehicles within the fenced-in area shall be permitted. The fence shall be no closer to the trunk of the tree than 8.5 feet, and additional distance may be required if the Board deems it necessary to carry out the purposes of this section. In addition, an undisturbed 8.5-foot radius shall be preserved around each existing tree that is to be credited as landscaping, measured from the trunk.

E. General Standards. The following general standards shall apply to all lots:

1. Landscaping shall not obstruct the line of sight, or create other hazards for vehicular and pedestrian traffic;
2. Snow storage shall not be allowed in areas where the trees could be damaged or destroyed; and
3. Shrubs, flower beds and other vegetative landscaping shall be permitted at the property owner's discretion. Suitable vegetative ground cover shall be maintained to ensure soil stability.

**123-30. Architectural Design.** The purpose of these regulations is to provide design standards for developments or renovations of commercial properties that compliment the overall New England-style ambiance of the community. The regulations are directed towards, but are not limited to, assisting corporate franchises and commercial developments in the design of structures that reflect the small town New England atmosphere unique to Conway. Consideration must be given to human scale and pedestrian orientation for the design of, or renovation of a commercial structure.

These regulations are not intended to restrict imagination, innovation or variety in the new construction or renovation of commercial buildings and related property, but rather to encourage continued economic development, conserve property values, and further enhance the visual appearance of the community. These regulations (123-30) do not apply to buildings in the Industrial-1 and Industrial-2 districts.

- A. The regulations contained herein do not expect to foresee all possible proposed building situations. Decisions concerning such unforeseen situations will be made with these regulations in mind.

1. Monotony of design or warehouse style structures shall be avoided. Variation in detail, form and siting shall be used to provide visual interest. In order to prevent the construction of warehouse style buildings-buildings with long, horizontal roof lines-all new buildings and additions shall have pitched roofs of 3:12 or greater or gabled roofs, where practical.

In cases where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the facade to create the appearance of multiple attached buildings. All sides of a structure should receive design consideration. A facade unrelated to the rest of the building is not an acceptable design.

In large commercial structures (over 200 feet in length) building elevations shall be designed to give the appearance of multiple attached buildings.

In any case, all roof top mechanicals units shall be located so as not to be visible from street level or from public areas from ground level.

2. The exterior surfaces of all buildings shall be covered with wood, stone, brick or man-made materials that simulate natural materials (such as architectural concrete masonry units). Pitched roofs shall be constructed of shingles, metal roofing or other materials traditionally used in this region.
3. Windows shall comprise no less than 5% of the exterior wall surface of the portions of the building facing either a public right-of-way, parking area, or a development area-on or off site. Windows may be used for either interior illumination or for display purposes. This guideline will be waived if it is shown that the windows will serve no useful function and will interfere with an otherwise acceptable architectural design.

**123-31. Patron Rest Rooms.** Any business or group of businesses on one lot, with 5,000 or more square feet of floor space open to the public shall provide rest rooms for its guests, invitees and customers. Multiple commercial businesses on the same lot may have common rest rooms reasonably located, so long as adequately designed to serve all guests, invitees and customers for all such commercial businesses on said lot.

**123-32. Solid Waste Recycling and Disposal.** All sites shall provide solid waste facilities for both recycling and disposal as are necessary to serve the site. All such facilities shall be screened from sight from abutting properties and streets by means of a fenced or landscaped enclosure, and the type of facility shall be labeled on the plan. In all cases, facilities shall be selected and operated to minimize windblown litter problems.

**123-33. Historic Sites and Structures.** It is requested, though not required, that applicants make every reasonable attempt to preserve, enhance and re-use historic sites and structures.

**123-34. On-Site Water Supply.** In areas not served by municipal water, provisions for on-site water supply shall be indicated. The well location and its protective radius as required by the State shall be indicated on the plat. Areas within the protective radius which do not fall within the lot shall require wellhead protection easements, recorded at the Carroll County Registry of Deeds, prior to approval, and the book and page number of these easements shall be indicated on the plat.

**123-35. On-Site Sewage Disposal.** In areas not served by municipal sewage disposal, provisions for on-site sewage disposal shall be indicated. A State approved septic system design is required prior to final approval, and the approval number shall be indicated on the plat.

**123-36. Wheelchair Access.** Adequate provisions shall be made to provide for wheelchair access on the site and into structures and site uses, unless the applicant can document that such access is not required by the Americans with Disabilities Act of 1990 (ADA). This shall include the following:

- A. Curb ramps shall be provided as necessary;
- B. Access aisles adjoining handicap parking spaces shall be paved (with asphalt, concrete or other suitable material for wheel-chair travel) flush to the ground, and the pavement shall extend all the way to the nearest wheelchair accessible entrance. Handicap parking spaces shall be located adjacent to wheelchair accessible entrances;
- C. Handicap parking spaces shall be identified by painted marking on the surface of the pavement, and by a separate permanent sign posted in front of or next to the space, with the sign height of at least five feet but not more than eight feet;
- D. Wherever practical, the main entrance shall be wheelchair accessible;
- E. It is recommended, though not required, that a "drop-off" area be located at wheelchair accessible entrances;
- F. Where necessary, wheelchair ramps shall be provided, with a slope not to exceed one foot of rise per 12 feet of run, and a width as required by ADA;
- G. The slope of a handicap parking space and adjoining access aisles shall not exceed one foot of rise per 20 feet of run.

**123-37. Floodplain Construction.** For sites within the 100 year floodplain, provisions shall be made to minimize flood damage and exposure to flood hazards on and off site in accordance with the Zoning Chapter, if any development is permitted at all.

**123-38. Site Construction Standards.** Construction requirements for roads, parking areas, bridges, sidewalks, and drainage facilities shall be in accordance with the Standard Specifications for Road and Bridge Construction, as published by the State of New Hampshire Department of Transportation and the road standards of Conway's Subdivision Regulations. In cases where alternative construction specifications are suggested by the applicant, the Planning Board shall determine which shall be applicable.

**123-39. Nuisance.** In unique circumstances where these regulations do not address specific site design matters which, if not regulated, would constitute a serious nuisance to abutters or the public, the Planning Board may, solely at its option, place reasonable restrictions on the site design to prevent or reduce the nuisance. The burden of proof shall be on the complainant to adequately document the nuisance condition prior to any action of the Board. The Board must then weigh the significance of the nuisance against the affect which corrective measures would have on the applicant. Any time this provision of the Chapter is invoked by the Board, a written explanation of the facts, circumstances and findings of the Board shall be accepted by a formal vote of the Board, and this shall be retained in the file in case of future legal actions.

**123-40. Public Health and Safety.** In unusual circumstances where these regulations do not address specific site design matters which, if not regulated, would constitute a threat to public health or safety, the Planning Board may place reasonable restrictions on the site design to prevent or reduce the threat. Any time this provision of the Chapter is invoked by the Board, a written explanation of the circumstances and findings of the Board shall be accepted by a formal vote of the Board, and this shall be retained in the file in case of future legal actions.

**123-41. Outdoor Display of Goods.** The purpose of this section is to regulate outdoor merchandise sales and displays. Sale areas shall meet the following criteria:

- A. Site Plan approval shall be required for all sales regulated by this Chapter.
- B. The maximum allowable outdoor sale area shall be the lesser of five percent of the interior floor area or 1000 square feet.
- C. Only one sale area shall be allowed per business.
- D. Sale areas shall not be permitted within any public or private right-of-way.
- E. Sale areas shall be located within covered sidewalk areas if they exist. In cases where an uncovered sidewalk or no sidewalk exists, sale areas shall be located within five feet of the building, separated from all parking areas by at least five (5) feet.
- F. Such uses shall comply with all Town adopted Building, Fire, Life Safety and ADA Codes at the time of application.

This section shall not in any way supersede the guidelines set forth in Section 123-30.

**123-42. Plat notes required.** The following notes shall be required to be placed on all site plans prior to final approval:

- A. The landscaping of the site depicted on this plan is integral to the approval by the Conway Planning Board, and shall be reasonably maintained and when dead or removed, must be reasonably replaced.
- B. The owner has represented to the Conway Planning Board and depicted or noted hereon all known restrictions and easements applicable to this land. All applicable restrictions and easements of record for this land, whether or not depicted or noted hereon, shall not be affected or modified by the approval hereunder.
- C. The applicant has designed this site to safely accommodate maximum length vehicles and trucks, either delivering to, or using the facility.
- D. All snow shall be stored in the area(s) depicted on this plan as snow storage areas. In the event that the area(s) approved for snow storage become full, the owner shall reasonably remove excess snow from the site, and shall not allow snow to be stored within parking lots or travel aisles.
- E. All waste materials and recyclables shall be contained within the building(s) or approved storage facilities and shall not be otherwise stored on the property.

## ARTICLE IV: ADMINISTRATION

### 123-43. Waivers and Substitutions.

- A. The Board may grant a waiver of any design requirement or plat standard of this chapter in accordance with the following:
1. The applicant shall provide a written request for waiver. The request shall indicate the exact section for which the waiver is requested, the extent of the waiver, and the justification.
  2. In evaluating the request, the Board shall not grant the waiver unless it finds, based upon evidence presented to it, that:
    - a. granting of the waiver shall not be detrimental to the public health, safety or general welfare;
    - b. granting of the waiver shall not, in the opinion of the Board, be injurious to other parties;
    - c. granting of the waiver shall not have the effect of nullifying the intent and purpose of this chapter; and
    - d. strict compliance with the regulations would cause a hardship to the applicant solely because of the unique physical characteristics of the site (financial hardship shall not be considered); or
    - e. the Board determines that granting the waiver would result in substantial public benefit.
  3. A waiver request shall be considered only at or after a noticed public hearing by the Board on the subject application, and at which the waiver request is presented or discussed, so that abutters have an opportunity to be made aware of all waiver requests.
  4. The Board may condition any waiver granted so as to secure the objectives of this chapter.
  5. The request for waiver shall be granted only when a motion to grant the request, duly seconded, is carried by a majority of the members present and voting. If the motion is not carried, the request is denied and no further motion is required. If no action is taken on the waiver request, it shall be deemed to be denied.
- B. In the event that alternative design standards which are independently and scientifically derived are provided to and accepted by the Board, the Board may permit their substitution for the Town design standard. Such substitution shall be permitted at the Board's option only when, in the Board's opinion, the alternative standard would better accomplish the intent of this chapter for this case. Substitution shall require a formal motion of the Board, and the minutes of the meeting should indicate the Board's reasoning for future reference. No waiver is required for design standard substitution.

### 123-44. Reserved

**123-45. Legal Representation at Meetings.** If the applicant will have an attorney present at a Planning Board meeting, written notice shall be provided to the Board at least seven days in advance of the scheduled meeting so that the Board may arrange to have the Town Attorney present if so desired. Failure to provide such notice shall be sufficient cause to continue the meeting to a later date if the Board so chooses.

**123-46. Recording Approved Plans.** Upon stamping and signing a final plan for a Full Review approval, the Town shall record a Notice of Decision referencing the plan at the Carroll County Registry of Deeds.

**123-47. Bonding.** The applicant shall be required to provide bonding for site improvements for any Minor Review or Major Review application in accordance with the following:

- A. Bonding shall be provided by the applicant payable to the Town in order to ensure that the applicant will complete all site work in accordance with the plans. Bonding, if called by the Town, shall be used to stabilize the site, ensure site safety and to minimize any adverse impacts on the neighborhood and Town. In the event that bonding is called by the Town, the Planning Board shall immediately schedule and hold a public hearing to consider revocation of the Site Plan Approval per the process of RSA 676:4-a. The Board shall also request that the Building Permit be suspended until the matter is resolved. No further work may proceed on the site without further Planning Board approval, nor shall any CO be issued without prior consent of the Planning Board.
- B. The amount shall be 50% of the cost of all site work. Appropriate bonding to cover the full costs of all landscaping shall also be posted. The form and execution of such surety shall be approved by the Board of Selectmen. The surety shall run for a term determined by the Planning Board but in no event shall it exceed three (3) years nor be less than one (1) year to ensure survival through a complete growing season.

**123-48. Approval Required.** Prior to land clearing, site preparation, construction or any other such activity may begin on a site, and before any permit for such activities may be issued, a final approval of the Site Plan is required. All activity on the site shall be in accordance with the approval.

**123-49. Certificate of Occupancy.** Every approval pursuant to this chapter is granted subject to the issuance of a Certificate of Occupancy (CO) upon completion of construction and site work. Use of the site prior to the issuance of the CO shall be prohibited. The CO shall be issued by the Board of Selectmen or their designee. Prior to issuance of a CO for any project requiring approval under this chapter, the Planning Board or its designee must field check the completed site and sign off on the CO prior to issuance. A request for inspection shall be made to the Town 48 hours prior to any anticipated backfilling of drainage structures. A request for final inspection shall be made to the Town and to the Board at least 14 days prior to the anticipated final completion of construction. These inspections are required to obtain a CO.

**123-50. As-Built Plans.** The Board does not require as-built Site Plans, nor will it stamp and sign such plans. The only as-built plans which the Board will stamp and sign is the plan showing the location of structures on condominium property. Such plans shall:

- A. Be certified to be correct and stamped by a N.H. Licensed Land Surveyor;
- B. Be accompanied by Certificates of Occupancy, if applicable;
- C. Clearly identify in the title block exactly what the as-built plan is approving; and
- D. Have the following plat note printed on each sheet, "These as-built plans are pursuant to, and without modification of, the original Planning Board approval."

**123-51. Enforcement.** The Board authorizes the Board of Selectmen and its designees as the enforcement agents for this chapter. The Board also reserves the right to enforce this chapter itself if necessary.

**123-52. Reconsideration of Approval.** Any Minor Review approval or conditional approval, and any Full Review conditional approval, granted under this chapter may be reconsidered and/or rescinded by a majority vote of the Board. To do so, the Board must hold a noticed public hearing at its own expense, and then must determine that material information on which the original approval was based was defective, incomplete or misrepresented. Any Full Review with an approved plan recorded at the Carroll County Registry of Deeds may be revoked in accordance with RSA 676:4-a. A rescinded approval shall be deemed a denial of the original application. A new Notice of Decision shall be issued, which states the reason for the new decision.

**123-53. Compliance with Other Codes.** The Site Plan Review Regulations in no way relieve an applicant from compliance with the Zoning Ordinance, the Subdivision of Land Regulations, or any other code adopted by the Town or any other governmental unit. In the event that the requirements of this chapter are in conflict with other codes, the more stringent shall apply.

**123-54. Saving Clause.** If any clause, portion or section of this chapter is found invalid by a court of competent jurisdiction, this finding shall not invalidate the remainder of this chapter.





**CHECKLIST FOR APPLICATION  
COMPLETENESS – MINOR REVIEW**

**PROJECT NAME:** \_\_\_\_\_

**REVIEWER'S NAME:** \_\_\_\_\_

**TAX MAP & PARCEL:** \_\_\_\_\_

1. Correct type of application
2. Complete application form signed by owner
3. Abutters list & labels
4. Regional Impact
5. Site Sketch (please provide three)

- Scale of drawing
- Building location/dimensions
- All setbacks labeled
- Key dimensions labeled
- Parking/driveway/aisle layout
- Total # of parking spaces
- Provisions for wheelchair access
- Loading area
- Sidewalks
- Outdoor lighting type/location
- Drainage facilities
- Utilities
- Buffer areas labeled
- Large trees identified
- Surface water bodies
- Recycling/waste facilities
- Water supply and well located
- Uses on adjoining properties
- Other relevant information

6. Other

- Town Fire Chief/Inspector approval
- Town Driveway Permit/letter
- Zoning Compliance
- Other Town permits/approval
- Precinct water approval
- Precinct sewer approval
- State Dredge & Fill permit
- State Septic Approval/letter
- State Driveway Permit/letter
- Will bonding be required

The application is incomplete or deficient. Please use checklist to identify and correct the deficiencies before resubmittal.

The application is complete and a Planning Board hearing is scheduled for \_\_\_\_\_.

**SIGNATURE /DATE OF REVIEWER** \_\_\_\_\_

**CHECKLIST FOR APPLICATION  
COMPLETENESS – MAJOR REVIEW**

**PROJECT NAME:** \_\_\_\_\_

**REVIEWER'S NAME:** \_\_\_\_\_

**TAX MAP & PARCEL:** \_\_\_\_\_

1. Correct type of application
2. Complete application form signed by owner
3. Abutters list & labels
4. Regional Impact
5. Payment of all fees
6. Plans (please provide three)
  - Plan size up to 24" x 36"
  - Scale of 1" = 40'
  - Title block
    - Owner's name
    - Title
    - Numeric and bar scales
    - Dates of prep/revisions
    - Sheet number if in a set
    - Name/address of surveyor
    - Surveyor certification
    - Name/address of engineer
    - Engineer certification
  - North arrow
  - Location map
  - Plan notes
    - Supplemental plans
    - Easements/cov/restrictions
    - Zoning district including overlays
    - Lot area in ac and sf
    - Length of road frontage
    - Greenspace calculations
    - Snow removal system
    - Substitutions allowed
    - Other as needed
  - Surveyed property boundary lines (deflection angles, distances, radii, arc lengths, control angles and monuments locations)
  - Abutters' names & uses
  - Existing 2' contours
  - Proposed 2' contours
  - Municipal or precinct boundaries
  - Structure setback lines
  - All zoning district boundaries
  - Soil types & boundaries (SCS)
  - Existing buildings (plan view, uses, sizes and first floor elevations)
  - Proposed buildings (plan view, uses, sizes and first floor elevations)
  - Elevation view of proposed structures , indicating structure and building heights (per Zoning Ordinance)
  - Plans view of existing buildings within 50' of the lot

**CHECKLIST FOR APPLICATION  
COMPLETENESS – MAJOR REVIEW CONTINUED**

- Wetlands, water courses & surface waters, indicating any proposed alterations
- Proposed landscaping plan
- Buffer areas (labeled)
- Parking lot design, including dimensions, and striping and curbing details
- Total # of parking spaces
- # of handicap parking spaces
- Loading area
- Driveway design, including dimensions and curve radii, and striping and curbing details
- Pedestrian amenities
- Wheelchair access facilities
- Outdoor lighting fixtures, including their type, design, shielding and specifications
- Utility locations
- Location of patron restrooms
- Recycling/waste facilities
- Water supply (location/type)
- Sewage disposal (location/type)
- Drainage plan/calculations
- Other relevant information

**7. Other**

- Town Fire Chief/Inspector approval
- Town Driveway Permit/letter
- Zoning Compliance
- Other Town permits/approval
- Precinct water approval
- Precinct sewer approval
- State Dredge & Fill permit
- State Septic Approval/letter
- State Driveway Permit/letter
- State Site Specific Approval
- State Groundwater Permit
- State Shoreline Protection Permit
- Other???

**8. Will bonding be required?**

The application is incomplete or deficient. Please use checklist to identify and correct the deficiencies before resubmittal.

The application is complete and a Planning Board hearing is scheduled for \_\_\_\_\_.

**SIGNATURE /DATE OF REVIEWER** \_\_\_\_\_