

Site Plan Review Regulations

Site plans for all non-residential development shall be submitted to the Planning Board for review.

SECTION 1 - Authority: Pursuant to the authority vested in the Town of Newington Planning Board voted on at the March 9, 1966 Town Meeting in accordance with the provisions of NH Revised Statutes Annotated, Chapter 36, Section 19a, 1955, as amended, the Town of Newington Planning Board adopts the following regulations governing the review of site plans, whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be entitled, "*Site Plan Review Regulations*".

SECTION 2 - Purpose: The purpose of the Site Review Procedure is to protect the public health, safety and welfare; to promote balanced growth; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development. The Site Review Procedure in no way relieves the developer, his/her agent, or individual, 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 to any and all pertinent ordinances and regulations.

SECTION 3 - Definitions: The meanings of terms defined in the Newington Zoning Ordinance and Subdivision Regulations apply also to these regulations. Additional terms are defined as follows:

Bond: Performance bond, irrevocable letter of credit, or other surety, the form to be designated by the Planning Board.

Condominium Conversion: The placing or conversion of real property or any interest therein into a condominium form of ownership pursuant to NH RSA 356-B.

Direct Glare: The sensation produced by insufficiently shielded light sources within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss of visual performance and visibility.

Fully Shielded Fixture: An outdoor light fixture shielded or constructed so that no light rays are emitted by the installed fixture at angles greater than 20 degrees below the horizontal plane.

Light Trespass: Light that is distributed beyond the intended target and onto adjacent properties.

Outdoor Lighting Fixture: An electrically powered illuminating device containing a total light source of greater than 1800 initial lumens per fixture (This is greater than a single 100 watt incandescent bulb or two 75 watt reflectorized incandescent bulbs), that is permanently installed outdoors.

Sag Glass Lens: Any lens on the lower face of a Shoe Box Style Outdoor Lighting Fixture that is other than flat.

Shoe Box Style Fixture: Any round or square Outdoor Lighting Fixture that mounts perpendicular to the pole and is Fully Shielded.

Wall Pack Style Fixture: Any Outdoor Lighting Fixture that mounts on the outer wall of a building.

SECTION 4 - Procedure: Site Plan review shall be conducted in accord with the procedural requirements contained in Section 3 "*Procedures on Plans*" of the Newington Subdivision Regulations, including the notice to abutters and the hearing.

SECTION 5 - Standards: Sites for non-residential development shall be reviewed so as to minimize traffic congestion, traffic hazards, unsightliness, annoyance to other nearby land uses, erosion and other effects detrimental to the abutters, the neighborhood, the environment of the Town. In order to attain these goals, the Planning Board shall determine that:

a) Appropriate Buffers are maintained or installed to screen the use from neighboring properties. Landscape treatment shall consist of natural vegetation or features, or ground cover, shrubs, or trees as appropriate.

b) Vegetative Buffers: Within each setback required by the Zoning Ordinance, no more than 50 percent of the trees may be removed over a 20 year period. For the purposes of this section, "*tree*" shall mean any woody plant which has a circumference of 15 inches or more at a point 4 feet from the ground.

c) Trees: For every seven parking spaces constructed on the premises, one tree, no less than 2" in diameter, shall be planted within the setback areas.

d) Parking: Sufficient off-street parking is provided for the anticipated use.

e) Loading: Sufficient off-street loading space is provided, including off-street areas for maneuvering the anticipated trucks or other vehicles.

f) Dust: Access, parking and loading areas are constructed so as to minimize dust, erosion and run-off conditions that would have detrimental effect on abutting or neighboring properties. The Planning Board may require oiling or paving if appropriate or necessary.

g) Erosion: Grading, paving and storm drainage systems, will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.

h) Light, glare, odors, noise and vibration will not be discernable off the premises except for indirect lighting on permitted signs or security lighting. Such lighting shall not glare on abutting properties or public highways or streets.

i) Streets: Access to public streets will meet the standards of the NH Department of Public Works and Highways and/or the Town of Newington, as adopted and annotated.

j) Utilities: Water supply and sewage and disposal facilities are sized to adequately meet the needs of the proposed use under the regulations of New Hampshire Water Supply and Pollution Control Commission and/or the Town of Newington Subdivision Regulations.

k) All roadways, sidewalks, and bicycle paths shall be constructed in accordance with Minimum Standards for the Construction of Streets, Sidewalks & Bicycle Paths. These standards are hereby incorporated into and made a part of these regulations.

l) The public health, safety, and welfare will be otherwise protected.

SECTION 6 - Cultural Resource Protection

a) Definition of Cultural Resources: Cultural Resources consist of historic and prehistoric archeological sites and standing structures, cemeteries, private graveyards, stone walls, cellar holes, old growth trees and other artifacts and features which contribute to the authentic cultural heritage of Newington. Specifically, this definition includes, but is not limited to provisions included in RSA 231:157, RSA231:158 (Scenic Roads), RSA 472:6(Stone walls), RSA 289:3(cemeteries and private graveyards). Other legislation is pending.

b) Determination of Need: The determination of need for a cultural assessment, paid for by the private developer applicant, shall be based on:

- proximity to identified archeological or historic sites and/or
- natural terrain features where these factors reflect documented settlement patterns of Native Americans or American Colonials

c) NHSPO: The Planning Board or its designee shall seek advice and comment from NHSPO if needed.

d) Management Plan: A cultural resource management plan shall be submitted to the Planning Board or its designee consisting of :

- a written investigated report prepared by a professional archeologist
- an evaluation of the proposed development on the culturally sensitive site.
- a description of measures to be undertaken by the applicant to mitigate adverse impacts of construction activities on identified cultural resources. Measures may include preservation of archeological site in situ and avoidance, open space designation, conservation easements, redesign or relocation of roads, drainage or buildings.
- a review and comment by NHSPHO

SECTION 7 - Submission Requirements: The items which follow are required for site review (also see Town of Newington Subdivision Regulations, Section 3 - Pro-cedures on Plans (Plats), for additional information). All plans, exhibits, photographs, and drawings that are presented to the Planning Board thereafter become the property of the Town of Newington.

a) Application: For the formal application stage (see Section 3D. Subdivision Regulations) submit a properly filled out application.

b) Site plan:

- 1 - Sheet Size 24" X 40" maximum.
- 2 - Scale 1" = 100' (1 inch = 100 feet)
- 3 - Match lines when needed.
- 4 - Original plan to show entire property and all facilities. Subsequent additions to be indicated by shading, coloring or heavy outline.
- 5 - Original on Mylar in permanent ink and three (3) paper copies of each plan (blue or black line).
- 6 - Date , title, scale, north arrow, location map.
- 7 - Names and addresses of developer, designer/engineer, owner(s) of record and abutters.
- 8 - Name, license number and seal of the NH licensed land surveyor/engineer.
- 9 - Topographical plan with contour lines at two (2) foot vertical intervals. Benchmark from USGS datum.
- 10 - Show all easements and rights-of-way.
- 11 - Adequate space on the plan for the necessary endorsement by the Planning Board.

c) Lighting Specifications:

- 1 - Description of all Outdoor Lighting Fixtures including component specifications such as lamps, reflectors, optics, angle of cutoff, support poles, additional shields, etc. Include the manufacturers catalog cut or specification sheet for each type of fixture used.

2 - Location and description of every outdoor lighting fixture including hours of operation.

3 - The maintained horizontal luminance shown as foot candles (after depreciation) as follows:

a) Maximum

b) Minimum

c) Average during operating and non-operating hours

d) Average to Minimum Uniformity Ratio

4 - Computer generated photometric grid of the site showing the average footcandle reading in every ten foot by ten foot square. This grid shall include contribution from all sources, (i.e., Pole mounted lights, wall mounted lights and signs).

5 - Foundation and pole details.

d) Separate list of current names and correct mailing addresses of all abutters of the property line, including those across any street or stream, plus owner(s) of record and applicant, if different.

e) Abutters' notification fee (payable to Town of Newington), \$2 per abutter plus applicant.

f) Application fee for New Construction: \$200; Change of Use: \$ 50.
Administrative fees may be required for administrative expenses, special investigative studies, review of documents and legal, engineering and other professional services which may be required by particular application. Prior to review of the application by the Planning Board, the applicant shall submit a cash bond or a letter of credit acceptable to the Planning Board in order to ensure that the above referenced studies and services are funded by the applicant pursuant to RSA 676:4I(g).

SECTION 8 - Required Exhibits and Data: The following items are required on the site plan(s):

a) Sketch of site showing existing natural features including water courses and water bodies, trees and other vegetation, topographic features, any other features which should be considered in the site design process;

b) Plans of all buildings with their type, size, location (set backs) and elevation of first floor slab indicated; (assume permanent on-site elevation);

- c)** An elevation view of all buildings indicating their height, bulk and surface treatment;
- d)** Location of off-street parking & loading spaces with a layout of the parking indicated;
- e)** The location, width, curbing and type of access ways and egress ways, plus streets within and around proposed site;
- f)** The size and proposed location of water supply and sewage facilities and provide for future expansion of sewage and water facilities, and show all distances from existing water and sewage facilities;
- g)** The type and location of solid waste disposal facilities;
- h)** The location, elevation and layout of catch basins and other surface drainage features;
- i)** Existing and proposed contours and finished grade elevations all contours shall be a minimum of 2 foot intervals;
- j)** The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;
- k)** The location, size and design of proposed signs and other advertising or instructional devices;
- l)** The size and location of all public service connections - gas, power, telephone, fire alarm, (overhead or underground), etc.
- m)** The location and type of lighting for all outdoor facilities;
- n)** Lines of all existing and adjoining streets;
- o)** Surveyed property lines showing their deflection angles, distances, radii, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;
- p)** If a subdivision, then lines and names of all proposed streets, lanes, ways or easements intended to be dedicated for public use. All Newington Subdivision Regulations shall apply;
- q)** Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for site review.
- r)** New Hampshire State Plane Coordinates and USGS 1983 North American Datum.
- s)** A digitized copy of the final plan shall be submitted on a diskette in Autocad (.DWG) format.

SECTION 9 - Lighting: All lighting fixtures shall meet the following standards:

a) Shielding: In order to minimize light trespass and direct glare beyond the site boundary, all Outdoor Light Fixtures shall be fully shielded. This includes Wall Pack Style Fixtures.

b) Type: Pole mounted Outdoor Light Fixtures shall be Shoe Box Style. Shoe Box Style Fixtures with Sag Glass Lens and pole mounted flood or spot lights are prohibited.

c) Height: External mounting of any lighting fixtures shall be limited to 20 feet in height above ground inclusive of the foundation height.

d) Abutters: Outdoor lighting systems shall be designed such that direct glare is not observable above a height of five feet at the site boundary. Designers are cautioned that this may require shorter poles at perimeter locations depending upon the fixture angle of cut off.

e) Ornamental Lighting and lighting fixtures used to illuminate landscaping or buildings are prohibited except those which will project light equal to or less than incandescent fixtures of 100 watts.

f) Signs: Lighting fixtures used to illuminate outdoor signs shall be subject to the direct glare restriction of section A and shall be fully shielded.

g) Specifications: All outdoor lighting systems shall be designed so as not to exceed the following Illuminating Engineering Society of North America (IESNA) recommended illuminance levels:

	Horizontal Illuminance (Footcandles)		Uniformity Ratio
	Average	Minimum	
Shopping Centers, Restaurants & Offices during operational hours.	2.4	.9	4/1
Industrial employee parking and other sites during non-operational hours	.8	.2	6/1
All Sites under all operating conditions when measured ten feet from the property line on abutting properties.	.1	n/a	n/a

Note: These levels do not apply under service station canopies or awnings at building entrances, however all lights shall be fully shielded or fully recessed into the canopy or awning to meet the direct glare design requirement of section

h) Hours: All outdoor lighting systems shall be equipped with timers to reduce illumination levels to non-operational levels at a minimum during non-operational hours.

i) **Illuminated Signs** shall be equipped with timers to extinguish signs during non-operational hours.

j) **Low Pressure Sodium** lights are encouraged.

k) **Inspection:** The Planning Board or its designee shall inspect each site to ascertain compliance with these standards prior to the issuance of an occupancy permit.

SECTION 10 - Construction Bond: Before approval of a site plan by the Planning Board, there shall be filed a bond by the developer, in an amount sufficient to cover the cost of the preparation of the streets, including internal roadways and access streets abutting the site, plus all required improvements including the extension of public water and any future sewer lines, parking areas and landscaping. This bond shall be approved as to form and sureties by legal counsel of the Town of Newington, and conditioned on the completion of such improvements within one (1) year of the date of the bond.

SECTION 11 - Condominium Conversion: Condominium conversions must be approved, in advance, by the Newington Planning Board. In addition to the requirements specified in these *Site Plan Review Regulations*, applicants for condominium conversion must meet the following additional requirements:

a) - **Documents:** A complete set of site plans and floor plans, as well as a complete set of all Condominium documents must be filed with the Planning Board.

b) - **Utilities:** A plan shall be submitted to the Planning Board showing the location of all utilities on the site, and the plan shall indicate the locations where the shutoff valves will be located. The plan shall indicate whether or not additional meters or additional lines from the street will be required as a result of the condominium conversion. Shut-off valves shall be located on Town-owned property or in a Town-owned right-of-way.

c) - **Legal Status:** The units which are subject to the requests for condominium conversion must, at the time of the request, exist as legal units pursuant to the ordinances of the Town of Newington. The burden shall be on the petitioner to demonstrate that the units to be converted are legal.

d) - **Responsibilities Clearly Delineated:** The responsibility for maintenance, operation, replacement and protection of utilities shall be clearly established by the Condominium agreement.

e) - **Wetland Protection:** In order for the Condominium Conversion Regulations to be consistent with Article X of the Zoning Ordinance ("*Wetlands*"), no proposed Limited Common Area shall be allocated a disproportionate share of a lot's wetlands.

SECTION 12 – Floodplains: For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

a) The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

b) The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

c) The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

- (i) all such proposals are consistent with the need to minimize flood damage;
- (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
- (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION 13 - Traffic Mitigation: The development or redevelopment of any site in the Office District, Commercial District, or any of the industrial districts may be approved only after a finding by the Planning Board that the following conditions are met at the time of opening of the building and that they will continue to be met for five years from the time of building opening:

a) **Visibility:** Line of sight distance shall meet or exceed NH DOT standards for entrances and exits to commercial sites.

b) **Access:** Access to the site shall be directly from a Town road or State highway or through a private roadway built to Town standards and approved by the Planning Board.

c) Traffic Controls: Adequate traffic controls shall be provided to insure safe access and on-site circulation of vehicle and pedestrian traffic. If traffic signals are required, signalization shall be synchronized with other traffic signals in the Town if such interconnection is found to be appropriate by the Planning Board.

d) Acceleration/Deceleration Lanes: Acceleration/deceleration lanes or suitable alternate roadway improvements shall be provided on State and Town roads where the Planning Board finds that such lanes are necessary to provide safe site access based on sound engineering principles and practice.

e) Off-site Improvements: The landowner/developer shall pay the fair share of all off-site highway improvements necessary to maintain stable peak hour traffic flow conditions, and/or payment of landowner's fair share of the costs associated with the replacement or creation of reserve capacity in the roadways and intersections impacted with the Town by the proposed development. In evaluating the traffic impacts, the Planning Board's consideration will include, but not be limited to, the volume and nature of the traffic.

f) Fair Share Calculations: In determining a landowner's "fair share" of off-site roadway improvements, the Planning Board shall be guided by the tests established by the New Hampshire Supreme Court in *Land/Vest Props, Inc. v. Town of Plainfield*, 117 N.H. 817 (1977) and *N.E. Brickmaster v. Town of Salem*, 133 N.H. 655 (1990). The Planning Board can compel a landowner to assume only that portion of the cost for off-site improvements that bear a rational nexus to the needs created by and the special benefits conferred upon the development. In making this calculation, the Board must consider the burdens that will be immediately imposed by the development and those that will be imposed in the demonstrably immediate future. Future and indirect benefits accruing to the development from the improvements can be considered since permanent improvements are not made solely with reference to present conditions.

g) Fair Share Factors: No single factor can be determinative of the appropriate mode of apportionment of improvement costs. A non exhaustive list of the factors which might be used in allocating costs include:

1) Roadway Standard: the standard to which impacted roadways and intersections are presently maintained;

2) Level of Service: the existing level of service of impacted roadways and intersections;

3) Frontage: the frontage of the proposed development on State and local roadways;

4) Potential Traffic: the potential traffic increases necessitated by the proposed development; and

5) Development Potential: the character and potential for development and redevelopment of the area served by impacted roadways.

h) - Mitigation Funds: Funds contributed to the Town for mitigation of existing roadway/intersection infrastructure deficiencies may be used by the Town to construct improvements or to represent the Town's fair share toward improvements to State highways, or may be used by the Town to develop and implement programs to reduce dependence upon automobiles at the impacted roadways & intersections within the town.

i) - Time Limit on Holding Escrow Funds: If, within sixty months of the issuance of a certificate of occupancy for which the funds were contributed, the funds have not been expended or otherwise encumbered for the purpose for which they were collected, the developer/applicant contributing the funds may request that the funds be returned. If, upon hearing, the Planning Board determines that the contributed funds are still needed and that the project(s) for which they are being held is still scheduled for implementation, the funds may continue to be held. If the purpose for which the funds were originally contributed is no longer necessary, the funds shall be returned with accrued interest. In any event, the maximum time that funds may be retained under this section shall be ten years.

j) - Review Costs: The costs incurred by the Town in reviewing traffic studies of applicants, calculating the fair share of off-site improvements and/or in developing mitigation plans shall be borne by applicants.

k) - Construction Standards: All improvements required by this ordinance shall be built in accordance with local, State, and ASHTO standards.

SECTION 14 - Other Fees: No building permit shall be issued until all outstanding bills associated with Planning Board Engineering fees are paid in full by the applicant, in accordance with NH RSA 674:44V.

SECTION 15 - Site Approval Expiration: In the event that construction is not completed within two (2) years of the date that Site Approval is granted by the Planning Board, the Site Approval shall expire, unless extended by vote of the Planning Board.