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:

Best Management Practices (BMP): Methods that have been determined to be the most effective, practical means of preventing or reducing pollution from non-point sources.

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

Buffer: A buffer is a special type of preserved area along a watercourse or wetland where development is restricted or prohibited. Buffers protect and physically separate a resource from development. Buffers also provide stormwater control flood storage and habitat values. Wherever possible, riparian buffers should be sized to include the 100-year floodplain as well as steep banks and freshwater wetlands.

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.

Disturbance: Any activity that significantly alter the characteristics of the terrain in such a manner as to impede the natural runoff or create an unnatural runoff.

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.

Groundwater Recharge Volume (GRv): The post-development design recharge volume (i.e., on a storm event basis) required to minimize the loss of annual pre-development groundwater recharge. The GRv is determined as a function of annual pre-development recharge for site-specific soils or surficial materials.

Hydrologic Soil Group (HSG): A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

Impervious Surface: Those surfaces that cannot effectively infiltrate rainfall consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, compacted gravel (e.g., driveways and parking lots).

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

Low Impact Development (LID): Low impact development is a site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate and manage runoff as close to its source as possible.

Maximum Extent Practicable (MEP): To show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.

Native Plants: Plants that are adapted to the local soil and rainfall conditions and that require minimal watering, fertilizer, and pesticide application.

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.

Redevelopment: Any construction, alteration, or improvement that disturbs a total of 20,000 square feet or more of existing impervious area where the existing land use is commercial, industrial, institutional, or governmental. Building demolition is included as an activity defined as "redevelopment", but building renovation is not. Similarly, removing of roadway materials down to the erodible soil surface is an activity defined as "redevelopment", but simply resurfacing of a roadway surface is not. In general, the requirements in this regulation do not apply to projects or portions of projects when the total existing impervious area disturbed is less than 20,000 square feet. Any creation of new impervious area over portions of the site that are currently pervious is required to comply fully with the requirements of these site plan regulations.

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

Seasonally High Groundwater Table: The highest elevation of the groundwater table typically observed during the year.

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

Stormwater Management Plan: Plan describing the proposed methods and measures to prevent or minimize water quality and quantity impacts associated with a development or redevelopment project both during and after construction. It identifies selected LID source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

Structural BMPs: Devices that are constructed to manage stormwater runoff.

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

Water Quality Treatment: the capture of sediment, nutrients, metals and hydrocarbons suspended in stormwater runoff from impervious surfaces before being conveyed to a storm sewer network or to another water quality treatment system. In most cases where no other local water body impairments exist, adequate treatment refers to documenting the treatment systems ability to remove 80% of the total suspended solids (TSS) on an annual basis. Where water quality impairments do exist adequate treatment refers to a systems ability to meet maximum load allocations or not further impair the receiving water.

Water Quality Volume (WQv): The storage needed to capture and treat 90% of the average annual stormwater runoff volume. In New Hampshire, this equates to 1-inch of runoff from impervious surfaces. WQV should be calculated using the following equation: WQV = (P)(Rv)(A), where: P = 1 inch Rv = the unitless runoff coefficient, Rv = 0.05 + 0.9(I) I = the percent impervious cover draining to the structure, in decimal form, and A = total site area draining to the structure.

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) NHSHPO: The Planning Board or its designee shall seek advice and comment from NHSHPO 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: $600; Change of Use: $ 150. 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).

g) Stormwater: All stormwater management systems and site drainage designs should be designed by a Registered Professional Engineer consistent with the following requirements and all drainage and sizing calculations should be included in the Stormwater Management Plan. Submittal of the following is required in order to assess the impact of storm water:

1) Surface water and wetlands, drainage patterns, and watershed boundaries

2) Soils information for design purposes with coding as HSG-A, B, C, or D

3) Temporary and permanent stormwater management and erosion and sediment control BMPs

4) Areas and timing of soil disturbance

5) A schedule for the inspection and maintenance of all BMPs

6) Water well and septic locations, including protective radii and reserve areas. Including distance to seasonal high water (SHGW) and shallow depth to bedrock.

7) Calculations (Pre- and Post-Development) relating to stormwater runoff (rates and volumes) based on a one inch (WQV), and 50-year 24-hour storm frequency.

8) A Stormwater Management and Erosion Control Plan

9) Any additional permits as may be required, in compliance with Environmental Protection Agency (EPA) guidelines.

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) Digitized copies of the final plan shall be submitted in .dwg and .pdf formats.

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:

	Hozizontal 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 – Parking Lot Design Requirements:

a) A minimum eight (8) foot wide planting median shall be provided between adjacent rows of parking. Median shall be depressed and may be associated with curb cuts allowing sheet flow to pond to a maximum depth of 8" in the median. Water quality swales or rain garden beds (if sheet flow is allowed) will be designed to promote detention time and infiltration. Soils must be designed for infiltration and evaluated for need of amendments. Overflow contingencies shall be provided and plumbed to adjacent drainage network if necessary.

b) All areas that receive rainfall must be designed to drain within a maximum of 72 hours for vector control.

c) Every effort shall be made to use pervious parking surfaces as an alternative to impervious asphalt or concrete for overflow parking areas. Porous pavement shall be appropriately sited for traffic and vehicle loading conditions.

SECTION 15 - Landscaping Standards

a) Purpose: The intent of landscaping regulations is to achieve a high quality site appearance, to assure design compatibility, to direct character and form, to conserve water, and to enhance the overall value of the community. The purpose of specific provisions contained in these regulations is to:

1) Avoid extensive grading

2) Retain as much of the original vegetation as possible and incorporate into site design.

3) Encourage preservation and enhancement of community character

4) Provide buffers between incompatible land-uses or sites

5) Control airborne particulates such as soot and dirt

6) Enhance the public or private streetscape

7) Provide screening of service structures (dumpsters, etc.)

8) Provide visual, impervious cover, and climatic relief from broad expanses of pavement and define areas for pedestrian and vehicular circulation

9) Create a pedestrian-friendly environment

10) Break up the mass of buildings and impervious areas

11) Soften architectural and structural materials

b) Landscaping Plan: A landscaping plan shall be submitted with each application for major site plan review showing existing and proposed features, and the locations of all plant materials. A plant schedule shall accompany the plan, indicating the botanical and common names, size, quantity, and description for all proposed plants. Existing trees, shrubs and plant beds to be retained shall be described. Landscape plans shall incorporate water conservation planting techniques and hardy plant materials. The landscaping plan shall incorporate the following:

1) All setbacks and areas of open space as required by the Zoning Ordinance shall retain existing natural features or be landscaped as required by this Section. Natural features and existing native vegetation should be retained where possible. Wherever possible landscape features shall be designed to receive sheet flow runoff from adjacent impervious areas.
2) Existing non-native invasive plants (including grasses, shrubs and trees) shall be removed and destroyed.

3) Existing healthy mature native trees (6" caliper or greater) shall be retained as practical and incorporated into the overall landscape plan.

4) No loam or other topsoil shall be removed from the site as part of site development. Topsoil shall be appropriately stockpiled and stabilized for redistribution within new planting areas.

5) Existing soils will be evaluated for need of soil amendments to promote infiltration and plant growth as needed.

6) Existing topography shall be maintained wherever feasible and extensive grading avoided. Those areas that shall be disturbed shall be replaced with a minimum of 4" of suitable topsoil either from the stockpile or off-site and then be replanted with grass seed, sod or other vegetative groundcover.

7) Re-vegetated areas shall be replanted with hardy native species appropriate to the site.

8) Dead vegetation shall be replaced within one growing season, based on standard seasonal planting practices with healthy living plants in all required landscape areas. All planting areas shall be landscaped with a combination of climate tolerant plant material and protective ground cover. Bare soil is not permitted. Where wildlife habitat requires unmaintained vegetation an exemption may be adopted.

9) All proposed plantings shall be appropriate for the soils, weather and environmental conditions of the site. Particular attention shall be paid to potential road salt and other deicing chemicals. Plant materials shall be of specimen quality conforming to the American Standards for Nursery Stock (ANSI Z60.1-1980 or later revision) and should be guaranteed for at least one and one half years.

10) Side slopes shall not exceed fifteen (15) percent (2:1 slope), and shall be appropriately stabilized with loam and seed, hydroseed, sod, ground cover or mulching materials.

11) Existing landscaping, trees and planting materials to be retained shall be protected as necessary during construction to avoid damage.

12) Tree wells and raingardens where possible shall be designed to receive and filter stormwater runoff and provide for up to 8 inches of ponding depth with appropriate overflow and underdrain connections to existing drainage structures. Such structures that have the potential to present a falling hazard to the public shall have grates, fences or other protective measures installed.

13) All areas that receive rainfall must be designed to drain within a maximum of 72 hours for vector control.

c) Planting Requirements: Native plants should be used as much as feasible to enhance the long-term survival prospects of the plant materials used in site landscaping. These standards are also meant to ensure that the benefits of site landscaping (buffering, aesthetic enhancement, erosion control, etc.) are realized as early after planting as possible.

d) Maintenance and Replacement of Landscaping:

1) Landscaping shall be maintained in good condition. The property owner will remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified, and approved by the Board.

2) Avoid replacing landscape materials in the period from November– March.

3) A maintenance bond to cover the cost of replacement plant materials and maintenance equipment shall be provided for one year after the date of site plan approval.

4) A note shall be provided on the Site Plan stating: "All conditions on this Plan shall remain in effect in perpetuity".

SECTION 16 - Stormwater Management

a) Stormwater Management and Erosion Control Plan Requirements: The applicant shall submit a Stormwater Management and Erosion Control Plan to the Planning Board for any tract of land being developed, where one or more of the following conditions are proposed for a combined area greater than 20,000 square feet:

1) Construction or reconstruction (but not maintenance) of a street, road or parking lot;

2) New development resulting in soil disturbance or creation of impervious cover; or

3) Redevelopment resulting in soil disturbance or creation of impervious cover.

Phased development of subdividable commercial/industrial properties: design requirements of this regulation shall apply to phased applications for the original parcel as though the development of the entire parcel were proposed in one application at one time.

b) Minimum Requirements: Stormwater and Erosion Control Plans shall meet the following requirements and /or show the following information:

1) The plan shall be in compliance with the EPA Phase II Stormwater Rules, as amended.

2) All measures in the plan shall meet as a minimum the Best Management Practices (BMP) set forth in the NH Stormwater Management Manual volume 2 (stormwater BMPs), and volume 3 (erosion and sediment controls), December 2008 as amended, a copy of which is available from NHDES: des.nh.gov/organization/divisions/water/stormwater/manual.htm

3) A report section that includes:

a) Design calculations for all temporary and permanent structural BMP measures.

b) A comprehensive maintenance plan including the proposed schedule for the inspection and maintenance of all BMPs.

c) Identification of all permanent control measures and responsibility for continued maintenance.

d) Drainage report with calculations showing volume, peak discharge, and velocity of all subwatersheds for pre-developed and developed conditions.

e) All designs will conform to the criteria outlined for those types of structures given in the NH Stormwater Management Manual.

c) Water Quality Protection: All aspects of the application shall be designed so that:

1) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters.

2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall meet the standards of the New Hampshire Department of Environmental Protection (NHDES), Water Supply and Pollution Control.

3) All projects of such magnitude as to require a stormwater permit from EPA or NHDES shall comply with the standards of EPA and/or NHDES AOT program, with respect to the export of total suspended solids and other pollutants. If the project does not require a stormwater permit from EPA or NHDES, it shall be designed to achieve 80% removal of total suspended solids, and 50% removal of both total nitrogen and phosphorus.

d) Stormwater Management for new development or development in undisturbed areas: Adequate provisions shall be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces. For activities labeled redevelopment treatment shall include all of the listed requirements below but subject to the provisions in Section 16e. All construction activities, regardless of the area of disturbance, shall meet the following performance guidelines:

1) Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by a minimum 100 foot no disturbance naturally-vegetated buffer. Stormwater and erosion and sediment control BMPs shall be located outside the 100-foot buffer zone. Stream and wetland crossings shall be eliminated whenever possible. When necessary, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and animal passage (see University of New Hampshire Stream Crossing Guidelines May 2009, as amended).

2) LID site planning and design strategies must be used to the maximum extent practicable in order to reduce the generation of the water runoff volume for both new and redevelopment projects. An applicant must document why LID strategies are not appropriate if not used to manage stormwater.

3) All stormwater treatment areas, shall be planted with grasses, shrubs and/or other plantings sufficient to prevent soil erosion and to promote proper treatment of the proposed runoff.

4) All areas that receive rainfall must be designed to drain within a maximum of 72 hours for vector control.

5) Buildings, streets, parking lots and other construction shall be located out of the post-development flood plain to reduce construction and post-construction drainage problems.

6) Snow and salt storage areas shall be covered or located such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater.

7) Sheet flow or runoff flows should be directed into recessed vegetated areas to the maximum extent practicable so as to reduce Effective Impervious Cover (EIC) and reduce the need for water supply systems.

8) The plan shall attempt to retain stormwater on the site using the natural flow patterns of the site. Effort shall be made to utilize natural filtration and or infiltration best management practices (ie. bioretention areas, subsurface infiltration systems, ponds,

swales, etc). All best management practices shall be permitted with an acceptable maintenance plan as required in Section 9.7.

9) Measures shall be taken to control the post-development peak rate and volume of runoff so that it does not exceed pre-development runoff for the 10-year and 50-year, 24-hour storm event and for additional storm event frequencies as specified in the channel protection volume design criteria of the NH Stormwater Management Manual, December 2008 amended, a copy of which is available from NHDES: http://des.nh.gov/organization/divisions/water/stormwater/manual.htm

10) The applicant shall demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, such as flooding and erosion of stream banks and shoreland areas. Stormwater management of site development or re-development should incorporate considerations of existing stream geomorphic status.

11) The biological and chemical properties of the receiving waters shall not be degraded by the stormwater runoff from the development site.

12) The design of the stormwater drainage system shall provide for the disposal of stormwater without damage or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.

13) The design of the storm drainage systems shall take into account upstream runoff that passes over or through the site to be developed or re-developed and provide for this movement.

14) Whenever practical, natural vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

15) Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance such that the area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.

16) Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.

17) All temporary control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.

e) Redevelopment Project Requirements: For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, modified stormwater management requirements (below) will apply. For sites with less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects with the important distinction that the applicant can meet those requirements either on-site or at an approved off-site location within the same watershed provided the applicant satisfactorily demonstrates that impervious area reduction, LID techniques and/or structural BMPs have been implemented on-site to the maximum extent practicable.

Because redevelopment may present a wide range of constraints and limitations, this standard allows for flexibility and an evaluation of options that can work in conjunction with broader state watershed goals and local initiatives. Stormwater requirements for redevelopment vary based upon the surface area of the site that is covered by existing impervious surfaces. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. The term "site" is defined as one or more lots, tracts, or parcels of land to be developed or redeveloped for a complex of uses, units or structures, including but not limited to commercial, institutional, governmental, and/or mixed uses. For sites with less than 40% existing impervious surface coverage, the stormwater management requirements for redevelopment will be the same as for new development. The applicant can meet those requirements either on-site or at an approved off-site location within the same watershed provided the applicant satisfactorily demonstrates that impervious area reduction, LID strategies, and/or structural BMPs have been implemented on-site to the maximum extent practicable.

For redevelopment sites with more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques listed in order of preference:

1) Reduce existing impervious area by at least 50% of the redevelopment area through the application of porous media; or

2) Implement other LID techniques to the maximum extent practicable to provide treatment for at least 50% of the redevelopment area; or

3) Use on-site structural BMPs to provide adequate treatment for at least 50% of redevelopment area; or

4) Any combination of impervious area reduction, other LID techniques, or on-site structural BMPs for at least 50% of redevelopment area.

5) Off-site structural BMPs to provide adequate water quality treatment for an area equal to or greater than 50% of redevelopment areas may be used to meet these requirements provided that the applicant satisfactorily demonstrates that impervious area reduction, LID strategies, and/or onsite structural BMPs have been implemented to the maximum

extent practicable. An approved off-site location must be identified, the specific management measures identified, and an implementation schedule developed in accordance with local review. The applicant must also demonstrate that there are no downstream drainage or flooding impacts as a result of not providing on-site management for large storm events. To comply with local watershed objectives the mitigation site should be situated in the same subwatershed as the development and impact the same receiving water.

f) Responsibility for Installation and Construction: The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the provisions of these regulations. Site development shall not begin before the stormwater management and erosion control plan receives written approval. Best Management Practices shall be installed as designed and scheduled as a condition of final approval of the plan.

g) Bonding: The Planning Board may require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or the surety.

h) Plan Approval and Review: The Planning Board shall approve the stormwater management and erosion control plan if it complies with the requirements of these regulations and other requirements as provided by law. Technical review of any stormwater management and erosion control plan prepared under these regulations shall be reviewed by a qualified professional consultant, as determined by the Planning Board, at the expense of the applicant.

i) Maintenance and Inspection:

1) After final Planning Board approval and as a condition precedent thereto, the owner of record of the property shall cause notice of the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans, as approved by the Planning Board, to be recorded at the Registry of Deeds sufficient to provide notice to all persons that may acquire any property subject to the stormwater management and sediment control plans. See RSA 477:3-a. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478. The notice need not set forth the requirements at length so long as it is sufficient to provide notice to prospective purchasers of the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board. The planning board may require routine inspections to insure compliance with the Stormwater Management, Groundwater Protection, Impervious Surfaces, and Erosion and Sedimentation Control sections of these regulations. Such inspections shall be performed by a designated agent with appropriate certifications at reasonable times to the landowner.

2) If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.

3) Prior to the issuance of any certificate of occupancy, the applicant/developer shall post a bond or other security to cover the cost of installation of any stormwater management and erosion control measures.

4) A set of As-Built Plans shall be submitted to the Planning Board within thirty (30) days of the completion of construction, before any certificate of occupancy can be issued. A post construction inspection will be scheduled as soon as possible after the As-Built Plans have been received. If the Planning Board determines that the stormwater management and erosion control measures do not meet the above requirements or conditions of approval, the Planning Board may revoke the site plan at a properly noticed public hearing.

SECTION 17 - Impervious Surfaces can negatively impact surface and ground water quality in a number of ways. Impervious surfaces, such as paved parking lots decrease infiltration and recharge of groundwater, provide an express route for runoff to reach waterways, provide a surface upon which pollutants can accumulate, and prevent the natural processing of pollutants in soil, plants, and wetlands. Therefore, all final applications shall minimize the area of impervious surfaces, and address the potential negative impact of impervious surfaces on surface and groundwater resources.

The total overall impervious cover of a site shall not exceed 30%. For purposes of complying with this requirement, impervious cover draining to green roofs (with living vegetation), porous pavements, or other Low Impact Development filter treatment systems can be subtracted from the calculation of total impervious cover.

SECTION 18 - Parking

A - Parking Spaces: No structure hereinafter shall be erected nor shall any uses be established unless adequate off-street parking, loading, or unloading space is provided. The number of off-street parking spaces shall conform to the limits specified in the following table:

Type of Use	Maximum # of Spaces	Minimum # of Spaces
Eating & Drinking Establishments	1 space for every 3 seats, plus 1 space for each employee	1 space for every 4 seats
Manufacturing Facility	1 space per 400 square feet of floor area	1 space per 500 square feet of floor area
Motels and Hotels	1 space for each sleeping room + 1 space for every 2 employees	1 space for every sleeping room
Offices	1 space per 200 square feet of floor area	1 space per 250 square feet of floor area
Places of Public Assembly	1 space for every 4 seats	1 space for every 5 seats
Retail Business	1 space per 250 square feet of floor area	1 space per 300 square feet of floor area

B - Parking Lot Dimensions: Every parking space shall be a minimum of 9 feet in width, and 18 feet in length. Parking lot travel lanes shall be a minimum of 20 feet in width and a maximum of 24 feet in width.

C - Development Incentives: In order to encourage the development of desired land uses, and notwithstanding other provisions of this ordinance, the Planning Board is authorized to issue a Conditional Use Permit waiving the parking standards. Such a permit shall be in exchange for permanent measures taken by the developer/property owner to reduce reliance upon single-occupancy motor vehicles. The extent of the parking waiver shall be based upon sound planning principles and shall be at the sole discretion of the Newington Planning Board.

SECTION 19 - Conditions of Approval: The applicant shall submit letters from applicable utility companies confirming that the utilities depicted on the approved site plan meets the companies' specifications.

SECTION 20 - Reimbursement: The applicant shall reimburse the Town for the board's administrative expenses and costs of special investigation and the review of documents and other matters that may be required by particular applications. This includes, but is not limited to, review by consulting engineers or other consultants to assess the environmental impact, hydrological impact, ground water quality impact, traffic impact, or any other study deemed necessary by the Planning Board in order to make an informed decision.

SECTION 21 – Waivers: For good reason shown, the Planning Board may waive one or more of these regulations.

SECTION 22 - 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 23 - 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.