

TOWN OF NEWBURY

REGULATIONS

FOR

SITE PLAN REVIEW

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ARTICLE I AUTHORITY

- 1.1 The Newbury Planning Board hereby adopts Site Plan Review Regulations in accordance with the provisions of Chapter 674 New Hampshire Revised Statutes Annotated 1955 as amended and pursuant to authorization from the Town of Newbury by Town Meeting action on March 11, 1987 and March 14, 1989.

ARTICLE II PURPOSE AND SCOPE

2.1 Purpose

These Site Plan Review Regulations authorize the Newbury Planning Board to review and approve or disapprove site plans for the development of commercial, non-residential, and multifamily residential properties. The Regulations also prescribe the content and procedures for site plan preparation and submission to the Planning Board. The Site Plan Review process is intended to assist in the preservation and enhancement of the rural atmosphere, recreational facilities, existing natural environment, and the overall quality of life for residents and visitors to the Town of Newbury while allowing for orderly growth and development. Specifically, it is intended to address items such as drainage, potential flooding, protection of groundwater, pollution control, fire protection, provision for open and green spaces, proper layout and construction of streets, traffic impacts, control of conditions dangerous to health and safety, minimization of the ecological impact, definition of requirements for town services and facilities, and such other items as may apply to the specific application. The considerations apply equally to the preservation and enhancement of the lakes, ponds, streams, wildlife, and the natural scenic beauty of the area.

2.2 Scope

These Site Plan Review Regulations authorize the Newbury Planning Board to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses and for multi-family dwelling units which are defined as any structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or resubdivision of the site. One-family and two-family dwellings are specifically excluded from the application of these Regulations. The purpose and scope of these Regulations are as follows:

- 2.2.1 to protect the health, safety, and welfare of citizens and the community through a review and analysis of the location on the site of buildings, roads, and sidewalks and of the interaction of the site with neighboring lots, town highways, and sidewalks;
- 2.2.2 to provide for the safe and attractive development or change or expansion of use of

the site and to guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:

- 2.2.2.1 inadequate drainage or conditions conducive to increased flooding of the property or that of another;
- 2.2.2.2 inadequate protection for the quality of groundwater;
- 2.2.2.3 undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or other properties;
- 2.2.2.4 inadequate provision for fire safety, prevention, and control;
- 2.2.3 to require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the Town;
- 2.2.4 to provide for the harmonious and aesthetic development of the municipality and its environs;
- 2.2.5 to provide for open space and green spaces of adequate proportions;
- 2.2.6 to require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, snow removal, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system; and
- 2.2.7 to require that the land indicated on plans submitted to the Planning Board shall be of such character that it can be used for purposes intended without danger to health or to the character of the land.

ARTICLE III TYPES OF DEVELOPMENT REQUIRING SITE PLAN REVIEW

- 3.1 Criteria: A landowner shall obtain Site Plan Review approval from the Board for the following types of development:
 - 3.1.1 all new principal buildings and accessory buildings for multi-family and non-residential use;
 - 3.1.2 additions of more than 500 square feet of floor area to such existing principal and accessory buildings or 10% whichever is less;

- 3.1.3 a change in use or layout of multi-family or non-residential property or building(s) which involves changes in traffic flow; parking; drainage; water, sewer, or other utilities; fuel storage; or toxic material storage; or
- 3.1.4 cottage industry. (See Article XIII for submittal requirements).
- 3.2 Interpretation: The Planning Board is responsible for interpreting whether or not a Site Plan Review is required for a particular development, change of use or change in site layout. Anytime a property subject to Site Plan Review changes ownership or tenancy, is remodeled, or engages in any of the activities outlined in paragraph 3.1, the landowner shall contact the Planning Board to see if Site Plan Review is required.

ARTICLE IV COMPLIANCE WITH OTHER REGULATIONS

- 4.1 The Site Plan Review procedure shall be used in conjunction with the Newbury Master Plan and shall in no way relieve an applicant from compliance with all State and Newbury Regulations. No Site Plan shall be approved unless such plan complies with all applicable local ordinances and regulations. Whenever the regulations governing site plan review differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern, to the extent not contrary to state law.

ARTICLE V DEFINITIONS

- 5.1 Zoning Ordinance Definitions: For the purposes of these Site Plan Review Regulations, the meaning of terms or words used herein shall conform to the definitions found in the Newbury Zoning Ordinance or Subdivision Regulations, with the provision that if there is a contradiction in meaning, the more stringent of the two shall apply. The word Board shall mean the Newbury Planning Board
- 5.2 Abutter: Any person whose property adjoins, or is directly across the street or stream from the land under consideration. A property owner cannot be his/her own abutter for the purpose of notification. For the purposes of receipt of notification of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association. For the purposes of receiving testimony only, and not for the purposes of notification, the term abutter shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. The names of all abutters shall be obtained from the Town Tax List as it exists in the Town Offices.
- 5.3 Landscaped Open Space. That portion of the lot not covered by impervious surfaces such as buildings, paving, walkways, and driveways. Landscaping shall consist of any of the

following or combination thereof: material such as grass, ground covers, shrubs, vines, annuals, perennials, hedges or trees; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls, fences, but excluding paving and artificial plant materials.

ARTICLE VI PROCEDURE FOR SITE PLAN REVIEW

- 6.1 General: There are three phases in the site plan review process: Non-binding Consultation and Conceptual Review (Phase I), Preliminary Review (Phase II) and Final Application (Phase III).
- 6.2 Phase I: Nonbinding Consultation and Conceptual Review: In order to save expense and unnecessary changes later on, a person is encouraged to request a consultation and/or request to be on the agenda of a regular meeting of the Board for a discussion of a proposed concept in general terms and for a review of applicable Site Plan Review Regulations, application forms, necessary supporting maps, and documents. There is no application fee, nor is this consultation and review binding in any way on either the applicant or the Board. Conceptual Review does not require abutter notification or a public hearing with the Planning Board.
- 6.3 Phase II: Preliminary Review: If a person wishes a review of a project which goes beyond discussion of the proposed site plan in conceptual form, he/she shall apply to the Board on a form provided by the Board and pay the required fees. The Board shall then give public notice of the preliminary site plan review hearing in accordance with these regulations as listed below.
- The preliminary review shall be conducted only at meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board. A copy of the appropriate minutes of the Board or such other communication as the Board may desire shall be a sufficient report. The applicant may feel that the Preliminary Review by the Board is not necessary and that he/she is willing to risk the expense of preparing a final Site Plan without review and comment by the Board.
- 6.4 Phase III: Final Application Review: Any person desiring final approval for a site plan shall submit an application as outlined in **ARTICLE X** to the Board at least twenty-one (21) days prior to the regularly scheduled public meeting of the Board. At that meeting the Board will determine if the application is complete, and if it is, a public hearing will be held on the merits of the proposal. Prior to the meeting, the public and abutters will be given notice as required in paragraph 6.6 with the additional requirement that the notice shall state that the Board will determine if the application is complete at the meeting.
- 6.5 Fees for Consultants: Fees in addition to the application fee may be imposed by the Board during the review process to ascertain compliance, to cover fees and expenses of consultants

to the Board including, but not limited to, engineers, surveyors, lawyers, and community planners. If consultants are required, the applicant shall deposit with the Board the following fees:

- o One thousand dollars (\$1000) for parcels of 40,000 square feet of disturbed land area or less,
- o Two thousand dollars (\$2000) for parcels over 40,000 square feet of disturbed land area but less than 80,000 square feet of disturbed land area, and
- o Three thousand dollars (\$3000) for parcels in excess of 80,000 square feet of disturbed area.

This money shall be placed in an escrow account and dispersed by the Town to the consultants for the Board based on actual costs as detailed on invoices. If the escrow account is depleted, then the applicant shall reimburse the Town for any additional costs for consulting services prior to any final decision by the Board on the application. The balance in the escrow account shall be refunded to the applicant after a final decision by the Board and all costs for consultants to the Board have been paid.

6.6 Public Hearings: Notice of Public Hearing: No application may be denied or approved without a public hearing on the application.

6.6.1 The Board shall notify the following persons by certified mail of the date and time when the completed application will be formally heard by the Board:

6.6.1.1 the applicant

6.6.1.2 the abutters (see definition 5.2)

6.6.1.3 the landowners whose property is located within two hundred (200) feet of the land under consideration

6.6.1.4 holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration

6.6.1.5 every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board.

6.6.2 Such notice shall be mailed at least ten (10) clear days (not including the days of mailing and hearing) prior to such formal hearing . At the same time the notice is mailed to the abutters and applicant, such notice shall also be given to the general public by posting a copy of the notice in two public places in the Town, and the placement of a notice in a local newspaper of general circulation. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. If the application is to receive accelerated review, the Board shall give notice that the application will be reviewed for completeness and that the public hearing on the Site Plan Review will take place at the same time. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

6.6.3 Additional notice of an adjourned session of a public hearing is not required if the

date, time, and place of the adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. The Board will receive written or verbal input from any of the review entities outlined in Section 10.12.2. below. Other persons may testify as permitted by the Board at each hearing. Additional public hearings may be held at the discretion of the Board.

6.7 Public Hearing on Application for Final Approval; Time Limits

The Board shall, at the next regular meeting or within 30 days following the delivery of the application for which notice can be given in accordance with the requirements of Section 6.6, determine if a submitted application is complete and shall vote upon its acceptance.

Upon determination by the board that a submitted application is incomplete according to Section 10.1, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. When the applicant is present and consents, the Board shall describe verbally the information, procedure, or other requirement necessary for the application to be complete.

Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days. However the planning board may apply to the Board of Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application. Alternatively the applicant may waive the requirement for planning board action within the time periods specified in this section and consent to such extension as may be mutually agreeable.

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the selectmen shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the selectmen shall certify on the applicant's application that the plat is approved pursuant to this paragraph. The selectmen shall not certify approval if within those 40 days the selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

Failure of the selectmen to issue an order to the planning board under the paragraph above, or to certify approval of the plat upon the planning board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that

the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

- 6.8 Notice of Decisions: If the application is approved, the Board shall issue a written decision which includes any and all conditions which have been required by the Board as a part of the approval decision. If the application is denied, the Board shall state the reasons for denial. Minutes of the Board meeting shall be a sufficient record of the Board's decision.

ARTICLE VII PROCEDURE WHEN SPECIAL EXCEPTION OR VARIANCE APPROVAL BY THE ZONING BOARD OF ADJUSTMENT IS REQUIRED

- 7.1 When a Special Exception or Variance is required by the Zoning Ordinance, the applicant shall first obtain the Special Exception or Variance before applying for Site Plan approval. Additional conditions may be required by the Planning Board as part of the Site Plan approval.

ARTICLE VIII PROCEDURE WHEN SUBDIVISION APPROVAL IS REQUIRED

- 8.1 When both Subdivision and Site Plan approvals are required on a proposed development, the Board may hold the Site Plan Review at the same time as the hearing required for the final plan by the Subdivision Regulations.

ARTICLE IX CERTIFICATE OF COMPLETION

- 9.1 No development may be occupied and no site may be used unless and until a Certificate of Completion has been issued by the Board or its designee. A certificate shall not be issued until the site improvements have been completed and are in conformance with the approved Site Plan. Before a certificate is issued, all construction and site preparation debris shall be removed and the site left in a neat and tidy condition. A site may be occupied or used prior to completion if a performance bond or other security in an amount and form approved by the Board is provided to the Town for unfinished improvements.

ARTICLE X APPLICATION REQUIREMENTS

- 10.1 Introduction: The standards and requirements in Article XII will be used by the Board in its review of any site plans submitted. The Board will accept, as complete, an application for Site Plan Review which consists of the materials outlined below.

- 10.2 Application Form: An application form provided by the Board completely filled out.
- 10.3 Check for Fees: A check for the required fees which shall be calculated from the fee schedule provided with the application form.
- 10.4 Agency Letter: Written authorization from the landowner of record for any agent(s) to represent the owner
- 10.5 Abutters List: The abutter list (on form) shall include the following:
- 1) the applicant
 - 2) the abutters (see definition section 5.2)
 - 3) the landowners whose property is located within two hundred (200) feet of the land under consideration
 - 4) holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration
 - 5) every engineer, architect, land surveyor, or soil scientist whose professional seal will appear on any plat submitted to the Board.

The names and addresses of all abutters and landowners within two hundred (200) feet shall be selected from the town records not more than five (5) days before the date of filing the application.

When common land abuts or is within 200 feet of the subject land, all persons with an interest in that land must be on the abutter list.

- 10.6 Documentation: One full size copy and seven 11" x 17" copies of each plan and eight copies of all the documents required by the application submittal requirements of this Article.
- 10.7 Site Plan: A Site Plan map drawn to the scale of 1"=20' or an alternative scale acceptable to the Board. The following information shall be included:
- 10.7.1 A title block in the lower right-hand corner containing the tax map and lot numbers, the name and address of the owner of record, the name and address of the surveyor or engineer, date of last revision, and scale.
 - 10.7.2 True north point, graphic scale, dates of revisions, and the seal and signature of the surveyor or engineer.
 - 10.7.3 An approval block with the title "TOWN OF NEWBURY, NH PLANNING BOARD", approval date, and seven blank lines for signatures.
 - 10.7.4 A location map, shown as an inset on the Site Plan, which shall show the

proposed development in relation to major roads, bodies of water, or other landmarks of the town.

- 10.7.5 A perimeter boundary survey by a licensed land surveyor including metes and bounds and the lot area.
- 10.7.6 Rights-of-way and traveled surface of all fronting streets.
- 10.7.7 Names, mailing addresses, tax map # and lot # of abutters (see definition in 5.2).
- 10.7.8 Zoning districts including their lines of demarcation.
- 10.7.9 The location, shape, and size of all existing and proposed buildings or other structures, and site features such as signs, driveways, sidewalks, parking spaces, loading areas, storage areas, open spaces, large trees, open drainage courses, service areas, and easements. A picture or drawing of each sign with dimensions shall be included.
- 10.7.10 Existing and proposed grades with topographic contours at intervals not exceeding two (2) feet and extending two hundred (200) feet beyond the site plan boundary.
- 10.7.11 Any existing streams, wetlands, marshes, lakes or ponds whether natural or manmade within two hundred (200) feet beyond the site plan boundary.
- 10.7.12 A utility plan (underground utilities are encouraged whenever possible) showing location of and provisions for either private or municipal:
 - 10.7.12.1 fresh water supply including a water supply sufficient for fire protection
 - 10.7.12.2 sewage disposal system.
 - 10.7.12.3 electrical lines and equipment.
 - 10.7.12.4 exterior lighting and sign illumination showing type of lamp, beam direction and candle power or wattage.
 - 10.7.12.5 phone, cable, and communication lines.
 - 10.7.12.6 fuel storage, distribution lines and equipment.
 - 10.7.12.7 air conditioning including cooling towers.

- 10.8 Landscaping Plan: A plan of landscaped open space (see definition in 5.3) which, in addition to showing the layout of buildings and paved areas, indicates a planting plan and species to be planted. The plan shall also show landscaped features such as stone walls, bollards, seating, etc. The plan shall meet the standards set forth in paragraph 12.4 .
- 10.9 Drainage Plan: A drainage plan showing:
- 10.9.1 the existing and proposed method of handling water runoff.
 - 10.9.2 the direction of flow of the runoff through the use of arrows.
 - 10.9.3 the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, storm sewers, culverts and manholes.
 - 10.9.4 engineering calculations used to determine drainage requirements including alteration of existing drainage patterns due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed based on a fifty (50) year storm frequency for box culverts and bridges and a twenty-five (25) year storm frequency for all other drainage improvements.
- 10.10 Structure Plan: Provide plans and elevations of all existing structures to remain and proposed structures on the site showing how they will meet the standards set forth in paragraph 12.5. Floor plans should show the breakdown of the floor area and the proposed use(s). Plans shall be drawn to a scale of 1/8 inch equals 1 foot or larger. In addition, present elevations of all signs showing height, size, character, composition and layout. Photographs, 5"x 7" in size, of the four elevations of all existing structures which are to remain unchanged may be substituted for drawings.
- 10.11 Written Summary: Provide a written summary describing the proposed site development and the proposed use(s). Include each of the applicable items below.
- 10.11.1 days and hours of operation
 - 10.11.2 number of employees
 - 10.11.3 the extent of normal customer/business traffic including truck deliveries
 - 10.11.4 an estimate of the maximum hourly traffic into and out of the premises, traffic flows on connecting roads, special traffic problems and how the applicant proposes to mitigate them
 - 10.11.5 data and calculations used to arrive at the number of parking spaces specified
 - 10.11.6 the need for utility services by type

- 10.11.7 any other information which will clarify the proposal to the Board.
- 10.12 Permits and Approvals: One copy each of all required federal, state, and local permits, and approvals (with or without special conditions and/or stipulations).
- 10.12.1 Special Exception or Variance approval by the Zoning Board of Adjustment, if required.
- 10.12.2 A copy of the Site Plan Review application and related materials together with a Sign-off Sheet supplied by the Board shall be provided to each of the entities below for their review and comment. An authorized signature, indicating review, shall be obtained from each entity. Sign-off Sheets shall be submitted to the Planning Board at or before the public hearing on acceptance of the application.
1. Newbury Board of Selectmen
 2. Newbury Police Department
 3. Newbury Fire Department
 4. Newbury Highway Department
 5. Newbury Conservation Commission
 6. Any Other as required by the Planning Board.
- 10.13 Additional Information: The Board may require such additional information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.
- 10.14 The applicant's attention is directed to Articles IX, XV, and XVI.

ARTICLE XI WAIVER OF REQUIREMENTS

- 11.1 Upon request of the applicant, the Board may waive any portion of the Site Plan Review Regulations where, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations. All such waivers shall be set forth in the decision of the Board as reflected in its minutes. Upon request of the applicant, the above notwithstanding, the Board may waive any portion of the application requirements for the convenience of the applicant providing that such waiver does not impair the Board's ability to evaluate the proposal in relation to the purposes and scope of these regulations.

ARTICLE XII STANDARDS AND REQUIREMENTS FOR PROPOSED DEVELOPMENTS

12.1 Introduction: The following standards and requirements will be used by the Board in its review of site plans and approval will depend on compliance with them.

The State of New Hampshire and the Town of Newbury stress the importance of aesthetics in any development. When designing a site and buildings the developer should take into consideration and preserve the natural beauty of the environment and the traditions of landscape and construction in the New England Area.

12.2 Site Characteristics: The development shall conform to the natural topography of the site. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety, the need for light and air, the need for views, and the goal of minimizing the adverse visual impact of the project. Natural cover shall be retained to supplement required landscaping to the extent possible and reasonable.

12.3 Harmonious and Aesthetic Development: The site shall be developed to provide for the harmonious and aesthetic development of the site with the surrounding area.

12.4 Landscaped Open Space:

12.4.1 General: The site shall be landscaped to provide a neat and tidy appearance. Landscaping shall be provided which is in keeping with the character of the area where the site is located, the purpose of the development, and the location of buildings and improvements. The quality of the proposed site development is directly related to the extent of the landscaping effort expended.

12.4.2 Perimeter Landscaping: A landscaped buffer shall provide privacy and noise protection, but in no case shall the width of the buffer be less than the setbacks otherwise required in that zoning district. For commercial development the landscaped buffer between the street right-of-way and the edge of the on-site parking lot shall be no less than ten (10) feet wide.

12.4.3 Minimum Landscaped Open Space Area:

12.4.3.1 Commercial or Industrial: The minimum landscaped open space for site plans for the development of commercial or industrial type uses shall be 25% of the total lot area exclusive of public or private rights-of-way.

12.4.3.2 Residential: The minimum landscaped open space for site plans for the development of residential uses including cottage industries is 50% of the total lot area excluding public or private rights-of-way.

12.4.4 Location of Landscaped Open Space: The Board encourages the main emphasis of the landscaping effort be expended enhancing the appearance of the property as

viewed from adjacent streets and properties.

12.4.5 Use of Landscaped Open Space Areas for Snow Storage: The accessible open portions of landscaped open areas may be used for snow storage if the use of those areas for snow storage does not conflict with other site design parameters such as drainage control and site visibility.

12.4.6 Landscaping Within Parking Areas: Parking in excess of ten spaces shall include internal landscaping to provide shading of parking areas, break up of the mass of parking areas, and facilitate pedestrian and traffic flow and safety. A minimum of one 2 ½ inch caliper deciduous tree or alternative landscaping plan as approved by the Board shall be provided for each ten parking spaces.

12.4.7 Slopes: Where slopes of 25% or greater are created or disturbed, they shall be covered or planted with deep rooted species to prevent erosion and to provide an attractive, finished appearance to the site. If the slope is too great to support vegetation, the earth shall be retained by a wall or other appropriate means.

12.4.8 The following features are encouraged:

12.4.8.1 An ordered and attractive site layout and landscape.

12.4.8.2 Preservation of natural landscape elements such as boulders, views, animal habitats, etc.

12.4.8.3 The use of native plants.

12.4.8.4 Landscape which includes low-maintenance perennial gardens and shrubs and trees which add beauty and interest to the site.

12.4.8.5 Natural but stabilized surfaces.

12.4.8.6 Quality construction and materials for durability and attractiveness, for example: granite curbs, paving for areas which are heavily trafficked, etc.

12.4.8.7 Outdoor amenities for the enjoyment of the pedestrian.

12.4.8.8 Variety and visual interest.

12.4.8.9 Village-type, pedestrian scaled lighting.

12.5 Structures: New structures should be designed to reflect and blend in with the natural landscape and they should be designed to reflect New Hampshire's and Newbury's heritage, which is largely agricultural and residential.

- 12.5.1 Buildings should create variety and visual interest. Large, single mass forms are generally out of place unless they are agricultural in nature. Where larger floor areas are required by function every effort should be made to break up the building mass into smaller components more reflective of traditional wood frame construction practices. Large expanses of uninterrupted walls without windows and without architectural features are to be avoided. Large masses of building without architectural detail or interest are to be avoided.
- 12.5.2 There should be a clear order in the building design which indicates where the entry is and how the pedestrian should move safely from place to place on the site and from car to entry.
- 12.5.3 Buildings should be designed to relate to each other and sited to create exterior space which facilitates community gathering and use and which makes the pedestrian experience pleasant, for example: town greens on the large scale, outdoor court yards and sitting areas on the smaller scale.
- 12.5.4 The use of quality materials and construction is encouraged to assure the longevity and good looks of the project. Local building forms which include pitched roofs (7/12 slope or greater), wood clapboards or shingles, significant eaves for protection from snow and rain, and architectural detailing such as corner boards, fascias, cornices, etc. are encouraged.
- 12.5.5 Existing structures which are a part of Newbury's heritage should be preserved and re-used if they are architecturally valuable.
- 12.6 Recreational Areas: A site plan for multi-family structures shall make adequate provision for on-site recreational uses by the residents of the proposed development to minimize the likelihood that public safety will be endangered by the use of internal roads and parking areas for recreation.
- 12.7 Storage and Waste Areas: Storage areas and waste collection areas shall be appropriately located and fenced or screened from on-site and adjoining parking areas and from neighboring properties.
- 12.8 Parking, Loading, and Safety:
- 12.8.1 There shall be adequate traffic access to and from Town and State streets and highways to insure the safety of vehicles, pedestrians, and bicycles.
- 12.8.2 The access/egress to a parking facility shall be clearly marked and signed and said markings/signs maintained year around. One-way entrances shall be a minimum of 13 feet wide; two-way entrances a minimum of 24 feet wide. Access/egress points should be at least one hundred-twenty-five (125) feet

away from another entrance on the street.

- 12.8.3 No paving, except for walkways perpendicular to the building, shall extend to directly meet the building. There shall be a landscape buffer and pedestrian way between parking and the building.
- 12.8.4 There shall be adequate access to each structure for fire, police, and medical emergency vehicles and personnel. Adequacy shall be established by the Board following written input from the appropriate agencies.
- 12.8.5 Through traffic on fronting streets shall not be impeded or endangered by vehicles entering or leaving the site.
- 12.8.6 Provisions shall be made for the safe accommodation of pedestrian traffic along fronting streets in the vicinity of the development.
- 12.8.7 There shall be adequate circulation, parking, and loading facilities to ensure the safety of vehicles and pedestrians on the site. Loading facilities shall be provided off-street. Loading space shall be accessible when all designated vehicle parking spaces are occupied. Necessary traffic controls (signs, lights, etc.) will be installed. The Board may establish speed limits.
- 12.8.8 The proposal shall conform to the Town's on-site parking regulations as shown in Appendix A. In addition, the Board may require additional on-site parking spaces for uses such as, but not limited to marinas, docking facilities and hotels/motels for boat and/or trailer parking and for auto repair garages for vehicles which will be or have been repaired.
- 12.8.9 The street(s) serving the site shall be paved and of sufficient width and load carrying capacity to accommodate existing and projected traffic.
- 12.8.10 Adequate provisions shall be made for handicapped parking and safe accessibility for the handicapped from the parking spaces to the proposed building(s)/use(s).
- 12.9 Water Drainage: The applicant shall provide written assurance and, if necessary, an assurance from a consultant selected by the Board, that provisions for handling surface and subsurface waters, storm drainage, and melting snow are adequate and will not adversely affect abutting or other properties or Town facilities. No stream, brook, river, wetland, lake, pond, reservoir, or aquifer shall be affected adversely.
- 12.10 Snow Removal and Storage: Provision for adequate and safe snow storage and /or removal must be made. In general, an area equal to 20% of the parking, aisle, and driveway areas will be needed for on-site snow storage. It shall be the developer's responsibility to eliminate

snow hazards. Aspects to be considered will include: (a) accessibility, topography, and practicality; (b) width of snow storage area (ten feet minimum); (c) snow melt and runoff - not to adversely affect neighboring properties, landscaping, or traffic safety; (d) dangerous hazards resulting from snow storage.

12.11 Consideration for Adjacent Land: The proposed location and height of buildings or structures, walls and fences, parking, loading, landscaping, and snow removal shall be such that it will not interfere with or discourage the appropriate development or use of land adjacent to the proposed site or unreasonably affect its value.

12.12 Interaction With Adjacent Land: The site shall be designed for the comfort and scale of the pedestrian not just the vehicle. Where possible, provide landscaped pedestrian paths which link to other pedestrian destinations in the town or off site. Pedestrian paths shall have sufficient lighting and dressed surfaces to assure safe use. Trees for shade and shelter from the wind should be provided along the paths. It is a goal of Newbury to create the atmosphere of a town center and the development of a pedestrian network in and around the area of the Newbury harbor. Other areas which might be developed in the future should also promote a sense of community through landscape which provides for paths, seating, view points, etc. for the use of the general public.

12.13 Adverse Features: Site development shall not generate or create adverse and preventable elements of pollution such as noise, smoke, soot, particulates or other discharge into the environment which might prove harmful to persons, structures, adjacent or other properties or be in violation of State or Federal laws.

12.14 Exterior Lighting and Signs:

12.14.1 Exterior lighting shall be installed and operated in such a way that adjacent residential uses are suitably protected and that glare is not experienced by adjacent residential uses and by passing motorists.

12.14.2 Signs shall conform with the provisions of the Newbury Zoning Ordinance.

ARTICLE XIII SITE PLAN REVIEW FOR A COTTAGE INDUSTRY

13.1 Introduction: The Board will accept an application as complete which consists of the materials outlined below for a Site Plan Review for most Cottage Industries. The Board at its discretion may impose the full set of application requirements outlined in ARTICLE X above.

13.2 Application Form: An application form provided by the Board completely filled out.

- 13.3 Check for Fees: A check for the required fees which shall be calculated from the fee schedule provided with the application form.
- 13.4 Agency Letter: Written authorization from the landowner of record for any agent(s) to represent the owner.
- 13.5 Abutters List: The abutter list (on form) shall include the following:
- 1) the applicant
 - 2) the abutters (see definition section 5.2)
 - 3) the landowners whose property is located within two hundred (200) feet of the land under consideration
 - 4) holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration
 - 5) every engineer, architect, land surveyor, or soil scientist whose professional seal will appear on any plat submitted to the Board.

The names and addresses of all abutters and landowners within two hundred (200) feet shall be selected from the town records not more than five (5) days before the date of filing the application.

When common land abuts or is within 200 feet of the subject land, all persons with an interest in that land must be on the abutter list.

- 13.6 Documentation: One full size copy and seven 11" x 17" copies of each plan and eight copies of all the documents required by the application submittal requirements of this Article.
- 13.7 Written Summary: A Written Summary of the proposed cottage industry which describes the proposed business, area (sq. ft.) within the buildings allocated to the cottage industry, the percentage this area represents of the total floor area, the days and hours of operation, the number of employees, the extent of normal customer/business traffic including truck deliveries, any change in demand for service for any utility including water, sewer, electric, phone, and cable, the provisions of fire protection, and any other descriptive information on the proposed cottage industry which will be helpful to the Board in evaluating any impacts of the proposed site development.
- 13.8 Site Plan: A Site Plan drawn to the scale of 1"=20' to include:
- 13.8.1 north point, graphic scale, date of preparation, dates of revisions, zoning district, and name of person preparing the site plan;
 - 13.8.2 name(s) and address(es) of owner(s) of record and applicant if different from owner(s);

- 13.8.3 site location map which shall show the proposed development in relation to major roads in Newbury;
- 13.8.4 boundary lines of the area included in the site (Typically, a boundary survey by a licensed land surveyor is not required. However, the Board may require one as they deem it necessary in a particular situation);
- 13.8.5 the location and dimensions of existing and proposed structures, parking areas, driveways, and landscaping/open space areas on the property;
- 13.8.6 location of all existing and proposed on-site parking and landscape buffering;
- 13.8.7 location of water and sewer lines or on-site sanitary systems serving the property;
- 13.8.8 location of any proposed signage and lighting - include a picture or drawing of each sign with dimensions;
- 13.9 Structure Plan: Provide drawings to a scale of 1/8"=1' or photographs, 5"x 7" in size, of the four elevations of the structures which are to be used for the business.
- 13.10 Permits and Approvals:
 - 13.10.1 any and all necessary State permits approved by the appropriate agency for new or proposed access drives, sewage disposal systems, storm drainage systems, etc.;
 - 13.10.2 written approval from the Fire Chief and Road Agent or a representative of the N.H. Department of Transportation;
- 13.11 Additional Information: the Board may require such additional information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.
- 13.12 Waivers: Waivers may be granted in accordance with ARTICLE XI.
- 13.13 The applicant's attention is directed to Articles IX, XV, and XVI.

ARTICLE XIV SITE PLAN REVIEW FOR LAND APPLICATION OF MUNICIPAL SEWAGE SLUDGE/BIODEGRADABLE SLUDGE IN THE TOWN OF NEWBURY

- 14.1 Applicant shall provide the Planning Board the following for review and approval before

beginning any land application of Municipal sewage sludge:

- 14.1.1 A copy of the Site Map submitted to the ZBA with all information required by Newbury Zoning Ordinance, Article 3.8. In addition, the Site Map shall show the location and details of the following:
 - 14.1.1.1 All areas of the site with slopes of 8 percent grade or better shall be shaded.
 - 14.1.1.2 Points of site access and egress shall be clearly shown together with traffic control measures to be provided.
 - 14.1.1.3 Complete information on planned containment control measures.
 - 14.1.1.4 Site signage, means of posting the permit(s), and any lighting planned.
 - 14.1.1.5 Site plantings and/or other means of screening the site; e.g., around a buffer zone.
 - 14.1.1.6 Wheel washing and roll off areas for vehicles.
 - 14.1.1.7 Vehicle overnight parking, maintenance, and service areas.
 - 14.1.1.8 A wind rose (from Weather Bureau, showing average wind direction over a 12 month period).
- 14.1.2 A plan for materials handling, including equipment types and sizes, number of pieces of each, hours of operation, days of operation, and equipment security methods.
- 14.1.3 Information and data on the volume and weight capacity of materials handling equipment and planned rate of application.
- 14.1.4 Information on methods and means for mixing materials to be spread and of tilling into the soil, if planned.
- 14.1.5 Details and plans for equipment maintenance, storage, and fueling, together with plans for preventing fuel and/or oil and grease spills.
- 14.1.6 Plans for fire prevention and fire suppression.
- 14.1.7 Schedule of operations.
- 14.1.8 Plans for erosion control.
- 14.1.9 Plans for dust control.

ARTICLE XV SECURITY FOR CONSTRUCTION OF IMPROVEMENTS

- 15.1 The Board shall specify in its approval of the Site Plan the amount of any security to be posted by the applicant for the development of the site in accordance with the Board's approval. Such security shall be in the form approved by the Board. The purpose of the security shall be to allow the Town to construct and install drainage, erosion control, landscaping, parking, traffic control and other non-building improvements as determined by the Board in the event of default by the applicant. The security may be reduced at the discretion of the Board as improvements are made. The steps for issuing and releasing security shall be the same as required in the subdivision regulations including, but not limited to, determining the amount, the sufficiency, term and form of the security.

ARTICLE XVI PERIOD FOR CONSTRUCTION

- 16.1 Period for Construction. The applicant shall commence construction of improvements within six (6) months from the date of approval of the Site Plan and complete all construction and improvements within one (1) year from the date of commencing construction. The Board may extend the time for commencing or completing construction for a period not to exceed an additional six (6) months. Failure to commence construction within eighteen months of approval of the Site Plan shall nullify the approval.
- 16.2 Changes and Alterations in an Approved Site Plan. No changes or alterations shall be made in an approved Site Plan without the consent of the Board. The Board may grant such consent for good cause upon request of the applicant and upon such notice and hearing as may be required.

ARTICLE XVII SEPARABILITY

- 17.1 If any provision in these Regulations shall be held to be invalid for any reason by any court, such holding shall not invalidate in any manner any other provisions contained herein.

ARTICLE XVIII ENFORCEMENT, FINES AND PENALTIES, AND INJUNCTIVE RELIEF

- 18.1 Enforcement: These regulations shall be enforced by the Board of Selectmen as provided in RSA 676:17.
- 18.2 Fines and Penalties and Injunctive Relief: Enforcement of these regulations by the Board of Selectmen shall follow the provisions of RSA 676:15 and 676:17.

ARTICLE XIX CERTIFICATION

Certified to be a true copy, attest:

Barbara Freeman
William M. Weiler
Albert W. Bechler
I. J. W.

David A. Thayer
J. Ronald Williams

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Amended: June 9, 1992

Amended: June 8, 1993

Amended: November 4, 1998

Last Amended: April 19, 2005

APPENDIX A ON-SITE PARKING

a. Density: The general guidelines regulating on-site, off-street parking are as follows:

<u>Land Use</u>	<u>Unit</u>	<u>Minimum Standard Spaces</u>
Auditorium, Theater, Church	Seat	.3
Hospital	Bed	1.2
Restaurant	Seat	.3
Restaurant with Take-out	Seat	0.5
Industrial	Employee	.6
Office	1000 sq.ft.. gross floor space	4.0
Medical/Dental/ Veterinary	1000 sq.ft.. gross floor space	4.5
Bank	1000 sq.ft.. gross floor space	5.0
Retail	1000 sq.ft.. gross floor space	4.0
Shopping Center	1000 sq.ft.. gross floor space	5.5
Hotel/Motel	Unit	1.0 plus 1.0 per employee on the largest shift
Bed & Breakfast	Room	1.0
	Owner's Unit	2.0
Elementary/Jr. High School	Classroom	1.0
College/University		By Board Review
Funeral Home	Seat	.25
Private Club	Member	.25
Multi-family Dwelling	Family Unit	
Efficiency Unit		1.0
1 & 2 Bedroom Unit		1.5
3+ Bedroom Unit		2.0
Marinas & Docking Facilities	Slip, mooring and Dry Storage Space	1.0

b. Uses Not Listed: Minimum parking requirements for uses not listed shall be determined by the Board.

c. Multiple Use of the Same Site: The on-site parking requirement for each use of a multiple use site shall be added together to determine the total on-site parking requirement for that site.

d. Small Car Allowance: Small vehicles may not exceed 30% of the total parking spaces.

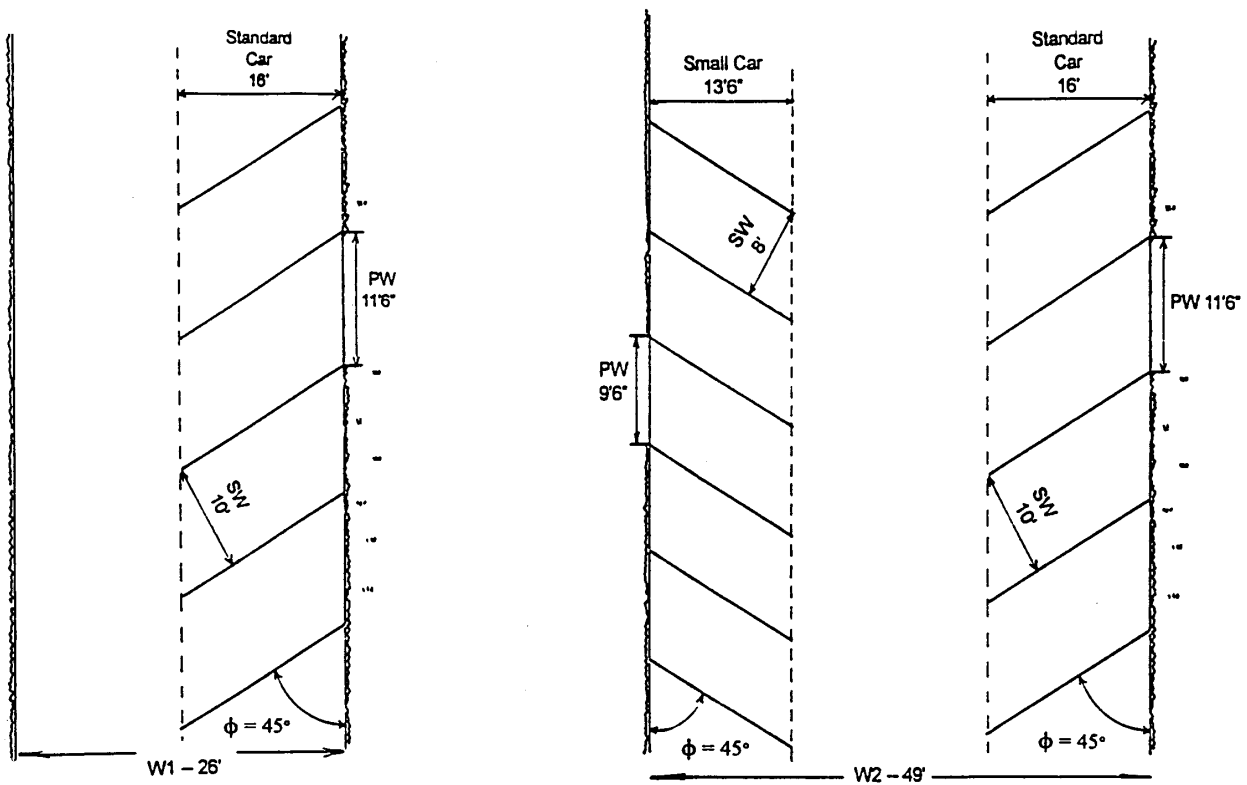
e. Parking Stall Widths and Lengths: Minimum parking stall widths and lengths are as follows:

Category	Minimum Parking Stall Width	Minimum Parking Stall Length
Small Car	8 feet	18 feet
Standard Car	9 feet	20 feet
Elderly Use	10 feet	20 feet
Supermarket and Camper Use	11 feet	20 feet
Handicapped	12 feet	20 feet

f. Required Parking Lot Layout: The following table and sketch detail the minimum required dimensions for layouts of parking lots:

		Parking Dimensions - Wall to Wall (W1 & W2)				
		Width of Parking & Aisle	Angle of Parking - ϕ			
Group of Vehicle	Stall Width			$\phi = 45^\circ$	$\phi = 60^\circ$	$\phi = 75^\circ$
Small Car	8'	W1	26'	29'	36'	42'
		W2	40'	46'	52'	57'
Standard Car	9'	W1	32'	35'	62'	48'
		W2	49'	55'	62'	66'
Elderly Use	10'	W1	32'	34'	42'	48'
		W2	49'	54'	62'	66'
Supermarket & Camper Use	11'	W1	33'	35'	43'	49'
		W2	49'	54'	62'	66'
Handicapped	12'	W1 & W2	Same as above for Supermarket Use			

Reg. Parking Layout



$$PW = SW / \sin \phi$$

W1 & W2 are wall to wall layouts. If parking is curb to curb, subtract 1 ft. - 6 in. from table dimensions for W1, and 2 ft. for W2.

g. Parallel Parking : Parking spaces for all vehicles outlined in section e. above except small cars require a rectangular space of at least 9' by 24'; small vehicles require a space 8' by at least 21'.

h. Parking Lot Grade: The maximum grade of a parking lot shall be 5% for paved parking areas and 3% for unpaved parking areas.

i. Handicapped Parking: It is suggested that provision be made for parking for handicapped persons in accordance with the Americans with Disabilities Act as interpreted and implemented by the landowner. Handicapped parking spaces shall be at least 12' by 20' .

j. Drainage: Sheet flow discharge from parking lots is desirable when flow is into well vegetated areas. When runoff flow is concentrated along one side of the parking lot or if the flow is directed primarily toward the corner of a lot or otherwise concentrated, a collection and discharge system ; e.g. ditches, lawn drains, catch basins and/or culverts shall be provided. Ditches shall be seeded or sodded on slopes less than or equal to three percent (3%). Ditches with slopes over three percent (3%) shall be lined with pavement, half-pipe sections or stone rip-rap to prevent erosion. When parking lots exceed 15,000 square feet in size (approximately 1/3 acre), means of intercepting runoff flows (e.g. swales, ditches and culverts, yard trench drains, catch basins and culverts) shall be provided to reduce runoff flow being concentrated at a single discharge point or along one side of the parking lot. Similar systems shall be provided when the parking lot is subjected to concentrated runoff from higher elevated property or sheet flow from upland areas. Interceptor ditches, french drains, etc. may be employed along the top edges of the lots to collect this runoff and convey it around or away from the lot. In all cases of concentrated discharge or sheet flows in excess of two feet per second (2 fps), suitable energy/velocity dissipators shall be provided.

k. Settlement and Separator Systems: All parking lots discharging runoff into or within 300 feet of streams, ponds, lakes; and all parking lots and service drives of gasoline filling stations, fuel storage and handling facilities, garage repair facilities, and any other facilities handling petroleum, oils and fuels shall collect runoff from these areas into settlement basins and petroleum products separators and holding systems. These systems shall be designed by a registered professional engineer, and design specifics and calculations shall be provided with an application for site plan review. In addition, the engineer shall specify maintenance and cleaning frequencies and standards.