

Adopted January 5, 1999

SECTION 5
TOWN OF CHARLESTOWN, NEW HAMPSHIRE
Site Plan Review Regulations

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SECTION 5.1 AUTHORITY

The Charlestown Planning Board hereby amends and adopts these Site Plan Review Regulations pursuant to the authority vested in the Planning Board by vote of Charlestown in March 1975 and February 1986 and, in accordance with the provisions of RSA 674:43 and RSA 674:44 contained in the New Hampshire Revised Statutes Annotated, Title LXIV - Planning and Zoning. One-family and two-family dwellings are specifically excluded from the application of these Regulations.

SECTION 5.2 PURPOSE

The purpose of Site Plan Review is to provide for the safe and attractive development or change or expansion of use of the site and to protect the health, safety and prosperity of the community, through a review and analysis of the location, design and function of existing and proposed constructions and topographical and landscaping features of the site, and of the interaction of such constructions and features with neighboring lots, Town highways and sidewalks and with the community as a whole. The Site Plan Review is intended to assure compliance with all of the provisions of RSA 674:44 Site Plan Regulations, Section II, and more particularly to:

- A. ensure that there is sufficient capacity on the part of schools, emergency services, water supply and distribution systems, sewage and solid waste disposal systems, drainage, roads, and other community services to support the proposed project;
- B. provide for adequate snow storage and removal;
- C. provide adequate fire protection, including access for emergency vehicles and water supply for fire suppression;
- D. ensure access for the handicapped to parking areas and buildings;
- E. provide safe pedestrian and bicycle access;
- F. correct illegal, hazardous, unsightly, or nuisance conditions;
- G. protect the natural landscape as much as possible by minimizing tree and soil removal;
- H. protect the economic and aesthetic interests of properties adjacent to a proposed development and of the community to assure that a development shall not be detrimental to the values of land or property in the surrounding neighborhood or have a negative impact upon the Town's property;
- I. provide aesthetically pleasing and compatible design of buildings and facilities; and
- J. ensure that projects are completed in a timely manner.

SECTION 5.3 COMPLIANCE

No site plan shall be approved unless such plan complies with all applicable local ordinances and regulations. The Building Inspector shall not issue a Certificate of Occupancy under the Town Building Code for any building on a site plan which does not comply with the Notice of Action on the approved site plan. Any requirement of the Notice of Action to be performed in the future, which has been bonded under Section 5.9.2, will satisfy the condition for the issuance of the Certificate of Occupancy.

SECTION 5.4 DEFINITIONS

5.4.1 Terms

For the purpose of these Site Plan Regulations, in addition to the terms included in this Section, the meaning of terms used herein shall conform to the definitions found in the Charlestown Zoning Ordinance, Section 2 - Definitions, and the Charlestown Subdivision Regulations. Where conflicts in definitions exist, the definitions contained herein shall take precedence.

5.4.2 Board

The word Board shall mean the Charlestown Planning Board.

5.4.3 Site Plan

A drawing on paper, or other permanent material commonly used for architectural or engineering plans, showing and fully describing the proposed development of a tract or parcel of land, plus accompanying narrative, where needed.

5.4.4 Major Site Plan

A proposal for a new use, substantial change of use, or expansion of 25% or more of the current level of operations as measured by floor area of buildings, total vehicular traffic or other indicator, on a lot or combination of lots comprising an integrated operational unit, or a change of use that will result in substantial new off-site impacts. The designation of a proposal as a Major Site Plan shall be at the sole discretion of the Planning Board.

5.4.5 Minor Site Plan

A proposal for a minor change of use or expansion of less than 25% of the current level of operations as measured by floor area of buildings, total vehicular traffic or other indicator, on a lot or combination of lots comprising an integrated operational unit, or a change of use that will result in relatively insignificant new off-site impacts. Any Site Plan proposal not

designated by the Planning Board, in its sole discretion, as a Major Site Plan shall be designated as a Minor Site Plan.

5.4.6 Notice of Action

Notice of Action, as used in these Regulations, shall be the form signed by the Chairperson or designee containing the decision of the Board. The Notice of Action shall set forth the following:

- A. A description of the approved site plan indicating title, date, project number and engineer, surveyor and/or architect as applicable;
- B. A description of all specific conditions required by the Board which are in addition to the Performance, Design and Construction Requirements of Section 5.7;
- C. A description of any waivers granted by the Board, pursuant to Section 5.8;
- D. All requirements for off-site improvements and impact fees, as provided in Section 5.7.8;
- E. A description of land, if any, to be dedicated to widen existing streets;
- F. All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but to be performed by the applicant;
- G. Any modifications of requirements, which are allowed by the Board, as authorized by these Regulations (Note: See Section 5.7.7, J, re: Paving and 5.7.7, L, 4 re: Curbing);
- H. In the case of conditional approvals, those permits or approvals to be obtained and whether or not a public hearing will be required in accordance with RSA 676:4, I(i);
- I. And any other provisions deemed necessary by the Board; and
- J. Expiration date of approved site plan.

SECTION 5.5 PLANNING BOARD JURISDICTION AND PROCEDURES

5.5.1 Types of Development Requiring Site Plan Review

An applicant shall obtain Site Plan approval from the Board for the following types of development or tracts for non-residential uses or for multi-family dwellings containing more

than two dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. (RSA 674:43, I, amended in 1987).

- A. All new, and additions to, principal buildings for commercial, industrial and multi-family use.
- B. All accessory buildings where the aggregate area for such proposed accessory buildings is 500 square feet or greater. If the aggregate area for such accessory buildings is less than 500 square feet, site plan review shall not be required if such accessory buildings are used for expansion of existing uses.
- C. Any change in use of the site, or a change in the existing use which increases parking requirements on-site or off-site or which changes the character or volume of traffic.
- D. Site plan approval shall not be required for one or two-family dwelling units.

5.5.2 Review by the Planning Board for Completed Application

- A. A completed application shall address or consist of the documents and information required by Section 5.6, Application Requirements.
- B. An application for site plan review shall be filed with the planning office at least twenty-one (21) days prior to the regularly scheduled Board Meeting on forms designated by the planning office. The applicant shall pay, in advance, all costs of notice to abutters. Failure to pay costs may be the basis for disapproval of the application. RSA 676:4,1(e)(2).
- C. The Planning Administrator shall review the application for completeness. Only complete plans, as recommended by the Planning Administrator, will be scheduled for hearing at a public meeting. At that hearing the Board shall rule on the completeness of the application. Only after the Board determines that the application is complete will the legal time limits be in effect. If the application is deemed to be complete by the Planning Board, final review can commence at the same meeting. A formal hearing on completeness or final review may be adjourned to continue on a specific date with no further notice of the meeting required.
- D. The applicant may appeal the administrative determination of incompleteness to the Board and it shall be a condition of appeal that the applicant shall pay all required fees. If the Board disagrees with the administrative determination of incompleteness, the application will be placed on the agenda for hearing at the next regular meeting.
- E. If the Board rules that the application is incomplete, a notice of

incompleteness will be sent to the applicant (see Section 5.5.6).

5.5.3 Notice of Application to Abutters and Applicant

Notice shall include a general description of the proposed Site Plan which is the subject of the application; shall identify the applicant and the location of the site plan; and shall state the date, time, and place of the public meeting/hearing.

- A. A copy of the Notice shall be sent to the abutters and applicant and applicant's surveyor and/or engineer, by certified mail, per RSA 676:4, I(d). The names and addresses shall be furnished by the applicant.
- B. For the purpose of these Regulations, in counting days, the day on which Notice is given and the day of public meeting/hearing shall be excluded.
- C. Notice shall be mailed at least ten days prior to the public meeting/hearing.
- D. Notice to the general public shall be given by one publication of a copy of the Notice in the Eagle Times or other such paper as may be designated by the Planning Board, and by posting in two public locations at least ten days prior to the public hearing meeting. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

5.5.4 Fees and Consultants

All costs of such notice shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the site plan without a public hearing. Additional fees may be imposed by the Board during the review process to ascertain compliance, to cover fees and disbursement of consultants to the Board, including, but not limited to, engineers, surveyors, lawyers and Planning Administrator.

In the event that it is necessary for the Town to take legal action against an applicant to collect unpaid fees, the Town shall be entitled to an award of reasonable attorney's fees incurred in collection of the unpaid amount.

5.5.5 Public Hearing Required

No application may be denied or approved without a public hearing on the application, which shall take place after acceptance of the complete application has been voted upon by the Board in accordance with Section 5.5.2 and within the time limits specified in Section 5.5.6. 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. Other persons may testify as permitted by the Board at each hearing. Additional public hearings may be held at the discretion of the Board.

5.5.6 Time Limits

Within thirty days of the delivery of an application, or at the next regular meeting for which notice can be given in accordance with the requirements of RSA 676:4 I(b), the Planning Board must determine if a submitted application is complete according to the Board's regulations and vote on its acceptance. If the Board determines that a submitted application is incomplete according to the Board's regulations, the Board must notify the applicant in accordance with RSA 676:3 and describe the information, procedure, or other requirements necessary for the application to be complete.

When the Board determines that the application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve as provided in RSA 676:4, I(c)(1), or disapprove within sixty-five days of that determination. The Board may seek an extension or waiver as provided in RSA 676:4, I(f). The applicant may waive the requirement for Planning Board action within the time period specified in RSA 676:4, I(c) and consent to an extension which is mutually agreeable. Upon failure of the Board to approve or disapprove the application within the foregoing time periods, the applicant may obtain from the Board of Selectmen an order directing the Board to act within thirty (30) days.

If the Planning Board fails to act upon the order of the selectmen within that thirty day time period, then within forty days of the issuance of the order the selectmen must certify on the applicant's plat that it is approved pursuant to RSA 676:4, I(c)(1), unless during those forty days the selectmen have identified in writing some land use regulation with which the application does not comply. Failure of the selectmen to issue an order to the Planning Board or to certify approval of the plat upon the planning Board's failure to comply with the order constitutes grounds for the applicant to petition the Superior Court for an order approving the application, if the Court determines that the proposal complies with existing site plan review and subdivision regulations, zoning, and other ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, the Court may order the Board to pay the applicant's reasonable costs, including attorney fees, incurred in securing the order.

5.5.7 Notice of Action

- A. Notice of Action - The Board shall notify the applicant, in writing, by means of a Notice of Action as defined in Section 5.4.6, sent by certified mail, of its action on the final site plan. In case of disapproval, the Board shall clearly set forth in the Notice to the applicant the reasons for its action, with specific reference to standards contained in these Regulations. A copy shall be available at the Selectmen's Office for public inspection within 72 hours after the decision is made.
2. Acknowledgment of Receipt of Notice of Action - The applicant shall acknowledge receipt of the Notice of Action and acceptance of all provisions set forth therein and shall return a signed copy of the same to the Board for

its records.

3. Issuance of Building Permit - No building permit shall be issued until the applicant presents to the Building Inspector a Notice of Action, from the Planning Board, granting approval of a site plan, which shall have been signed by the applicant, and no occupancy shall be permitted unless the applicant shall have complied with the approved site plan. Any physical changes to a current non-residential structure or site will require new site plan approval.
 4. Expiration - Any site plan for which a Building Permit has not been obtained within one year of the date of approval of the Site Plan shall be considered void unless the Board, upon written request from the applicant, grants an extension for good cause.
- E. Conditional Approval
1. Approval with Conditions Precedent: In conformance with RSA 676:4 I, (d), the Planning Board may impose conditions on a site plan that will require an additional noticed public hearing in which abutters have a chance to review and comment on compliance with such conditions precedent. If the Board has imposed such conditions, then approval is conditional. Site plans shall not be granted final approval and signed by the Board until all such conditions have been met.
 2. Final Approval with Conditions: The Board may grant final approval of a Site Plan with conditions that are supplementary to any conditions indicated in the application as described in Section 5.6 or in the approved Site Plan. Such conditions shall be described in the Notice of Action and are subject to enforcement procedures of the Town. Some conditions may be satisfied by bonding or other security as described in Section 5.9.2.

5.5.8 Procedure When Approvals from the ZBA are Required

When approval for a Special Exception or Variance from the ZBA is required by the Zoning Ordinance, the applicant shall first obtain such approval before applying for Site Plan approval. Any applications submitted without the necessary zoning approvals shall be deemed incomplete. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition which imposes the greater restriction or higher standard shall apply.

5.5.9 Procedure When Subdivision Approval is Required

When both subdivision and site plan approval are required on a proposed development,

the Board may hold the Site Plan Review hearing at the same time as the hearing required for the final plat by the Subdivision Regulations. The Site Plan application shall not be considered complete until preliminary approvals have been obtained for minor or major subdivision.

5.5.10 Phased Development

The approval procedure for Phased Development shall be as follows:

- A. The entire site shall be approved under these Regulations.
2. The improvements required to be installed by the Planning Board as set forth in the Notice of Action shall be constructed and installed for each phase. The plan for phasing shall be submitted to the Board and approved as part of the Notice of Action on the Site Plan approval.
- C. In the event of any change after Phase I in the approved Site Plan, the applicant shall notify the Board in writing of such change. The Board shall determine whether or not the proposed change is a minor change or a major change. If the Board determines that the change is a minor change, then the Board may review the proposed change at a public meeting without further Notice, or, in the alternative, require a public hearing with notice. All major changes shall require Notice and public hearing. In the event of approval of any change, the applicant shall be required to submit a revised Site Plan to the Board.

SECTION 5.6 APPLICATION REQUIREMENTS

1. Conceptual Review - In order to save time and expense, an applicant may request to be on the agenda of a 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. Consultation with the Planning Administrator may provide the applicant with enough information to omit this step at the applicant's discretion and own risk.
- B. Formal Application Submission - The application shall:
 1. include a fully completed application form, as provided by the Board to the applicant; and conform to the standards and requirements described in these regulations.
 2. be accompanied by all necessary supporting documentation,

including a list and status of all local, State or Federal permits applicable, noting those applied for and received, draft of deeds of dedication, easements, common ownership or maintenance contracts, condominium documents, contracts for public improvements, and any other information necessary for ensuring legal compliance and management.

In order that copies of the application and plans may be distributed to Board members, the applicant shall file the application by delivering the application to the planning administrator at least twenty one (21) days prior to the regularly scheduled public meeting of the Board at which the applicant will formally submit the application. The application shall include the names and addresses of the applicant and other information described in this section.

The applicant shall be advised by the Planning Administrator that a proposed project will likely be treated either as a Major or Minor Site Plan. However, the final decision to treat the project as a Major or Minor Site Plan shall be by vote of the Board at the meeting following the submittal of the application.

5.6.1 Major Site Plan Requirements

Application for site plan approval shall be accompanied by 13 copies of the narrative and 13 copies of the conceptual plan (a legible overview of the site) of the proposed Site Plan prepared by a New Hampshire licensed surveyor, architect or engineer as applicable, including the following information:

1. Tax map and lot number; area of lot; location and gross area of buildings; off-street parking spaces; loading spaces; height of buildings; proposed use; front, side and rear setbacks; percentage of lot coverage; and indication as to whether or not located in the Drinking Water Protection District.
2. A vicinity sketch showing the location of the site in relation to the surrounding public street system (suggested scale 1" equals 500'), including the legal limits of the right-of-way and the traveled surfaces of all fronting streets.
3. The names and addresses of owners of record of the site and of the abutting properties, based on the current public inspection copy of property owners' list, available in the Selectmen's office, not more than five (5) days before the day of filing of the application. If the owner is not submitting the application, then the owner shall provide a written and signed authorization for the filing.
- D. The name and address of the preparer of the plan and names and addresses of persons or firm preparing other data and information different from the preparer of the plan.
5. Certification of a currently valid boundary survey by a land surveyor licensed

to practice in New Hampshire, including angles or bearings of lines, dimensions and the lot area.

6. Plans shall be submitted on sheets no larger than 24" x 36". Plan sets with multiple sheets shall include sheets of uniform size, a cover sheet with a table of contents, and be bound on the left edge. In exceptional cases, the Board may allow larger plans. Such permission must be requested and granted in writing prior to submission of the application. Failure to obtain such permission shall be the basis for determination that the application is incomplete. The scale of one inch (1") equals forty feet (40') is suggested. The plan shall include a north arrow, Planning Board acceptance block, date and dates of any revisions. Lettering must be legible. LeRoy lettering or typewriting is acceptable. Any handwriting or lettering determined to be illegible shall be rejected forthwith and may be cause for an application to be deemed incomplete.
7. The perimeter boundaries of the lot or lots of the proposed site, including compass bearings, distances, and lot areas.
8. Zoning district designations, dimensional requirements and setbacks from water-bodies (per Sect. 8.4.8), under the Charlestown Zoning Ordinance, including their lines of demarcation, for the proposed site and for abutting properties within one-hundred feet (100') of the site;
1. Width and location of any and all rights-of-way and easements, as determined by a property survey performed by a licensed land surveyor;
10. Existing and proposed grades, drainage systems, structures, topographic contours and spot elevations and, at the Board's discretion, extending beyond the site plan boundary. Topographic information shall be shown at 2' contours and tied to recoverable bench-marks;
11. Elevation views, conceptual plans and building foot-print layouts, indicating shape, size, height and location of the proposed structures, including expansion of existing buildings;
12. The location of natural features such as streams, marshes, lakes, ponds, floodplains or wetlands, and man-made features such as existing roads and structures. The plan shall indicate those natural and man-made features which are to be removed, retained or altered;
13. Proposed streets, driveways, parking spaces, and sidewalks, with indication of direction of travel and the inside radii of all curves. The width of the traveled way of all streets, driveways, and sidewalks, and the total number of

parking spaces shall be shown. Loading spaces and facilities used in connection with any structures on the site shall be shown;

14. The size and location of all existing and proposed public and private utilities including water supply, wells, water supply pipes, fire protection, power and telephone poles and lines. Layout of sewage disposal system shall include septic tanks(s), leach field(s) and associated piping. Applicant shall obtain and furnish a letter stating agreement by the public utilities providers to serve the site. This shall include the size and location of existing public utilities that are off-site with which connections are planned or located within one-hundred feet (100') of the site. Applications may not be submitted that rely on the use of utilities planned or under construction unless the proposed utilities are part of the application;
- O. The location and design of exterior lighting and signs;
16. The one-hundred (100)-year flood elevation and floodway location shall be included where applicable;
- Q. A proposed landscaping plan shall show existing landscaping, plantings to be installed and natural cover to be retained, in accordance with Section 5.7.3;
18. All existing and proposed surface and subsurface storm drainage facilities, including municipal storm drainage facilities located immediately adjacent to the site. Plans for retention, slow release of storm water and treatment, where necessary, shall be provided. The site plan shall include drainage plans prepared by a professional civil engineer licensed by the New Hampshire Board of Engineers. One set of calculations and a drainage area plan shall be submitted to support the drainage plan;
- S. Plans for snow removal and storage (Section 5.7.7, L);
20. A circulation plan of the interior of the lot, showing provisions for both auto and pedestrian circulation. An access plan, showing means of access to the site and proposed changes to existing public streets, including any traffic control devices necessary in conjunction with the site development;
21. Additional construction drawings including but not limited to pavements, walks, steps, curbing and drainage structures;
5. Location of existing and proposed waste disposal facilities, including any screening or fencing of such facilities;

- 23. Potential noise generators and decibel levels at the point of generation;
- 10. For multi-family structures, show on-site recreational facilities, if provided (Section 5.7.7 G);
- 25. Plans for fire protection where site is not connected to municipal water main (Section 5.7.5);
- 26. A written description of proposed operations on the site to include:
 - 1. a statement of proposed hours and days of operations;
 - 2. an estimate of the normal customer/business traffic, including truck deliveries;
 - 3. a description of the proposed uses and associated building area, including type or occupancy for each use;
 - 4. the number of employees and estimated growth rate;
 - 5. the demand for utility service by type;
 - 6. quantitative and qualitative information on material inputs, emissions, effluent flows and methods of mitigation, storage, use and/or disposal. Of concern are hazardous materials designated under section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to the Emergency Planning and Right to Know Act, Section 313, that have the potential to be released with storm water discharges; and any other descriptive information which will clarify the proposal to the Board.
- AA. A general description of the use of abutting properties on the date of application within one-hundred feet (100') of the site boundary, and roads, streets, and driveways within two-hundred feet (200') of the site boundary;
- BB. The Planning Board, at its discretion, may require impact studies for municipal services, vehicular traffic, environmental factors, or any other impact which it considers contrary to the purposes of Section 5.2 of this Site Plan Review Regulation;
- CC. An estimated timetable for construction and completion of buildings, parking facilities, and landscaping;
- DD. If the proposed development requires an approval from the Zoning Board of Adjustment, a copy of the approval shall be attached and made a part of the application (see Section 5.5.8 - Procedure When Approvals from the ZBA Are Required);
- EE. A list of all applicable permits required by local, State of New Hampshire, and

Federal regulatory agencies. With regard to such permits, final approval of the Board shall be in accordance with the provision of Section 5.5.7 E. Such permits shall include, but are not limited to:

1. Sewage disposal system approval from New Hampshire Water Division (NHWD) or approval from the Charlestown Water and Sewer Commissioners, if connecting to municipal system;
2. Erosion Control Permit for alteration of terrain, per RSA 485-A:17, from NHWD, when soil is disturbed;
3. Water supply for over 15 units from New Hampshire Water Division;
4. Dredge and Fill permit from New Hampshire Wetlands Bureau; and
5. Access permit from the New Hampshire Department of Transportation.

FF. Additional information and Waiver or Modification - The Board may require such additional information as may be reasonably necessary to accomplish the purpose of these Regulations. In the event additional information is so required, and if the Board's request is not made to the applicant prior to the public hearing, the Board shall adjourn the public hearing to a specified date. The Board, upon written request, may waive or modify submission requirements in those cases where the information is not essential to the review of the site plan and for which the applicant would incur a substantial expense; and

GG. The site plan shall show the location and general extent of human and natural resources that are protected by all applicable Federal, State and local regulations, ordinances (especially Section 8.4.8 of the Charlestown Zoning Ordinance), executive orders and policies. These may include, but are not limited to, rare, threatened and endangered species; historic resources; wetlands, floodplains, exemplary natural communities, protected river corridors, banks, buffers, water courses, prime farmland, community water supplies and drinking water protection areas.

5.6.2 Minor Site Plan Requirements

Application for site plan approval shall be accompanied by 13 paper copies of the proposed Site Plan. The Planning Board, in its sole discretion, may require such additional information as necessary to evaluate the proposal, or certifications of information by licensed professionals. The minimum information provided with the application shall include:

- A. property boundary lines with dimensions;
- B. names of owners of record and abutting landowners;

- C. copy of tax map with site indicated;
- 4. the shape, size and location of existing and proposed structures on the property;
- E. conceptual plans and building foot-print;
- 6. existing and proposed streets, driveways, parking spaces and sidewalks with indication of direction of travel for one-way streets or driveways. The width of streets, driveways and sidewalks, and the layout of parking spaces and facilities associated with any structure on the site shall be shown;
- G. any existing landscaping and proposed alterations;
- 8. a written description or plans showing size and location for water supply, fire protection, power and telephone, including location of wells, water supply pipes, hydrants, power and telephone poles and lines, both proposed and existing;
- I. location and design of exterior lighting and signs;
- J. a snow storage plan;
- K. location of waste disposal facility, including any screening and/or fencing;
- L. a written description of proposed operations on the site to include:
 - 1. a statement of proposed hours and days of operations;
 - 2. an estimate of the normal customer/business traffic, including truck deliveries;
 - 2. a description of any new proposed uses and associated building areas, including type or occupancy for each use;
 - 3. the number of employees and estimated growth rate;
 - 3. utility service by type; and
 - 4. any other descriptive information which will clarify the proposal to the Board.
- M. a list of all applicable permits required by local, State of New Hampshire and Federal regulatory agencies. With regard to such permits, final approval of the Board shall be in accordance with the provisions of Section 5.5.7 E. Such permits shall include, but are not limited to :
 - 1. Sewage disposal system approval from New Hampshire Water Division or approval from the Charlestown Water and Sewer Commissioners, if connecting to municipal system;

2. Dredge and Fill permit from New Hampshire Wetlands Bureau; and
3. Access permit from the New Hampshire Department of Transportation.

5.6.3 Home Occupation

Home occupation is defined (Charlestown Zoning Bylaws, Section 2) as an activity customarily carried on by the occupants of a dwelling unit, inside the dwelling unit. The application shall include the same submittals as are required for a Minor Site Plan application.

5.6.4 Agency Review and Comment

At its discretion, the Board may require that the applicant secure written comments, as to the potential impact of the project, from each of the following persons/agencies, where applicable. These written comments shall be appended to the application:

1. Fire Chief;
2. Road Foreman;
3. Police Chief;
4. Water System Representative;
5. Wastewater Treatment Facility Representative;
6. Health Officer;
7. Ambulance Driver;
8. Public Works Director or Town Engineer; and if relevant;
9. A representative of the New Hampshire Department of Transportation (DOT).

5.6.5 Signs

Proposals for signs to be erected in connection with the Site Plan shall be reviewed in conjunction with an application for Site Plan review in accordance with the applicable regulations of Section 8.6 of the Town of Charlestown Zoning Ordinance.

SECTION 5.7 PERFORMANCE, DESIGN AND CONSTRUCTION REQUIREMENTS

The Planning Board shall approve the proposed site plan only upon determination that the following standards have been met or the Planning Board has, upon receipt of a written request, waived certain requirements.

5.7.1 General Requirements

The site shall be of such character that it can be used safely for the construction and

installation of the improvements proposed by the applicant, without excessive grades, inadequate drainage and/or other hazardous conditions.

The proposed use, building design and layout shall meet the provisions of the Zoning Ordinance, the Subdivision Regulations and other regulations and ordinances of the Town, shall be consistent with the goals, policies and recommendations of the Master Plan, and shall be determined by the Planning Board to be of such a size and character that it will be appropriate to the existing settlement of the surrounding area. Each site shall be shielded and buffered as needed to provide for the harmonious and aesthetically pleasing development of the site to the neighboring properties.

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 existing

use of, discourage the appropriate development of, or unreasonably affect the value of, land adjacent to the proposed site or of the community as a whole.

The development shall conform, to the extent possible, 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 and the need for light and air. Natural cover shall be retained, to supplement landscaping, to the extent possible and reasonable.

No building of roads or structures, laying of utilities or other site work shall commence until an application has received final approval of the Planning Board.

5.7.2 Erosion Control and Sedimentation

All construction, regardless of the area of bare earth exposed, shall comply with the following:

2. Graded areas shall be vegetated to insure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant material.
3. Grading shall not exceed a ratio of 3 horizontal to 1 vertical without special erosion control measures. Where needed, netting shall be provided on slopes while ground cover is being established.
4. Stripping of vegetation, regrading or other development shall be done in a way that will minimize soil erosion.
5. Wherever practical, natural vegetation shall be retained, protected and supplemented.

6. The disturbed area shall be kept to a minimum.
7. Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
8. Disturbed areas shall be planted with suitable plant materials.
9. Sediment basins (debris basins, de-silting basins or silt traps) shall be installed and maintained where necessary to remove from runoff waters any sediment from land undergoing development.
10. The angle of graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or alternative proposed erosion control devices or structures. In any event, slopes left exposed must immediately be planted or otherwise provided with permanent ground cover or other means sufficient to retain erosion.
11. A ground cover sufficient to retain erosion must be planted or otherwise provided within 30 working days, season permitting, on any portion of the tract upon which further active construction is not being undertaken.
12. The development plan or land disturbing activity shall be fitted to the topography and soils so as to create the least erosion potential.
13. Any area of bare earth exposed in conjunction with building development must be permanently stabilized through replanting, paving or other approved means of eliminating wind or water erosion. Such stabilization must be completed prior to building occupancy or a performance bond must be posted in an amount sufficient to assure completion of such work.

5.7.3 Landscaping

Landscaping should 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. Applicants are encouraged to arrange a conceptual review in accordance with Section 5.6 A. The applicant may propose, and the Board may accept, a phased plan of implementation of landscaping requirements to mitigate the financial impact for the applicant, as provided in Section 5.5.10.

- A. Objectives - The objectives of these landscaping requirements are:
 1. to enhance the overall visual attractiveness of the building, the site, and the Town;

2. to protect and preserve the appearance, character, and value of surrounding neighborhoods by providing a harmonious transition from one type of land use to another; by improving the compatibility between various land uses in the Town; and, by buffering neighboring properties and areas from any adverse effects of site development;
3. to mitigate the appearance and aesthetic impact of accessory uses such as loading areas, dumpsters, utility equipment and areas, storage areas, and parking areas with appropriate screening and landscaping as warranted;
4. to facilitate safe movement of pedestrian and vehicular traffic over a site and to protect pedestrian movement in areas with vehicular traffic;
5. to mitigate increased climatic temperature caused by large expanses of unshaded asphalt;
6. to reduce erosion and to protect wetlands and aquifer recharge areas;
7. to promote energy efficiency and conservation through landscaping and site design; and,
8. to soften glare, filter noise and air pollution, create privacy, and to provide an attractive boundary between properties.

B. Definitions - For the purposes of this section the following definitions shall apply:

Buffer: a landscaped area running generally parallel to the boundaries of a parcel and intended to lessen the negative impact of a land use on neighboring parcels or nearby areas.

Screen: landscaping or fencing or both designed to conceal from view all or part of a structure or site which, in the judgment of the Planning Board, is unattractive or otherwise warrants mitigation of the effect of its appearance.

Opaque: excludes all visual contact between uses and creates a strong impression of spatial separation.

Semi-opaque: partially blocks visual contact between uses and creates a strong impression of the separation of spaces.

Tree, shade: a deciduous or evergreen tree which can attain a height of more than 30 feet and whose branches and foliage create a ceiling or upper limit for the other foliage on site.

Tree, understory: a small tree, that does not normally attain a height greater than 30 feet, being single or multi-stemmed.

Shrub: a low, woody plant with several permanent stems instead of a single trunk.

Ground-cover: a tightly interlaced protective layer of low, dense-growing plants over the Earth's soil.

C. Minimum Landscaped Area

1. On all parcels subject to these guidelines, a minimum buffer or landscaped area along the front, side, and rear property lines should be provided totaling 25% of the lot area or 15 feet in width for the length of each property line, whichever is greater.
2. The minimum landscaped area shall be planted with intermittent vegetation from the ground level to at least 30 feet in height and should be planted at a minimum rate of one (1) shade tree and two (2) shrubs for each 1,000 square feet unless the Planning Board determines that a semi-opaque or an opaque buffer is required.
3. Where healthy plant material exists on the site, prior to development, and provision is made to preserve that plant material on a permanent basis, credit may be given for such preserved natural plant material toward these landscaping requirements.
4. Within the landscaped areas the applicant should propose a mix of shade trees, understory trees, shrubs, well-kept grassed areas and ground cover which is appropriate for the site, its environment, and its surroundings. All new plant material shall be hardy stock, suitable to this area.
5. At the time of planting, all deciduous trees should be a minimum 1.5 to 2 inches in caliper, measured 6 inches above the finish grade level; all evergreen trees shall be a minimum of 6 to 7 feet in height. Said trees shall be planted no closer than 8 feet to any parcel line. Trees may include evergreens not to exceed 25% of the total, unless determined by the Planning Board to be used for screening.
6. Shrubs should be planted with a mix of 60% flowering and 40% evergreen. At the time of planting all shrubs, whether deciduous or evergreen, should be 24 to 30 inches in height and/or 18 to 24 inches spreading.

D. Buffers and Screens

1. Buffers - Where necessary to mitigate the impact of a land use on neighboring properties or the neighborhood, the Planning Board may require that all or some of the minimum landscaped areas required herein be planted as an opaque or semi-opaque buffer(s) and increased in width, by the amount shown in the Table 1, above the standard indicated in Section 5.7.3.C.1:

Table 1. Additional Footage and Opacity for Minimum Landscaped Areas

PROPOSED LAND USE	EXISTING LAND USE				
	Retail	Office	Industrial	Multi- family	Single family
Retail	*	0□/s	5□/s	10□/o	10□/o
Office	0□/s	*	5□/s	5□/o	5□/o
Industrial	5□/s	5□/s	*	10□/o	10□/o
Multi-family	10□/o	5□/o	10□/o	*	o□/s

Legend: o=opaque; s=semi-opaque; *=minimum landscape area

2. Standards for Opaqueness - Buffers and screens shall be either opaque or semi-opaque, as determined by the Planning Board, based on the width of the landscaped area and the extent of negative impact of the use or facility being screened or buffered.
 - a. Opaque - excludes all visual contact between uses and creates a strong impression of spatial separation. The opaque buffer is opaque from ground level to 6 feet in height with intermittent vegetation from 6 feet to at least 30 feet in height and shall be planted at a minimum of 1 shade tree or evergreen tree with conical shape and 1 understory tree per 300 square feet and as many evergreen shrubs as is necessary to exclude all visual contact from ground level to 6 feet in height.
 - b. Semi-opaque - partially blocks visual contact between uses and creates a strong impression of the separation of spaces. The semi-opaque buffer is opaque from the ground level 1 to 3 feet in height with intermittent vegetation from 3 feet to at least 30 feet in height and shall be planted at a minimum of 1 shade tree and 1 understory tree per 300 square feet and as many shrubs as necessary to partially block visual contact from ground level to 3 feet in height.

3. Screens - Screens, shall be provided for service areas and facilities, such as garbage and waste disposal containers, recycling bins, and loading areas; outside storage areas; and, electrical and mechanical equipment such as transformers and compressors; or for any other similar facilities or areas required by the Planning Board.
 4. Any plant material used for screening or buffering shall become effective within 3 years.
 5. Plants shall be placed in a random manner to blend with the natural landscape and to avoid a linear plantation appearance.
- E. Other Buffers - When reviewing an application and any special circumstances that may be associated with the parcel, the Board may require a buffer along streams and rivers and other bodies of water as advised by the USDA Natural Resource Conservation Service, along roadways of special character or those designated by the Town as scenic roads, and natural and historic landmarks.
- F. Landscaping Around Buildings
1. Landscaping around buildings should be provided to buffer parking areas, to define entrances, to provide foundation planting, and to soften large expanses of walls or long roof lines.
 2. Building landscape beds should be planted with trees, shrubs, and ground cover appropriate to the architecture.
- G. Landscaping of Parking Areas
1. For all parking lots containing 20 or more parking spaces, internal landscaped aisles or islands, planted with shade trees, should be considered.
 2. Parking areas should also be screened along lot lines bordering residential or institutional uses.
- H. Roadside Trees/Walls - Because roadside trees are extremely important to the character of any town, removal of trees over twelve (12) inches in diameter (measured at chest height) must be absolutely minimized, especially along roadways. Removal of existing trees can usually be lessened by shifting the site of the building, parking lot or the entrance/exit.

Roadside trees should meet the following criteria:

1. cast moderate to dense shade in summer;
2. be long-lived, i.e., over 60 years;
3. be tolerant of pollution and direct or reflected heat;
4. require little maintenance, by being mechanically strong and insect and disease resistant;
5. be able to survive two (2) years with no irrigation after establishment; and
6. be of native origin, provided that they meet the above criteria.

Where stone walls exist, care should be taken to disturb them as little as possible, since they also act to retain the character of country roads

I. Maintenance and Materials

1. The property owner shall be responsible for maintaining all landscaping, to include grass and mulch, in good, healthy condition so as to present a neat and orderly appearance. The property owner shall replace any unhealthy or dead plant materials in conformance with the landscape plan approved by the Board as part of the site plan.
2. All plant material shall be hardy for USDA Plant Hardiness Zone 4 or less.
 1. All plant material intended for placement in areas that are susceptible to salt laden run-off shall be of a salt resistant species.
3. Existing Plant Material Credit - The applicant shall save and protect to the greatest extent possible all existing large trees on the site having a trunk diameter of at least twelve (12) inches measured 4 feet from finish grade level.
4. Prohibition of Sight-Obscuring Landscaping Features - All plantings, fences, and walls necessitated by these landscaping and screening guidelines shall be pruned and maintained in a manner such that the safety of the traveling public shall not be compromised.
5. Encroachment on Landscaped Areas - The storage, display, or parking of vehicles, boats, mobile homes, travel trailers, or construction equipment

within landscaped areas, buffers, or screens, shown as such on the approved landscape plan, is disallowed.

- 6. Protection of Landscaped Areas - Curbs may be required where appropriate and shall be either concrete or granite or another type approved by the Board (see Section 5.7.7,L,4 re: Curbing).
- 7. Adjustments to Landscaping and Screening Requirements - The reuse or redevelopment of existing sites/buildings for commercial or industrial purposes may present difficulties in complying with new standards, especially when properties were originally developed under different and, in most cases, lesser standards. Therefore, the Board shall use its discretion in applying these standards to the redevelopment of sites, with the goal of trying to maximize the amount of landscaped green space which can practically be obtained in these situations.
- 8. Impervious Surfaces - The total area of all impervious surfaces on a lot divided by the Net Land Area of that lot shall not exceed 50%. Impervious surfaces are those which do not absorb water, including, but not limited to, buildings, structures, paved parking areas, driveways, roads, walkways, and any area of concrete or asphalt, and areas for outside storage of vehicles or machinery. Where slopes exceed 14% the maximum impervious coverage shall be as follows:

<u>Average site area slope</u>	<u>Maximum impervious coverage</u>
14%	50%
16%	40%
18%	30%
20%	20%
22%	10%
24% or more	0%

For intermediate slopes the values may be interpolated.

5.7.4 Other Performance Standards

The site development shall not generate or create undesirable and preventable elements of pollution such as light, noise, vibration, smoke, soot, particulates or other discharge into the environment which might prove harmful to persons, structures or be in violation of State and Federal laws. In addition to the following standards for environmental impacts, the Planning Board, in its sole discretion, may impose other such restrictions if it determines that such emissions and/or effluents are a potential hazard to health, safety or prosperity.

- A. Lighting - Lighting shall be designed, maintained and operated so as not to increase off-site illumination more than two-tenths (0.2) foot-candle above

pre-development levels as measured at all points on the property line five feet above grade. Lighting shall be designed so as not to directly illuminate abutting lots not already in commercial use, or streets and highways. All reasonable efforts shall be made to avoid glare or light over-spill onto residential premises. These may include but are not limited to shielding, lower light intensity, lower pole heights, reflectors and cut-off fixtures. This standard shall not apply to public street lighting.

On-site lighting along roadways, railways and parking areas shall be designed with consideration to luminaire mounting, height, spacing and distribution of light to assure adequate illumination for the safety of vehicles and pedestrian travel. Such lighting shall not interfere with traffic on nearby public highways. Standards and guidelines contained in the *IES Lighting Handbook*, Section 14, shall be utilized to determine the appropriateness of exterior lighting and conformity with these Regulations. The Board may require additional street lighting to meet safety needs on adjacent Town streets/highways and require the applicant to pay the utility for the cost of service.

No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashes.

- 2. Noise - Sound pressure levels must not exceed the limits indicated in Table 2 at the boundary line of each of the use categories of contiguous properties indicated:

Table 2. Maximum permissible noise levels

Use category	dB(A) limit re: 0.0002 microbar
Residential	56
Commercial	63
Light industry	65
Heavy industry	70

Noise levels shown above are subject to the following adjustments:

- 1. Noise present at nighttime: Subtract 7 dB(A)
- 2. Noise is impulsive (meter reading changes at a rate greater than 10 dB(A) per second): Subtract 7 dB(A)

EXPLANATION: dB(A) levels - 70=harmful; 60=stressful; 45=harms sleep
 2. Glare or Heat - Operations producing glare or heat shall be conducted within a completely enclosed building or with other effective screening in such a

manner as to make glare or heat completely imperceptible from any point along any lot line of the proposed development. Emissions of heat or glare shall in no case endanger human health, cause damage to vegetation or property, interfere with the normal operation of equipment or instruments, or interfere with the reasonable use and enjoyment of property located outside the lot of the proposed development.

3. Emissions of Gases, Smoke And Particulate Matter - No emissions of smoke or particulate matter shall be permitted which exceeds any local, State of New Hampshire or Federal applicable standard for stationary sources of air contaminants. In no case shall any such emissions represent a hazard to human health or safety or be greater than pre-development ambient levels at any point along the lot lines of the proposed project.
4. Vibrations - Every use shall be so designed that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at an point on the boundary line of the lot of the proposed development. Vibrations from temporary construction and vehicles which leave the lot (such as trucks and trains) are excluded.
5. Odors - No emission of odorous air contaminants shall be permitted such as to result in detectable odors which are measured in excess of the following limits:

For odorous air emissions from lots which are contiguous to one or more residential lots, or unused lots located in a zone in which residential use is permitted, odors shall not be detectable after the odorous air has been diluted with a maximum of 5 volumes of odor-free air. For all other lots odors shall not be detectable after the odorous air has been diluted with a maximum of 10 volumes of odor-free air.

All of the above requirements notwithstanding, no odor from the proposed project, when in operation, shall be permitted which is detectable at any point along the lot lines of the proposed project.

In addition to the above standards, the proposed development shall comply with all applicable local, State of New Hampshire and Federal air pollution control regulations.

6. Radioactivity - The airborne emissions of radioactive material shall comply with all State and Federal Regulations.
7. Electromagnetic Interference - Electromagnetic interference with radio and television reception is prohibited. In no case shall the proposed development produce harmful radiations in any part of the electromagnetic spectrum,

measured at any point on the property lines of the proposed development.

1. Hazardous, Inflammable and Explosive Materials - If the proposed project intends to use and/or store hazardous, inflammable or explosive materials (including hazardous wastes) on site, the project shall be designed to comply with all fire and building codes for the materials and adequate precautions shall be taken to protect against negative off-site release, using the best available technology. A hazardous materials impact analysis shall be required to determine potential off-site impacts and required mitigation precautions.
2. Setbacks - No parking area for a commercial or industrial use shall be built or maintained within a minimum of ten (10) feet of any boundary line of a residential use, or within a minimum of ten (10) feet of a street line, where street line functions as the boundary line between a residential zone and the site proposed for development; however, the Planning Board may require increased setbacks for parking areas depending upon the extent and intensity of vehicular activity.

To meet any of the performance standards either described herein or otherwise identified by the Planning Board, the Board may require setbacks of buildings and facilities greater than that required for the zone in which the site is located. In no case shall the setback be reduced below that required for the abutting properties.

5.7.5 Utilities and Fire Protection

The Planning Board may require adequate fire protection measures to ensure safe access to and around buildings and sites for fire fighting purposes

Provisions shall be made for the site to be serviced by necessary utilities which may include water for fire protection, whether sprinklers, town supply or others, as recommended by the Fire Chief, and for domestic use. In the event that a site is not serviced by Town water mains, then the following standards shall apply in order to provide minimum requirements for water supply for fire-fighting, and a reasonable degree of protection to life and property.

2. There shall be located on site a water storage facility capable of delivering required fire flows as determined by using the ISO formula for required fire flow. Such storage and delivery systems will meet the requirements of National Fire Protection Act (NFPA) #22, Water Tanks for Private Fire Protection, and NFPA #24, Private Fire Service Mains and their appurtenances.
3. If proper improvements to be constructed are to be sprinklered, either by

Building Code requirements or applicant's choice, water storage capacity shall be determined by NFPA #13, Installation of Sprinkler Systems, or NFPA #13D, Residential Sprinkler Systems. In no case shall storage capacity be less than 10,000 gallons of usable water.

4. The supply of water for fire-fighting purposes shall be located and maintained so as to be accessible year round to Fire Department apparatus. Such supply shall be within a 1,000 foot hose lay of all structures.
5. The Board shall obtain from the Fire Department its comments on compliance with these standards.

Nothing contained herein shall relieve the applicant of complying with applicable provisions of the Charlestown Building Code.

5.7.6 Fees, Assessments in Effect at Time of Connection

The applicant/landowner shall pay all fees, required by an applicable Town Ordinance for connection to any municipal utility which fees or assessments are in effect at the time an application is made for connection.

5.7.7 Coordination of Roadway, Streets, Parking, Loading, Recreation and Safety

21. Public Highway Access - The public highways and Town streets providing access to the site shall be sufficient and have adequate capacity for the safety of vehicles, pedestrians and bicycles. Provisions shall be made for safe accommodation of pedestrian traffic along fronting streets in the vicinity of the site. This will include the public highways which constitute the main traffic arteries which must be utilized by traffic to and from the Site. The Board shall not approve a proposed site plan without such sufficient and adequate access capacity. If a proposed site plan is rejected, the Board shall make findings as to the insufficiency and inadequate capacity of the public highways involved.

No lot in any zone shall be approved for use which does not have frontage upon, or deeded access from, a pre-existing, town maintained road, as required in RSA 674:41. The frontage requirements specified herein or in Section 8.5 of the Town of Charlestown Zoning Ordinance shall apply to the distance measured along a pre-existing town maintained road.

22. Traffic Patterns - The traffic patterns on and at the site shall be coordinated so as to compose a convenient system.
 1. Necessary traffic controls (signs, lights, etc.) will be installed.

2. Speed limits will be lowered where necessary.

C. Off Street Parking Areas

1. Parking areas shall be of sufficient capacity to fully accommodate the anticipated level of employees, clients, customers, suppliers, residents, visitors and all others who would customarily occupy the site.

2. Parking areas for multi-family homes shall include provisions for a minimum of two (2) off-street parking spaces for each unit.

D. Traffic Impacts - For Major Site Plans, applicants may be required to provide a traffic impact study, and such development shall be authorized only upon determination by the responsible regulatory body that, based upon facilities as existing or committed to be improved by the Town or the applicant, the following will be met:

1. Sight distance at the point of egress shall meet American Association of State Highway Traffic Officials (AASHTO) or State of New Hampshire Department of Transportation standards, based on observed (not posted) speeds.

2. On no lane of any street or intersection shall the volume/capacity ratio be increased by more than 0.1 above baseline as a result of the proposed development, with baseline being the ratio resulting from the traffic forecast in five years, given development of the premises for single-family residences, as allowed under the Zoning Ordinance, with no density bonuses.

Loading, unloading and delivery facilities shall be provided off-street. Loading space shall be accessible when all designated vehicle parking spaces are occupied and vice-versa.

5. Access/Egress to Parking and Loading Facilities - 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 13 to 15 feet wide and two-way, 24 to 28 feet wide. Access/egress points should be at least 100 feet away from another entrance on the street. Access/egress curb cuts shall be aligned with on-site parking design. Through traffic on fronting streets shall not be significantly impeded or endangered by vehicles entering or leaving the site.

6. Improvements - Improvements to off-site existing streets may include signal

devices if necessary because of increased traffic generated by the development.

7. Multi-Family Structures - Site plans for multi-family structures shall make adequate provision for the on-site recreational needs of the residents of the proposed development. The plan shall be designed to minimize the likelihood that public safety will be endangered by the use of internal and external roads and parking areas for recreational use.
8. Emergency Access - Each site shall have adequate access from public highways and sufficient maneuvering room for fire, police and emergency vehicles. The Fire Department shall provide information indicating whether or not this requirement is satisfied by the proposed plan. Minimum access requirements shall include forty-five (45) feet turning radius and twenty-two (22) foot fire lanes at the rear of the buildings.
1. Internal Circulation - The Board at its discretion may require that parking areas and areas for internal circulation on the Site shall be physically delineated (for instance, by curbing) so as to protect adjacent grass and plantings and pedestrians.
17. Paving of Parking Areas - Pavement may be required at the discretion of the Planning Board, depending on site conditions. Pavement specifications will be reviewed by the Public Works Director or other individual designated by the Planning Board. Parking spaces shall be a minimum of 9 x 18 feet. Aisles between parallel rows of spaces shall be a minimum of 24 feet apart with 26 feet preferred. Pavement cross-sections shall include a minimum of three inches of bituminous pavement and 14 inches of gravel, in accordance with the specifications contained within Town of Charlestown Subdivision Regulations. Alternative parking designs may be considered by the Board after the design has been reviewed by the Public Works Director or other individual assigned by the Board. The Board may modify the requirements contained herein when it is appropriate to use a substitute for paving because of storm drainage considerations and/or aesthetic considerations, so long as the safety of pedestrian and vehicular traffic is assured.
18. Loading Areas - All loading areas shall be designed so as not to interfere with other planned circulation on the site and so as to provide adequate space and facilities.
19. Drainage, Snow Removal, Curbing and Flood-proofing - The applicant shall provide written assurance from the Public Works Director and, if requested, 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 properties or Town facilities.

1. Provision shall be made for handling water drainage on the site to prevent flooding of the site or that of another property. Drainage onto adjacent properties shall not be increased so as to impair the reasonable use of that property and may be so diverted only after public hearing and written approval from the property owner of the land receiving such drainage.
2. Adequate disposition and treatment of stormwater runoff shall be provided. Storm drainage of the site shall be designed for a twenty-five (25) year storm and, if the existing drainage system to which the site drainage system will be connected is inadequate, provisions shall be made for retention and gradual release of storm water in order to meet the 25 year storm demand and to emulate the rate and timing of pre-development off-site discharge. Combined off-site storm-water handling and treatment facilities may be substituted for on-site systems provided easements are obtained which allow for the construction, use and maintenance of these facilities.
3. Drainage facilities shall employ sediment basins, oil and gas traps, and other facilities as necessary to assure maintenance of the quality of surface and ground waters.
1. All sites shall have curbing around paved parking and driveway areas and closed drainage systems. Curbing in zones A, B, C and D and G-1 shall be granite. Curbing in all other zones shall be concrete or granite. The Board may modify the requirements contained herein when it is appropriate because of expense and/or aesthetic consideration, so long as the safety of pedestrian and vehicular traffic is assured.
5. Adequate areas for snow storage and removal must be provided during the winter months. An area equal to at least 20% of the parking, aisle and driveway areas will be generally required for on-site snow storage.

The following aspects will be considered in reviewing the adequacy of the snow storage/removal plan:

- a. Accessibility and topography of designated storage areas;
- b. Width of the storage site, ten (10) feet is normally considered to be the minimum acceptable width; and
- c. Any potentially adverse effects on neighboring properties from

snow melt and runoff, the landscaping of on-site or neighboring properties and traffic access and safety.

6. Provisions shall be made to assure that the proposal is consistent with the need to minimize flood damage to installations such as sewer, gas, electrical, and water systems, which are elevated and/or constructed to minimize or eliminate flood damage, and that adequate drainage is provided so as to reduce exposure and flood hazards.
7. Design provisions shall also be made to minimize or eliminate infiltration of flood waters into new or replacement water supply systems and/or sanitary sewer systems and discharges from these systems into flood-waters. On-site waste disposal systems shall be located so as to avoid their impairment or contamination from them during flooding.
15. Groundwater Protection - The quality of groundwater shall not be adversely affected by the proposed development. This shall be established by the applicant showing that the proposed development will not violate the rules and regulations of the Division of Water Supply and Pollution Control with regard to groundwater. Special attention shall be given to groundwater quality protection within the Drinking Water Protection District and the Watershed District.
16. Waste Disposal Facilities - Waste disposal facilities shall be provided on-site.
17. Conformance with Other Local Regulations - All developments shall meet the standards and requirements included in the Charlestown Zoning Ordinance and Subdivision Regulations including, but not limited to, parking, location of off-street loading, landscaping, signs, location of driveways, erosion, screened service areas and exterior lighting.

5.7.8 Off-site Improvements and Impact Fees

In those cases where new development creates a need for new or upgraded municipal capital facilities, including highways and sidewalks, sewers, water, police protection, fire protection, drainage, schools, libraries, parks and recreation areas, the Board shall assess an impact fee to be paid by the new development. The assessment shall be based on the following determinations

- A. What quantity of facilities are needed to accommodate the new development?
- B. What is the total cost of the facilities needed to accommodate the new

development?

- C. What revenues will be available to pay for the cost of facilities needed to accommodate the new development?
- D. What is the net cost to accommodate the new development?

The impact fee charged to the new development shall be no more than a proportionate share of the Town's cost of the new and/or upgraded capital facilities needed to serve such new development.

The impact fee shall be paid to the Town prior to the issuance of the building permit and held in a special account established by the Town to be expended on the new or improved capital facilities which benefit the development. The impact fee shall be expended for the purposes described herein within ten years from the date of payment or refunded to the applicant. Impact fees may be accumulated as paid by various applicants until such time as the amount collected is sufficient with other funds available to the Town to construct or improve capital facilities to meet the needs created by the new development.

SECTION 5.8 WAIVER PROCEDURE

5.8.1 Waivers

Upon written request of the applicant, the Planning Board may, at its discretion, for cause, waive any of the requirements for site plan review, and shall so notify the applicant, the Planning Administrator and Public Works Director of that action. Before granting such a waiver, the Planning Board must find that the imposition of certain site plan requirements in a particular case would:

- A. Be inconsistent with the intent of the Regulations; and
- B. Providing that the applicant has demonstrated that compliance would cause practical difficulties, including, but not limited to, excessive and unreasonable expense; and
- C. Upon a finding that the waiver, if granted, would not be detrimental to the Town or to abutters.

5.8.2 Waiver of Public Hearing

The Planning Board shall not waive the requirement for public hearing except in such instances when no Site Plan Review is required.

SECTION 5.9 CONSTRUCTION COMPLETION AND BONDING

5.9.1 Period for Construction and Completion of the Work

The applicant shall construct and complete all design and construction requirements in accordance with Section 5.7 and any other applicable section of these Regulations, as required in the Notice of Action, within 2 years from the date of the signing of the site plan and prior to the issuance of the Certificate of Occupancy.

5.9.2 Bonding and Security

1. Security Before Commencement of Construction - The Board may require security before any work commences on the development for that portion of the development that, if not properly completed, will have an adverse effect on adjoining property or has a potential for erosion. 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.

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 a form approved by the Board. The purpose of the security will be to allow the Town to construct and install improvements as required by the site plan approval in the event of default by the applicant. The security shall be reduced at the discretion of the Board as the improvements are completed.

No development may be occupied and no site may be used unless a certificate of occupancy has been issued by the Building Inspector/Zoning Administrator. Such certificate shall not be issued until these regulations have been complied with and the improvements made or security approved by the Planning Board has been provided to the Town for unfinished improvements.

2. Security After Commencement of Construction - In the event the applicant is entitled to a Certificate of Occupancy under the Town of Charlestown Building Code, except for work such as landscaping and paving which cannot be completed because of the time the year, for example, due to cold weather, then the applicant may be required to post a bond in an amount equal to the cost of completing the work required in the Notice of Action. (See Section 5.3, Compliance) The Public Works Director may deny the request for a bond, and deny the Certificate of Occupancy, if he determines

that the work could have been completed within the usual construction season. Such denial may be appealed to the Planning Board by the applicant. The Planning Board shall either affirm or reverse the decision of the Public Works Director.

3. Amount of Bond or Other Security - The amount of the bond shall be determined by the Public Works Director. The applicant shall sign and deliver a bond in the form required by the Town. The security shall be in the form of a letter of credit or escrow account or similar security, but shall not be in the form of a mortgage on real estate or a security interest in equipment or inventory. A bond issued by a surety company registered to do business in the State of New Hampshire shall satisfy the requirement.

The bond and security shall be released when the Public Works Director is satisfied that the applicant has complied with all requirements set forth in the Notice of Action. If the applicant has not complied within the period of time specified in the bond, then the Town shall enforce its rights under the bond and the security. In the event the Town is required to take any legal action to enforce the bond and security, the Town shall be entitled to an award of reasonable attorney's fees incurred in the enforcement.

5.9.3 Changes and Alterations of an Approved Site Plan

After the Planning Board's approval of a site plan, it shall be the landowner's responsibility to ensure that construction and site development does not deviate from the approved site plan. Any proposed changes to the approved site plan shall be presented to the Planning Administrator for review. The Planning Administrator shall determine if the change is minor or major and shall report such changes to the Planning Board. Minor changes shall require the submission of an amended final site plan application and may be approved by the Planning Administrator after consultation with the Planning Board.

For major changes the Planning Board, after Notice and public hearing, may approve such changes and alterations. The applicant shall submit a revised application and Site Plan for approval. Approval by the Planning Board and Notice of Action is required before construction can proceed on major changes.

Minor changes, by way of illustration, may include, but are not limited to, minor building or site adjustments due to unusual conditions encountered on-site during construction or an improvement in design such as greater setbacks or more landscaped open space.

Major changes, by way of illustration, may include, but are not limited to, major building or site adjustments which as a result would render the site plan in non-compliance with one or more requirements of the Town, which result in either the movement of utility line(s) or access(es), which create the potential of adversely affecting an abutting property as a

result of the change or which otherwise may be contrary to the purpose and scope of these regulations.

Failure of the property owner to obtain the Board's review of other than minor changes in the approved site plan shall cause the Board of Selectmen to issue a "stop work" order on their own motion or at the request of the Planning Board or Planning Administrator, detailing the reasons therefore, and such other enforcement measures deemed appropriate and necessary to ensure compliance with these regulations. A stop work order shall include a provision giving the property owner ten (10) business days to request in writing a hearing before the Board of Selectmen on the term and conditions of said stop work order. Said hearing shall occur within ten (10) business days of receipt of said requests. Dates of notice and/or hearing shall not be counted in the above time periods. This provision does not alter or amend either party's rights of enforcement or appeal pursuant to RSA 676:15-19.

SECTION 5.10 FINES AND PENALTIES AND INJUNCTIVE RELIEF

These regulations shall be enforced, as provided in RSA Chapters 676:15 and 676:17, and in the event of any violation, the Selectmen shall authorize legal action for injunctive relief and/or such fines and penalties as may be provided by law, including but not limited to any and all remedies and relief as may be available under RSA Chapter 676.

SECTION 5.11 AMENDMENT

Amendments to these Regulations shall be made in the manner as required by law.

SECTION 5.12 SEPARABILITY

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

SECTION 5.13 APPEALS

Any person aggrieved by any decision of the Planning Board hereunder may appeal the decision to the Sullivan County Superior Court within thirty (30) days after the filing of the Planning Board's decision pursuant to the provisions of RSA 677:15.

SECTION 5.14 OTHER REGULATIONS

Where these regulations are in conflict with other local ordinances, the more stringent shall

apply.

SECTION 5.15 EFFECTIVE DATE

This Ordinance shall take effect upon its passage and as modified after public hearings.

Adopted	December 17, 1976
Amended	May 20, 1980
Amended	March 5, 1985
Amended	February 4, 1986
Amended	January 5, 1999

SECTION 5.16 APPLICATION OF AMENDMENTS

These Regulations shall not apply to any completed application accepted prior to the first notice of these amendments, nor shall any approved site plan be affected. The regulations in effect at the time of the accepted completed application shall continue to apply. The effective date of these amendments is the date of filing with the Clerk of the Town of Charlestown.

SECTION 5.17 CERTIFICATION

The undersigned, being a majority of the members of the Town of Charlestown Planning Board, hereby certify that, on January 5, 1999, they amended the Site Plan Review Regulations, as contained in this document, after notice and public hearing, as required by RSA 675:6.

_____ Sharon Francis, Chair	_____ Roger Thibodeau, Vice Chair
_____ James Sauchuk, Ex-officio	_____ Kennith Champney
_____ Gail Fellows	_____ Francis McKane
_____ David Sussman	_____ Kenneth Arkell, Alternate
_____ Robert Greenough, Alternate	_____ James McClammer, Alternate

Anah Szklennik, Alternate

Received this _____ day of _____, 1999

Debra J. Clark, Charlestown Town Clerk

Seal

splnew.wpd

jum: February 14, 1999 (5:00PM)