

# **Town of Windham New Hampshire**



## **SITE PLAN REGULATIONS**

## **SECTION 100 - PURPOSE**

The purpose of these Regulations is to provide for Planning Board review and approval or disapproval of all site plans for the development of land, as well as redevelopment or change of use, whether or not such development includes a subdivision or re-subdivision of the site.

The Site Plan Review provisions set forth herein are intended to protect the public health and safety, promote the general welfare of the community and conserve the environment by encouraging construction which is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; pedestrian and bicycle safety and access; emergency access; water supply; sewage disposal; site aesthetics; management of stormwater, erosion, and sedimentation; protection of groundwater; consideration of wildlife habitat, and unique natural areas; protection of historic and archaeological resources; reduction of adverse impacts on adjacent properties; and harmonious placement into the fabric of the community.

## **SECTION 200 - AUTHORITY**

These regulations are adopted pursuant to the authority given Planning Boards in NH RSA 674:43, Power to Review Site Plans and RSA 674:44, Site Plan Review Regulations.

## **SECTION 300 - APPLICABILITY**

**301 Unless exempted under Section 302, site plan approval by the Planning Board shall be required for:**

- 301.1** The erection, construction, redevelopment or enlargement of buildings, structures and their accessory structures.
- 301.2** Construction of new, or expansion of existing, impervious surfaces and drainage features.
- 301.3** The establishment of a new or expansion of an existing nonresidential use, even if no structures are proposed, including but not limited to uses such as gravel pits, cemeteries, golf courses and other nonstructural nonresidential uses.
- 301.4** Change of use to another non-residential use, or expansion of an existing non-residential use, if it increases the intensity of on or offsite impacts not already approved under a previous Site Plan Application.
- 301.5** The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use or a mixed use.
- 301.6** Intentionally Omitted
- 301.7** The construction of a multifamily structure or the conversion of an existing residential structure containing one or two dwelling units to a multifamily structure.
- 301.8** Any proposal for the construction of more than one duplex dwelling on a single lot as specified in the Windham Zoning Ordinance allowing such use.

**302 Exempted Uses – Site Plan approval is not required in the following circumstances:**

- 302.1** Routine maintenance or replacement in-kind to structures or property without expansion.
- 302.2** Interior modifications to a structure without changing or adding to the intensity of the use.
- 302.3** Development of a one-family or a duplex residential structure on a lot (except in the case of Open Space Residential Developments), including any associated impervious surfaces or drainage structures.
- 302.4** Temporary uses at existing approved non-residential sites that do not permanently increase traffic, parking, signage or lighting of the site provided that:
  - 302.4.1** The temporary use goes through the Community Development Department’s Technical Review Committee (TRC) Process and there are no outstanding concerns by TRC members;
  - 302.4.2** A Temporary Sign Permit has been applied for and approved, if applicable; and
  - 302.4.3** The temporary use does not exceed 30 days within a 12 month period
- 302.5** Timber harvesting and forest management activities in keeping with spirit and intent of NH RSA 227-G:1.
- 302.6** Installation of solar energy systems on a site and/or non-residential building, if a majority of the power is to be used by those located on the site on which the systems are located, per NH Public Utility Commission (NH PUC) net metering rules.
- 302.7** Change of use of existing non-residential space, which is a permitted use per zoning, and does not constitute an expansion of use.
- 302.8** In cases where there is uncertainty as to whether a development proposal is subject to Site Plan Review, the Code Enforcement Administrator or other duly authorized agent shall make a determination, in writing, as to whether site plan review is required.

**303 Minor Site Plan/Change of Use**

- 303.1** All site plan applications shall follow the Major Site Plan process unless it is requested by the applicant and determined by the Planning Board that an application qualifies as a Minor Site Plan/Change of Use.
- 303.2** To request an application be heard as a Minor Site Plan/Change of Use application, the applicant shall submit a letter describing the proposed development or change-of-use and addressing the items listed in Section 303.3 below.
- 303.3** Minor Site Plan/Change of Use Applications must describe how they meet the following criteria, as applicable:
  - 303.3.1** The purpose of the plan is for a minor change of use or expansion of use.
  - 303.3.2** The site plan will have minimal traffic impact on the surrounding road network.
  - 303.3.3** There is no increase of access ways to public streets.
  - 303.3.4** Any proposed lot grading does not exceed 15% of the parcel’s total square footage, with a maximum allowed increase of 1,500 sqft.

- 303.3.5** Existing drainage systems can accommodate the proposed additional drainage needs.
- 303.3.6** Increase in gross floor area does not exceed 25% of the existing gross floor area with a maximum allowed increase of 500 sq. ft.
- 303.3.7** Expansion of impervious surface does not exceed 25% of the existing impervious area, and does not to exceed 1,200 sq. ft.
- 303.3.8** There are no unusual or special conditions which require supplemental information for Planning Board and outside third party review, such as engineering, traffic, legal, etc.
- 303.3.9** Indicate whether the application is:
  - 303.3.9.1** A site plan review of development of a lot for single family or duplex use when required by subdivision approval.
  - 303.3.9.2** A–new or expanded structure or use required for public safety purposes.
  - 303.3.9.3** A multi-family housing project with three (3) dwelling units.
  - 303.3.9.4** An other application qualifying as “minor”
- 303.4** The Planning Board will review the letter and the justification submitted for meeting the criteria outlined in Section 303.3, discuss the reasons for or against classifying the proposal as a Minor Site Plan/Change of Use, and vote whether or not to deem the application a Minor Site Plan/Change of Use Application.
- 303.5** If the Planning Board determines that the Application does not qualify as a Minor Site Plan/Change of Use, the application will be deemed a Major Site Plan and must follow the procedure and processes for that type of application. The submitted Minor Site Plan/Change of Use Application will be heard as a Preliminary Major Site Plan Application.

#### **304 Major Site Plan**

All Site Plan Applications not submitted and approved as a Minor Site Plan/Change of Use Application will follow the Major Site Plan Application process.

### **SECTION 400 - DEFINITIONS**

For the purposes of these regulations, the definitions listed below shall apply. In the case of any word or phrase not defined below, it shall be given the meaning as defined in the Windham Zoning Ordinance, or state law. In the absence of any provided definition, the usual and customary definition of such words or phrase shall apply.

**Aquifer Protection District:** See Section 609 of the Windham Zoning Ordinance.

**Certified Site:** A site meeting program qualification which has received some level of approval by the Planning Board and has been accepted by the Southern New Hampshire Planning

Commission (SNHPC) for inclusion in its certified site program known as “ReadySetGo!”

**Certified Site Program:** Program administered by the Southern New Hampshire Planning Commission (SNHPC) under the name “ReadySetGo!” that non-residential property owners and/or applicants can participate in through obtaining certain levels of approval from the Planning Board. Such approved sites, after final selection by SNHPC, are advertised and promoted as a “certified site” ready to go for development/redevelopment purposes

**Cobbetts Pond and Canobie Lake Watershed Protection Ordinance:** See Section 616 of the Windham Zoning Ordinance.

**Development:** Any construction or land grading activity

**Expansion of Use:** Means any increase in dimension, size, area, volume, or height, any increase in the area of use, any placement of a permanent structure or part thereof where none existed before, any improvement that would allow the land to be more intensely developed, any increase in intensity of use based on a review of the previous nature, function or purpose of the use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, or area of operation.

**Flood Plain District:** See Section 607 of the Windham Zoning Ordinance.

**Historic Building/Structure:** A building/structure included on a list prepared by the Heritage Commission dated May 2010, as may be updated, pursuant to RSA 674:44-b(I)(a) of the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> Century Buildings of the Town of Windham.

**Impervious surface:** Any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.

**May:** To be construed to mean permitted but not mandatory.

**Multi-Family:** A residential structure containing three or more attached dwelling units occupied exclusively for residential purposes. Multi-family dwellings do not include commercial accommodations for transient occupancy.

**Open Space Residential Developments:** See Section 611 of the Zoning Ordinance.

**Planning Board:** Shall also be known as “the Board”.

**Redevelopment:** Any new construction on a site that has pre-existing uses.

**Routine Maintenance:** Simple, small-scale activities associated with regular and general upkeep of a building, property, or equipment against normal wear and tear.

**Shall:** To be construed to mean mandatory and not discretionary.

**Should:** To be construed to mean highly encouraged.

**Solid Waste:** Shall include those products and materials commonly referred to as trash, garbage, refuse, by-products or rubbish generally consisting of items and substances either discarded or intended to be discharged by the public, commerce or industry including, but not limited to: biodegradable food, kitchen, paper, wood, cloth and general household wastes; recyclable materials such as paper, glass, metals, plastics, batteries, tires, automotive parts and the like; construction and demolition wastes; electrical appliances and equipment; grease; hazardous and/or toxic wastes including paints, chemicals, petroleum products, light bulbs, fertilizers, pesticides, herbicides, fungicides and medical wastes.

**Stormwater:** Surface water run-off from a non point source caused by a storm event.

**Wetlands and Watershed Protection District:** See Section 601 of the Windham Zoning Ordinance.

## **SECTION 500 - GENERAL STANDARDS**

Site Plan Review shall be required in all circumstances set forth in Section 301 unless excluded by Section 302. The review of any site plan—conducted by the Planning Board under these regulations shall ascertain that adequate provisions have been made by the owner or his authorized agent for the following:

- 501** On-site and off-site traffic circulation and access including adequacy of adjacent streets, entrances and exits, traffic flow, sight distances, curb cuts, turning movements or turning lanes, existing or recommended traffic signalization, and projected relocation or widening of streets.
- 502** Pedestrian safety and access.
- 503** Adequacy of the off street parking and the loading facilities, and the safety and circulation of off street parking and loading facilities (except in Open Space Residential Developments).
- 504** No detrimental effect on the community in the areas of danger or injury to health, safety, or general well being by reason of water supply, traffic generation, pollution, such as but not limited to noise, light or odor, drainage, or the requirement for public service which necessitates an excessive expenditure of public funds for the supply of services.
- 505** Protection of the districts in which the site is located and adjoining districts against detrimental or offensive uses or structures on the site.
- 506** Adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the site and the methods of drainage for storm waters from its impervious surfaces.
- 507** Preservation, where feasible, of historic and archeological features, as well as the protection of natural land features of the site.
- 508** Landscaping that improves the general character of the surrounding area.

- 509 Signing and exterior lighting that provides adequate site lighting without over lighting the site or adjacent properties while minimizing light pollution (except in Open Space Residential Developments).
- 510 A buffer zone consisting of an existing vegetated or planted screen, berm, or by a solid fence or wall (except in Open Space Residential Developments).
- 511 Emergency water supplies.
- 512 Cross parcel access, where physically feasible, and potentially legally obtainable, for parking lots, driveways, roads, sidewalks and/or access isles.
- 513 In addition, the Planning Board shall review the site plan to assure compliance with the provisions of the zoning ordinance and the minimization of encroachment on neighboring land uses.

## **SECTION 600 - SITE PLAN APPLICATION AND REVIEW PROCESS**

The requirements to be followed when an application is submitted are listed below.

### **601 Conceptual Consultation Application**

- 601.1 In accordance with RSA 676:4 II (a), the applicant may choose to undertake a conceptual consultation of an application with the Planning Board prior to the formal submission of a Major or Minor Site Plan Application.
- 601.2 The conceptual consultation provides an opportunity for the applicant and the Planning Board to discuss the concept of the proposal in the context of the Master Plan, Zoning Ordinance and Site Plan Review Regulations and for the Board to provide guidance to the applicant.
- 601.3 All discussions during the conceptual consultation phase are non-binding.
- 601.4 Submissions for conceptual consultation shall adhere to the following procedures:
  - 601.4.1 The applicant shall submit material in accordance with the posted Planning Board submission schedule for the meeting at which the applicant is requesting to be heard.
  - 601.4.2 The applicant shall submit a letter of intent detailing the proposal.
  - 601.4.3 The applicant shall submit a conceptual site plan that provides basic features of the proposal. Conceptual sketches shall show sufficient information about the development to form a clear basis for discussion of potential problems and for the preparation of the Major or Minor Application.
- 601.5 The conceptual consultation does not require formal notification of abutters nor is public testimony required to be taken, although the Planning Board can choose to do so.

### **602 Minor Site Plan Application**

- 602.1 Application and Submittal
  - 602.1.1 The applicant shall submit material in accordance with the posted Planning Board submission schedule for the meeting at which the applicant is requesting to be heard.

- 602.1.2** The material submitted shall include the following:
  - 602.1.2.1** A letter of intent detailing the proposal.
  - 602.1.2.2** Completed Minor Site Plan application form and checklist with a written explanation of all items marked “not applicable/NA”.
  - 602.1.2.3** Applicable fees, in accordance with the adopted fee schedule.
  - 602.1.2.4** Required number of copies of the Site Plan as stated in the Application form, showing existing and proposed changes that are drawn to scale.
  - 602.1.2.5** Requests to waive any of the Regulations
  - 602.1.2.6** Memo detailing how Section 303.3 is satisfied
  - 602.1.2.7** One list of abutters, as defined in RSA 672:3, including the abutters’ addresses, as shown not more than five days before the day of filing and 2 sets of mailing labels for the certified mailings to notify abutters.
  - 602.1.2.8** Copies of Notices of Decision for any variances received from the ZBA.
- 602.2** Determination of Completeness, Public Hearing and Decision
  - 602.2.1** An application shall be determined to be complete when all items listed in Section 602.1.2 have been provided and staff has determined that the application meets all Zoning Ordinance requirements.
    - 602.2.1.1** A completed application sufficient to invoke jurisdiction of the Board shall be accepted by the Board only at a public meeting, with notice as provided in RSA 676:4(I)(d)
    - 602.2.1.2** Within sixty-five (65) days of the formal acceptance of the complete application, the Board shall vote to approve, approve with conditions or disapprove the proposed site plan per RSA 676:4(I)(c)(1) unless waived or extended as provided by law.
  - 602.2.2** If the Board determines that the application is not complete, it will not be accepted and no public hearing will be held. The applicant shall be notified of the determination in accordance with State law.
  - 602.2.3** All conditional approvals are valid for a period of not more than 120 days, unless the Planning Board, at their discretion, chooses to extend the number of days required to meet precedent conditions. All precedent conditions of approval must be met within this 120-day period (or time period established by the Planning Board at time of conditional approval) or the approval shall be considered null and void. In cases where extenuating circumstances prevent the meeting of precedent conditions within 120 days, the applicant may request an extension, to be filed (in writing and with justification) with the Board no later than 14 days prior to the expiration day of the conditions. The Planning Board shall then vote on whether or not to grant such extensions.

**602.2.4** One copy of the approved Minor Site Plan shall be on Mylar and 3 paper copies submitted to the Town with original stamps and signatures on the Mylar plan set.

**602.2.5** Applicants are required to submit the final approved Site Plan in electronic format on CD as an Adobe pdf file.

**603 Major Site Plan Application**

**603.1 Preliminary Application**

**603.1.1** The Preliminary Application is more detailed than the Conceptual Application and involves more specific design and engineering details;

**603.1.2** The applicant shall submit the following material in accordance with the posted Planning Board submission schedule for the meeting at which the applicant is requesting to be heard.

**603.1.2.1** A brief description of the land characteristics and a summary of the major development constraints and opportunities along with a brief description of the proposed development.

**603.1.2.2** Completed Preliminary Site Plan application form and a letter of intent detailing the proposal.

**603.1.2.3** Applicable fees, in accordance with the adopted fee schedule.

**603.1.2.4** List of any potential waiver requests that will be submitted with the Final Site Plan Application.

**603.1.2.5** Required number of copies of the Site Plan as stated in the Application form and PDF of the site plan.

**603.1.2.6** One list of abutters, as defined in RSA 672:3, including the abutters' addresses, as shown not more than five days before the day of filing and 2 sets of mailing labels for the certified mailings to notify abutters.

**603.1.2.7** Existing Conditions plan that clearly illustrates the location of wetlands, and Wetland and Watershed Protection Districts; Zoning District lines including but not limited to the Aquifer Protection District, Cobbetts Pond and Canobie Lake Watershed Protection District and Flood Plain District; site topography (2 foot contours); stonewalls, historic and archeological features; major bodies of water and other-ecological features; existing easements, rights-of-way, roads, and trails; and High Intensity Soil Surveys (HISS soil types). This plan shall be stamped by a licensed engineer, land surveyor, NH certified soil scientist and wetlands scientist, as applicable.

**603.1.2.8** Proposed Conditions Plan that clearly shows the proposed development of the site, including buildings, roads, buffers/landscape areas, limits of tree clearing, easements, trails, open space/undeveloped areas, stormwater infrastructure, and parking.



**603.2.3.5** A copy of any covenants or deed restrictions involving land use that are intended to cover all or part of the parcel and will become a part of any subsequent instruments and conveyance.

**603.2.3.6** Requested number of copies of the site plan and electronic PDFs of the Site Plan and any related documents

**603.2.3.7** One list of abutters, as defined in RSA 672:3, including the abutters' addresses, as shown not more than five days before the day of filing and 2 sets of mailing labels for the certified mailings to notify abutters.

**603.2.4** Required Plan Data

**603.2.4.1** Plans should include the Town's title block, which includes the title of the plan, name of owner of record and address, date plan was prepared and any subsequent revisions, scale of the plan (1" = 50'), name, address and seal of the preparer of the plan, and signature block for the Planning Board's approval of the final plans on every page of the plan set.

**603.2.4.2** A professional engineer and a land surveyor, registered in the State of New Hampshire, shall prepare, sign and stamp the site plan.

**603.2.4.3** HISS soil type map stamped and certified by soil scientist recognized by the State of New Hampshire.

**603.2.4.4** The following statements shall be on the plan:

"When this plan is implemented, the owner or applicant agrees to make all improvements, maintain these improvements including landscaping, as may be approved by the Planning Board and shown on this plan."

Date\_\_\_\_\_ Signature\_\_\_\_\_

"Building permits for new construction will not be issued until the requirements for emergency water supply have been met per NFPA 1, as amended, and NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting. These requirements will be implemented by the Town of Windham Fire Chief or his designee."

Date\_\_\_\_\_ Signature\_\_\_\_\_

"I hereby certify that the site improvements shall have no adverse impact on downstream drainage facilities."

Date\_\_\_\_\_ Signature\_\_\_\_\_

- 603.2.4.5** The names and addresses of all owners of record of all abutting properties as appearing in the most recent town assessing records.
- 603.2.4.6** Existing zoning district boundaries, including but not limited to WWPD, Aquifer Protection District, Floodplain District, and the Cobbetts Pond & Canobie Lake Watershed Protection District
- 603.2.4.7** Boundaries of the property, building and setback lines
- 603.2.4.8** Existing and proposed lines of streets, parking and loading areas and surface types, lots, trails, limits of tree clearing, easements, areas dedicated to public use, rights-of-way, and adjacent roads.
- 603.2.4.9** Location of existing and proposed buildings.
- 603.2.4.10** Location of existing and proposed wells, water mains, sanitary sewer systems, culverts and drains on the site and abutting properties, with pipe sizes, grades, and direction flow.
- 603.2.4.11** Existing and proposed contours at two-foot intervals.
- 603.2.4.12** Location of existing historic buildings/structures, stonewalls, archeological and cultural features, wildlife corridors, water courses, wetlands (including vegetation type) and WWPD setbacks, vernal pools, major bodies of water, marshes, rock outcrops, wooded areas, single trees with a diameter of twelve (12) inches or more measured three (3) feet above the base of the trunk in areas that are to be disturbed, and other significant existing features.
- 603.2.4.13** The following statement must be entered on the plan when the property falls within the WWPD. “NOTE: No structure may be erected nor shall any alteration of the surface configuration of the land be permitted in the Wetland and Watershed Protection District.”
- 603.2.4.14** Location and construction details of the sewage and/or waste disposal system.
- 603.2.4.15** Exterior elevations showing the façade of the proposed buildings to be erected on the site, general/typical floor plans and the building footprint with the egress points indicated. Color rendering are to be provided in a scale where 1” = 20’.
- 603.2.4.16** Location and size of any known wood or stump burial sites
- 603.2.4.17** Proposed lighting and snow storage locations.
- 603.2.4.18** Location and construction details of sign(s).
- 603.2.4.19** Location and construction details of the water system and irrigation systems. Irrigated areas should be reduced to the

minimum area needed to maintain landscaping. Irrigation systems shall include moisture sensing devices, timers, and other devices to minimize supplemental watering.

**603.2.4.20** Vicinity Plan showing the general location of the site in town and north arrow.

**603.2.4.21** Detail all items, as required, listed in Section 700.

**603.2.4.22** Landscaping plan prepared and stamped by a licensed landscape architect.

**603.2.5** Optional Application Material

**603.2.5.1** The Planning Board may require additional material/studies, including but not limited to studies on noise, solid waste, odors, lighting, stormwater, traffic impacts and wildlife, to be submitted as part of the Final Site Plan application, with specific areas and scope of study to be determined by the Board.

**603.2.5.2** The Board has the right to have the information reviewed by a third party of their choosing with the cost to be paid for by the applicant.

**603.2.6** Determination of Completeness, Public Hearing and Decision

**603.2.6.1** An application shall be determined to be complete when all items listed in Sections 603.2.3 & 603.2.4 have been provided and staff has determined that the application meets all Zoning Ordinance requirements, which allows the Board to proceed with consideration and to make an informed decision.

**603.2.6.1.1** A completed application sufficient to invoke jurisdiction of the Board shall be accepted by the Board only at a public meeting, with notice as provided in RSA 676:4(I)(d)

**603.2.6.1.2** Within sixty-five (65) days of the formal acceptance of the complete application, the Board shall vote to approve, approve with conditions or disapprove the proposed site plan per RSA 676:4(I)(c)(1) unless waived or extended as provided by law.

**603.2.6.2** If the Board determines that the application is not complete, it will not be accepted and no public hearing will be held. The applicant shall be notified of the determination in accordance with State law.

**603.2.6.3** All conditional approvals are valid for a period of not more than 120 days, unless the Planning Board, at their discretion, chooses to extend the number of days required to meet precedent conditions. All precedent conditions of approval must be met within this 120-day period (or time period established by the Planning Board at time of

conditional approval) or the approval shall be considered null and void. In cases where extenuating circumstances prevent the meeting of precedent conditions within 120 days, the applicant may request an extension, to be filed (in writing and with justification) with the Board no later than 14 days prior to the expiration day of the conditions. The Planning Board shall then vote on whether or not to grant such extensions.

**603.2.6.4** One copy of the approved Final Major Site Plan shall be on Mylar and 3 paper copies submitted to the Town with original stamps and signatures on the Mylar plan set.

**603.2.6.5** Applicants are required to submit the final approved Site Plan in electronic format on CD as an Adobe pdf file.

## **SECTION 700 - SITE PLAN DESIGN AND CONSTRUCTION STANDARDS**

### **701 General Site Design Standards**

#### **701.1 Exterior Lighting Provisions**

**701.1.1** All site plans presented to the Planning Board for approval under these Regulations shall include an exterior lighting design plan which provides for a method and level of lighting appropriate for the proposed use or uses. In general, all exterior lighting plans shall be prepared in a manner consistent with the recommended methodology outlined in the Lighting Handbook (10<sup>th</sup> ed.), as published by the Illumination Society of North America (IESNA).

**701.1.2** All lighting plans shall, as a minimum, identify the location, mounting height, manufacturer, type, style and intensity of each specified exterior lighting fixture. Illumination levels and light distribution patterns shall be such that all sites subject to these Regulations will enjoy an adequate level of illumination to ensure user safety and security; however, care shall be taken to avoid “over lighting” all or portions of a site, creating nuisance and glare either on the site or at abutting properties, public streets and the neighborhood in general. All lighting fixtures shall be designed to cut-off light distribution above 75 degrees from vertical. Lighting fixtures should be equipped with lamps having a Color Rendering Index (CRI) value of not less than 60. The use of LED lamps is encouraged.

**701.1.3** All lighting design plans shall be subject to review and approval by the Planning Board.

**701.1.4** Electric service shall be provided to all exterior lighting fixtures via underground power supply lines designed and installed in accordance with applicable code requirements.

#### **701.2 Solid Waste Storage Provisions**

**701.2.1** All solid waste storage areas shall be screened and shall be located a minimum of 20 feet from the boundary of any abutting parcel or street.

- 701.2.2** Provisions for adequate storage shall be reviewed by the Planning Board on a case by case basis. In general, the Planning Board shall require:
- 701.2.2.1** Applicants to disclose anticipated volumes and types of solid waste to be produced by their proposed use(s);
  - 701.2.2.2** The applicant's proposal for storage and disposal of waste to conform to applicable local, state and federal code requirements if any; and
  - 701.2.2.3** The applicant's proposal for temporary storage and disposal to incorporate reasonable safeguards to ensure that such wastes will not become a public or private nuisance.
- 701.3** Snow Storage Provisions
- 701.3.1** All site plans presented to the Planning Board for approval shall identify an area or areas of sufficient size and composition to allow for safe and convenient storage of accumulated snow volumes or include a note indicating that snow is to be removed from the site.
  - 701.3.2** Snow storage areas shall not be located such that: accumulated volumes of snow will produce a visual nuisance or impede proper lines of sight; inevitable snow melt will create a nuisance on-site or to abutters; or inevitable snow melt will result in the flow of water onto a public street. Snow shall not be stored in areas of jurisdictional wetland or in parking spaces, aisles, fire lanes, site driveways nor other areas of a site where accumulated snow volumes would create a nuisance, hazard or interfere with normal and routine site operations.
- 701.4** Signage Provisions
- Each site plan presented to the Planning Board for approval shall identify all proposed signage and successfully demonstrate such signage conforms to applicable requirements of the Windham Zoning Ordinance.
- 701.5** Erosion and Sedimentation Control Provisions
- Each site plan presented to the Planning Board for approval shall include an erosion and sedimentation control plan which identifies a series of effective temporary and permanent best management practices for prevention and/or minimization of soil erosion during and after site construction. In the event the extent and scope of planned construction activity is anticipated invoke jurisdiction of the U.S. Environmental Protection Agency (EPA) under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges for Construction General Permit Activity (Construction General Permit), a note shall be provided on the final site plan for the purposes of acknowledging the same and advising property owner and applicable contractors of the need to file a Notice of Intent (NOI) for Storm Water Discharges Associates with Construction Activity under an NPDES General Permit in advance of commencement of construction and in conformance with applicable Federal law.
- 701.6** Prohibition and Mitigation of Offensive Uses
- Applicants seeking site plan approval shall disclose the existence of any proposed use having the potential to be deemed an "offensive use", based on its visual, noise, odor or other characteristics that may be a nuisance. No site plan shall be permitted until the applicant has demonstrated to the satisfaction of the Planning Board that the

proposed use or uses will not be an “offensive use”. In cases where a proposed use or uses of a site have the potential to be an “offensive use”, the Planning Board may require appropriate mitigation.

## **702 Access and Circulation Requirements**

### **702.1 General Requirements for Site Access**

**702.1.1** All properties subject to review and approval by the Planning Board under these Regulations, shall be afforded safe and efficient vehicular and pedestrian access to and from public streets and where applicable, public sidewalks. The design and construction of all site driveways, private streets and pedestrian walks intended to satisfy this requirement shall be adequate, in the opinion of the Planning Board, to safely and efficiently accommodate anticipated volumes of site generated vehicular, pedestrian and emergency vehicle traffic. In order to aid the Planning Board in making a finding in regard to this requirement, the Board may, at its option, require an applicant to submit a Traffic Impact Assessment having a specified scope of study. All Traffic Impact Assessments submitted to the Planning Board shall be prepared by a Licensed Professional Engineer.

**702.1.2** Applicants for site plans intended to derive access from public streets under the jurisdiction of the New Hampshire Department of Transportation (NHDOT) shall be required to obtain a valid NHDOT Driveway Permit prior to receipt of final site plan approval.

**702.1.3** All private streets and site driveways subject to approval under these Regulations shall enjoy a measure of all-season safe intersection sight distance sufficient to satisfy the requirements of Section 602.3.1 of the Windham Subdivision Regulations.

**702.1.4** All private streets shall be designed and constructed in accordance with Section 602.2 of the Windham Subdivision Regulations. In the event one or more private streets are proposed under any site plan review application, the following note shall be placed on the final site plan: *“The ways shown on this site plan are intended by the applicant and the Town of Windham to be platted, constructed and maintained as private ways. Neither the approval or recording of this site plan shall be construed as an offer of dedication of those ways as public highways under New Hampshire Law of Dedication and Acceptance.”*

**702.1.5** Pedestrian sidewalks shall be maintained along the frontage of sites at locations where either the Town of Windham or the NHDOT presently maintain sidewalks. The Planning Board may require an applicant to construct or extend sidewalk along all or a portion of the frontage of a property when and if future construction of public sidewalk is planned at that location.

### **702.2 General Requirements for Site Circulation**

**702.2.1** Individual structures, associated parking and service drives shall be afforded internal access via driveways having a minimum width of 24 feet if intended for two-way travel and a minimum width of 20 feet if intended for one-way travel.

- 702.2.2** All sites and structures shall be equipped with fire lanes and emergency vehicle access accommodations sufficient to satisfy the Windham Fire Department.
- 702.2.3** Retail establishments, restaurants, banks and service businesses which offer drive-through facilities shall be equipped with a designated paved drive-through lane for each individual window or piece of equipment intended to serve drive-through patrons. Each drive-through lane shall be at least 11 feet in width, be properly striped and signed and be capable of accommodating the anticipated maximum vehicular queue length for the peak period of drive-through facility use. Each proposed drive-through lane shall be of a length greater than or equal to the anticipated maximum queue length and be designed in such a manner to accommodate the same without impeding vehicular circulation or interfering with access to and from parking spaces situated beyond the drive-through facility. In the case of any application for non-residential site plan approval involving a building or facility which intends to offer drive-through facilities for public use, the applicant shall submit a traffic impact assessment having a scope of study which includes, but is not limited to a queuing analysis for the purposes of estimating maximum vehicular queue length to be associated with the anticipated peak period of drive-through facility use.
- 702.2.4** Pedestrian access to all structures and associated facilities shall be provided via paved walkways constructed in a manner consistent with the requirements of the Americans with Disabilities Act (ADA).

### **703 Parking Requirements**

#### **703.1 General Parking Requirements**

- 703.1.1** Any site or structure approved under these Regulations shall enjoy paved on-site parking accommodations conforming to the requirements of Section 703.
- 703.1.2** Except for in the Village Center District and the Gateway Commercial District, all parking spaces and aisles, as well as site driveways, drive-through lanes, fire lanes, loading areas and other paved surfaces shall be situated not closer than 15 feet to a side or rear property line and not closer than 20 feet to a front property line. In the Village Center District and the Gateway Commercial District, see Appendix A-1. In instances where proposed paved surfaces are located on a parcel that abuts a residentially zoned parcel, said paved surfaces shall be screened from abutting residential properties by either:
  - 703.1.2.1** A continuous landscaped buffer area, having a width of not less than 10 feet, planted with evergreen trees having a planting height of not less than 4 feet and anticipated height of not less than 6 feet within three years of planting. The entire length of said landscape buffer area shall be 80 percent or more opaque when viewed horizontally; or
  - 703.1.2.2** A vegetated landscaped buffer area, having a width of not less than 10-feet, upon which a six foot high solid fence is erected.

Not less than 20 percent of the length of such fence face shall be planted with evergreen trees or shrubs having a planting height of not less than 3 feet.

- 703.1.3** All parking facilities shall be designed and constructed in compliance with applicable requirements of the ADA.
- 703.1.4** All sites containing 20 or more on-site parking spaces shall contain one or more islands of green space situated within the interior of the paved parking lot surface. The total area of all interior green spaces provided shall equal not less than five-percent of the cumulative area of all contiguous paved parking lot and driveway surfaces on the subject parcel. In order to qualify as interior green space for the purposes of satisfying this minimum interior green space requirement, an individual island of interior green space must measure at least 300 square feet in area. A minimum of one live deciduous or ornamental shade tree per 2,000 square feet of contiguous paved surface shall be planted within said interior green space(s). Where interior green spaces directly adjoin paved surfaces, they shall be protected from vehicular encroachment by the use of curbing.
- 703.1.5** Exterior parking facilities shall be configured such that not more than twenty contiguous parking spaces are placed in a single uninterrupted row.
- 703.1.6** All public parking areas serving non-residential uses shall be illuminated to a minimum of a ½ foot candle during hours of operation.
- 703.2** Parking Density Requirements
  - 703.2.1** All sites shall provide on-site parking at a rate greater than or equal to that specified below. Where the computation of required parking density results in a fractional number of spaces, the required number of spaces shall be rounded upwards to the nearest whole number (i.e. a computed density of 39.2 or 39.8 spaces results in a requirement for 40 spaces). In cases where a single site has or is to have multiple uses, parking requirements for each use shall be calculated in accordance with the requirements of this Section and the total number of required on-site parking spaces shall be equal to the sum of the combined minimum parking density requirements for each individual use.

The Planning Board, at its discretion, may authorize initial construction of fewer parking spaces than would otherwise be required under these Regulations provided:

**703.2.1.1** The approved site plan identifies a suitable location and design of the full measure of parking spaces required under these Regulations;

**703.2.1.2** The approved site plan identifies such areas as “reserved for future parking expansion”; and

**703.2.1.3** A note is placed on the final site plan documenting any temporary relaxation in on-site parking requirements permitted by the Planning Board and acknowledging that the applicant, its heirs, successors or assigns agrees to construct additional parking spaces within those areas identified as “reserved for future parking

expansion” within six months of receipt of written notice from the Planning Board to do so and further acknowledging that failure to comply with such written notice may result in a full or partial revocation of the certificate of occupancy for the facility served by said parking facility.

- 703.2.2** Handicapped accessible spaces, in sufficient number to satisfy applicable requirements of the ADA, shall be provided.
- 703.2.3** Unless otherwise approved by the Planning Board, all on-site parking spaces required under these Regulations shall be situated on the same premises as the use or uses they are intended to serve.
- 703.2.4** Minimum parking density requirements by specific use are as follows:
  - 703.2.4.1** Single-Family, Two-Family & Multi-Family Residential Uses: 2 spaces per dwelling unit.
  - 703.2.4.2** Boarding/Rooming Houses: 1 space per guest room, plus 1 additional space per employee on the largest shift.
  - 703.2.4.3** Hotels, Motels & Other Lodging Facilities: 1.25 spaces per room, plus 1 space per employee on largest shift, plus 1 space per 4 seats of function or meeting room capacity if such accommodations are offered to those other than guests.
  - 703.2.4.4** Congregate Elderly & Assisted Living Facilities: 1 space per resident of licensed capacity, plus 1 additional space per employee on the largest shift.
  - 703.2.4.5** Commercial Kennels and Veterinary Hospitals: 1 space per 500 square feet of gross floor area, plus 1 space per employee on the largest shift.
  - 703.2.4.6** Manufacturing Facilities: 1 space per 500 square feet of gross floor area.
  - 703.2.4.7** Research & Development Facilities/Laboratories: 1 space per 500 square feet of gross floor area.
  - 703.2.4.8** Warehousing, Storage and Wholesale Sales and Distribution Facilities: 1 space per 500 square feet of gross floor area for first 5,000 square feet, plus 1 space per 1,000 square foot increment of additional gross floor area.
  - 703.2.4.9** Sale of Motor Vehicles, Heavy Equipment, Building Materials, Nursery Products, Garden Centers, Commercial Greenhouses and Similar Uses: 1 space per 500 square feet of interior gross floor area, plus 1 space per 3,000 square feet of exterior product display area.
  - 703.2.4.10** Retail Stores & Shops: 1 space per 250 square feet of gross floor area.
  - 703.2.4.11** Restaurants: 1 space per 3 seats of restaurant seating, plus 1 space per 2 seats in lounge area, plus 1 space per employee on largest shift.
  - 703.2.4.12** Restaurants (fast food with or without drive thru): 1 space per 4 seats, plus 1 space per employee on largest shift.

- 703.2.4.13** Banks & Credit Unions: 1 space per 350 square feet of gross floor area, plus stacking for not less than 5 vehicles per drive-up window.
- 703.2.4.14** Professional Offices: 1 space per 300 square feet of gross floor area.
- 703.2.4.15** Medical/Healthcare Offices & Laboratories (out-patient services): 1 space per 200 square feet of gross floor area.
- 703.2.4.16** General Office Space (as a support use to commercial, industrial or institutional uses): 1 space per 250 square feet of gross floor area.
- 703.2.4.17** Hospitals: 2 spaces per bed, plus 1 space per 250 square feet of gross floor area.
- 703.2.4.18** Nursing Homes, Rehabilitation and Convalescent Centers providing 24 hour residential accommodations): 0.5 spaces per resident, plus 1 space per employee on the largest shift.
- 703.2.4.19** Churches, Funeral Homes, Theatres, Cinemas, Concert Halls & other Places of Assembly: 1 space per 3 seats.
- 703.2.4.20** Indoor Health, Fitness, Gymnasium & Recreational Facilities: 1 space per 200 square feet of gross floor area, plus 1 space per 4 seats of fixed spectator seating.
- 703.2.4.21** Child & Adult Day Care Facilities: 0.25 spaces per person based on licensed capacity, plus 1 space per employee.
- 703.2.4.22** Hairdressers/Barbers, Personal Service Providers, Dry-Cleaners/Laundries & Retail Repair Shops: 1 space per 250 square feet of gross floor area.
- 703.2.4.23** Motor Vehicle Repair Facilities: 4 spaces per service bay.
- 703.2.4.24** Gasoline/Motor Fuel Sales: 1 space per fueling position, plus 1 space per employee on the largest shift, plus 1 space per 250 square feet of gross floor area of retail space, plus 4 spaces per motor vehicle service bay.
- 703.2.4.25** Car Washes: 2 spaces per wash bay, plus stacking for not less than 5 vehicles per wash bay.
- 703.2.4.26** Public & Private Schools (Grades K thru 8): 4 spaces per classroom, plus 1 space per 4 seats of assembly area.
- 703.2.4.27** Public & Private High Schools (Grades 9 thru 12), Trade Schools, Colleges & Other Institutions Offering Instruction or Training to Non-Resident Students: 0.5 spaces per student (based on maximum student capacity) or faculty/staff member, plus 1 space per 4 seats of assembly area.
- 703.2.4.28** Fraternal/Social Clubs & Lodges: 1 space per 4 seats of assembly area.
- 703.2.4.29** Uses Not Listed: To be determined by Code Enforcement Administrator.

**703.3 Dimensional Requirements**

**703.3.1** Standard parking spaces shall be a minimum of 9-feet in width and a minimum of 18-feet in length. Parallel parking spaces shall be a minimum of 9-feet in width and 22-feet in length.

**703.3.2** Handicapped accessible parking spaces shall conform to the dimensional requirements specified under the ADA with the exception that accessible spaces shall be 9 rather than 8 feet in width.

**703.3.3** Parking aisles intended for two-way vehicular travel shall be a minimum of 24-feet wide. Parking aisles intended for one-way vehicular travel shall be a minimum of 20-feet wide.

**703.4 Construction Requirements**

**703.4.1** All parking spaces shall be striped with white or yellow traffic paint (4 inch minimum line width).

**703.4.2** All handicapped accessible spaces shall be identified by pavement markings and signage specified under the ADA.

**703.4.3** All parking surfaces, aisles and drives shall be paved with a minimum thickness of 3 inches of hot bituminous pavement comprised of a 2 inch thick binder course overlaid with a one inch wearing course.

**703.4.4** All parking pavement shall be placed over a prepared gravel surface consisting of a minimum thickness of 4 inches of compacted crushed gravel placed over a minimum thickness of 8 inches of compacted gravel.

**704 Landscape and Buffering Requirements**

**704.1 General Requirements**

**704.1.1** All plant materials required under this Section shall be standard nursery stock, installed in accordance with generally accepted horticultural standards and be regularly maintained after installation. All plant materials specified on any site plan approved by the Planning Board shall be annually inspected by the owner or owner's agent. Any required plant materials found to be dead or diseased shall be replaced in kind. Failure to complete this requirement may result in a violation of site plan approval.

**704.1.2** All areas disturbed by construction shall be loamed and seeded with grass or other approved vegetation. A minimum of six (6) inches of loam shall be installed with not less than one (1) pound of perennial grass seed per fifty (50) square yards of area. In general, establishment of turf shall be limited to those areas that may be regularly maintained as lawn. Ground covers, mulch or other suitable material shall be applied to areas not intended to be regularly maintained as lawn.

**704.1.3** Except for in the Village Center District, a minimum of thirty-percent of the gross lot area utilized for any non-residential or multi-family development shall be reserved as green space. Areas reserved as green space may be vegetated with grass, landscape plantings, ground covers or native vegetation.

**704.2 Landscape Standards**

**704.2.1** A street tree strip, having a minimum width of 20 feet running parallel to the frontage of any property shall be provided. Within any street tree strip,

a minimum of one indigenous shade tree (such as oak, maple, elm, ash, linden, etc.) having a minimum caliper of 2.5 inches and branching height of not less than 8 feet at the time of planting shall be provided for each 50 feet of street frontage. Street trees shall be planted not closer than 25 feet to one another, within a public right-of-way, closer than 20 feet from the edge of pavement of any driveway or public street, nor within 20 feet of the drip line of any overhead utility lines.

- 704.2.2** A minimum of one deciduous or ornamental tree, having a minimum caliper diameter of 2.5 inches, per 30 feet of building perimeter shall be planted within the developed portion of any site. Trees shall be located so as to maximize the aesthetic quality of the property.
  - 704.2.3** A minimum of one deciduous or evergreen shrub, with a minimum height and diameter of 18 inches, or a one gallon pot of perennial ornamental grass per required parking space shall be planted within the developed portion of any site. Shrubs and/or ornamental grasses shall be located so as to maximize the aesthetic quality of the site.
  - 704.2.4** In order to promote the preservation of mature specimen trees as part of the design and construction of new sites, healthy deciduous trees having a diameter of at least 8 inches at breast height may be preserved and used to fulfill the minimum tree planting requirements of this Section.
- 704.3** Screening of Unsightly Site Features
- 704.3.1** General screening requirements. Refuse storage areas, stockpiled materials, tractor trailers used for storage and other unsightly materials and objects situated on any site subject to review and approval under these regulations, shall be located so as to be out of view from abutting properties and public streets to the extent possible. In cases where such positioning is not possible, those items shall be effectively screened. A minimum screening shall be achieved by use of landscape plantings, fencing or enclosures of a height at least as tall as the item or items to be screened.
  - 704.3.2** Screening requirements for loading and receiving areas. Loading docks and receiving areas shall be situated so as to be out of view from abutting properties and public streets where possible. Where such provisions are not possible, the applicant shall propose a method of screening and buffering acceptable to the Planning Board.

## **705 Design & Construction Standards for Drainage and Stormwater Management**

### **705.1 Analysis and Design of Improvements:**

- 705.1.1** All analysis and corresponding calculations prepared and submitted for the purposes of demonstrating fulfillment of specific requirements of these Regulations shall be prepared and sealed by a Licensed Professional Engineer. For the purposes of these Regulations, the applicable minimum standard for stormwater analysis and design shall be identical to requirements established by the New Hampshire Department of Environmental Services, under Chapter ENV-Wq 1500 of the New Hampshire Code of Administrative Rules, whether or not an Alteration of

Terrain Permit is required pursuant to the authority of those Rules. To the extent applicable, all drainage and stormwater management facilities and infrastructure shall be designed so as to comply with these same Rules.

- 705.1.2** Design Calculations corresponding to the 10, 25 and 50 year return frequency design storm events shall be prepared and incorporated into a Stormwater Management Report submitted as part of any Site Plan Review application.  
For the purposes of these Regulations, the design engineer shall rely upon calculations performed for the 10 year return frequency design storm in the comparison and pre and post-development peak stormwater discharge volumes to downstream and abutting properties and in the design of stormwater treatment accommodations.

A 25 year return frequency design storm shall be used in the design of all storm sewers and culverts.

All culverts shall be checked for the 50 year return frequency design storm event and be up-sized if and when necessary to ensure such culverts remain functional throughout a storm of that intensity. All bridges shall be designed for the 50 year return frequency design storm.
- 705.1.3** The peak stormwater discharge volume tributary to any downstream privately or publicly owned property or street, for the 10 year return frequency design storm, shall not be increased as a result of planned development unless it can be demonstrated, to the satisfaction of the Planning Board, that no adverse impact to such properties will result, or appropriate flowage easements have been secured.
- 705.2** Design and Construction Standards for Stormwater Management Improvements:

  - 705.2.1** All culverts, storm drains, drainage structures and related improvements furnished and installed shall conform to applicable provisions of Standard Specifications for Road and Bridge Construction (latest edition), as published and amended by the New Hampshire Department of Transportation.
  - 705.2.2** All on-site culverts, storm drains and driveway culverts shall have a minimum diameter of 12 inches and be constructed of either reinforced concrete or high-density polyethylene. In the case of segments of culvert or storm drain to be situated within a public right-of-way, minimum pipe diameter and material requirements shall conform to Windham Highway Department or New Hampshire Department of Transportation standards as applicable.
  - 705.2.3** A minimum of three (3) feet of soil cover shall be maintained over all culverts and storm drains situated beneath pavement.
  - 705.2.4** Concrete or mortar-rubble masonry headwalls shall be furnished and installed on the inlet ends of all culverts of any diameter. Similar headwalls shall be furnished and installed on the discharge ends of all culverts 24 inches or greater in diameter. Flared end-sections may be

installed in lieu of headwalls on the discharge end of culverts and storm drains having a diameter of less than 24 inches. Appropriate outlet protection shall be provided at all stormwater discharge points.

**705.2.5** Stormwater flow velocities for all ditches, stormwater conveyance channels and swales shall be checked by the design engineer. Suitable surface protection shall be provided within all ditches, channels and swales anticipated to have a flow velocity of more than 2.5 feet-per-second during the 10 year return frequency design storm.

**705.2.6** In instances where stormwater detention ponds, retention basins, or infiltration basins are planned, such facilities shall be designed and constructed in accordance with recommendations contained in a publication entitled Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, published by the NHDES.

**705.2.7** All stormwater treatment accommodations shall be designed and constructed in accordance with recommendations contained in a publication entitled Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, published by the NHDES.

## **706 Design and Construction Standards for Utilities**

**706.1** Subsurface Sewage Disposal (Septic) Systems: Design and construction of on-site subsurface sewage disposal systems shall conform to applicable requirements of Town of Windham Regulations Governing Sewage or Waste Disposal Systems and the New Hampshire Code of Administrative Rules, as amended.

**706.2** Water Supply Systems: Design and construction of on-site water supply systems shall conform to applicable requirements of Town of Windham Water Supply Regulations and the New Hampshire Code of Administrative Rules, as amended.

**706.3** Other Utilities: All proposed utilities (electric, telephone, cable T.V., etc.) shall be installed underground in accordance with the specifications of each individual utility provider and applicable code.

## **707 Special Flood Hazard Areas**

**707.1** All development proposals which contain lands designated as Special Flood Hazard Area by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Rockingham County, New Hampshire", associated Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps dated May 17, 2005, as amended, shall conform to the requirements of this Section.

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

**707.3** The Planning Board shall require that development proposals identify base flood elevation if it has been established by FEMA.

**707.4** Sufficient evidence (construction, drawings, grading and land treatment plans) shall be submitted so as to allow a determination that:

**707.4.1** All such proposals are consistent with the need to minimize flood hazards;

**707.4.2** All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

**707.4.3** Adequate drainage is provided so as to reduce exposure to flood hazards.

**707.5** In order to obtain the approval of the Planning Board, the applicant must affirmatively demonstrate to the Board, by a preponderance of the credible evidence presented at a public meeting or meetings, that all the requirements of this Section have been met and that the procedures set forth in these Regulations have been satisfied.

## **708 Design Review Guidelines**

**708.1** The purpose of the Design Review Guidelines are to provide for harmonious and aesthetically pleasing development in keeping with the strong concern of the residents of this town that each development should be of high quality, as outlined in the Master Plan.

**708.2** Applicability

**708.2.1** Site Plan Applications in the Limited Industrial District, Rural District, Business Commercial A District, Business Commercial B District, and Residence Districts A, B and C are subject to Design Review Guidelines except, Open Space Residential Developments.

**708.2.2** For those Site Plan Applications in the Neighborhood Business District, Gateway Commercial District, Village Center District, Market Square Overlay District and the Professional, Business and Technology District, the Design Regulations, as currently in effect, are applicable.

**708.3** Objectives:

**708.3.1** Encourage quality building design and architecture, which enhances the aesthetic character of the community.

**708.3.2** Insure that the landscaping, signs and lighting are in harmony with the design, layout and location of the building and with other features to be developed within the site.

**708.3.3** Allow a diversity of building designs and architectural styles.

**708.3.4** Avoid monotonous and bland building appearances.

**708.3.5** Minimize conflicts between residential and commercial uses.

**708.3.6** Encourage harmonious design where there are existing buildings or developments having desirable characteristics.

**708.3.7** Protect any historic buildings or resources that are affected by the development or remodeling for commercial or industrial use.

**708.3.8** Encourage through landscaping and design guidelines the development of commercial areas that preserve the rural ambience of our community.

**708.4** Factors for Evaluation:

**708.4.1** Orientation and Building Location: The development of the site must address various elements in providing a design solution for a given building project. The building orientation, setback, alignment with the

street and relative spacing with other structures will be considered in the overall design. The reuse of desirable structures and landscape features is encouraged.

- 708.4.2** Drainage: The developer should plan land development that responds to the surface flow of water and is in harmony with the existing site contours.
- 708.4.3** Visual Continuity: Where there are existing buildings or developments that have special characteristics, design significance or which currently meet the goals of the design review guidelines, the site development should blend with the neighboring properties. This may be accomplished by utilizing similar architectural elements, materials, fences, tree placements, plantings and walkways. This will give a feeling of visual continuity to the overall area. This is especially important where the proposed commercial development is in proximity to historic structures or resources.
- 708.5** Landscaping:
  - 708.5.1** Landscaping materials shall be of a quality that will enhance the environment and serve as a functional part of the development. Trees should provide shade and have interesting character and color as they grow. Shrubs or ground cover should also include textures and colors while providing screening in required areas and highlighting the architecture of the development. The use of some evergreen materials is recommended as an all-season landscaping effect. The retention of any healthy existing vegetation is encouraged.
  - 708.5.2** Landscaping is an integral part of the proposed development. Site plans and elevations should illustrate how landscaping will tie in with other architectural features of the proposed development. Plantings should be used to identify major entryways to sites, screen service and storage areas and free standing sign poles, and break up long building walls.
  - 708.5.3** Screening and buffers for different building functions shall be in harmony with the building form and colors. A combination of landscaping and decorative fencing or berming may be required to provide noise and visual barriers for adjacent residential uses.
- 708.6** Building Design and Materials:
  - 708.6.1** Architectural Features and Materials
    - 708.6.1.1** Long unbroken expanses of walls should be avoided. The building facade should have divisions such as building jogs, pilasters, or other architectural detailing, as well as changes in surface materials, colors, textures and rooflines to create the desired effect. Ground floor facades that face public streets should incorporate arcades, display windows, interesting entry areas, awnings and other such design features. All facades of the building that are visible from public streets and highways should feature characteristics similar to the front facade.
    - 708.6.1.2** Use of features and details such as covered porches, awnings, columns; towers, decks, arches and courtyard areas are

encouraged to create interesting buildings and public spaces. These details should be in proportion with the building.

**708.6.1.3** Long expanses of roofline should be avoided through the use of gables, dormers, chimneys, cupolas, towers and changes in the ridgeline.

**708.6.1.4** The development should create a sense of entry onto the site and into major businesses within the site through facade treatment, landscaping, signage and lighting.

**708.6.1.5** Limit the exposure of foundation walls.

**708.6.1.6** Rooftop and ground level mechanical equipment used in conjunction with the building should be screened from public view. Areas for outdoor storage, truck parking, trash collection, loading and other such uses should be screened from abutting properties and streets.

**708.6.2** Materials and Colors

**708.6.2.1** The exteriors of buildings should utilize materials appropriate for the character of the building and compatible with desirable features of adjacent structures.

**708.6.2.2** Suggested, but not limited to, materials should contribute to the aesthetics of the project. Typical materials are as follows:

**708.6.2.2.1** Pitched Roofs: Copper or colored standing seam metal panels or asphalt, slate, fiberglass or fire-retardant wood shingles

**708.6.2.2.2** Exterior Walls:

- Wood clapboards, shingles, shakes, board and batten, brick, granite, marble or stone (natural or finished), reinforced stucco or textured masonry;
- Unclad masonry block, or corrugated metal siding may be used when not visible from public parking lots or adjacent public streets and highways.

**708.6.2.2.3** Windows:

- Butt joint or ribbon glass;
- Multi-paned windows and groupings;
- Etched, beveled, sandblasted or stained glass.

**708.6.2.2.4** Trim

- Wood, anodized aluminum; (colored or natural), metal with baked enamel finish, masonry or vinyl accent strips.
- Neon tubing or neon replica lighting shall not be encouraged as an acceptable feature for building trim or accent areas.

**708.6.2.2.5** Colors used within the development should compliment and emphasize the overall design. Colors that are disharmonious with other colors used on the

building or found on adjacent structures should be avoided. Paint colors should relate to natural materials found on the building such as brick, terra cotta, stone or wood. Contrasting colors, which accent architectural details and entrances are encouraged.

**708.6.2.3** Samples of proposed building material and colors are to be provided with the application

**708.6.3** Signs

**708.6.3.1** Signs should be visible and legible through the use of appropriate details and proper locations.

**708.6.3.2** Scale and Proportion: Every sign should be an integral, subordinate element within the overall building and site design. The scale and proportion of the signage shall not overpower the building or obscure the buildings architectural features.

**708.6.3.3** Materials: Sign materials should harmonize with the building's design. A limited number of colors should be used.

**708.6.3.4** Coordination: All signs within the building complex should be coordinated by using similar materials, letter styles, colors and overall sign sizes to ensure sign continuity and uniform appearance throughout the development.

**708.6.3.5** Freestanding signs: All freestanding signs should be in an appropriate landscaped setting with uniform designs and setbacks.

**708.7** Utilities and Outdoor Lighting

**708.7.1** Pole mounted transformers should be moved to ground mounted pad installations where possible.

**708.7.2** The coordinated style of the parking and pedestrian light fixtures should be compatible with the building lighting, which will allow for a consistent appearance for the project.

**708.8** Historic Buildings

**708.8.1** Any historic buildings/structures should attempt to be incorporated into any new proposed developments, where feasible, and new buildings should incorporate architectural elements that compliment the historic building design. Development that occurs adjacent to existing historic buildings/structures should be designed to complement them in terms of style, scale, and material.

**709 Village Center District**

The intent of the following standards is to provide additional criteria for development within the Village Center District.

**709.1** Land Use Mix

**709.1.1** Each proposal shall demonstrate how their site plan will be consistent with the Village Center District's overall recommended mix of land uses, as specified in the purpose of the District under Section 612 of the Zoning

Ordinance.

**709.1.2** Multiple land owners/developers are encouraged to cooperate to allow a land use mix to be shared or interspersed between two or more separate areas. For example, one developer could contract with an adjacent parcel to develop residential while a second developer could bring a commercial use to the adjacent parcels.

**709.2** Village Center Phasing Plan

The Village Center District will only be achieved through the coordination and the cooperation of multiple stakeholders including developers, landowners, applicants, municipality and citizens. Each proposal that comes before the Planning Board needs to demonstrate how their plan will bring together previous and future phases within the District.

**SECTION 800 - WAIVER PROCESS**

**801** The applicant may request that the Planning Board waive any of the requirements contained within this document. Requests for waivers shall be submitted in writing, specifying the Section number the justification for the request, and shall be included with the application submission.

**802** The Planning Board may permit waiver requests to be submitted in writing during the approval process, at their discretion.

**803** The Board shall vote to grant or deny the applicant's request for a waiver from a specific section of these Regulations at any point during the Change of Use/Minor Site Plan or Major Final Site Plan application process.

**804** The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may only grant a waiver if the Board finds, by majority vote, that:

**804.1** Strict conformity would pose an unnecessary hardship to the applicant and the granting of the waiver would not be contrary to the spirit and intent of the regulations; or

**804.2** Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations; or

**804.3** Granting a waiver will allow for the preservation of historic or culturally significant features and/or structures on the site in which strict conformance to the regulations make it not reasonably possible; or

**804.4** Granting a waiver will allow for the interconnection (presently or in the future) to an abutting parcel(s) for parking lots, driveways, roads, sidewalks and/or access isles in which strict conformance to the regulations would make such interconnection not reasonably possible due to physical or legal impediments.

## **SECTION 900 - DEVELOPMENT OF REGIONAL IMPACT PROCESS**

### **901 Determination of Regional Impact**

- 901.1** In accordance with RSA 36:56, the Planning Board shall make a determination as to whether the development application, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.
- 901.2** In determining whether a project has regional impact, the Planning Board may consider, but is not limited to the consideration of, such factors as: the number of dwelling units, the proximity to the border of a neighboring community, transportation networks, and anticipated environmental impacts.
- 901.3** This determination will be made during the Preliminary Major Site Plan Application.

### **902 Procedures for Development of Regional Impact**

- 902.1** Upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the Regional Planning Commission and the affected communities the status of abutters, as defined in RSA 672:3, for the limited purposes of providing notice and giving testimony.
- 902.2** The Planning Board shall provide to the Regional Planning Commission and the affected communities the following notifications:
  - 902.2.1** Within 5 business days of the Planning Board reaching a decision that the development has the potential for regional impact, the Community Development Department shall notify the Regional Planning Commission and the affected municipalities by mail that the determination of regional impact was made.
  - 902.2.2** At least 14 days prior to the public hearing for the development of regional impact, the Community Development Department shall notify, via certified mail, the Regional Planning Commission and the affected municipalities of the date, time and place of the hearing and their right to testify concerning the development.

## **SECTION 1000 - POST APPROVAL PROCEDURES**

### **1001 General Requirements**

- 1001.1** No building or site construction, including land clearing, shall commence, nor shall a building permit be issued for such construction, unless and until a site plan has received final approval from the Planning Board and all conditions of approval precedent to signature of the final site plan have been satisfied.
- 1001.2** Prior to issuance of a building permit for the construction of any proposed building or structure, the Building Inspector shall:
  - 1001.2.1** Be satisfied reliable and safe vehicular access to such planned building or structure exists for the accommodation of both construction traffic and emergency response vehicles;
  - 1001.2.2** Ensure that all erosion control and measures listed on the site plan are in place; and

- 1001.2.3** A temporary mud tracking bed (construction entrance) shall be put in place and maintained during the entire construction period to prevent tracking or flowing of sediment onto a paved right-of-way.
- 1001.3** Wood waste and construction debris shall not be buried on site.
- 1001.4** Burial of stumps on site is discouraged. However, if stumps are buried on site during land clearing operations, the stump burial areas shall be 75 feet from all existing or proposed drinking water supplies, 25 feet from all property lines, four feet above seasonal high water table and are recommended to be buried outside any proposed lawn areas. The stump burial sites shall be located on a certified plot plan by a surveyor at the same time as the foundation and wells.
- 1001.5** No certificate of occupancy shall be issued for any structure, building or site unless and until all improvements specified on an approved site plan have been fully and satisfactorily completed to the satisfaction of the Community Development Department. However, in certain instances and for good cause and reason, the Community Development Department may issue a temporary certificate of occupancy provided the owner provides a performance guarantee, in an amount and form acceptable to the Town, to serve as a financial guarantee for timely and successful completion of those site improvements requiring installation, completion or correction.
- 1001.6** Upon issuance of a certificate of occupancy for any structure, building or site permitted under these Regulations, the property owner, his/her heirs, successors or assigns shall provide for timely and proper maintenance of the property to the extent required in order to protect, preserve and maintain the functionality and appearance of those improvements approved by the Planning Board. In the event a landowner fails to fulfill this requirement, the Town of Windham may compel said landowner to properly restore and maintain the premises in a manner consistent with the provisions of the approved site plan and these Regulations through any and all remedies available under New Hampshire law.

## **1002 Performance Guarantee Requirements and Procedures**

- 1002.1** Pursuant to RSA 674:44, III(d) the Planning Board may stipulate, as a precedent condition of approval, that a performance guarantee, in an amount and form acceptable to the Town, be received prior to signature of the final site plan. Such performance guarantee shall serve as a financial surety for timely and successful completion of those portions of site improvements specified on an approved site plan situated in a public right-of-way, or in the judgment of the Planning Board, if are not properly completed in a proper and timely manner have the potential to cause damage to public or private property situated beyond the boundaries of the site.
- 1002.2** The Town shall receive a performance bond, irrevocable letter of credit, cash, or other form of surety it may deem acceptable. In all instances the form of the surety instrument provided shall:
- a) Be acceptable to the Community Development Department;
  - b) Explicitly specify all applicable terms, conditions and duration of said surety;
  - c) Include an “automatic call” provision; and
  - d) Acknowledge that the surety shall neither lapse nor be terminated until released in writing by the Town of Windham.

**1002.3** In the event improvements for which a performance guarantee has been given remain incomplete or are found to have been completed in an unacceptable manner, the Town of Windham shall enjoy the right to “call” the performance guarantee and utilize the proceeds of the same to cause any remaining improvements to be properly completed or repaired in accordance with the approved site plan.

**1002.4** As site improvements for which a performance guarantee has been given are completed, the Board of Selectmen may, upon receipt of written request from the owner/applicant, vote to release all or any portion of said performance guarantee. However, in no case shall the value of any performance guarantee, which may continue to be held by the Town of Windham, represent a sum less than 110 percent of the anticipated cost of completion or correction of any remaining work to be guaranteed by such surety. Only upon full and final completion of all work for which a performance guarantee has been given shall the Board of Selectmen vote to release said surety in full.

### **1003 Inspection Requirements and Procedures**

**1003.1** Prior to commencement of construction, the owner/applicant or his/her representative shall contact the Community Development Department and request that a preconstruction conference be scheduled. Upon receipt of each such request, the Community Development Department shall promptly schedule a preconstruction conference which shall be attended by the owner or owner’s representative, the owner’s contractor(s) and those municipal officials invited by the Community Development Department. At the time of the conference, a Community Development Department representative shall review applicable Town construction requirements and procedures with attendees and confirm that all items prerequisite to commencement of construction are in place.

**1003.2** During the construction period, the Community Development Department shall serve as the Planning Board’s representative observing and reporting on the progression of the work. The Community Development Department may require a landowner to reimburse the Town for reasonable costs associated with the involvement of consultants in providing construction monitoring and inspection services. In the event the owner fails to reimburse the Town for the cost of such services in a timely manner, the Community Development Department may issue a stop work order which shall not be withdrawn unless and until the owner has made such reimbursements. In the event an owner fails to reimburse the Town for such costs, the Board of Selectmen may call upon any performance guarantee, which may have been given by the owner as a condition of site plan approval, as a remedy for reimbursement.

**1003.3** If during construction, changes specified on the approved site plan are contemplated, the owner shall notify the Community Development Department in advance of proceeding with the same. Upon receipt of a request for a change, the Community Development Department shall make a determination as to whether or not the requested change represents a significant change in the approved plans and specifications.

- 1003.3.1** In the event the Community Development Department makes the determination that a requested change is significant, the owner shall not proceed to make such change without the approval of the Planning Board.
- 1003.3.2** In the event the Community Development Department makes the determination that the requested change represents a minor field change which will not adversely affect the outcome of the work or adversely affect an abutting property and will not cause a departure from the requirements of the approved site plan or these Regulations, the Community Development Department may approve such change and promptly record such approval in the project file.
- 1003.3.3** If the requested change is a Planning Board Condition of Approval, the requested change will be determined to be significant and approval of the Planning Board will be required.
- 1003.3.4** In instances where there is any uncertainty on the part of the Community Development Department as to whether or not a requested change is significant, the Community Development Department shall promptly defer decision on approval of the requested change to the Planning Board.
- 1003.3.5** No changes or modifications in approved lighting plans may occur without the specific approval of the Planning Board.
- 1003.3.6** In instances where the requested change is a requirement listed in the Design Review Regulations, the Design Review Subcommittee makes the determination if the requested change is significant or not.
  - 1003.3.6.1** If it is deemed a significant change, the owner shall not proceed to make such change without the approval of the Planning Board.
  - 1003.3.6.2** If it is deemed not to be a significant change, the Design Review Subcommittee may approve or disapprove such change and staff shall promptly record such decision in the project file.
- 1003.4** In the case of any site plan for which a change is approved and/or implemented during the course of construction, the applicant shall be required to submit acceptable as-built drawings of the completed construction to the Community Development Department prior to issuance of a Certificate of Occupancy.

## **SECTION 1100 - ACTIVE AND SUBSTANTIAL CONSTRUCTION**

**1101** Active and substantial development of site plans approved by the Planning Board shall commence within twelve (12) months and be substantially completed within twenty-four (24) months of the signing of the site plans by the Planning Board Chair,.

**1102** If more time is needed, the applicant may request an extension of time, in writing and at least 30 days prior to the deadline passing, from the Planning Board for completion of the work in accordance with the approved site plan, and for good reason, the request may be granted.

**1103** For purposes of these regulations, "active and substantial development" shall be defined as:

**1103.1** Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc. to a minimum of gravel base; and installation of underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans;

**1103.2** Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans;

**1103.3** All erosion control measures (as specified on the approved plans) must be in place and maintained on the site;

**1103.4** Movement of earth, excavation, or logging of a site without completion of items 1103.1-1103.3, shall not be considered “active and substantial development.”

**1103.5** Site Plans approved in phases shall be subject to this definition for the phase currently being developed.

**1104** For purposes of these regulations, “substantial completion” shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved site plan shall have been issued and all other on-site and/or off-site improvements have been determined to be in compliance with the approved site plan or satisfactory financial guarantees remain in place with the Town to insure completion of such improvements.

## **SECTION 1150 – CERTIFIED SITES PROGRAM**

### **1151 Purpose**

**1151.1** The Town of Windham hereby agrees to participate in the Southern New Hampshire Planning Commission (SNHPC) Certified Site Program.

**1151.2** This program provides an opportunity for property owner(s) and/or eligible applicant(s) to voluntarily obtain Certified Site recognition of specific eligible site(s) and/or building(s) as so designated within the Town of Windham.

**1151.3** There are three levels of site certification under this program: Level I; Level II and Level III.

**1151.4** All applications seeking site certification under this program must be endorsed by the Planning Board before submittal to the Southern New Hampshire Planning Commission (SNHPC) for final certification.

**1151.5** A site becomes a “Certified Site” upon approval by the Southern New Hampshire Planning Commission’s (SNHPC) “ReadySetGo!” Advisory Committee

**1151.6** Once certified, essential data and information about the site(s) and/or building(s) shall be posted by the SNHPC on active economic development websites and real estate databases designed to enhance the marketing and visibility of the site to national and international site selectors, real estate organizations and professionals, and companies and businesses seeking sites and buildings to utilize and/or develop.

**1152 Applicability**

- 1152.1** Sites and/or buildings eligible for certification under the Certified Site Program shall be open to eligible existing and/or proposed industrial, office and mixed-used developments on parcels of land greater than one acre in size within the Neighborhood Business District, Business Commercial A District, Business Commercial B District, Limited Industrial District, Village Center District, Professional, Business and Technology District, Market Square Overlay District and Gateway Commercial District within the Town of Windham.
- 1152.2** Sites and/or buildings seeking Level I certification under the Certified Site Program must complete a Preliminary Application per Section 603.1 of these Regulations.
- 1152.3** Sites and/or buildings seeking Level II certification under the Certified Site Program must obtain Final Site Plan approval, per Section 603.2 of these Regulations.
- 1152.4** Sites and/or buildings seeking Level III certification under the Certified Site Program must obtain Final Site Plan approval, per Section 603.2 of these Regulations and shall provide evidence to the Planning Board from applicable public utilities that the site and/or building is served by or has the availability to be directly connected to public water and/or sewer; telephone; electric, broadband fiber optics; or natural gas services at the parcel boundaries.
- 1152.5** Applicants must submit, at the time of application, written notification that they are looking to voluntarily participate in the Certified Site Program and at what certification level.

**1153 Approvals**

- 1153.1** All Site Plans approvals by the Planning Board and accepted by SNHPC as a Certified Site shall be valid for a period of five years from the date of Planning Board approval.
- 1153.2** The term “active and substantial development or building” under RSA 674:39 for all Site Plans approved by the Planning Board and accepted by SNHPC as a Certified Site Program must include:
  - 1153.2.1** Planning Board receipt of written evidence that the applicant has invested a minimum of \$25,000 or more in engineering, architectural, construction and other approval soft costs associated with the plan;
  - 1153.2.2** Continued participation in and listing of the site/building in the SNHPC Certified Site Program; and
  - 1153.2.3** Annual written report and presentation to the Planning Board of the efforts made, status, prospects and schedule for marketing, sale, development and construction of the Certified Site.
- 1153.3** If and in the event an owner/applicant obtains Planning Board approval under the Certified Site Program, but the site is not certified by SNHPC, then the otherwise applicable regulation dealing with the length of approval and vesting of applications shall govern.
- 1153.4** Notwithstanding the language in Section 1153.4, sites which have only obtained a Level I certification are not exempt from subsequent ordinance and regulation

changes, unless a further application for full site plan approval is filed within twelve (12) months, per RSA 676:12(VI).

## **SECTION 1200 - REVOCATION OF SITE PLAN**

**1201** The Planning Board may, in accordance with RSA 676:4-a, revoke, in whole or in part, site plan approval only under the following circumstances:

**1201.1** When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.

**1201.2** When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA § 674:39.

**1201.3** When the time periods specified in RSA § 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations.

**1201.4** When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA § 674:36, III(b) and § 674:44, III(d) until such time as the work secured thereby has been completed.

**1201.5** At the request of, or by agreement with, the applicant or the applicant's successor in interest.

**1202** Prior to recording any revocation under this section, the planning board shall give notice, as provided by RSA 676:4, I(d), to the public, the applicant or the applicant's successor in interest, and all abutters and holders of conservation, preservation, or agricultural preservation restrictions, engineers, surveyors, or soil scientists.

**1202.1** The notice shall include the board's reasons for the revocation.

**1202.2** A hearing with notice as provided in RSA 676:4, I(d) shall be held at the request of any party receiving such notice, submitted within 30 days of receiving such notice, or if the planning board determines to hold a hearing.

**1203** A declaration of revocation, dated and endorsed in writing by the planning board, and containing reference to the recording information for the plat, plan or other approval being revoked, shall be filed for recording with the register of deeds, no sooner than 30 days after written notification of the revocation is served on the applicant or the applicant's successor in interest, in person or by certified mail, or 30 days after any public hearing, whichever is later.

**1203.1** If only part of an approval is revoked, that portion of land subject to revocation shall be clearly identified in the declaration.

**1203.2** The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation, as identified by the municipality.

**1204** A revocation under this section may be appealed pursuant to RSA 677:15. Nothing in this section shall affect the municipality's ability, either before or after such a revocation, to pursue other remedies or penalties as set forth in RSA 676:15-17.

### **SECTION 1300 - SEVERABILITY**

The invalidity of any Section or provision of these regulations shall not have any effect upon the validity of any other Section or provision.

### **SECTION 1400 – AMENDMENTS**

In accordance with RSA 675:6 the Planning Board, following a public hearing on the proposed amendment, may amend the site plan review regulations by an affirmative vote of the majority of its members. Notice of the time and place of the hearing shall be provided in accordance with RSA 675:7. No regulation amendments shall take effect until a copy of the document is certified by a majority of the Board and filed with the Town Clerk.