

MAJOR SITE PLAN REVIEW REGULATIONS

TOWN OF CANDIA, NEW HAMPSHIRE

2010

*A True Copy of Record Attest:
Christine Dupere
Candia Town Clerk
September 15, 2010*

HISTORY

Adopted – May 21, 1986

Revised & Re-adopted – April 26, 1989

Revised & Re-adopted – November 15, 1995

Revised & Re-adopted – December 3, 2003

Revised – October 3, 2007

Revised – January 10, 2009

August 4, 2010

CANDIA PLANNING BOARD PUBLIC HEARING NOTICE

The Candia Planning Board will hold a Public Hearing on August 4, 2010 at 7:00 p.m. in the Candia Town Offices at 74 High Street to consider the following amendments to the Candia's Site Plan/Subdivision regulations. The full text of all proposed Amendments are available for inspection and review at the Land Use Office during regular office hours. For additional information, please call the Land Use Office at 483-8588.

General Housekeeping Amendments:

Major Site Plans:

P. 9 **Amendment #1:** Amend by updating "*Article 5.00 Action by the Board*" in accordance with RSA 676:4 regarding procedures on Plats.

P. 20 **Amendment #2:** Amend by adding new Article 13.00 "*Appeals*" as provided in RSA 677:15 under Section V: Miscellaneous Provision.

P. 20 **Amendment #3:** Amend by adding new Article 14: "*Active and Substantial development or Building*" under Section V: Miscellaneous Provisions.

P. 12 **Amendment #4:** Amend by adding new "*Article 7.00 Development of Regional Impact*", under Section II: Procedures and Submission Requirements.

P. 17 **Amendment #5:** Update and replace "*Section 7.07 Groundwater protection*" in accordance with RSA 674:43 & 44, to match with the Groundwater Protection Plan voted in March 2010.

Minor Site Plans:

Amendment #1: Amend by updating Article 5.00 Action by the Board in accordance with RSA 676:4 regarding procedures on Plats.

Amendment #2: Amend by adding new Article 10.00 "*Appeals*" as provided in RSA 677:15 under Section VII: Miscellaneous Provisions.

Amendment #3: Amend Section VII Miscellaneous Provisions by adding new Article 11 "*Active and Substantial development or Building*".

Amendment #4: Amend Section III: Procedures and Submission Requirements by adding new Subsection "3.04, Development of Regional Impact".

Amendment #5: Update and replace "*Section 7.07 Groundwater protection*" in accordance with RSA 674:43 & 44, to match the Groundwater Protection Plan voted in March 2010.

Subdivision Regulations:

Amendment #1: Amend by updating "*Article 2: Administration and Enforcement, Section 2.07 Penalties*"; regarding transferring lots in an unapproved subdivision under RSA 674:35 II.

Amendment #2: Amend by adding new Subsection "2.13 *Active and Substantial Development or Building*" under Article 2 Administration and Enforcement, per RSA 674:39.

Amendment #3: Amend by adding new Subsection "2.14 *Development of Regional Impact*", under Article 2 Administration and Enforcement per RSA 36:54.

Amendment #4 Amend by adding "*Section 11.09 Groundwater Protection*", in accordance with RSA 485-C; 2, to correspond with the Groundwater Protection Plan voted in March 2010.

Earth Excavation Regulations: Repeal and replace the 1989 Earth Excavation Regulations with new regulations.

For additional information, please call the Land Use Office at 483-8588.

For the Planning Board,
Mary Girard, Chairperson
August 2010

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SECTION I: ADMINISTRATIVE AUTHORITY

Article 1.00 Authority, Adoption and Amendment:

1.01 Authority:

The Candia Planning Board hereby adopts Site Plan Review Regulations as authorized and required by New Hampshire Revised Statutes Annotated Chapter 674:43 I. and pursuant to the authorization from the Town of Candia by vote at town meeting on March 14, 1986 (Article 28).

1.02 Title:

The regulations shall be known as the Town of Candia Major Site Plan Review Regulations, hereinafter referred to as "these regulations".

1.03 Validity:

If any portion of these regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

1.04 Amendment:

These regulations may be amended whenever such action is deemed advisable by the Board following a duly noticed public hearing on the proposed amendment. All changes to these regulations shall become effective when adopted and signed by the majority of the Planning Board members and filed with the Town Clerk and with the Board of Selectmen. The amendment shall be filed in a central with the Office of State Planning.

1.05 Prohibition of Construction Prior to Approval:

No construction, change of use, land clearing or building development shall be initiated until the final plan of the proposed site plan has been approved by the Board, as evidenced in the issuance of the Notice of Approval.

1.06 Waiver Provision:

Upon the written request of the applicant, the Board may grant a relaxation of one or more of the provisions under these regulations as it deems appropriate.

Article 2.00 Purpose, Scope and Compliance with Other Ordinances:

2.01 Purpose:

The purpose of these regulations is:

A. To provide for the safe and attractive development of the site and to guard against such conditions as would involve danger or injury to health, safety or prosperity by reason of:

1. inadequate drainage or conditions conducive to the flooding of the subject property or that of another;
2. inadequate protection for the quality of groundwater;
3. undesirable and preventable elements of pollution such as noise, smoke, soot, particulates or any other discharge into the environment which might prove harmful to person, structures or adjacent properties;
4. inadequate provisions for fire safety, prevention and control;

- B. To provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
- C. To provide for open spaces and green spaces of adequate proportions.
- D. To provide the proper and coordination of streets, driveways and entrances within the subject site in relation to other existing or planned streets.
- E. To provide suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access of fire fighting apparatus and equipment to buildings, and to be coordinated so as to develop a convenient system;
- F. To require that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- G. To require that the land indicated on the plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
- H. To include such provisions as will create conditions favorable for health, safety, convenience, and prosperity; and
- I. To require that appropriate support services and facilities are provided.

2.02 Scope:

The Planning Board shall review and approve or disapprove site plan review applications for initial development or change or expansion of use tracts for any non-residential use or for multifamily dwelling units whether or not such development includes a subdivision or re-subdivision of the site, or whether the proposed use includes the construction of a building.

2.03 Compliance with Other Regulations and Ordinances:

The Site Plan Review procedure shall in no way relieve the applicant from compliance with Candia Zoning Ordinance, the Candia Subdivision Regulations, Earth Excavation Regulations or any other regulations or bylaw which pertains to the proposed development. No site plan shall be approved unless such plan complies with applicable local ordinances and regulations.

2.04 Definitions:

Major Site Plan Review Regulations: For the purpose of the meaning of the term used herein, it shall conform to the definitions found in Article III, of the Candia Zoning Ordinance and Article 20 of the Candia Subdivision Regulations.

Board: The word shall mean the Candia Planning Board.

Performance Guarantee: is a security that may be accepted in lieu of a requirement that certain improvements be made before the Planning Board to approved the Site Plan, including cash passbook, irrevocable letters of credit, escrow agreements, and other similar collateral. All letters of credit must be automatically renewable.

2.05 Construction Standards:

All site improvements, including roadways and parking areas, shall be constructed in conformance with the Candia Subdivision Regulations and the Town Building Code.

2.06 Change of Use Criteria:

Change or expansion of use of a site: any multi family or nonresidential use which substantially differs from the previous use of a building or land. Any activity which in the opinion of the Building Inspector constitutes a change or expansion of use of a site may be subject to Planning Board approval under the Candia Site Plan Review Regulations. The Building Inspector shall be guided by consideration of the extent to which the proposal relates to any of the following types of circumstances each of which is subject to site plan approval.

Criteria:

- A. Any increase in the size of an existing off-street parking area of 50% or more when associated with a multifamily or a nonresidential use;
- B. The creation of an off-street parking area on a site, except when the off-street parking area is associated with a single or two-family residential use;
- C. Any change in the number or size of access points or any change in the location of the driveway providing access to or from the adjoining highway when not covered by the regulations;
- D. Any occupancy for commercial, industrial or multifamily where prior use has been discontinued for two years and where no prior site plan has been approved.

Change of one land use classification to another in accordance with the Standard Industrial Classification using the two digit numerical code as a guideline.

2.07 National Flood Insurance Requirements:

For site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) all such proposals are consistent with the need to minimize flood damage;
 - (ii) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION II: PROCEDURES AND SUBMISSION REQUIREMENTS

Article 3.00 Procedure for Site Plan Review

3.01 Submission of Application:

Submission of application and other information relevant to the site plan proposal shall be made through the Land Use Office. Inquiries for advice concerning procedures, requirements or the status of a particular application may be made to the assistant during regular office hours.

- A. The application shall include the names and street addresses of the applicant and property owner, name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat, and all abutters as indicated in the town records not more than five days before the day of filing. Abutters shall also be identified on any plat submitted to the board.
- B. When the application is submitted copies of the plan shall be provided to the Police, Fire Dept., Building Inspector, and Road Agent for their review. A copy of the plan shall also be provided to the Town Engineer for review at the applicant's expense. Copies to be given no later than 30 days prior to the noticed hearing.

3.02 Notice:

Prior to holding a public hearing, the board shall give notice as follows:

- A. The notice shall include a general description of the proposed site plan which is subject of the application, shall identify the land owner and the site location, and shall state the date, time and place of the public hearing.
- B. A copy of the notice shall be sent to the owners and abutters by certified mail.
- C. For the purpose of these regulations in counting days, the day on which the notice is given and the day of the public hearing shall be excluded.
- D. Notice shall be mailed at least ten days prior to the public hearing.
- E. Notice to the general public shall be given by one publication of a legal public notice in a newspaper as designated by the board, at least ten (10) days prior to the public hearing, and in at least two public places in the Town of Candia.
- G. The applicant shall pay the noticing costs with submission of the site plan application.

3.03 Filing Fees, Administrative Expenses and Other Costs Incurred by the Town and the Board:

The applicant shall pay the filing fees in advance according to the schedule of fees adopted by the Planning Board and placed on file at the Land Use Office. In addition, the Board may require the applicant to pay additional reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications (RSA 676:4 I(g) and 674:44). Such additional fees may also include legal expenses incurred by the Board.

A. Fee Schedule:

The following schedule of fees shall apply to all major site plan review applications:

- 1. Application Fee \$200.00
- 2. Legal Notice Fee \$50.00*
- 3. Abutters, Applicant, Owner, Engineer, Architect,
Licensed Land Surveyor, Soil Scientist Notices (each) \$6.54*
- 4. Compliance Inspection Fee Set as determined as necessary.
- 5. Fire Department review fee \$.10/square foot
- 6. Mylar Recording Fees: (22" x 34"sheet) \$24.00
L-chip recording fee (71/08) \$25.00

* Subject to postal and noticing fee increases.

(Rev. 12/3/03 mins., 10/03/07)

B. Prepayment of Plan Review and Compliance Inspection Fee:

The site owner or authorized agent shall deposit with the Land Use Office, a security deposit sufficient to cover the professional engineer review of the site plan documents and the necessary inspections which the Board deems reasonable and necessary to protect the general welfare of the Town. The Town Engineer will estimate the cost and the applicant will be responsible for any additional cost thereafter. Funds will be kept in an escrow account.

C. Fire Department Review and Inspection Fee:

A fee of \$0.10 (ten cents) per square foot of building area shall be assessed for fire department review of plans, drawings, and specifications, and for necessary inspections of all commercial, industrial, or multi-family structures of three or more dwelling units. A copy of the drawings shall be submitted to the Fire Department at the time of application. Fee payment shall be payable to the Town of Candia.

Article 4.00 Submission Requirements

4.01 Number of Copies and Scale Required:

The application for Site Plan Review shall be submitted with three copies of the proposed site plan drawn at a minimum scale of one inch equals 20 feet. All plans must also be submitted electronically via e-mail or approved storage media in the portable document format (PDF) with a maximum file size of 10 M.B. Copies must include Mylar for Registering at Rockingham County Registry of Deeds. (2009)

4.02 Certification of Plan Required:

The site plan shall be prepared and certified by a civil engineer licensed to practice in New Hampshire.

4.03 Information Required to be Shown on the Plan:

The site plan shall include the following information:

- A. A vicinity sketch showing the location of the site in relation to the surrounding public street system and zoning boundaries within 1000 feet of the site boundary.
- B. The names and street addresses of owner(s) of record and those of the abutting properties.

- C. The name, address and seal of the preparer of the plan.
- D. Certification by a New Hampshire licensed land surveyor of a currently valid boundary survey.
- E. The scale of the plan shall be at a minimum of one inch equals 20 feet, and the plan shall include a north arrow and the date.
- F. A survey of the perimeter boundaries of the proposed use subject to site plan review, including compass bearings, distances and area in acres;
- G. Existing and proposed topography showing surface contours at intervals not in excess of 2 feet.
- H. The shape, size, height and location of all existing and proposed structures, including typical elevation views;
- I. The location of natural features such as rivers, streams, marshes, wetlands and any man-made feature such as existing dams, roads, stone walls, and structures. The plan shall indicate those natural and man-made features which are to be removed, retained or altered;
- J. The use of properties within 500 feet of the site boundary; roads, streets and driveways within 500 feet of the site boundary;
- K. Proposed streets, driveways, parking spaces and sidewalks, with indication of direction of travel and inside radii of all curves. The width of the traveled way of all streets, driveways and sidewalks, and the total number of all parking spaces shall be shown. Loading spaces, trash disposal facilities, and facilities used in connection with any structure on the site shall be shown;
- L. The size and location of all existing and proposed public and private utilities shall be shown on the plan. Public and private utilities shall be underground and shown on the plan;
- M. A plan for exterior lighting and signs;
- N. A proposed landscaping plan indicating plantings to be installed and natural cover to be retained. The plan shall specify in detail the size and types of shrubs, plants, caliper of trees, etc. Such plan shall also show the proposed landscaping and natural cover of the perimeter of the site including all trees greater than 24" in diameter, all groupings and types of trees, screens, fences, and natural cover to be retained within the area to be disturbed;
- O. The dimensional requirements, as per Table I, and the number of parking spaces under the Candia Zoning Ordinance. Typical parking space layout and location of dimensional requirements for areas of five or more parking spaces, as per Exhibit I;
- P. All surface and subsurface storm drainage facilities, including all storm drainage facilities located within 100 feet of the boundary;
- Q. An estimated timetable for construction and completion of buildings, improvements and landscaping;
- R. If the proposed development requires a special exception or variance from the Zoning Board of Adjustment, a copy of the approved minutes is to be made part of the site plan application.

- S. Proposed snow storage areas.
- T. The location of any fire suppression system as required by the Fire Dept. must be shown on the plans.
- U. A signature block for signing by four members of the Board

4.04 Additional Information Which May Be Required:

The Planning Board may require an impact study such as municipal services, traffic, etc. or an environmental impact assessment, and / or additional information that it deems necessary in order to enforce the purpose of these regulations. Such studies shall be undertaken at the expense of the applicant for site plan review at no extra cost to the Town. The firm, individual or agency shall be selected by the Planning Board.

Article 5.00 Action by the Board:

“A. Review period”

“In accordance with RSA 676:4 (c)(1)” the Board shall act to approve, “approve” with modification, or disapprove the proposed site plan within 90 “65” days following the public hearing at which the application was deemed complete and accepted as presented, excepting that the Board may apply to the Board of Selectmen “prior to the expiration of the 65 day period for an extension of time not to exceed” for an additional 90 day period within which to act upon the application. “The applicant may consent to an extension of time for the Board to act beyond the initial 65 day period on the condition that such consent shall be in writing and shall be made part of the Board’s record.”

“B. Issuance of Decision”

The Planning Board shall notify the applicant, in writing by means of an official Notice of Approval/ Disapproval signed by the Chairman, of its action on the final site plan. In the case of disapproval, the Board shall clearly set forth in the notice to the applicant the reasons for its action with specific reference to the standards contained in these regulations. *“The minutes of the meeting at which such vote is taken, including the Official Notice of Decision including all conditions of approval, shall be placed on file in the Board’s office and shall be made available for public inspection within 5 business days of such vote. Whenever a plat is recorded to memorialize an approval issued by the Board, the official Notice of Decision including all conditions of approval shall be recorded with or on the plat.”*

“C. Failure to Act

If the Board has not obtained an extension in accordance with RSA 676:4 (f) and has not approved or disapproved the plat within 65 days from the date the plan was accepted as complete, the applicant may seek relief in accordance with RSA 676:4 c (1) and (2).” (August 4, 2010)

5.01 Acknowledgment of Receipt of Notice of Approval/ Disapproval:

Notice shall be sent registered return receipt required. The applicant shall acknowledge the receipt of the Notice and acceptance of all provisions set forth therein and shall return a signed copy of same to the Board for its records. Until such acknowledgment and acceptance has been filed with the Board, no further action shall be taken with regard to the final site plan. Failure to acknowledge receipt of said Notice and acceptance within 90 days of mailing of this notice will cause approval to lapse.

5.02 General Construction and Guidelines:

A. Prohibition:

No construction, change of use, land clearing or building development shall be initiated until the Final Plan of the proposed site plan has been approved by the Board, as evidenced by the issuance of the Notice of Approval/ Disapproval and signing of plans.

B. Period for Commencement of Construction and Completion of Work:

The applicant shall commence work on all required improvements within one year from the date of acknowledgment of the Notice of Approval/ Disapproval.

Construction of all required improvements shall be completed within 2 years of the date of acknowledgment unless a greater period shall be specified in the Notice of Approval/ Disapproval (RSA 674:44).

5.03 Provisions of Guarantees of Performance:

Before the Board signs the approved site plan, the applicant may be required file a performance guarantee in an amount sufficient to cover the cost of all terms, conditions or other off-site improvements where applicable. This performance guarantee shall be approved as to form and surety by the legal counsel of the Town of Candia, and conditioned on the completion of such improvements within two years of the date of the performance guarantee unless released by a vote of the Board of Selectmen, by request of the applicant. All documents evidencing or establishing the performance guarantee shall be prepared at the applicants expense.

A. Reduction of Security:

The performance guarantee may be reduced by the Board of Selectmen, in conjunction with the Road Agent and the Town's Engineer, during the course of construction, in such amounts as deemed to be in the best interest of the Town, and that the remaining performance guarantee shall be sufficient to complete all remaining construction and provide adequate retainage. When necessary, the Town's Engineer shall submit a compliance inspection report to the Board of Selectmen; also, the applicant shall provide an updated construction completion schedule prior to the Selectmen partially releasing the performance guarantee in the stages corresponding with completion of construction or compliance inspection report.

B. Release of Bond:

90% of the secured performance guarantee may be released when the Selectmen, in conjunction with the Road Agent and the Town's Engineer, are satisfied that the applicant has complied with all the requirements as set forth in the approved final site plan. The decision to release the performance guarantee will be based upon an assessment of the plans, the proposed construction activities and the final status of work completed. The Selectmen shall notify the Planning Board when all conditions of the performance guarantee have been met, and shall have the authority to release the bond.

The performance bond shall not be released until all proposed work activities have been satisfactorily completed.

C. Retainage:

The Board of Selectmen shall retain 10% of the total of the original bond and all interest earned to guarantee correction of latent defects, potential damage from erosion and sedimentation, not to exceed one year.

D. Enforcement of Bond:

If the applicant has not complied within two years of the date of the approved final site plan, the Town may enforce the Town's rights by using the funds from the posted surety. In the event that the Town is required to enforce the performance guarantee, the Town shall be entitled to have reasonable attorney's fees paid by the applicant.

5.04 Modification of Design Improvements:

If, at any time before or during the construction of the proposed improvements to the site, the applicant determines that unforeseen conditions make it necessary or desirable to modify the location or design of any of the required improvements or installation, the Board may authorize such modifications without further public hearing upon determination of the Board, and in consultation with the Town's Engineer, that the proposed modifications do not significantly impact the original proposal.

5.05 Compliance Inspection Fee:

Prior to construction, the applicant shall pay to the Town of Candia an amount of money estimated by the Board of Selectmen to fully defray the cost of all compliance inspections deemed necessary by the Town's Engineer. The applicant shall be responsible for notifying the Board of Selectmen or the Town's Engineer upon completion of the proposed improvements for the purpose of evaluating compliance with the proposed site plan.

5.06 Correction Of Deficiencies:

If it is determined that any of the required improvements have not been completed in accordance with the plans and specifications as filed by the applicant and as required by the Town, the Selectmen or its Town's Engineer shall notify the applicant in writing of any such deficiencies. The applicant shall rectify all deficiencies at the expense of the applicant. If the applicant does not substantially rectify all deficiencies within a reasonable time as determined by the town, the town shall take all necessary actions to protect and preserve the town's rights and interests including suspension or revocation of site plan approval.

5.07 Guarantee of Installation of Improvements:

For a period of two years after completion of all improvements or one year after the correction of all deficiencies as described above, which occurs last, if the Selectmen or its Town's Engineer determines that the improvements have failed for any reason or do not meet the specifications as filed by the applicant and as required by the town, the Selectmen shall notify the applicant in writing of such failure and the applicant shall rectify all failures at the expense of the applicant. If the applicant does not substantially rectify all deficiencies within a reasonable time as determined by the town, the Selectmen shall take all necessary action to protect and preserve the town's interests.

Article 6.00 Notice of Site Plan Approval:

A Notice of Site Plan Approval shall be issued by the Planning Board to the Building Inspector under the Site Plan Review Regulations when the applicant has complied with all requirements of the Site Plan Review

Regulations. The applicant shall not use or occupy the site until the Notice of Site Plan Approval has been issued. The Building Inspector shall not issue a Certificate of Occupancy under the Town Building Code as provided in RSA 676:13 for any building on a site plan that does not comply with the Site Plan Review Regulations or the approved site plan. Any requirement of the Site Plan Review Regulations to be performed in the future, that have been bonded under Article 5 will satisfy the conditions for the Notice of Site Plan Approval.

Article 7.00 Development of Regional Impact

A. Purpose.

- 1. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of the Town of Candia.*
- 2. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the Town of Candia.*
- 3. Encourage the Town of Candia to consider the interests of other potentially affected municipalities.*

B. Definitions:

Fulfill the statutory Definition – Any development which the Planning Board determines could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

- a. Relative size or number of dwelling units as compared with existing stock.*
- b. Proximity to the borders of a neighboring community.*
- c. Transportation networks.*
- d. Anticipated emissions such as light, noise, smoke, odors, or particles.*
- e. Proximity to aquifers or surface waters which transcend municipal boundaries.*
- f. Shared facilities such as schools and solid waste disposal facilities.*

C. Review Required:

Review Required: The Candia Planning Board, upon receipt of an application for subdivision, shall review it promptly and determine whether or not the development, 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.

D. Procedure:

- a. upon determination that a proposed development has a potential regional impact, the Candia Planning Board shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.*
- b. Not more than 5 business days after reaching a decision regarding a development of regional impact, the Candia Planning Board shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The Candia Planning Board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant. (This statute went into effect Jan. 1, 2010).*
- c. At least 14 days prior to public hearing, the Candia Planning Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.*
- d. Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the*

regional planning commission and the affected municipalities, who shall be provided 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit.

E. Applicability:

The provisions of this section shall supersede any contrary or inconsistent provisions of local land use regulations enacted under RSA 155-E and RSA 674. (August 4, 2010)

SECTION III: STANDARDS AND REQUIREMENTS FOR SITE DEVELOPMENT

Article 8.00 Site Standard Requirements:

The Planning Board shall approve the proposed site plan upon determination that the following requirements have been met:

8.01 General Requirements:

- A. The site shall be of such character that it can be demonstrated that it can be used safely without excessive grades, inadequate drainage or other hazardous condition.
- B. The proposed site plan shall provide for safe and attractive development of the site and guard against such conditions as would involve danger to health, safety or property by undesirable and preventable elements of pollution. The plan shall provide that
 - 1. smoke, soot, particulates and other discharge into the air shall not exceed levels established under the State Ambient Air Quality Standards; and
 - 2. noise and vibration at property boundaries shall not exceed levels as determined to be harmful to health and welfare under regulations adopted by the Environmental Protection Agency under 42 USC Chapter 65, "Noise Control".

8.02 Site Characteristics:

The development shall conform to the extent appropriate to the natural topography of the site. Site clearing shall be kept at a minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for light and air. Provisions shall be made for the protection of natural features and natural cover shall be retained to the extent possible and reasonable. Landscaping and screening shall be provided with regard to adjacent properties, the public highways and within site, including interior landscaping of parking areas.

8.03 Construction Standards:

Any proposed site improvements including roadways and parking areas, shall be constructed in conformance with the Candia Subdivision Regulations, State of New Hampshire Standard Specifications for Road and Bridge Construction and the Town Building Code.

- A. Driveway and Parking Areas:** All driveway and parking areas shall be topped with bituminous asphalt on an engineered sub-base.
- B. Treatment of the Disturbed Areas:** All disturbed areas shall be covered upon completion with an approved finish treatment of grass, asphalt, concrete or other materials as approved by the Planning Board.

- C. Seeding and Mulching:** Disturbed areas shall be prepared and seeded in conformance with Candia's Subdivision Regulation Standards regarding topsoil, seeding, fertilizer and mulching.
- D. Lighting:** Soft lighting of the building exterior will be permitted provided the light source is not visible and that it complements the architecture. The lighting shall not draw inordinate attention to the building. Parking lot, service areas, pedestrian walkways and roadway lighting shall be provided by free standing fixtures with cut off light sources to assure that the source will not constitute a hazard to adjacent properties, or to street or highway driving from glare. The material and the colors of the light fixtures will be evaluated by the Board in terms of their compatibility with the architecture and natural site characteristics.
- E. Signage:** Pursuant to Article 8.01 of the Candia Zoning Ordinance, an approved application for sign permit from the Building Inspector will be required as part of the site plan proposal. Signs may be illuminated by continuous white light from sources placed so they will not constitute a hazard to street or highway driving from glare. The following standards shall be observed:
1. Size: maximum 40 square feet
 2. Height: maximum 10 feet
 3. Base: wood and / or stone masonry
 4. Setback minimum of 10 feet
- F. Flashing Signs:** No flashing or animated signs having visible or moving parts or intermittent lighting intended to create a visual effect are permitted (Section 8.04 of the Candia Zoning Ordinance).
- G. Architectural Renderings:** The applicant shall provide the Planning Board with all architectural renderings including side elevations, landscaping plans and planting schedules and proposed signage. Standards for design revised on November 13, 2007.

Commercial and Industrial Architectural Design Standards

Purpose and Intent

The purpose of this document is to provide development and renovation standards for commercial, industrial and institutional structures that shall ensure architecturally consistent and aesthetically pleasing structures styled to complement the traditional New England heritage of Candia. These standards are not intended to restrict innovation or variety. They are intended to support and encourage property development as envisioned by the Candia Master Plan.

Procedure and Requirements

All applicants are required to review these standards early in the design process that they understand the expectations of the Candia community and avoid any design efforts that may decidedly contradict these standards.

All proposed designs for new and renovated commercial, industrial and institutional structures will be evaluated against these standards as part of the Candia Planning Board site plan review.

Site plan applications for commercial, industrial or institutional structures shall include renderings of the front, sides and rear elevations. The principal rendering of the structure shall be in color. Plans shall include all of the pertinent external architectural detailing such as:

- a) Dimensional information
- b) Window sizing and detailing
- c) Materials of construction
- d) Location and identification of all externally fixed mechanical and communication systems
- e) External detailing such as stairways, balconies, and chimneys, cupolas, etc.
- f) Lighting plans

- g) Signage design and location sighting
- h) Landscape design

Architectural Design Considerations

1. Foundation

- a) Visual exposure of foundation walls should be kept to a minimum.

2. Exterior Walls

- a) Materials providing a traditional New England appearance are the preferred materials for any sides exposed to public view. Traditional stone or architectural block may be substituted when necessary. Cement, masonry block and metal paneling are strongly discouraged and may be cause for rejection of the application.
- b) The façade of structures larger than 15,000 square feet shall minimize the impact of long, unbroken planes and increase visual interest.
- c) Facades greater than 100 feet in length shall include plane projections or recesses.

3. Windows

- a) Large plate glass windows are discouraged unless broken by mullions or muttons.
- b) Mirrored glass or brightly colored panels are discouraged.
- c) Display windows shall be sized appropriately to the overall structure and in keeping with traditional New England style architecture.

4. Roofs

- a) Whenever possible roofs shall have a minimum pitch of 3:12 to avoid warehouse style flat roof construction.
- b) Where flat roofs are unavoidable due to building size, architectural devices such as false facades shall be incorporated to conceal the flat expanse. Whenever possible eaves should extend more than 18 inches beyond all walls.
- c) Roofing materials should provide for three dimensional textures. Wood shingles, asphalt shingles and traditional standing-seam metal roofs are encouraged.
- d) Long, unbroken expanses of roof shall be avoided through the use of dormers, cupolas, chimneys and varied ridgelines. Multiple roof planes of the same pitch are encouraged.
- e) All rooftop mounted mechanical or communication systems shall be located so that they are not easily visible from pedestrian level. If necessary, architectural screening should be provided to minimize any negative visual impact.

5. Colors, Detailing, and Treatments

- a) Colors shall reflect a traditional New England palette.
- b) Neon tubing in all forms and internally lighted signs are unacceptable.
- c) Detail features should provide visual interest and pedestrian scale. Ground floor facades should provide display windows, arcades, entry areas, awnings, or other such features along a minimum of 40% of their length.

6. Styling

- a) Efforts should be made to re-use existing structures particularly if they have historical significance within the community.
- b) Traditional New England styling is preferred. Colonial construction details such as gabled roofs, hip roofs, dormers, and window treatments are encouraged.

7. Site planning

- a) Development should be pedestrian-friendly. Benches, bike racks, and the like are strongly encouraged. Walkways and sidewalks should be provided to connect places for foot travel.
- b) All lighting should be minimized to the extent necessary for security and should be designed to guarantee a maximum of dark skies. Fixtures should be pleasing to the eye, obscure the light point source and be shielded for minimum of glare. Lighting shall not impact driving safety or spill out onto residentially-zoned properties.
- c) Trees and shrubs of various sizes should be used to soften all man-made features, particularly parking areas. Natural areas should be preserved wherever possible to provide a rural feel. The standards require developers maximize green space. Topography of all green areas shall be kept natural wherever possible and artificial leveling should be minimized.

H. Sidewalks shall be provided to ensure pedestrian safety as may be necessary.

I. Parking spaces shall be of adequate size and number in accordance with Candia's Zoning Ordinance, and shall be physically delineated by granite curbing so as to protect adjacent vegetation.

8.04 Coordination of Streets, Parking, Loading and Safety:

- A. The public highways providing access to the site shall be sufficient and adequate for the safety of vehicles, pedestrians and bicycles. This requirement includes not only the public highways on which the site fronts, but also public highways which constitute the main traffic arteries which must be utilized by traffic to and from the site.
- B. The traffic pattern on and at the site shall be coordinated so to comprise a safe and convenient system. All new commercial and industrial buildings must provide fire lanes to be built in accordance with Fire Dept. specifications (copy of which can be obtained from the Land use office). Access to all sides of the building is required. All driveway entrances must be built to accommodate access as specified by the Fire Department. Fire lanes at existing buildings shall be approved at the discretion of the Fire Chief.
- C. When deemed necessary, traffic signal devices may be required and be provided at the developer's expense.
- D. All loading areas shall be designed so as not to interfere with other planned vehicular and pedestrian traffic on the site, and so as to provide adequate space and facilities.
- E. All new commercial, industrial buildings, multi-family structures of 3 or more dwelling units, and existing buildings that have a change of use shall have a monitored fire alarm system and a Knox Box. A Knox Box application may be obtained by contacting the Fire Department.

All buildings shall have the street address in numbers a minimum of 4" high with a contrasting background and posted on a minimum 4" by 4" post or mailbox within 10' of the roadway. The street address shall be obtained from the Fire Department prior to obtaining a building permit and be posted prior to the commencement of any construction activity. Temporary markers shall be allowed with prior approval of the Fire Department.

All Fire Department requirements must be completed prior to issuance of any certificate of occupancy.

8.05 Screening

Storage areas, waste collection areas and service areas shall be fenced or screened from on-site areas and from neighboring properties. Sites adjacent to the residential district shall be adequately screened with plantings of live trees, shrubs, etc. approved in advance by the Planning Board through its Town's Engineer.

8.06 Storm Drainage:

Storm drainage of the site shall be designed and provided and shall be based on a 25 year storm design flow. If the existing drainage system to which the site drainage system will be connected is inadequate, provisions shall be made for the retention and gradual release of storm water in order to meet the 25 year storm design requirement.

8.07 Groundwater Protection:

The quality of groundwater (~~reference RSA 149:1 VIII~~) *is defined in RSA 485-c: 2 VIII* shall not be adversely affected by the proposed development. The applicant shall certify that the proposed development does not violate the rules and regulations of the ~~Water Supply and Pollution Control Commission with regard to groundwater and shall meet the following requirements:~~ *of Chapter 485: 3 c Groundwater Protection Act with regard to groundwater and shall meet the following requirements:*

A. Groundwater Pollution Monitoring Devices:

Any proposed or expanded site with the potential for contaminate leaching shall have provision for suitably designed and approved monitoring wells installed around the perimeter of the site. Said design and installation shall be approved by the Planning Board through its Town's Engineer at the expense of the applicant.

B. Surface Drainage Control Measures:

Any proposed or expanded site with the potential for surface run off degradation shall have provision for the containment and diversion of surface water runoff to suitable and approved catchment facilities. Said design and construction to be approved by Planning Board through its Town's Engineer at the expense of the applicant.

C. Disclosure

Any application for site plan review which involves the proposed receiving, handling, storing or processing of any regulated substance (as defined by RSA 339-A:2) shall disclose this information as part of the application submission. Copies of all appropriate state permits as required by the NH DES for the proposed use shall be submitted to the Town of Candia Health Officer and Candia Fire Department as part of the site plan application. Site plan applications which involve property contaminated by hazardous or toxic materials (as defined by RSA 339-A:2) shall disclose such information as part of the application. If the Planning Board finds that a potential health risk or an environmental threat exists from a previous use or existing use of the site, then the Planning Board shall require that any environmental assessment that has been completed and submitted to NH DES shall be submitted to and reviewed by the Town Health Officer (or 3rd party consultant of Board's choice at applicant's expense) prior to any Planning Board action. (August 4, 2010)

8.08 Utilities and Fire Protection:

A. Utilities:

Provisions shall be made for the site to be serviced by underground utilities which may include water for fire and domestic use, sanitary sewer, electrical, gas, telephone and cable.

B. Fire Protection:

All new multi-family structures of three or more dwelling units, commercial and industrial buildings constructed in the Town of Candia shall have provisions for on premise use water supply in accordance with the NH State Fire Code and NFPA#1142. Options include but are not limited to a cistern, fire pond or approved building sprinkler system. The volume of the cistern water supply shall be based on the

formula used by the NH State Fire Marshall Office with the minimum supply consisting of a 30,000 gallon, 20 year warranty, fiberglass cistern, which the property owner shall be responsible for maintaining access to at all times. Actual water supply requirements will be determined by the use, type of construction and the fire load inside the building.

Sprinkler systems shall be designed and installed in accordance with NFPA Standard 13 for commercial and industrial buildings and NFPA Standard 13R for multi-family structures. The fire department may, at the discretion of the Chief, require the developer to contribute the cost for the installation of an on-site cistern or fire pond to the Town of Candia Water Supply Capital Reserve Fund if it is determined that this option will improve the overall fire protection of the Town.

1. Existing commercial property will be required to conform to this requirement when a proposed expansion exceeding 50% of the existing square footage occurs. The Candia Fire Dept. may approve exceptions to the minimum gallons required which in the Fire Chief's sole discretion cannot be reasonably met due to unique circumstances at the site of an existing structure. The Fire Dept shall document any such exception including the reason it was granted. The Candia Planning Board and Building Dept. will maintain such documentation as part of the permanent record for the structure.
2. A letter from the Fire Chief and the Police Chief regarding safety issues is required. A copy of the plan shall be submitted to these agencies at least 30 days prior to any public hearings, to allow their recommendations to be part of the hearing process.

8.09 Disposition of Excavated Waste:

All excavated waste including boulders, rubble and debris, shall be removed from the site unless the Planning Board authorizes otherwise.

8.10 Solid Waste Disposal Plan:

Provisions for the disposal of solid waste in conformance with Candia Recycling Center Regulations shall be evidenced and submitted prior to final plan approval. Said plan shall include the following information:

- A. Description of the solid waste to be generated by the site; and
- B. Description of the on-site solid waste storage facilities; and
- C. A removal schedule showing volume and frequency; and
- D. A statement acknowledging the conditions imposed by the Candia Recycling Center Regulations and the method by which the site will conform with those conditions.

8.11 Erosion and Sedimentation Control Plan:

Erosion and Sedimentation Control Plans shall be submitted in conformance with the Candia Subdivision Regulations.

8.12 Impervious Cover:

The area of the site to be finished with impervious cover shall be shown in terms of the percentage of the entire site. The Board may require a reduction in the impermeable surface area and/or the construction of storm drains and catch basins where warranted by conditions of soil, slope and groundwater.

