



# **LAND USE REGULATIONS**

## **TOWN OF PELHAM, NEW HAMPSHIRE**



**July 19, 2021**



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## **Section 100 – GENERAL PROVISIONS**

### **100-1 Title**

Sections 200 and 300 of this document are entitled Subdivision Regulations and Site Plan Regulations, respectively. Taken together, these Sections constitute these Land Use Regulations of the Town of Pelham, New Hampshire

### **100-2 Effective Date**

These Land Use Regulations or any subsequent amendment hereto, shall become effective upon adoption by the Planning Board in accordance with the provisions of RSA 675:6.

### **100-3 Interpretation, Conflict and Severability**

- A. Interpretation: Design standards contained in these Land Use Regulations shall be interpreted as minimum requirements and compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that an application complies with these Regulations, shall the application be approved. These Land Use Regulations shall be broadly construed to promote the purposes for which they were adopted and/or amended.
- B. Conflict: Pursuant to the provisions of RSA 676:14, if and when any provision of these Land Use Regulations is found to be in conflict with any applicable provision of the Pelham Zoning Ordinance, Building Code, or applicable State Statute or Administrative Rule, that provisions which imposes the greater restriction or higher standard shall prevail.
- C. Severability: In the event any Section, paragraph, sentence, term, condition, or provision of these Land Use Regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other Section, paragraph, sentence, term, condition, or provision of the Regulations.

### **100-4 Review of Developments of Regional Impact**

For the purposes described under RSA 36:55 and pursuant to the requirements of RSA 36:56, the Planning Board, upon receipt of an application for approval of any land use permit, shall review such application promptly and determine whether or not in its judgment, the subdivision, site plan, or other form of development proposed could reasonably be construed as having the potential for regional impact as defined under RSA 36:55. In the event the Planning Board determines an application has the potential for regional impact, the Board shall indicate that determination and the reason(s) therefore in its minutes and subsequently undertake procedures described in RSA 36:57 in the review and consideration of said application. In the event the Planning Board does

not elect to discuss or vote upon the question as to whether or not a specific application may have the potential for regional impact, such lack of discussion or vote shall be deemed to be a determination on the part of the Planning Board that the application, if approved, would not have the potential for regional impact.

#### **100-5 Scenic Roads**

In recognition of the fact that the Town of Pelham may, from time to time, vote to define and designate any existing public highway, or portion thereof, as a Scenic Road pursuant to authority of RSA 231:157, it is recognized that applicants seeking land use permits under these Land Use Regulations, may on occasion, require written consent of the Planning Board in accordance with the provisions of RSA 231:158 prior to performing certain work or constructing specific improvements within the right-of-way of a Scenic Road. In such instances, the Planning Board may, upon request of an applicant, conduct a public hearing required in accordance with the provisions of RSA 231:158, II contemporaneously with any public hearing held in accordance with applicable provisions of these Land Use Regulations.

#### **100-6 Land Affected by Municipal Boundaries**

Any application for a land use permit submitted to the Planning Board under these Regulations which contains land situated in more than one municipality of the State of New Hampshire shall be subject to the procedures and requirements of RSA 674:53.

#### **100-7 Minimum Thresholds for Applicability for the Control of Erosion & Sedimentation and Stormwater Management**

- A. The control of erosion and sedimentation and stormwater management under these Land Use Regulations applies to any site plan review or subdivision project that disturbs more than 40,000 square feet, or more than 20,000 square feet within 100-feet of a surface water.
- B. This also applies to disturbances of less than the limits above if that disturbance is part of a larger plan for development that would disturb more than 40,000 square feet, or more than 20,000 square feet within 100-feet of a surface water, regardless of timing. The cumulative area of the project also includes all phasing of a project or any other land disturbance on the same property within 10 years, before and after, of the start of any proposed land disturbing activity.
- C. The Planning Board may waive the applicant from stormwater management requirements upon appropriate demonstration by the applicant as to why the regulations should not apply. At a minimum:
  - a) all runoff from new impervious surfaces and structures must be directed to subsurface filtration and/or infiltration devices or properly discharged to naturally occurring or fully replanted and vegetated areas having natural slopes

of 15-percent or less, and with adequate controls to prevent soil erosion or concentrated flow with no increase in post-development flow rates.

- b) the addition of impervious surface area for parking areas and roads must be minimized to the maximum extent possible.
- c) all waivers must be provided in writing at the time of application.

D. The following activities are considered exempt from the stormwater management requirements in these regulations:

- a) agricultural and forestry practices in accordance with the NH Department of Agriculture published practices.
- b) resurfacing and routine maintenance of roads and parking lots.
- c) interior alterations and exterior maintenance to existing buildings and structures.

#### **100-8 Project Recordation for Stormwater Management**

- A. Required Erosion and Sediment Controls during Construction: All stormwater management and control of erosion and sedimentation plans shall be incorporated as part of any approved Site Plan or Subdivision Application. A Notice of Decision acknowledging the Planning Board approval of these plans shall be recorded at the Registry of Deeds. The Notice of Decision shall be referenced to all property deeds (title/book/page number) and apply to all persons that may acquire any property subject to the approved project. The Notice of Decision shall also reference required long-term operation and maintenance plans as approved by the Planning Board.
- B. Easements: Where a development is traversed by or requires the construction of a stormwater practice on lands not owned or to be deeded to the Town, an easement to the Town of adequate size is required to enable inspection, maintenance, repairs, and reconstruction and shall be provided for such purpose, including flowage rights. All easements shall be recorded at the County Registry of Deeds.
- C. Operations and Maintenance (O&M) Plan(s) and O&M Agreement: The applicant shall record Town approved Stormwater O&M Plan(s) and O&M Agreement with the subdivision plat or approved site plan to ensure long-term inspection, maintenance, repairs, and reconstruction as needed shall be provided by the applicant and subsequent property owners.
- D. As-Built Plans and Data: The applicant must submit as-built drawings of all constructed stormwater management systems and practices, including all associated easements, within one-year following completion of construction. Submissions shall be provided in digital format, both as a pdf, and CAD or GIS files. CAD and GIS files must be horizontally referenced to the NH State Plane coordinate system, NAD83, and vertically referenced to the NAVD88 datum.



# **SUBDIVISION REGULATIONS**

## **Section 200 – GENERAL PROVISIONS**

### **200-1 Title**

This chapter shall be known as the “Subdivision Regulations of the Town of Pelham, New Hampshire.”

### **200-2 Authority, Adoption and Amendment**

These Regulations have been adopted in accordance with authority vested in the Town of Pelham Planning Board by Town Meeting vote and the provisions of RSA 674:35 and 674:36, as amended. The Planning may amend, and periodically has amended, these Subdivision Regulations pursuant to RSA 675:6.

### **200-3 Purpose**

In accordance with NH RSA 674:36, the Subdivision Regulations of the Town of Pelham are intended to:

- A. Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds or the supply of such services.
- B. Provide for the harmonious development of the municipality and its environs.
- C. Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality.
- D. Provide for open spaces of adequate proportions.
- E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for firefighting apparatus and equipment to buildings and be coordinated so as to compose a convenient system.
- F. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational purposes.
- G. Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses.

- H. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health.
- I. Prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities.
- J. Include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity.
- K. Encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements and limitations on type, height, and placement of vegetation; and encouragement of the use of solar sky-space easements under RSA 477.
- L. Provide for an efficient and compact subdivision development which promotes the retention and public usage of open space and wildlife habitat, by allowing for village plan alternative subdivision as defined in RSA 674:21 VI.
- M. Require innovative land use controls on lands when supported by the master plan; and
- N. Include provision for waiver of any portion of the regulations in such cases where, in the opinion of the planning board, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.
- O. Require the use of erosion and sediment controls for construction projects to protect the water quality of the Town's surface waters, wetlands, and stormwater systems.

Provide enhanced stormwater standards for development and redevelopment to meet the requirements of the Town's Municipal Separate Storm Sewer System Permit (MS4) as issued by the US Environmental Protection Agency (EPA), current term.

#### **200-4 Applicability and Enforcement**

- A. No subdivision of land shall occur, and no land in any subdivision shall be sold or leased, and no streets or utility construction shall commence unless until a subdivision plat, prepared in accordance with the requirements of these Regulations, has been approved and a final plat has been signed by the Chair of the Pelham Planning Board and subsequently recorded at the Hillsborough County Registry of Deeds.
- B. Pursuant to RSA 676:16 the Town of Pelham may enjoin any transfer or sale of any land located in a subdivision before a subdivision plat depicting that land has been approved by the Pelham Planning Board, signed by the Chair, and properly recorded at the Hillsborough County Registry of Deeds pursuant to RSA 674:37.

- C. In its enforcement of these Regulations, the Town of Pelham shall enjoy all legal rights and remedies afforded to a municipality under New Hampshire Law including, but not limited to the provisions of RSA 676:15 through 676:17-b.
- D. Notwithstanding these Regulations, any person may, without Planning Board approval, record a plan of the type described in RSA 676:18, II and 676:18-a, provided that no other information is included thereon except as authorized by statute and certified as such in accordance with the provisions of RSA 676:18, III.
- E. Subdivisions that result in the creation of a private road or a road intended for adoption as a public road. All stormwater runoff generated from the proposed private or public roadway(s) and any other stormwater runoff contributing to the Town's stormwater management system(s), surface waters, and/or wetlands shall be managed and treated in full compliance with the Control of Erosion and Sedimentation and Stormwater Management requirements of these regulations.
- F. For subdivisions comprising lots with frontage on existing private or public roadways, roadside drainage and any other stormwater runoff from the new lots discharging to the Town's drainage system surface waters, and/or wetlands must be managed in accordance with the Control of Erosion and Sedimentation and Stormwater Management requirements of these regulations.

#### **200-5 Scattered or Premature Subdivision**

Pursuant to the authority of RSA 674:36, II(a) and Section 200-3 of these Subdivision Regulations, the Planning Board may disapprove any application if it finds that it would result in the scattered or premature subdivision of land as would involve endanger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services.

#### **200-6 Off-Site Improvements**

In the event the Planning Board finds that a proposed subdivision will create the need for off-site improvements, all or part of which are rationally related to or occasioned by the proposed subdivision; or which will require an excessive expenditure of public funds in order to provide for the same, the Planning Board may impose, as a condition of subdivision approval, a requirement that the applicant install or pay for all or part of the needed off-site improvement(s). When imposing such a requirement, the Planning Board shall consider the degree to which the subdivision will benefit from the completion of the off-site improvement(s) needed. In cases where off-site improvements will benefit other properties, the Planning Board shall determine the amount the applicant shall pay by taking the following into consideration:

1. The character of the area;
2. The extent to which the general public and/or specific public or private properties will benefit by completion of said off-site improvements; and

3. Any other factor(s) which the Planning Board deems appropriate to the establishment of a rational nexus between the needs created by and the special benefits conferred upon the proposed subdivision.

## **200-7 Waiver Provision**

In those instances where the Planning Board finds that strict conformance with one or more certain requirements of these Regulations may not be appropriate or necessary when applied to a specific application, the Planning Board may modify or waive one or more of the requirements of these Regulations pursuant to RSA 674:36, II(n) provided the Board finds, by majority vote, that:

1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver(s) would not be contrary to the spirit and intent of these Regulations; or
2. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the Regulations.

The applicant/owner shall make any and all waiver requests in writing and provide sufficient justification supporting each such request for consideration by the Planning Board. In all instances where the Planning Board votes to grant an applicant waivers from one or more requirements of these Regulations, the basis for such waiver(s) shall be recorded in the minutes of the Board's proceedings; and the Board shall require the applicant include a notation on the final plat acknowledging any and all modifications or waivers granted by the Planning Board.

The requirements in these Regulations pertaining to "Special Flood Hazard Areas" shall not be waived by the Planning Board.

## **200-8 Appeals**

- A. Any person aggrieved by any decision of the Planning Board made under authority of these Regulations may appeal such decision to Superior Court pursuant to RSA 677:15.
- B. Any person aggrieved by any decision of the Planning Board concerning subdivision approval or disapproval may appeal to the Zoning Board of Adjustment if such decision was based upon the terms and conditions of the Pelham Zoning Ordinance pursuant to RSA 676:5, III.

## **Section 201 – WORD USAGE & DEFINITIONS**

### **(Applies to both Subdivision & Site Plan Regulations)**

#### **201-1 Word Usage**

For the purposes of these Regulations: the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future; the singular includes the plural; the plural includes the singular; the words “shall” and “will” are mandatory; and the word “may” is permissive.

#### **201-2 Definition of Words & Terms**

For any word or term not defined in these Regulations, the definition, if any, given in the Pelham Zoning Ordinance, Pelham Site Plan Regulations, or applicable statute shall prevail. Words and terms not specifically defined shall have their common meaning. In the event a conflict is found to exist between the definition of any word or term which may be defined in these Regulations and either the Pelham Zoning Ordinance or applicable statute, the definition provided in either the Zoning Ordinance or statute, as applicable, shall prevail. For the purposes of these Regulations, the following definitions shall apply:

**Abutter:** Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream or that is within 200 feet from the land under consideration by the Planning Board. For the purposes of receiving testimony only, and not for the purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For the purpose of receipt of notification by the Town of a scheduled Planning Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term of “abutter” means the officers of the collective or association as defined in RSA 356-B:3, XXIII. For the purpose of receipt of notification by the Town of a Planning Board hearing, in a case of an abutting property being under a manufactured park form of ownership as defined in RSA 205-A:1, II, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the Planning Board.

**Applicant:** The owner of record of the land subject to site plan review and/or that person’s agent who has been duly authorized by the owner to file an application under the authority and jurisdiction of these Regulations.

**Application, Complete:** An executed application form, together with all drawings, other information and fees required under these Regulations, which in the opinion of the Planning Board, is sufficient to invoke their jurisdiction pursuant to RSA 676:4, I.

**Approval, Final:** Recognition by the Planning Board, as certified by the Chair's signature on the final plat, that a site plan meets the requirements of these Regulations as well as all precedent conditions of approval.

**Approval, Conditional:** Recognition by the Planning Board that an application will receive final approval once all precedent conditions of approval have been satisfied.

**Area of Special Flood Hazard:** Land subject to a one-percent or greater probability of flooding in any given year as identified on the most current Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA).

**As-Built Plans:** Drawings which depict and define the locations, dimensions, elevations, and extent of improvements once constructed.

**Buildable Lot:** An existing lot of record, or a lot created by subdivision, upon which a specific use or structure may lawfully be located and used in accordance with applicable land use ordinances and regulations of the Town.

**Building Inspector/Code Enforcement Officer:** The individual(s), designated by the Town of Pelham, having the authority to enforce building codes, zoning ordinances, health ordinances, and related ordinances and regulations.

**Building:** Any structure, either temporary or permanent, having a roof or other covering used or intended to be used as a shelter or enclosure for any person, animal or property.

**Building Permit:** A document issued by the Building Inspector for the purposes of lawfully authorizing construction, repair, alteration, or addition to a building or structure.

**Capital Improvement Program:** A planning document, or a portion thereof, prepared and maintained by the Planning Board pursuant to RSA 674:5 through RSA 674:8.

**Certificate of Occupancy:** A document issued by the Building Inspector permitting the occupancy and use of a building for a specified use.

**Certified Soil Scientist:** A person who, by reason of special knowledge of pedological principals, acquired by education and practical experience, as specified in RSA 310-A:84, I & II, is qualified to identify, classify, and prepare soil maps according to the standards of the National Cooperative Soil Survey or the New Hampshire Department of Environmental Services, and who has been duly certified by the New Hampshire Joint Board of Licensure and Certification.

**Certified Wetland Scientist:** A person who, by reason of special knowledge or hydric soils, hydrophytic vegetation, and wetland hydrology acquired by education and practical experience, as specified in RSA 310-A:84, II-a & II-b, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for the identification and delineation of wetlands adopted by the U.S. Army Corps of Engineers and the New Hampshire Department of

Environmental Services, and who has been duly certified by the New Hampshire Joint Board of Licensure and Certification.

**Conditions of Approval, Precedent:** Specific conditions of approval imposed by the Planning Board pursuant to RSA 676:4, I(i), which must be satisfied in order to receive final approval.

**Conditions of Approval, Subsequent:** Specific conditions of approval imposed by the Planning Board pursuant to RSA 676:4, I(i), which must be satisfied subsequent to final approval.

**Construction Plans:** Those drawings accompanying a site plan plat which depict the locations, elevations and other specific details of those improvements to be completed or installed in accordance with the requirements of these Regulations, or as a subsequent condition of approval granted by the Planning Board under the authority of these Regulations.

**Cul-de-sac:** A circular shaped vehicle turnaround situated at the terminus of a dead-end street.

**Deed Restriction:** See definition of Restrictive Covenant.

**Design Review Phase:** Non-binding review and discussion of a site plan proposal by the Planning Board beyond conceptual and general discussions with the applicant, conducted in accordance with RSA 676:4, II(b), which may involve more specific design and engineering details.

**Development:** Any man-made change to improved or unimproved real estate including but not limited to construction of new buildings, substantial improvements to existing buildings, or other structures, the placement of manufactured housing, paving, mining, dredging, filing, grading, excavation, drilling operations or similar activities.

**Driveway:** A private way intended to provide vehicular access from a public or private street to a parking space, garage, dwelling or other structure.

**Easement:** Written authorization by a property owner for another to use that owner's property for a specified purpose.

**Frontage:** The dimension of a lot measured along its common boundary with a street that serves as the access to the lot.

**Green Space:** Those areas situated within the developed portion of a parcel or site devoid of buildings, parking, driveways, sidewalk and other hardscape improvements.

**Homeowners Association:** A private not-for-profit corporation, association, or other legal entity established to manage and support the activities and interests of land and/or home owners having tenancy-in-common or some similar form of collective ownership and within which membership is both mandatory and automatic upon conveyance of title.

**Improvements:** Site grading, construction of streets, utilities, stormwater management facilities and the construction or installation of other betterments and infrastructure specified on approved

construction plans or otherwise required under the land use ordinances, regulations and codes of the Town of Pelham, or by State or Federal agencies having jurisdiction.

**Irrevocable Letter of Credit:** An engagement by a bank or other financial institution within the meaning of Article 5 of the Uniform Commercial Code (RSA 382-A:5-101, et seq.) accepted by the Town of Pelham as a performance guarantee for the full and complete construction or installation of improvements.

**Licensed Landscape Architect:** An individual duly licensed to practice Landscape Architecture by the New Hampshire Joint Board of Licensure and Certification.

**Licensed Land Surveyor:** An individual duly licensed to practice Land Surveying by the New Hampshire Joint Board of Licensure and Certification.

**Licensed Professional Engineer:** A person duly licensed to practice Professional Engineering by the New Hampshire Joint Board of Licensure and Certification.

**Lot:** The whole area of a single parcel of land with ascertainable boundaries, in single or joint ownership, undivided by a street, and established by deed(s) of record.

**Lot Area:** The total quantity of land situated exclusively within the boundary lines of a parcel.

**Lot, Corner:** A lot abutting upon two or more streets at their point of intersection.

**Lot Consolidation:** An action on the part of one or more owners of two or more contiguous existing lots or parcels to consolidate the same into a single lot or parcel of land for municipal regulation and taxation purposes.

**Lot Line:** A horizontal line marking the boundary between two or more parcels.

**Lot Line Adjustment:** A change in dimension and/or bearing of existing lot lines between two or more lots, which does not alter or change the total number of affected lots.

**Maintenance Guarantee:** An irrevocable letter of credit or cash, posted with the Town by an applicant at the time of public acceptance of improvements, intended to serve as a performance guarantee for the continued proper performance of improvements for a specified period of time.

**Master Plan:** A planning document or any portion thereof, adopted by the Planning Board pursuant to RSA 674:2 through 674:4.

**Off-Site Improvements:** Improvements to public streets, utilities and infrastructure determined to be necessary for proper accommodation of a proposed site plan development, located beyond the boundaries of the site to be developed.

**Open Space:** Land from which development rights have been restricted either by ordinance, covenant or deed restriction.



**Owner:** The person or persons who hold title to the land in question.

**Parcel:** See definition of Lot.

**Performance Guarantee:** An irrevocable letter of credit, cash, or performance bond accepted by the Town as a financial guarantee for the complete and satisfactory construction and installation of all improvements required as a result of site plan approval. The value of a performance guarantee shall include the estimated cost of construction of said improvements, engineering inspection and testing fees, as well as an allowance for those administrative and legal fees which may be incurred by the Town in accessing and administering the surety for its intended purpose.

**Planning Board:** The Planning Board of the Town of Pelham; often referred to as “the Board” in the text of these Regulations.

**Planning Director:** The principal planning official employed by the Town of Pelham.

**Plat:** The final subdivision plan of land prepared and stamped by a Licensed Land Surveyor in accordance with RSA 674:37; and upon which an applicant’s plan of subdivision is presented to the Planning Board for approval; and which, if and when approved shall be signed by the Board Chair and subsequently recorded at the Hillsborough County Registry of Deeds.

**Preliminary Conceptual Consultation Phase:** An optional and non-binding discussion conducted by the Planning Board and an applicant in accordance with RSA 676:4, II (a) in regard to the basic concepts of a site plan proposal.

**Public Hearing:** A public meeting, properly noticed and advertised in accordance with the requirements of RSA 676:4, I(d) and open to the public, with the public given an opportunity to testify in person or in writing pursuant to the provisions of RSA 676:4, I(e).

**Public Meeting:** Any regularly scheduled meeting of the Planning Board.

**Public Roads, Highways or Streets:** A way laid out, constructed, dedicated, accepted or used for public travel in a manner described in RSA 229:1.

**Restrictive Covenant:** A restriction on the use of land typically established by deed or other recorded instrument.

**Road Agent:** The designated individual responsible for maintaining roads and streets in the Town of Pelham.

**Site Plan:** One or more drawings meeting the requirements of these Site Plan Regulations on which the applicant’s plan for nonresidential or multi-family development is presented to the Planning Board for approval and, if approved, signed by the Chair of the Planning Board and placed on file at the Pelham Town Offices.

**Site Plan Determination:** A request by an applicant submitted on the appropriate form, which seeks the Board's determination if the planned activity requires a formal site plan review application.

**Standard Nursery Stock:** Plant materials cultivated, furnished and installed in accordance with the American Standard for Nursery Stock (ANSI Z60.1) as amended.

**Road/Street, Arterial:** A road or street, which may be identified as such in the Master Plan, and is utilized or is planned to be utilized primarily by vehicles operating at high rates of speed, in heavy volumes, or both traveling along a continuous route.

**Road/Street, Collector:** A road or street, which may be identified as such in the Master Plan, which carries or is, planned to carry intermediate volumes of traffic between local roads and streets and arterial roads and streets.

**Road/Street, Local:** A road or street, which may be identified as such in the Master Plan, used primarily for access to individual lots and intended to accommodate low to moderate volumes of traffic at nominal speed. All roads and streets not specifically identified as arterial or collector shall be deemed to be local roads or streets.

**Road/Street, Private:** A local road or street, not intended to be publicly dedicated and/or accepted.

**Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, excluding minor installations such as fences, mailboxes, flag poles, portable screen houses and the like.

**Subdivider:** Any person or persons subdividing or proposing to subdivide land in a manner which invokes jurisdiction of these Regulations.

**Subdivision:** The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under these Regulations. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be considered a subdivision, and shall not be deemed to create a new division of land for any other purpose. The rent, lease, development, or grant of an easement to a person for the purpose of planning and maintaining a wireless communication facility shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose.

**Subdivision, Major:** A division of a lot, tract, or parcel of land into four (4) or more parcels or lots of land, or any subdivision involving the platting of new public or private streets or roads, the extension of municipal facilities, or the undertaking of public improvements.

**Subdivision, Minor:** A division of a lot, tract or parcel of land into three (3) or fewer parcels or lots and not otherwise defined as a Major Subdivision under these Regulations.

**Town:** The Town of Pelham, New Hampshire; a municipal corporation established under the laws of the State of New Hampshire.

**Town Engineer:** A Licensed Professional Engineer employed by or under contract with the Town of Pelham to review site plan proposals and to inspect the construction of improvements as may be required by the Planning Board.

**Tract:** See definition of Lot.

**Use, Change of:** A change from one existing non-residential or multifamily use to another permitted use which may or may not include additional development, an increase in activity, or one or more changes in the appearance, character and function of the property in question.

**Use, Expansion of:** The replacement or expansion of an existing land use with a new approved or expanded use that includes either additional development of the site, or an increase in activity or a change in character of the existing site.

**Voluntary Merger:** A voluntary action of the part of an owner of two or more contiguous existing lots or parcels to merge them into a single parcel for municipal regulation and taxation purposes pursuant to RSA 674:39-a.

**Workforce Housing:** As defined in RSA 674:59.

## **Section 202 – APPLICATION PROCEDURES & REQUIREMENTS**

### **202-1 General Provisions and Requirements**

- A. Prior to submission of an application for review and consideration by the Planning Board applicants and/or their representatives are encouraged to meet with the Planning Director in order to introduce and discuss the proposal and to secure advice in regard to conformance with applicable requirements of Pelham's land use ordinances and regulations.
- B. Any application for review and consideration by the Planning Board shall be filed with the Planning Department not less than twenty-one (21) calendar days prior to the date of the regular meeting of the Planning Board at which the applicant seeks such consideration. After an application has been submitted to the Planning Department, the applicant may not supplement, revise or modify the application after notice of public hearing has been given. ~~without consent of the Planning Director.~~ The applicant may provide additional information upon affirmative vote of the Planning Board at a noticed public hearing. An applicant may withdraw an application prior to public hearing; however, in the case of withdrawal, any and all application fees paid by the applicant prior to withdrawal shall be forfeited and the applicant shall remain liable for any expenses incurred by or on behalf of the Planning Board in processing or technical review of the application prior to the time of withdrawal.
- C. By filing any application under these Regulations, the owner and applicant acknowledge and consent to: (1) unobstructed entry to and viewing of the land that is the subject of the application by public officials, including members of the Planning Board, their staff, consultants or others so authorized by the Board; and (2) third party review of plans and application materials, pursuant to RSA 676:4-b, which have been submitted to the Board as part of the application.

### **202-2 Classification of Applications**

Under the provisions of these Subdivision Regulations and applicable statute, the Pelham Planning Board shall receive and act upon applications for:

- Minor Subdivisions;
- Lot Line Adjustments and Lot Consolidations;
- Voluntary Mergers; and
- Major Subdivisions.

In recognition of the varying degree of complexity typically associated with each type of application, these Regulations provide for separate and distinct procedures for applicants and the Planning Board to follow in the submission, review and consideration of each type of application.

### 202-3 Minor Subdivisions

- A. Minor Subdivisions are those subdivisions which create a maximum of three (3) lots for building development purposes, or proposals which do not involve creation of lots for building development purposes, and do not create any new roadways or drainage infrastructure. For the purposes of these Regulations, any subdivision not classified as a Major Subdivision shall be deemed to be a Minor Subdivision.
- B. If an application for approval of a Minor Subdivision is determined to be complete by the Planning Board, it may be accepted for formal consideration pursuant to RSA 676:4, I(c); and the Board may act to approve, conditionally approve, or disapprove that application during a single public hearing. Although it is the intent of these Regulations to facilitate expedited review and possible approval of Minor Subdivision applications, the Planning Board encourages applicants to engage in preliminary conceptual consultation and/or design review pertaining to Minor Subdivision applications. In the event any applicant wishes to pursue preliminary conceptual consultation or design review with the Planning Board in regard to any application involving a Minor Subdivision, that opportunity shall be afforded and be undertaken in a manner consistent with those procedures described in Section 202-6 of these Regulations.
- C. All applications for approval of a Minor Subdivision shall be received by the Planning Department not less than twenty-one (21) calendar days prior to a regularly scheduled meeting of the Planning Board and shall include:
  - 1) An executed Application for Minor Subdivision form supplied by the Planning Department, together with a list of all parties requiring public hearing notice pursuant to RSA 676:4, I(d) and payment of all required application fees;
  - 2) Draft copies of any proposed easement deeds, restrictive covenants, or similar legal instruments;
  - 3) Five (5) copies of all project plans and drawings containing the following information and data:
    - a) A Subdivision Plat or Plan, suitable for recording at the Hillsborough County Registry of Deeds, which depicts or includes the following information:
      - 1. A title block identifying: (a) the name or identifying title of the proposed subdivision; (b) the location of the subdivision; (c) the tax map & lot numbers of all parcels to be subdivided or affected; (d) the names, addresses & deed reference(s) of the owner, and if different, the applicant; (e) the date of preparation & latest revision, if any; (f) plan scale (1" = 50' or 1" = 100'); (g) page or sheet number (i.e. Sheet 1 of 2); and (h) the name, address & phone number of the individual or firm who prepared the plan or plat;
      - 2. A bar scale;
      - 3. A Planning Board approval block, together with a note which reads: "The Zoning Ordinance and Subdivision Regulations of the Town

of Pelham are a part of this plat, and approval of this plat is contingent upon completion of all of the requirements of said Zoning Ordinance and Subdivision Regulations, excepting only any waivers granted by the Planning Board, or variances granted by the Zoning Board of Adjustment, which may be acknowledged in notes appearing on this plat”;

4. The sealed certification by a Licensed Land Surveyor attesting to the accuracy of boundary information depicted on the plat (Maximum error of closure of 1:10,000);
5. All boundaries of each subject parcel, defined by metes & bounds;
6. Match lines, if applicable;
7. The boundaries of all platted or residual lots, defined by metes & bounds;
8. The location and identification of all boundary monuments either found, set, or to be set;
9. The tax map and lot numbers of the all proposed & abutting parcels, together with the names & addresses of all abutting property owners;
10. The names, status, right-of-way & travelled way widths of all adjoining streets;
11. The location of applicable zoning district boundaries;
12. The purpose, location, dimension and source of all existing easements on, adjacent to, or benefiting the subject property, as well as similar information regarding any proposed easements, restrictive covenants or deed restrictions;
13. The total area of each existing and proposed lot (in acres & in square feet) shall be noted;
14. A north arrow with a specified reference bearing;
15. A recitation of all reference plans relied upon in preparation of the plat;
16. A locus map having a scale of not less than 1” = 1,000’ accurately showing the dimensions of all subject parcels in relation to abutting parcels as well as in relation to adjoining streets. An applicant is encouraged to utilize the Pelham Assessors Maps when preparing a locus map;
17. The location of jurisdictional wetlands, as delineated, defined and sealed by a Certified Wetland Scientist;
18. A notation indicating when, by whom & under what criteria those wetlands shown on the plat were delineated & defined;
19. The limits & dimensions of all required yards, setbacks & buffers required under the Zoning Ordinance;
20. The location of all existing structures, wells, septic systems, drives & similar manmade improvements;
21. The location and name, if any, of all streams & water bodies;
22. The location of all areas of special flood hazard, together with a notation citing the source of any such data shown. If no areas of

special flood hazard are present, a note must be provided acknowledging the same;

23. The location of existing overhead & underground utilities; and
24. Plan notes indicating: (a) the tax map & lot number of the subject parcel(s); (b) the existing area of each subject parcel; (c) the names of all zoning districts within which the subject parcel is situated, or abuts; (d) minimum lot area, frontage & yard dimensions for each applicable zoning district; (e) the purpose of the plat; (f) intended utility accommodations; and (g) an acknowledgement of any variances, special exceptions, conditional use permits, or waivers granted in response to the proposal by the Planning Board and/or Zoning Board of Adjustment.
25. A plan note requiring the installation of erosion and sediment controls for the construction of each lot.

b) A Topographical Subdivision Plan which includes the following information:

1. All information required upon the Subdivision Plat or Plan described above;
2. Two-foot contour interval topographical survey mapping, together with a notation identifying the source & reference datum of such information;
3. A minimum of two benchmarks referenced to NAVD 1988 datum;
4. Site Specific Soil Mapping, with source & legend noted, prepared by a Certified Soil Scientist in accordance with the provisions of The Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 3 entitled Site-Specific Soil Mapping Standards for New Hampshire and Vermont, dated December 2006;
5. Location, diameter, pipe material & invert elevations of all existing culverts, storm drains & utilities;
6. A minimum of two test pits, located not closer than 50 feet to each other in the horizontal with corresponding 4,000 SF receiving area, meeting applicable NHDES requirements, on each platted lot;
7. The location of a suitable water well location, with protective radius corresponding to applicable NHDES requirements, on each platted lot;
8. A suitable driveway location for each platted lot;
9. Existing tree lines & stonewalls; and
10. Ledge outcroppings & other significant natural site features.

4) Three (3) copies of the following:

- a) Test pit & percolation test data for each platted lot;
- b) NHDES Subdivision Approval, if applicable;
- c) A NHDES Wetlands permit, if applicable;

- d) A NHDOT Driveway Permit, if applicable; and
  - e) Notice of Decision issued by ZBA, or other State project permits, if applicable.
- D. Pursuant to RSA 676:4, I(c), the Planning Board shall, at its next regular meeting, or within thirty (30) calendar days following the delivery of an application to the Board's Secretary, for which proper notice can be given in accordance with the requirements of RSA 676:4, I(b), determine if the submitted application is complete according to these Regulations and shall vote upon its acceptance. In the event the Board determines an application is complete, the Board shall begin formal consideration and shall act to approve, conditionally approve, pursuant to RSA 676:4, I(i), or disapprove at that time or at another time within sixty-five (65) calendar days, subject to extension or waiver as provided in RSA 676:4, I(f). Alternately, if the Board determines the application to be incomplete according to these Regulations, the Board shall notify the applicant of that determination in accordance with RSA 676:3, with such notice describing the information, procedure, or other requirement necessary for the application to be complete.

#### **202-4 Lot Line Adjustments & Lot Consolidations**

- A. The owner(s) of two or more contiguous parcels who desire to modify or adjust the horizontal location of their common boundaries or lot lines shall make application to, and receive approval from the Planning Board prior to causing a plat depicting those modifications or adjustments to be recorded at the Hillsborough County Registry of Deeds.
- B. The owners of two or more contiguous preexisting approved or subdivided lots or parcels, in separate ownership, who desire to consolidate them for municipal regulation or taxation purposes, shall make application to, and receive approval from the Planning Board prior to causing a plat depicting the consolidation to be recorded at the Hillsborough County Registry of Deeds.
- C. The Planning Board's procedures involving applications for lot line adjustments and lot consolidations shall be identical to those procedures for minor subdivisions described in Sections 202-3.B and 202-3.D of these Regulations.
- D. All applications for approval of lot line adjustments or lot consolidations shall be received by the Planning Department not less than twenty-one (21) calendar days prior to a regularly scheduled meeting of the Planning Board and shall include:
  - 1) An executed application form supplied by the Planning Board, together with a list of all parties requiring public hearing notice pursuant to RSA 676:4, I(d) and payment of all required application fees;
  - 2) Draft copies of any proposed easement deeds, restrictive covenants, or similar legal instruments; and
  - 3) Five (5) copies of the proposed lot line adjustment or lot consolidation plan, which depicts or includes all information specified under Section 202-3.C(3)(a) of these Regulations.



## **202-5 Voluntary Mergers**

- A. A single owner of two or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them for municipal regulation or taxation purposes may do so by applying to the Planning Board.
- B. Except where such merger would create a violation of the Zoning Ordinance, all such requests shall be approved, and no public hearing or notice shall be required.
- C. No plat or plan depicting the proposed merger shall need to be submitted, approved or recorded; however, an executed notice of voluntary lot merger, sufficient to identify the relevant parcels shall be submitted to the Planning Board for its review and consideration.
- D. In instances where the Planning Board finds the proposed voluntary merger conforms to both the requirements of this Section and RSA 674:39-a, the Board shall endorse the notice of voluntary lot merger in writing. The applicant may then perfect the voluntary merger by causing the notice of voluntary lot merger to be recorded at the Hillsborough County Registry of Deeds. No such merged parcel shall thereafter be separately transferred without subdivision approval.

## **202-6 Major Subdivisions**

- A. Major subdivisions are those subdivisions which create four (4) or more lots or parcels of land, or any subdivision involving the platting or new public or private streets, the extension of municipal facilities, or the undertaking of public improvements. Any other subdivision application may, at the option of the Planning Board, may be classified as a major subdivision, if, in the opinion of the Board, that subdivision presents significant engineering or planning challenges, or if there is potential for further subdivision of the land involved at a later date.
- B. Pursuant to RSA 676:4, II, these Regulations afford applicants the opportunity for both Preliminary Conceptual Consultation and Design Review of major subdivision applications. Although a Preliminary Conceptual Consultation Phase submittal is not mandatory under these Regulations, applicants are encouraged to take advantage of this option subject to the procedures and limitations described in this Section.
- C. Preliminary Conceptual Consultation Phase – Optional

In order to afford applicants proper guidance as well as an opportunity to potentially save time and expense when advancing an application for subdivision approval, an applicant may request an opportunity to engage in preliminary conceptual consultation with the Planning Board prior to submitting an application for formal review and consideration by the Board. Those wishing to engage in preliminary conceptual consultation with the Planning Board may make such a request to the Planning Department. Upon receipt of

such a request, the Planning Director shall place an applicant on the agenda of an upcoming regular meeting of the Planning Board. All discussion occurring during the preliminary conceptual consultation phase shall be directed at and limited to a review of basic concepts of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of types of development and proposals under the Master Plan. Preliminary conceptual consultation may occur without the necessity of giving formal public notice pursuant to RSA 676:4, I(d), however, such consultation may occur only at formal regular meetings of the Board.

#### D. Design Review Phase

The Planning Board shall engage in nonbinding discussions with the applicant, beyond conceptual and general discussions, which involve more specific design and engineering details, provided, however, that design review phase may proceed only after notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public pursuant to RSA 676:4, I(d). Arrangements for this phase shall be made by filing an executed application form, together with five copies of plans conforming to the requirements of Section 202-3.C(3) of these Regulations, and payment of applicable fees with the Planning Department not less than twenty-one (21) calendar days prior to a regular meeting of the Board. After undertaking design review at a public hearing, the Planning Board may determine the design review phase of an application has ended and shall inform the applicant in writing within ten (10) calendar days of such determination. Statements made by Planning Board members during the design review phase shall not be the basis for disqualifying said members or invalidating any action taken.

#### E. Formal Application Submittal & Review of Major Subdivisions

All applications for approval of a major subdivision shall be received by the Planning Department not less than twenty-one (21) calendar days prior to a regularly scheduled meeting of the Planning Board and shall include:

- 1) An executed Application for Major Subdivision form supplied by the Planning Board, together with a list of all parties requiring public hearing notice pursuant to RSA 676:4, I(d) and payment of all required application fees;
- 2) Draft copies of any proposed easement deeds, restrictive covenants, or similar legal instruments;
- 3) Five (5) copies of all project plans and drawings containing the following information and data:
  - a) A Subdivision Plat or Plan conforming with the requirements of Section 202-3.C(3)(a) of these Regulations and including any and all stormwater easements;

- b) A Topographical Subdivision Plan conforming with the requirements of Section 202-3.C(3)(b) of these Regulations;
- c) Roadway Design Plan and Profile Sheets (for all applications involving the construction of new streets or significant improvement to existing streets), which include the following information and are sealed by a Licensed Professional Engineer:
  - 1. A title block identifying: name & location of proposed subdivision; street name; roadway stationing for the segment of street depicted on each sheet; name & address of consultant; date of preparation & revision; and scale (all plans shall be prepared at a scale of 1" = 40' Horiz./1" = 4' Vert. or 1" = 50' Horiz./1" = 5' Vert.);
  - 2. A north arrow;
  - 3. Limits of existing or proposed right-of-way & corresponding existing or proposed right-of-way monumentation;
  - 4. Adjoining lot lines with map & lot number of each platted or existing parcel noted;
  - 5. Two-foot contour interval topography & defined wetland limits;
  - 6. Centerline stationing & horizontal curve geometry;
  - 7. Existing & proposed limits of pavement, including design radii of all curves & flares;
  - 8. The location and design elevations of all existing and proposed driveway aprons;
  - 9. Two-foot contour interval finish grade contours & finish spot grades where applicable;
  - 10. Existing & proposed drainage improvements, including:
    - a. Location, diameter, pipe material, design slope, invert elevations & end treatments for all culverts and storm drains;
    - b. Location (by station & off-set), rim & invert elevations of all catch basins, manholes & other proposed drainage structures;
    - c. Headwalls or flared end sections specified at all culvert & storm drain inlets and outlets;
    - d. Outlet protection accommodations where warranted;
    - e. Existing & proposed drainage easements;
    - f. Location & design of stormwater treatment provisions;
    - g. Location & design of stormwater detention or retention provisions where warranted;
    - h. Under drain where warranted;
    - i. Ditchline protection where warranted; and
    - j. Erosion control devices where and as warranted.
  - 11. A minimum of one benchmark with elevation per plan sheet;
  - 12. Roadway Profiles depicting:
    - a. Stationing;
    - b. Existing & proposed elevations at 50-foot stations, as well as at all PVI's, PVC's & PVT's;

- c. Existing & proposed roadway centerline profiles;
    - d. Vertical curve design data, including station and elevation of all crest & sag points; and
    - e. Existing & proposed drainage & utility improvements.
  - 13. Location, diameter & pipe material of existing & proposed water main & sanitary sewer, if any;
  - 14. Location & type of existing & proposed above & below ground utilities;
  - 15. Location (by station & off-set) of proposed guardrail & end units;
  - 16. A Note specifying: "All workmanship and materials incorporated into this work shall conform to applicable requirements of Standard Specifications for Road & Bridge Construction, as published by the New Hampshire Department of Transportation, latest edition; and the Pelham Subdivision Regulations;
  - 17. Pavement markings & traffic control signage per MUTCD; and
  - 18. Test pit data, in sufficient number and location along the centerline of proposed streets, to identify the depth of bedrock and seasonal high ground water.
- d) Roadway Cross-Sections (for all applications involving the design of new or improved streets) at 50-foot intervals, culvert crossings and special points of interest, drawn to a scale of 1" = 5' or 1" = 10' Horiz. & Vert.; sealed by a Licensed Professional Engineer and showing:
- 1. Existing & proposed centerline elevations;
  - 2. Limits of proposed pavement, crushed gravel, gravel, sand, embankment slopes, right-of-way & easements;
  - 3. Roadway, shoulder & embankment slopes;
  - 4. Underdrain, drainage & utility improvements; and
  - 5. Guardrail with 2-foot shoulder extension where warranted.
- e) Construction Detail Drawings, sealed by a Licensed Professional Engineer, for the following elements of construction, as applicable:
- 1. Typical roadway cross-section(s);
  - 2. Driveway apron construction;
  - 3. Curbing installation;
  - 4. Guardrail & terminal end unit installation;
  - 5. Underdrain installation;
  - 6. Sidewalk and trail construction;
  - 7. All drainage structures, as applicable (catch basins, drain manholes, outlet structures, etc.);
  - 8. Headwalls;
  - 9. Outlet Protection;
  - 10. Treatment swale & detention/retention basin construction;
  - 11. Utility & drainage trench construction;

12. Erosion & sedimentation control;
13. Fire Protection;
14. Utility construction;
15. Traffic control signage & pavement markings;
16. Turf establishment; and
17. Other project specific improvements.

f) Three (3) copies of supporting documentation & reports, including:

1. Test pit & percolation test data;
2. A written statement from the owner/applicant acknowledging responsibility for maintenance of, and the assumption of liability and damages that may occur from the public use of all streets and utilities, which may be situated within the subdivision and/or in regard to the use of any land dedicated for public use until such times as those streets, utilities or land have been accepted by the Town of Pelham;
3. A Stormwater Management Report with a content suitable to demonstrate all applicable requirements of these Subdivision Regulations will be satisfied upon completion of all proposed improvements;
4. Operations and Maintenance Plan(s) and Agreement(s) for all proposed stormwater systems and/or practices (to be recorded with the Subdivision Plat);
5. All required State project permits, as applicable, including, but not limited to: (a) NHDES Subdivision Approval; (b) NHDES Alteration of Terrain Permit; (c) NHDES Wetlands Permit; (d) NHDES Water Supply Engineering Bureau approval of any proposed public water supply system(s); and (e) NHDOT Driveway Permit;
6. Off-site improvement plans (if applicable);
7. Traffic Impact Assessment (if requested or required by Planning Board or Planning Director);
8. Fiscal Impact Assessment (if requested or required by Planning Board or Planning Director); and
9. Other specific environmental impact, cultural, or special purpose studies (if requested or required by Planning Board or Planning Director).

Pursuant to RSA 674:4, I(c), the Planning Board shall, at its next regular meeting, or within thirty (30) calendar days following delivery of an application to the Board's Secretary, for which proper notice can be given in accordance with the requirements of RSA 676:4, I(b), determine if the submitted application is complete according to these Regulations and shall vote upon its acceptance. In the event the Board determines an application is complete, the Board shall begin formal consideration and shall act to approve, conditionally approve, pursuant to RSA 676:4, I(i),

or disapprove at that time or at another time within sixty-five (65) calendar days, subject to extension or waiver as provided in RSA 676:4, I(f). Alternately, if the Board determines that application to be incomplete according to these Regulations, the Board shall notify the applicant of that determination in accordance with RSA 676:3, with such notice describing the information, procedure, or other requirement necessary for the application to be complete.

## **202-7 Issuance of Decision, Plat Certification and Recording**

- A. The Planning Board shall issue a final written Notice of Decision which either approves, conditionally approves, pursuant to RSA 676:4, I(i), or disapproves any application for a major or minor subdivision, lot line adjustment, or lot consolidation. If an application is not approved, the Board shall provide the applicant with written reasons for such disapproval. Whenever the Planning Board votes to approve, conditionally approve, or disapprove an application, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefore, shall be placed on file in the Board's office and shall be made available for public inspection within five (5) business days of such vote pursuant to the requirements of RSA 674:3, II.
- B. In the event the Planning Board votes to conditionally approve any application pursuant to RSA 676:4(i), all conditions precedent to final approval must be satisfied within twelve (12) months of the granting of such approval. In the event an applicant fails to satisfy such conditions within that time frame, the approval shall become null and void unless an extension of time, not to exceed an additional twelve (12) months is granted by vote of the Board prior to expiration.
- C. Pursuant to RSA 676:3, III whenever a plat is recorded to memorialize an approval issued by the Planning Board, the final Notice of Decision, including all conditions of approval, and other legally binding project documents, shall be recorded with or on the final plan(s).
- D. Upon approval, or in the case of conditional approval, successful demonstration on the part of an applicant that all conditions precedent to final approval have been fulfilled, the applicant shall file with the Planning Department five (5) complete sets of project plans, as approved by the Board, printed on paper, together with two additional sets of the same printed on mylar. In addition, the applicant shall submit at that time a copy of those sheets of the approved project plans, which upon signature by the Board's chair or his/her designee, shall be recorded at the Hillsborough County Registry of Deeds, as well as an electronic copy of all project plans in PDF format. Upon receipt of such plans, the Board or its designee shall determine that such plans fully conform to all applicable requirements and conditions of the Board's approval. Once such a determination has been made, said plans shall be signed by the Planning Board Chair or his/her designee and subsequently recorded at the Registry of Deeds within thirty (30) calendar days.
- E. Approval of any application or the recording of any approved plat or plan shall not be deemed to constitute or affect acceptance, or an obligation for future acceptance, of any dedicated street, utility, land or easement, which may be shown on said plat or plan, by the Town of Pelham.

## **202-8 Application Fees and Costs**

- A. Upon receipt of an application, the Planning Department shall determine the amount of those application fees, payable at the time of application delivery, and shall not place an application on the Board's agenda for consideration unless and until the full amount of such fees have been paid in full.
- B. Pursuant to RSA 676:4, I(g) reasonable fees, in addition to fees for causing notice to be given pursuant to RSA 676:4, I(d) may be collected by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required in regard to particular applications. The Planning Board shall indicate the amount of all application, notification and recording fees payable at the time of application delivery on those application forms provided by the Board and may periodically vote to amend these fees if and when necessary to insure that the amount of such fees are sufficient to cover the Board's costs.
- C. Pursuant to RSA 676:4-b the Planning Board shall require an applicant to reimburse the Board for expenses reasonably incurred by obtaining third party review and consultation during the application review process.
- D. At the time final plans and mylars are transmitted to the Board Secretary for signature and recording (See Section 202-7.D), the applicant shall also submit a check, in the amount of \$25.00, payable to the "Hillsborough County Registry of Deeds". The Planning Department shall in turn forward this check to the Registry of Deeds at the time of plat recordation in order to satisfy the New Hampshire Land Conservation Investment Program (LCHIP) surcharge fee, payable under New Hampshire law.
- E. No approved plat or plan shall be signed by the Planning Board Chair or his/her designee, nor recorded at the Registry of Deeds, unless and until all fees payable to the Planning Board by the applicant shall have been received by the Planning Department.
- F. Stormwater Structure Performance Guarantee

The Applicant shall provide a Performance Guarantee as estimated by the Planning Board's consulting engineer to guarantee the drainage structure's function, as designed, for a period of three (3) years after construction. This stormwater Structure Performance Guarantee ~~bond~~ shall be separate from project surety for roads, drainage, bounds and other items requiring surety as described in Section 305 of these regulations.

## Section 203 - DESIGN & CONSTRUCTION STANDARDS

### 203-1 Lots

- A. The arrangement of all platted lots within any subdivision shall conform to all applicable requirements of the Pelham Zoning Ordinance and shall, in the judgment of the Planning Board, be appropriate in terms of orientation and location for their intended use. To the extent practical, all lots shall be configured so as to have ordinary geometric shapes (such as rectangles ~~triangles~~ and trapezoids), with sidelines substantially perpendicular or radial to the street(s) upon which they front; and when possible and practical, be oriented to facilitate opportunities for passive solar exposure. Lots shall be configured in a manner that promotes clarity of ownership. All lots platted under these Regulations shall maintain a minimum lot width of 50 feet throughout.
- B. In addition to satisfying applicable requirements of the Pelham Zoning Ordinance, each lot platted for future building purposes must conform to the following:
  - 1. Minimum Contiguous Buildable Land Area Requirement: Lots intended for use and occupancy by one and two-family residential structures shall include a Contiguous Buildable Land Area, measuring not less than 35,000 and 55,000 square feet respectively. Land having the following characteristics shall not be used to satisfy this Minimum Contiguous Buildable Land Area Requirement: (a) wetland; (b) land having a natural ground slope of more than 25%; (c) land subject to flooding during the 100 year flood event, as identified on the most current FEMA Flood Insurance Rate Map for Hillsborough County, New Hampshire; and (d) any land subject to existing easements or restrictions which preclude building construction.
  - 2. Building Envelope Requirement: All applications submitted for subdivision approval shall include a plan illustrating a Building Envelope, comprised exclusively of land suitable for use in satisfying the Minimum Contiguous Buildable Land Area Requirement of this Section, is available on each platted lot. In order to satisfy the requirements of this Section any proposed Building Envelope must: (a) be a minimum of 15,000 square feet in area and be of an ordinary geometric shape (square, rectangle or trapezoid) having a horizontal dimension of not less than 75 feet at any location; (b) be situated outside of all required front, side and rear setbacks and beyond the boundaries of Wetland Conservation District as defined in the Pelham Zoning Ordinance; (c) contain land having a natural ground slope of 15% or less over a minimum of 7,500 square feet (one-half) of the total Building Envelope area; and (d) be accessible via a driveway intersecting with the street intended to provide access to such lot without need of crossing land situated in the Wetland Conservation District.
  - 3. On-Site Subsurface Sewage Disposal Requirements: All applications submitted for subdivision approval of lots intended to rely upon subsurface sewage disposal systems shall include a plan identifying a 4,000 square foot contiguous area (4K



Area), suitable for the placement of an on-site subsurface sewage disposal (septic) system, on each platted lot together with test pit and percolation test data sufficient to demonstrate applicable requirements of Chapter Env-Wq 1000 of the New Hampshire Code of Administrative Rules and the Town of Pelham will be satisfied. In order to satisfy the requirements of this Section, all 4K Areas must be: (a) situated upon land of a quality suitable for use in satisfying those Minimum Contiguous Buildable Land Area and Building Envelope Requirements of this Section; (b) situated within or immediately adjacent to the planned Building Envelope on the same lot; and (c) capture a minimum of two test pits, located not closer than 50 feet to each other in the horizontal, sufficient to demonstrate soil suitability for on-site sewage disposal.

4. On-Site Water Supply Requirements: All applications submitted for subdivision approval of lots intended to rely upon the installation of individual on-lot water supply wells shall include a plan identifying a suitable water well location. In order to satisfy the requirements of this Section, all proposed water wells must: (a) enjoy a protective well radius of not less than 75 feet conforming to the requirements of Chapter Env-Wq 1000 of the New Hampshire Code of Administrative Rules; and (b) be situated not less than 90 feet from any adjacent property line.
- C. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential and non-residential development or to overcome specific disadvantages related to topography, wetlands, traffic hazards, orientation and other environmental or cultural attributes of the land and surroundings.
  - D. Reserve strips of land (commonly referred to as “spite strips”), which in the opinion of the Planning Board, serve to deprive another party or parties from enjoying rightful access to public streets, shall not be approved except, when in the opinion of the Board, are warranted for reasons of public safety.
  - E. All platted lots must front upon and derive access from an existing or proposed Class V or better public way, or a private way conforming to the requirements of these Regulations.
  - F. All platted lots shall derive driveway access through their own frontage. No driveway shall be situated closer than 100-feet to an intersection of the centerlines of two or more streets.
  - G. In the event any parcel of land, subject to approval under these Regulations, abuts the line of an existing Class V public street, the final plat shall depict the dedication of supplemental right-of-way to the Town of Pelham at those locations, if any, where less than 25-feet of right-of-way currently exists between the occupied centerline of said street and the front line of the parcel to be subdivided. In instances where the Town’s existing right-of-way exists in the form of an easement, supplemental right-of-way shall be conveyed to the Town in the form of a general highway easement. In all other instances, supplemental right-of-way shall be conveyed in fee. In addition to depicting and defining both the extent of land to be so dedicated on the final plat, the applicant shall transmit to the Planning Department

an executed deed, in a form acceptable to the Town, and suitable for recording at the Registry of Deeds.

- H. Land of such character that cannot, in the judgment of the Planning Board, be safely used for building purposes because of exceptional danger to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, fire protection, or other public services; or necessitate excessive expenditure of public funds for the supply of such services, shall not be platted or subdivided unless and until the owner/applicant has undertaken, or proposes to undertake mitigative measures, which in the opinion of the Board, are sufficient to overcome such character or danger.
- I. In instances where existing or proposed public infrastructure, including, but not limited to: stormwater treatment swales; detention or retention ponds; public safety improvements; roadway embankments and utility installations are so situated on a platted subdivision lot, an easement or easements having suitable dimensions shall be platted and dedicated in order to accommodate the encroachment of such infrastructure on such lot or lots.
- J. Existing cultural and natural features of the land including, but not limited to: specimen trees; exemplary habitat areas; watercourses; stonewalls; historic buildings and improvements; and other similar irreplaceable assets shall, to the fullest extent practical, be preserved and protected.
- K. Upon receipt of an application for approval under these Regulations, the Planning Board may elect to visually inspect the property being subdivided. In such instances the Board reserves the right to request that an applicant cause the platted centerline of streets and lot corners to be flagged or staked on the ground in order to facilitate such inspection.

## **203-2 Monumentation**

- A. Boundary monuments shall be installed at all turning points of platted lot lines and at any other points the Planning Board, or its agent deem necessary to control the lines of streets, lots, easements or rights-of-way.
- B. Stone bounds, having minimum dimensions of 4" x 4" x 36", with a drill hole at the center of their top side, shall be installed at all turning points on or coincident with the lines of existing or platted streets; and shall be installed so as to protrude not less than 3-inches nor more than 6-inches above finish grade.
- C. Iron pins, having a minimum diameter of ½-inch and minimum length of 36-inches, may be used at all other monumentation points, and shall be installed so as to extend approximately 3-inches above finish grade.
- D. The Planning Board encourages the retention of existing stone walls in subdivision layout and design. In instances where existing stone walls remain or become parcel boundaries, monumentation requirements of this Section may be satisfied by installation of a drill hole,

having a minimum depth and diameter of one-half inch, at all turning points situated upon or along an existing stone wall.

- E. A certificate of occupancy shall not be issued for any platted lot unless and until the Building Inspector receives certification from a Licensed Land Surveyor that boundaries of the lot have been properly monumented in accordance with the approved plat and the requirements of these Regulations.

### **203-3 Street Names and House Numbers**

Street names and house numbers for each platted lot shall be specified on all final subdivision plats. All proposed street names must conform to the Board of Selectmen Road Naming Guidelines with Highway Safety Committee verification of conformity. House numbers shall be assigned by the Assessing Department in consultation with the Fire Department.

### **203-4 Design and Construction Standards for Streets & Driveways**

#### **A. General Requirements**

1. All platted streets shall be of sufficient width and be suitably located so as to: conform to applicable provisions of the Master Plan; safely and conveniently accommodate transportation and access needs of current and future residents; and provide reliable access for fire-fighting and other essential public and private services.
2. Streets shall be arranged so as to avoid imposing undue hardship on adjoining properties and be coordinated so as to: comprise a convenient transportation system; provide for the continuation of streets to adjoining subdivisions and future right-of-way extensions to undeveloped properties; and permit the efficient future extension of public and private utilities. Streets shall be arranged to provide maximum separation of through and local traffic and to discourage through traffic in residential areas. The Planning Board may require streets and lots be arranged in a manner which best facilitates achievement of these stated goals and objectives.
3. Streets within any platted subdivision shall be laid out and designed in a manner that promotes a logical relationship between the vertical and horizontal alignment of such streets and the natural topography of adjoining land to be maintained.
4. Where a subdivision abuts an arterial street, the Planning Board may limit vehicular access to such street by: requiring the platting of double or reverse frontage lots; requiring access restrictions for certain lots; requiring visual screens and barriers be furnished and maintained, planted or constructed; and requiring consideration and implementation of other means it deems appropriate to protect residential properties and to provide adequate separation of through and local traffic.

5. All workmanship and materials incorporated into the construction of streets and related infrastructure shall conform to Standard Specifications for Road and Bridge Construction (latest edition), as published and amended by the New Hampshire Department of Transportation.

## B. Geometric Design Standards for Streets

### 1. Classification of Subdivision Streets:

For the purposes of these Regulations, streets shall be generally classified as follows based upon usage, as measured by average daily traffic volume (ADT). Specifically:

- Local Street – 1: Includes low volume residential streets intended to accommodate an ADT of not more than 200 vehicles per day (VPD);
- Local Street – 2: Includes residential and local streets intended to accommodate an ADT of 201 to 400 VPD;
- Collector: Includes streets and highways intended to accommodate an ADT of 401 to 1,000 VPD; and
- Arterial: Includes streets and highways intended to accommodate an ADT of 1,001 VPD or more.

### 2. Table of Geometric Roadway Design Standards (Table 203-4):

Table 203-4 of these Regulations provides specific design values for common geometric design parameters for streets including: (a) right-of-way, pavement and shoulder width; (b) vertical alignment; (c) horizontal alignment; (d) road base and pavement depths; and (e) cul-de-sac design. Information presented in this Table 203-4 shall serve as design criteria for all platted streets classified as Local Street-1, Local Street-2 or Collector under these Regulations. Design criteria for Arterial streets shall be taken from A Policy on Geometric Design of Streets and Highways (latest edition), as published by the American Association of State Highway & Transportation Officials (AASHTO).

### 3. Typical Roadway Cross-Section (Figure 203-4.1):

Figure 203-4.1 shall be recognized as the standard typical cross-section for all Local - 1, Local - 2 and Collector Street construction. Specific minimum dimensions specified on this typical cross-section vary and are found in Table 203-4 for each class of street. All street construction shall conform to these requirements.

### 4. Additional Geometric Roadway Design Standards and Requirements:

- a) Cul-De-Sac Streets: All dead-end streets shall terminate in a cul-de-sac designed, laid out and constructed in accordance with Figure 203-4.2. The Planning Board shall limit the maximum length of any cul-de-sac street, as

measured from the edge of right-of-way of the street to which the planned cul-de-sac street intersects to the radius point of the cul-de-sac, to a maximum of 2,400 feet.

- b) Intersections: All intersections of Local - 1 & Local - 2 and Collector Streets shall be designed, laid out and constructed in accordance with the following standards:
- 1) Not more than two streets shall intersect with a third street at a single point and those streets must align such that their centerlines intersect with the centerline of the third street at a single point. In instances where this is not possible, no two streets shall intersect with a third unless the centerlines of those two streets are separated by a horizontal distance of not less than 200-feet as measured along the centerline of the third street.
  - 2) Table 203-4 specifies a minimum angle of intersection for each class of street. All specified minimum angles shall be measured between centerlines of intersecting streets.
  - 3) A horizontal centerline tangent, having a length of not less than 100-feet, shall be maintained along all streets intersecting with a second street. This minimum tangent length shall be measured along the centerline of the intersecting street commencing at the edge of right-of-way at the intersected street.
  - 4) The vertical alignment of any street intersecting with a second street at a stop condition shall be such that: (a) the intersecting street slopes away from the intersected street at a grade of not less than 2-percent and not more than 3-percent for a distance of not less than 25-feet, as measured along the centerline of the intersecting street from the edge of right-of-way of the intersected street; and (b) the maximum grade of the intersecting street does not exceed 3-percent for a distance of 100-feet, as measured along the centerline of the intersecting street from the edge of right-of-way of the intersected street.
  - 5) Rights-of way and pavement at all intersecting streets classified as Local – 1 or Local - 2 shall be joined by curves having a minimum radius of 25-feet. In instances where one or both intersecting streets are classified as Collector or Arterial, these minimum radii values shall be 30-feet.
  - 6) A minimum of 400-feet of all season safe sight distance shall be provided at all intersections involving one or more Local - 1, Local – 2 or Collector Streets. A measured of all season safe

sight distance corresponding to recommendations offered in A Policy on Geometric Design of Highways and Streets (latest edition), as published by the American Association of State Highway and Transportation Officials (AASHTO) shall be provided at all intersections involving one or more Arterial Streets.

- 7) Signage and pavement markings conforming to recommendations offered in Manual on Uniform Traffic Control Devices (latest edition) (MUTCD) shall be furnished and installed at all intersections.
  - 8) For reasons of recognition and safety, the Planning Board may require the installation of streetlamps at any proposed intersection. In such instances, streetlamps shall incorporate full cut-off luminaires.
  - 9) Street name signs, conforming to the requirements of the Pelham Highway Department shall be installed at all intersections of streets.
- c) Horizontal and Vertical Alignment: The horizontal and vertical alignments of all Local - 1, Local - 2 and Collector Streets shall be designed, laid out and constructed in accordance with the following standards:
- 1) Horizontal and vertical alignment of streets shall permit maintenance of not less than 250-feet of stopping sight distance at all locations on Local – 1 and Local – 2 streets and not less than 325-feet on Collector Streets.
  - 2) All changes in vertical alignment shall be connected by vertical curves of lengths sufficient to attain required minimum stopping sight distances of 250-feet (Local – 1 and Local – 2 Streets) and 325-feet (Collector Streets) respectively.

#### C. Driveway Design and Construction Standards

##### 1. General Requirements:

Prior to approval of any subdivision, the applicant shall demonstrate that each platted lot enjoys at least one location along its frontage where a driveway for access to that lot can be safely constructed. In order to satisfy this requirement, the subdivision plans shall:

- a. Indicate the location, dimensions and design elevations of all planned driveway aprons;

- b. Demonstrate a minimum of 250-feet of all-season safe intersection sight distance will be available at each proposed driveway if intersecting with a Local-1 or Local-2 Street; and 325-feet if intersecting with a Collector Street within the jurisdiction of the Town of Pelham. NHDOT Driveway permitting requirements shall prevail for any driveway planned to intersect a road or street within that agency's jurisdiction.

## 2. Driveway Construction Standards:

- a. All residential driveways shall intersect with streets at a ninety-degree angle and shall have a driveway apron constructed to the following standards:
  - 1) All driveway aprons connecting to paved streets shall be paved to a minimum width of 14-feet and to a maximum width of 20-feet between the edge of the travelled way of the street to which they intersect and the limit of right-of-way. These specified minimum and maximum pavement width dimensions shall be taken at the limit of right-of-way and shall exclude the dimension of paved radii or flares, which may be provided at points where paved driveway apron surfaces intersect with a paved street surface.
  - 2) The minimum thickness and quality of materials used in driveway apron base construction and paving, within the limits of right-of-way (gravel, crushed gravel and pavement), shall be equal to applicable design values for the classification of the street to which a particular driveway intersects (See Table 203-4.1).
  - 3) Where warranted, driveway culverts conforming to the requirements of Section 203-5.B.3 of these Regulations shall be provided.
  - 4) All driveway aprons shall be constructed such that a negative slope of not less than 2-percent and not more than 3-percent is maintained for a distance of not less than 10-feet from the edge of street pavement. At this point, the slope or vertical alignment of driveway centerline may be change, provided the algebraic difference in centerline slope does not exceed 10-percent.
  - 5) The maximum slope of any driveway providing principal street access to a structure intended for residential occupancy or commercial use shall not exceed 10-percent.
  - 6) The width and geometry of residential driveways shall conform to applicable requirements of NFPA Code, as amended, with the

Pelham Fire Department being recognized as the Authority Having Jurisdiction in regard to NFPA Code administration.

- b. Design and construction requirements of driveways serving other than one and two-family residential construction shall conform with applicable requirements of the Site Plan Regulations and be subject to review and approval by the Planning Board as an integral part of site plan review.

#### D. Streetscape Design Standards

##### 1. Street Tree Requirements:

At locations where subdivision streets are to pass through an open field, or at locations where existing vegetation is removed in order to facilitate construction, salt-tolerant deciduous street trees, having a caliper of not less than 2 ½-inches at the time of planting, shall be installed along both sides of the street at intervals of not more than 100-feet. All street trees shall be planted at the limit of right-of-way.

##### 2. Retention of Existing Stone Walls:

The Planning Board may require applicants to retain or reconstruct existing stone walls forming the limits of existing public right-of-way along the frontage of any subdivision; and further require any rock salvaged from existing stone walls, which must be removed in order to accommodate roadway and driveway construction, or other infrastructure improvements, to be utilized in the construction of streetscapes and amenities within a planned subdivision.

##### 3. Avoidance of Right-of-Way Obstructions:

In all instances, street trees, stone walls, lamp posts, transformers and other utility risers, as well as all other planned utility installations and aesthetic improvements shall be constructed at or beyond the limits of right-of-way so as not to interfere with routine maintenance of streets or compromise public safety.

### **203-5 Design and Construction Standards for Drainage and Stormwater Management Facilities**

#### A. Analysis and Design of Improvements:

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 Professional Engineer licensed in the State of New Hampshire. For the purposes of these Regulations, the applicable minimum standard for stormwater analysis and design for any subdivision 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.

2. All additional stormwater generated from land disturbance activities shall be controlled on the project site. No increase of discharge rates from the project site shall be allowed above pre-development conditions for the required design storm events as specified herein.
3. Pre-development conditions shall represent the most natural, undisturbed condition of the site within 5-years of the submittal of the project application to the Town.
4. Design Calculations corresponding to the **1-inch, 1, 2, 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 subdivision application.
5. 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 of pre- and post-development peak stormwater **discharge volumes** to downstream and abutting properties; and in the design of stormwater treatment ~~accommodations~~ infrastructure improvements.
6. Drainage calculations shall include sizing of all structures and BMPs, including sizing of emergency overflow structures based on the assessment of the 50-year 24-hour storm discharge rate.
7. All stormwater installations and areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for vector control.
8. A **25-year** return frequency design storm shall be used in the **design of all storm sewers and culverts**. All culverts shall also 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.
9. All **bridges** shall be designed for the **50-year** return frequency design storm, unless situated in a Special Flood Hazard Area, in which case such bridge shall be designed to accommodate the 100-year return frequency design storm event.
10. The peak stormwater **discharge volume**, for the **10-year** return frequency design storm event, from any subdivision approved pursuant to these Regulations, to any downstream privately or publicly owned property or street shall not be increased as a result of construction of any subdivision 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.

11. Low Impact Development (LID) site planning and design strategies shall be used to the maximum extent practicable to provide treatment and infiltration, reduce stormwater runoff volumes, protect water quality, and maintain pre-development site hydrology. Capture and reuse of stormwater is also strongly encouraged.
12. LID includes techniques to:
  - a. preserve existing vegetation;
  - b. reduce the development footprint;
  - c. minimize or disconnect impervious areas;
  - d. improve groundwater recharge; and
  - e. use enhanced stormwater BMPs (such as raingardens, bioretention systems, tree box filters, and similar landscaping techniques).
13. The applicant must satisfactorily demonstrate that impervious area is minimized, and LID practices have been implemented on-site to the maximum extent practicable.
14. If LID is not included into the project design, the applicant must provide a narrative in writing describing why LID strategies are not appropriate for the project and/or site.
15. Measures shall be taken to control post-development runoff volumes to infiltrate the groundwater recharge volume (GR<sub>v</sub>) in accordance with NHDES Alteration of Terrain requirements and the NH Stormwater Manual. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project has provided infiltration to the maximum extent practicable.
16. On-site groundwater recharge rates shall be maintained by promoting infiltration through use of structural and non-structural methods. Capture and reuse of stormwater runoff is encouraged in instances where groundwater recharge is limited by site conditions. All stormwater management practices shall be designed to convey stormwater to allow for maximum groundwater recharge. This shall include, but not be limited to:
  - a. maximizing the length flow paths from collection points to outflow points;
  - b. use of multiple BMPs (treatment trains);
  - c. retention of runoff, increasing residence and settlement times;
  - d. discharge to fully vegetated areas; and
  - e. maximizing use of infiltration practices.
17. Proposed salt and snow storage areas shall be shown on the plans. Private salt storage areas shall be fully covered with permanent or semi-permanent measures,

and loading/off-loading areas shall be located and designed to not drain directly into surface waters, wetlands, open conveyances, or catch basins. Salt storage areas must be maintained with appropriate good housekeeping measures in accordance with NHDES published guidance.

18. All runoff from snow piles and salt storage areas shall be directed to stormwater treatment areas or devices before being discharged to surface waters or allowed to infiltrate into groundwater. (See NHDES published guidance fact sheets on road salt and water quality, and snow disposal).

19. Stormwater Management Performance Criteria for New Development:

The following also applies to all new development projects. All post-construction stormwater runoff from new development shall be controlled by the design and installation/construction of BMPs to:

- a. retain and/or treat the total Water Quality Volume (WQV) per NH Code Env-Wq 1504.10, **OR**
- b. achieve at least:
  1. 80% removal of Total Suspended Solids (TSS) (average annual load) generated from the total post-construction impervious area; **and**
  2. 50% removal of both total nitrogen and total phosphorus (TP) (average annual load) generated from the total post-construction impervious area. Calculation of removal rates shall be in accordance with NH MS4 Permit, Appendix F, EPA Region 1 tools and guidance, and/or the NH Stormwater Manual.

20. Stormwater Management Performance Criteria for Redevelopment:

The following also applies to all redevelopment projects.

- a. Redevelopment (as applicable to this stormwater regulation) means:
  1. any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential; **OR**
  2. any new impervious area over portions of the site that are currently pervious.
  3. any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this regulation if the capital cost of the improvements is greater than 30% of the appraised property value.
- b. The following activities are not considered redevelopment:
  1. interior and exterior building renovations that do not exceed conditions above.

2. resurfacing of an existing paved surface (e.g. parking lot, walkway, or roadway).
  3. incidental pavement excavation and patching incidental to the current existing use.
  4. landscaping installation and maintenance.
- c. For projects meeting the definition of a redevelopment project above, but having less than 40% existing impervious surface coverage, the project shall meet the requirements of new development projects per Sections 5.A and 5.B.
  - d. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
    1. implement measures on-site that result in disconnection or treatment of 50% of the additional proposed impervious surface area, **and** at least 30% of the existing impervious area, preferably using LID, filtration, and/or infiltration practices.
    2. implement LID practices to the maximum extent practicable to provide treatment of runoff generated from at least 50% of the total developed site area.
  - e. All post-construction stormwater runoff from the disturbed portion of the redevelopment site shall be controlled by the design and installation/construction of BMPs to:
    1. Retain and/or treat the total Water Quality Volume (WQV) per NH Code Env-Wq 1504.10, **OR**
    2. achieve at least:
      - a. 80% removal of Total Suspended Solids (TSS) (average annual load) generated from the total post-construction impervious area; **and**
      - b. 50% removal of both total nitrogen and total phosphorus (TP) (average annual load) generated from the total post-construction impervious area. Calculation of removal rates shall be in accordance with NH MS4 Permit, Appendix F, EPA Region 1 tools and guidance, and/or the NH Stormwater Manual.
  - f. Offsite mitigation within the same USGS HUC10 (or smaller) watershed as the redevelopment site may be used to meet the pollutant removal and groundwater recharge equivalents above. Any request for off-site mitigation is required to be included in writing as a part of the Subdivision Application.
21. All applications shall include a long-term operation, inspection, and maintenance plan (O&M) for all stormwater systems, components, and BMPs. The plan shall

describe the inspection frequency and required maintenance for each type of stormwater practice to ensure the systems will continue to function as designed.

22. All applications shall include an operations and maintenance agreement (O&M Agreement). This O&M Agreement will include all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system. The O&M Agreement shall specify the parties responsible for the proper maintenance of all stormwater treatment practices and reporting. A draft of the O&M Agreement shall be provided to the Town as part of the Stormwater Permit Application and finalized prior to issuance of any local permits for land disturbance and construction activities.
23. The applicant shall provide legally binding documents for filing with the Registry of Deeds which demonstrate that the obligation for maintenance of stormwater systems, BMPs, and constructed project infrastructure is borne by the property owner(s), and that the Town has legal access to inspect the drainage systems to ensure proper function, maintain on-site stormwater infrastructure, and when necessary to address emergency situations or conditions.

**B. Design and Construction Standards for Stormwater Management Improvements:**

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.
2. All culverts and storm drains, except driveway culverts, shall have a minimum diameter of 15-inches and be constructed of either reinforced concrete or high-density polyethylene. Driveway culverts shall have a minimum diameter of 12-inches.
3. A minimum of three (3) feet of soil cover shall be maintained over all culverts and storm drains situated beneath streets. A minimum of twelve (12) inches of soil cover shall be maintained over all driveway culverts situated within the right-of-way of a street.
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.
5. Stormwater flow velocities for all roadside 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. In order to limit stormwater flow velocities in roadside ditches, no ditch line shall be constructed with an uninterrupted or continuous flow length of more than 500-feet prior to daylighting or reaching a cross culvert, catch basin or similar point of discharge.

6. Underdrains, corresponding to specifications provided on Figure 203-4.1 shall be provided at all locations where the seasonal high groundwater elevation or bedrock is located within 4-feet of finish grade of any roadway surface. All under drain shall discharge either at a headwall, catch basin or drain manhole.
7. 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 reference publications listed within Section 203-5.D of these regulations.
8. All stormwater treatment accommodations shall be designed and constructed in accordance with recommendations contained in reference publications listed within Section 203-5.D of these regulations.
9. In instances where the construction of proposed streets, driveways or other infrastructure improvements necessitate crossing a perennial or intermittent stream, the design and construction of such improvements shall conform with the requirements of Chapter Env-Wt 900 of the New Hampshire Code of Administrative Rules entitled STREAM CROSSINGS, unless otherwise exempted under the same.

#### C. Special Flood Hazard Areas:

1. All subdivision proposals which contain lands designated as Special Flood Hazard Areas by the Federal Emergency Management Agency (FEMA) by virtue of their Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) for Hillsborough County, New Hampshire; dated September 25, 2009, as amended, shall conform to the requirements of this Section.
2. The Planning Board shall review each applicable subdivision application to ensure that all necessary permits have been received from those governmental agencies from which approval is required under applicable State or Federal Law, including, but not limited to: NHDES Wetlands, Alteration of Terrain, or Shoreland Permits; and/or Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and in conformance to the Town's US EPA MS4 Permit .
3. The Planning Board shall require that all subdivision plats identify the FEMA regulatory base flood elevation data as shown on the FIRMs and tabulated in the FIS, as applicable.

4. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted by the applicant in order to enable the Planning Board to confirm that: (a) all such proposals are consistent with the need to minimize flood hazards; (b) all proposed public utilities and facilities are located above the regulatory base flood elevations, and constructed to minimize or eliminate flood damage; and (c) adequate drainage is provided so as to avoid exposure to flood hazards.
5. Prior to approving any application for subdivision approval under these Regulations, the applicant must affirmatively demonstrate to the Planning Board, by a preponderance of credible evidence presented at public hearing, that all requirements of this Section have been met and that the procedures set forth in these Regulations have been followed.

#### D. Reference Standards

The following documents shall serve as reference standards stormwater management required under this Section:

1. Chapter ENV-Wq 1500 of the New Hampshire Code of Administrative Rules, *Alteration of Terrain*.
2. Standard Specifications for Road and Bridge Construction (latest edition), as published and amended by the New Hampshire Department of Transportation.
3. New Hampshire Stormwater Manual, as published and amended by the New Hampshire Department of Environmental Services.
4. Chapter Env-Wt 900 of the New Hampshire Code of Administrative Rules, *Stream Crossings*.
5. Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) for Hillsborough County, New Hampshire, Federal Emergency Management Agency (FEMA).
6. Seacoast Watershed Alliance Model Stormwater Standards for Coastal Watershed Communities, current edition.
7. Where reference documents conflict with these Regulations or between reference documents, the more strict or conservative rule shall govern.

## **203-6 Design and Construction Standards for the Control of Erosion & Sedimentation**

### A. General Requirements

Pursuant to the requirements of Section 202-6.E of these Regulations, design plans for the construction of streets, utilities and other infrastructure improvements within any subdivision shall include a detailed Erosion & Sedimentation Control Plan prepared and stamped by a Professional Engineer licensed in the State of New Hampshire. As a minimum, all Erosion & Sedimentation Control Plans shall include the following information:

1. Plans, details, and specifications for all temporary erosion and sedimentation control measures and best management practices to be implemented during the construction period;
2. Proposed BMPs for erosion and sediment control shall include provisions for:
  - a. manage all stormwater and non-stormwater discharges;
  - b. minimize disturbed areas;
  - c. protect natural resources;
  - d. phase construction activity;
  - e. provide and maintain perimeter controls;
  - f. protect existing slopes and minimize erosion;
  - g. prevent sediment from leaving the project site;
  - h. protect of all storm drain inlets and downstream channels;
  - i. in areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body and no more than 14 days for all other areas;
  - j. contain materials and wastes on-site including demolition debris, construction wastes, litter, and sanitary wastes;
  - k. control dust and particulate generating activities;
  - l. provide stabilized site entrance and exits and implement daily (or more frequent if necessary) street sweeping; and
  - m. dispose of all on-site wastes in accordance with federal, state, and local laws and requirements.
3. Stormwater management and erosion and sediment control practices shall be located outside any regulated buffer zones unless otherwise approved by the Town.
4. Specifications for temporary and permanent seeding of disturbed land to achieve sufficient vegetative ground cover, including soil amendment, seed mix and mulching requirements;
5. Construction sequencing; and
6. Notations specifying:
  - a. the maximum area of land which is allowed to be left in an unstabilized condition at any one time:



- b. the maximum length of time a given area of land may be left in an unstabilized condition;
  - c. a site-specific definition of the term “stabilized”;
  - d. specifications for cold weather site stabilization;
  - e. provisions for the control of wind-borne erosion (dust);
  - f. provisions for the management of sanitary and solid wastes;
  - g. specifications for regular inspection and maintenance of erosion and sedimentation control measures; and
  - h. other site-specific requirements as necessary or requested by the Town.
7. No project will be considered completed or final until 85% vegetative cover has been achieved. Site stabilization shall be documented in a final construction inspection report.

#### B. Reference Standards

The following documents shall serve as reference standards in the preparation of detailed erosion and sedimentation control plans required under this Section:

- 1. Chapter Env-Wq 1500 of the New Hampshire Code of Administrative Rules, entitled: Alteration of Terrain.
- 2. New Hampshire Stormwater Manual, current edition, as published and amended by the NHDES; and
- 3. Seacoast Watershed Alliance Model Stormwater Standards for Coastal Watershed Communities, current edition.
- 4. Where reference documents conflict with these Regulations or between reference documents, the more strict or conservative rule shall govern.

### **203-7 Design and Construction Standards for Utilities**

- A. All utilities, including electric, telephone and cable television/data shall be installed underground in accordance with the specifications of each applicable licensed public utility provider. To the extent possible, underground utility conduit shall be installed beyond the limits of roadway pavement so as to avoid the need to excavate pavement when performing routine utility maintenance. All transformers and risers shall be situated at the limits of right-of-way, or in easements beyond the limits of right-of-way if necessary, to avoid conflict with roadside drainage and maintenance activities.
- B. All underground utility installation, including the installation of service stubs to individual lots, shall be completed prior to installation of street pavement.

- C. Detailed plans for all underground utility service lines shall be submitted to the Planning Department and Town Engineer for review and approval prior to commencement of construction. Such plans shall identify the location of all proposed underground utility conduit, transformer/utility risers, service stubs and other utility infrastructure to be situated within the right-of-way of any existing or proposed street. A minimum of three copies of a detailed as-built plan depicting the final location of all utility installations shall be submitted to the Planning Department prior to final release of performance guarantees.

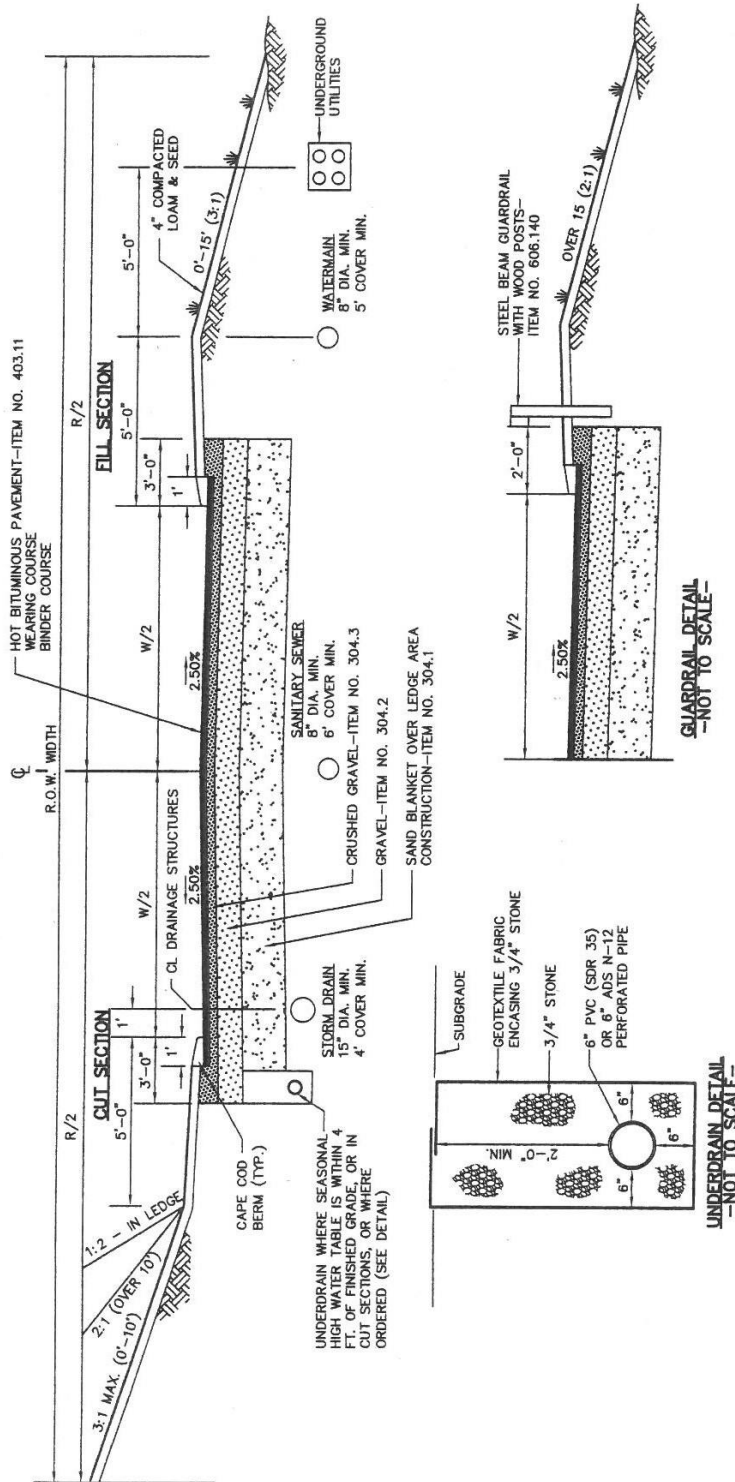
## **203-8 Fire Protection Requirements**

- A. Prior to submission of an application for final approval of any major or minor subdivision under these Regulations, the applicant shall review the proposal with the Pelham Fire Department. As a result of this consultation, the Fire Department or its designee shall provide the Planning Board with a memorandum summarizing the Fire Department's comments and recommendations relative to fire protection. In the event the Fire Department recommends installation of fire hydrants, fire ponds, cisterns, fire roads, or other public safety improvements, such recommendation shall also include specifications for such improvements. To the extent practical, all permanent fire protection improvements and infrastructure, such as hydrants and cisterns, shall be situated within existing or platted public right-of-way or within an easement to be conveyed to the Town of Pelham.

**TOWN OF PELHAM SUBDIVISION REGULATIONS**  
**TABLE OF GEOMETRIC ROADWAY DESIGN STANDARD**  
**TABLE 203-4**

<u>ITEM</u>	COLLECTOR	RESIDENTIAL 2	RESIDENTIAL 1
1. AVERAGE DAILY TRAFFIC	401-1,000	201-400	0-200
2. DESIGN SPEED	35 MPH	30 MPH	30 MPH
3. MINIMUM WIDTH OF RIGHT-OF-WAY (R)	50'	50'	50'
4. MINIMUM PAVEMENT WIDTH (W)	26'	24'	22'
5. MINIMUM GRADE	1.0%	1.0%	1.0%
6. MAXIMUM GRADE	6.0%	8.0%	10.0%
7. MINIMUM ANGLE OF INTERSECTIONS	90°	80°	80°
8. MINIMUM CENTER-LINE RADII ON CURVES	600'	300'	150'
9. MINIMUM TANGENT LENGTH BETWEEN REVERSED CURVES	300'	200'	100'
10. ROAD BASE (MINIMUM) CRUSHED GRAVEL (304.3) (THICKNESS) GRAVEL (304.2) (THICKNESS) SAND (304.1) (THICKNESS)	8" 16" 12"	6" 12" 12"	6" 12" 12"
11. BITUMINOUS CONCRETE (403.11) PAVING BINDER COURSE THICKNESS WEARING COURSE THICKNESS	2-1/2" 1-1/2"	2" 1-1/2"	2" 1-1/2"
12. ROAD CROWN (MINIMUM)	0.025	0.025	0.025
13. CUL-DE-SAC STREETS RADIUS OF TURN-AROUND R.O.W ⊘ RADIUS OF TURN-AROUND	80' 55'	80' 55'	80' 55'

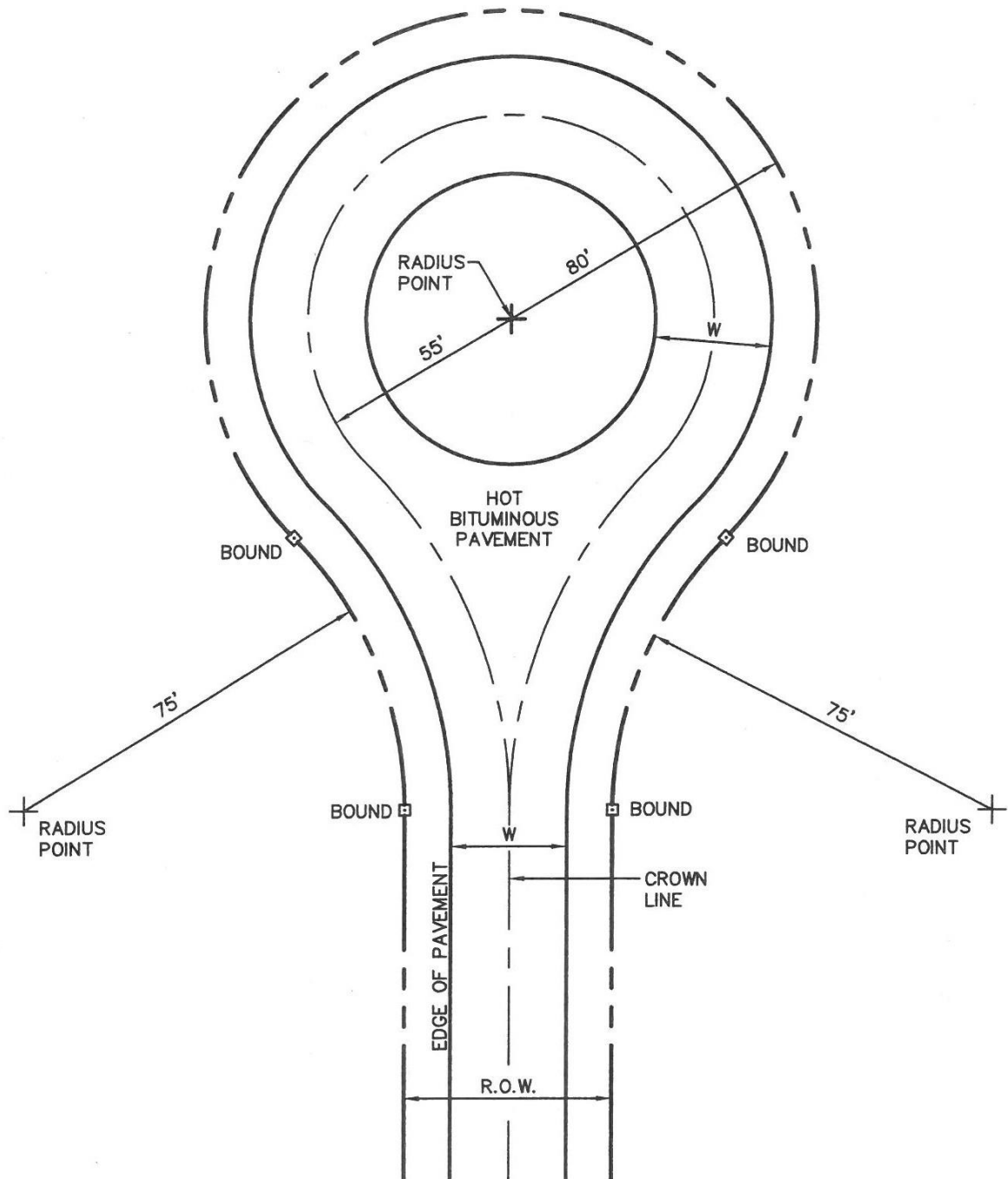
# TYPICAL CROSS-SECTION FOR THE CONSTRUCTION OF STREETS -NOT TO SCALE-



- NOTES:
1. ALL WORKMANSHIP AND MATERIALS INCORPORATED INTO ROADWAY CONSTRUCTION SHALL CONFORM TO STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (LATEST EDITION) AS PUBLISHED BY THE NH DEPARTMENT OF TRANSPORTATION AND SUBDIVISION CONTROL REGULATIONS OF THE TOWN OF PELHAM.
  2. FULL WIDTH OF RIGHT-OF-WAY SHALL BE CLEARED OF ALL EXISTING BRUSH AND TREES UNLESS OTHERWISE DIRECTED OR APPROVED BY THE PLANNING BOARD.

TOWN OF PELHAM, NEW HAMPSHIRE  
SUBDIVISION REGULATIONS  
FIGURE 203-4.1

**TYPICAL PERMANENT CUL-DE-SAC**  
**-NOT TO SCALE-**



**TOWN OF PELHAM, NEW HAMPSHIRE**  
**SUBDIVISION REGULATIONS**  
**FIGURE 203-4.2**

## **Section 204 – PERFORMANCE GUARANTEE REQUIREMENTS & CONSTRUCTION PROCEDURES**

### **204-1 General Requirements**

- A. Pursuant to RSA 674:36 the Planning Board may stipulate, as a precedent condition of approval, that a performance guarantee, in an amount and form acceptable to the Board, be received and filed with the Town of Pelham prior to signature of a final plat by the Board Chair and/or recording of the final plat at the Hillsborough County Registry of Deeds. Specific requirements and procedures governing such performance guarantees are provided in Section 204-2 of these Regulations.
- B. No land clearing for the facilitation of construction, construction of roadway or infrastructure improvements specified on a subdivision plat, nor building construction shall commence unless and until a final plat of such subdivision has been approved by the Planning Board, signed by the Board Chair and recorded at the Hillsborough County Registry of Deeds.
- C. In the case of subdivisions involving the construction or installation of betterments on existing public lands or within an existing public right-of-way, the contractor or entity who will be performing such work shall: (a) obtain written approval from the Town of Pelham, pursuant to the provisions of RSA 236:9 through RSA 236:12, as applicable; and (b) provide the Town of Pelham with a copy of a certificate demonstrating said contractor possesses insurance coverage conforming to the following minimum limits: (1) General Liability - \$1,000,000; (2) Automotive Liability - \$1,000,000; and (3) Workers Compensation and Employers Liability – Statutory Limits.
- D. In the case of subdivisions involving the platting of public streets and/or public easements of any kind, the applicant shall submit, at the time final plans and mylars of such subdivision are transmitted to the Planning Board for signature by the Board Chair and subsequent recording at the registry of deeds, executed deeds for the conveyance of platted street rights-of-way and/or public easements to the Town of Pelham. Such deeds shall be in a form acceptable to Town Counsel and be suitable for recording at the registry of deeds.
- E. Approval of a subdivision plat by the Planning Board shall not constitute public acceptance, nor imply an obligation for the eventual public acceptance, of any streets or infrastructure specified on the plat or otherwise required under such approval. However, at such time as the construction or installation of streets or improvements shown on a plat has successfully occurred, the Planning Board may recommend public acceptance of the same by the Board of Selectmen.
- F. No Building Permit shall be issued for the construction of a structure or dwelling intended to be accessed by a platted or improved street until such time as construction of that street

has progressed to a point where the Planning Director, in consultation with the Fire Department, has determined the condition of such street is sufficient to safely accommodate construction traffic and emergency services personnel; and appropriate accommodations for fire protection are in place. A Certificate of Occupancy shall not be issued for any structure or dwelling to be accessed by a platted street until such time as construction of such street has progressed through installation of the binder course of hot bituminous pavement and in the opinion of the Planning Director, all required utilities and infrastructure necessary to support such occupancy are in place and functional.

- G. Commencing on the date of issuance of the initial Certificate of Occupancy for any structure or dwelling accessed by a platted street, the owner(s) of the subdivision shall cause timely and proper maintenance of such street, including snow removal, until such time as that street has been formally accepted as a public street by the Board of Selectmen. In the event the owner(s) fail to conform to this requirement, the Town of Pelham may cause such maintenance activities to be provided and call upon any performance guarantee given by the owner to reimburse the Town in doing so.

## **204-2 Performance Guarantee Requirements and Procedures**

- A. In such instances where the Planning Board stipulates that, as a precedent condition of subdivision approval, a performance guarantee be provided by the applicant to serve as financial surety for the successful completion of streets and/or other improvements specified on the subdivision plat, or which are otherwise required under the terms of such approval, or these Regulations, the Town Engineer shall provide the Planning Director with a recommendation as to the amount of such surety. After review and consideration of the Town Engineer's recommendation, the Planning Director shall establish the final sum of the required performance guarantee.
- B. In instances when all or portions of those improvements for which surety is to be given are not reasonably anticipated to be fully complete within a one year of receipt of such surety, the value of the performance guarantee so given may include provision for cost escalation. However, in no case shall Town officials require application of a cost escalation factor of more than 10-percent per year.
- C. The Planning Director shall accept a performance bond, irrevocable letter of credit, cash, or other form of surety which may be acceptable to the Town. In all instances, the form of the instrument of surety provided shall be acceptable to Town Counsel. In all instances, the form of the surety instrument shall specify the term and duration of the surety, include an "automatic call" provision, and acknowledge that the surety shall neither lapse nor terminate until released in writing by the Town of Pelham.
- D. In the event improvements for which a performance guarantee has been required remain incomplete or are found to have been completed in an unacceptable manner at the conclusion of the term of the surety, the Town of Pelham shall enjoy the right to call the performance guarantee and utilize the proceeds of the same to cause the required improvements to be completed and/or repaired.

- E. As phases or portions of the work for which a performance guarantee has been required are completed, the Planning Director may, upon receipt of a favorable recommendation from the Town Engineer, recommend that the Planning Board vote release a portion of the performance guarantee. In no case shall the performance guarantee sum be released to an amount less than 110-percent of the anticipated cost of completion of all remaining work, or 10-percent of original surety value, whichever is greater.
- F. Upon receipt of confirmation from the Town Engineer and Road Agent that all streets or improvements for which a performance guarantee has been given have been satisfactorily completed, the Planning Director may recommend that the Board of Selectmen vote to accept the completed streets or improvements on behalf of the public and release any remaining performance guarantees. Upon affirmative vote of the Board of Selectmen to accept such streets and/or improvements and to release the remaining performance guarantee, the amount of the surety may be reduced to a sum not less than 10-percent of original surety value. This residual surety shall continue to be held by the Town of Pelham as a maintenance guarantee for a period of one additional calendar year and shall serve as a financial guarantee for the repair of latent defects in the work which may become evident within one year of public acceptance. If no evidence of latent defects in the improvements is reported to the Board of Selectmen by the Road Agent within the following one year period, the Board of Selectmen shall vote to release the maintenance guarantee in full.

### **204-3 Inspection Requirements and Procedures**

- A. Prior to commencement of construction of streets, utilities, off-site improvements, or other subdivision infrastructure, the owner or his/her contractor shall contact the Planning Director to request a preconstruction conference be scheduled. Upon receipt of such a request, the Planning Director and Town Engineer shall promptly schedule a preconstruction conference, which shall be attended by the Planning Director, Road Agent and Town Engineer, the owner or owner's representative, the contractor and other parties invited by the owner, Planning Director, or Town Engineer. At the time of the preconstruction conference, the Town Engineer shall review applicable Town construction requirements and procedures with attendees and confirm that all items prerequisite to the commencement of construction have been satisfied.
- B. During the construction period, the Town Engineer shall serve as the Planning Board's field representative observing and reporting to the Planning Director on the progression of the work. During this period, the Town Engineer shall promptly report to the Planning Director and the owner any perceived construction defect or deviation from the terms of the approval of approved project plans. In such instances, the Town Engineer may also offer recommendations for the remedy of such defects or deviations.
- C. The Town Engineer shall periodically invoice the Planning Department for services during the course of construction; and the Planning Department shall in turn require the owner to reimburse the Board for such costs. In the event the owner fails to reimburse the Planning Department in a timely manner for the cost associated with the Town Engineer's services,



the Planning Director may issue a Stop Work Order which shall not be withdrawn until the Planning Department has been reimbursed in full for the Town Engineer's services. In the event an owner fails to reimburse the Planning Department for the Town Engineer's services, the Town of Pelham may call upon any performance guarantee given by the owner to satisfy such costs.

- D. If during the construction of a subdivision, changes in the design of streets or other subdivision infrastructure are proposed, the owner shall notify the Town Engineer in advance of proceeding with such change. Upon receipt of a request for a design change, the Town Engineer, in consultation with the Planning Director, shall make a determination as to whether or not the request represents a significant change in the approved plans and specifications. If the Planning Director 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. If the Planning Director makes the determination that a requested change represents a minor field change which will not adversely affect the outcome of the work and will not cause a departure from the requirements of the approved project plans or these Regulations, he/she may approve such change, or in the alternative authorize the Town Engineer to approve such change. In instances where there is uncertainty on the part of the Planning Director and Town Engineer as to whether or not a requested change is significant, they shall refer decision on possible approval of the requested change to the Planning Board.

## **Section 205 –OPEN SPACE SUBDIVISION PROVISIONS**

### **205-1 General**

These Open Space Subdivision Provisions of the Subdivisions Regulations were adopted pursuant to authority of Article XV of the Pelham Zoning Ordinance in order to administer and regulate the flexibility that is meant to be an inherent part of the Open Space Subdivision development process. This process is meant to provide applicants with an alternative development approach intended to promote creativity and innovation in land planning. Each tract of land possesses different and unique development characteristics and limitations, and the process of developing an Open Space Subdivision on any particular tract is a function of how innovative subdivision design interacts with the special characteristics and limitations of the site.

The provisions of this Section shall only apply to a subdivision of land through the use of a Special Permit for an Open Space Subdivision under Article XV of the Pelham Zoning Ordinance. Any Section of the Subdivision Regulations not specifically addressed or pre-empted by this Section shall apply. Any question of conflict will be interpreted by the Planning Board. Definitions contained in Article XV of the Pelham Zoning Ordinance shall apply to this Section of the Subdivision Regulations.

Open Space Subdivision is an Innovative Land Use Ordinance as defined in NH RSA 674:21. As such the Planning Board has broad authority to interpret and apply the Zoning Ordinance to all applications submitted under this title and to waive any section of these Land Use Regulations when it finds such action to be appropriate. The Planning Board's flexibility includes determining the density of an Open Space Subdivision application that seeks to meet a portion of regional affordable housing needs even when the proposed density exceeds the yield determined by the Yield Plan process described within this section. Any such approval of density exceeding the density determined in the Yield Plan process shall be reviewed by the Planning Board, and its engineer or other consultants, as applicable, to confirm the proposed development can meet reasonable standards or conditions of approval related to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection, as specified in RSA 674:59, IV.

### **205-2 Application Procedure**

All applications submitted to the Planning Board under this Section shall include the following information to confirm compliance with the intent of this Section and Article XV of the Zoning Ordinance. Applicants are encouraged to meet with the Planning Board for conceptual review prior to submitting a yield plan application to discuss the Board's expectations of what should be included in the plan and how it will be reviewed.

Upon review of the information set forth below the Planning Board may grant preliminary approval for the maximum number of building lots which may be developed if the applicant can show the site meets the requirements of these Regulations and the Zoning Ordinance.

#### **A. Natural Features Data:**

1. A natural resources inventory which shall, at a minimum, describe any important features, wildlife habitat or other environmentally sensitive areas which may be disturbed by the proposed development or that may abut the site. The most recent version of the Natural Service Network (NSN) user guide and associated map available through the Planning Department or its website ([www.pelhamweb.com/planning](http://www.pelhamweb.com/planning)) should be consulted to confirm inventory findings for the subject parcel and adjacent parcels.
2. Special consideration shall be given to the location of large contiguous forest stands, wildlife corridors, environmentally sensitive areas, historic sites, trails, active farms or farmlands which are located on the site or on properties which abut the site.

B. Preliminary Open Space Subdivision Development Data:

1. A plan of the site, which shows the areas proposed for development, common areas (and their uses), and areas that are proposed as protected open space.
2. The plan shall also show any areas which are considered as view-sheds, active farming, recreation (proposed or current), environmentally sensitive areas and any trails or corridors which are to be protected.
3. A proposed layout of home sites, roadways on the property, limitations on land clearing and buffer zones along with a discussion of how the proposed layout will provide for the greatest protection of the open space lands, an environmentally sensitive development, and a quality neighborhood.
4. Request for waivers.

C. A yield plan as defined in Section 205-3.

D. Final Application

Upon review of this information and approval of a yield plan the applicant shall be authorized to proceed with a complete, fully-engineered Open Space Subdivision Plan in accordance with the Planning Board's yield plan approval.

### **205-3 Yield Plan**

In accordance with the Open Space Subdivision Ordinance, the applicable density shall be determined through submittal of a yield plan. The yield plan shall be reviewed and approved by the Planning Board in accordance with the following:

- A. The yield plan shall incorporate soils information sufficient to determine estimated lot sizes by soil type.

- B. The yield plan shall incorporate roads and rights-of-way that provided for a layout that corresponds with existing State and Federal laws, town ordinances, and Subdivision Regulations, including but not limited to minimization of wetland crossings, road length requirements, right-of-way widths, and safe sight distance for entrances.
- C. The yield plan is meant to be conceptual in nature but must be realistic and not show potential house sites or streets in areas that would not normally be legally permitted, or environmentally or economically viable in a conventional layout.
- D. In addition to the above, the yield plan shall include: basis topography, wetlands, floodplains, frontage dimensions, building setbacks, steep slopes (greater than 20%), soils subject to slumping, contiguous non-wet areas and other areas of land where it is not feasible to accommodate building sites and individual septic systems. Additionally, for each building lot the plan must show the required thirty-five thousand (35,000) square feet of contiguous upland soils, the fifteen thousand (15,000) square foot (100' x 150') building envelope, four thousand (4,000) square foot septic area, well radii, centerline of road and road profile, as defined elsewhere in these Subdivision Regulations.
- E. The yield plan shall specify that waivers are requested in order to make the yield plan valid. The Board shall review the reasonableness of the assumptions underpinning the waivers that support the yield plan.
- F. The Planning Board may require design review of the yield plan from the engineering review firm of their choice to confirm or refute the proposed density shown on the yield plan at the applicant's expense.

#### **205-4 Density Criteria**

To be considered by the Planning Board for a Special Use Permit the proposed Open Space Subdivision plan shall provide that a minimum of forty percent (40%) of the total parcel shall be set aside as open space and protected as such in perpetuity.

The required open space may be used, with conditions as may be required by the Planning Board, for the protection of forest or other natural or environmental areas as set forth in Section 205-5. For appropriate parcels, forested land shall be managed consistent with a forest management plan prepared by a Licensed Forester and incorporating best management practices. The forestry management plan shall be reviewed and approved by the Planning Board or its designee.

If the land proposed as open space is found to be significant to the protection of the natural environment the placement of any improvements that would adversely affect or destroy wildlife corridors, natural dense forested stands or active farm lands may be restricted by the Planning Board.

#### **205-5 Open Space Criteria**

Open space shall be available for recreational use by the residents of the Open Space Subdivision. General public use may be considered but shall not be required unless the Open Space parcel(s)

are accepted by the Board of Selectmen as Town recreation land. The criteria are necessitated by the unique features of each proposed subdivision. Where land is to be developed in a manner that will result in a significant number of people forming a community on that land, adequate recreational space is a necessity. These criteria are intended to provide that those moving into the subdivision will have adequate recreational area.

- A. A minimum of twenty-five percent (25%) of the total required open space land must be useable uplands and available for recreational purposes, provided however, that not more than fifty percent (50%) shall be utilized for such purpose in order to preserve a proportion of natural area on the site.
- B. Recreational uses may include, but are not limited to trails, recreational/athletic fields for sports, cross country ski trails, tennis facilities, swimming pools, playgrounds for children, off-road bicycle paths, horse-back riding, etc.
  - 1. Uses customarily accessory to permitted outdoor recreational uses such as small clubhouses (less than 1,500 square foot footprint), maintenance facilities, or gazebos shall be permitted.
  - 2. Where recreational uses may interfere with neighboring residentially zoned or used parcels, the Planning Board shall require measures to mitigate any possible negative effects. Such measures may include sufficiently opaque visual barriers, placement within the interior of the development, and limitations on night lighting and use.
  - 3. Recreational facilities shall be constructed by the developer or financial provision for construction shall be provided by the developer to the homeowners association in order to adequately insure their proper function.
  - 4. Land targeted for recreational use shall not occupy the exterior buffer of the development site unless such use is limited to trails.
- C. The minimum required open space shall not contain more than fifty percent (50%) of the sum of the following kinds of non-buildable land:
  - 1. Poorly drained or very poorly drained soils as defined in the most recently published edition of Site Specific Soil Mapping Standards for New Hampshire and Vermont;
  - 2. Slopes having a natural slope in excess of twenty-percent (20%) or soils subject to slumping;
  - 3. Drainage facilities, except constructed ponds intended to be filled with water year-around that are part of a drainage plan, may be included in the open space calculation;
  - 4. Land used for subsurface sewage disposal systems; and
  - 5. Land within the 100-year flood hazard area as shown on current Flood Insurance Rate Maps published by FEMA.

6. No portion of public utility easements, with above ground improvements of any kind, may be considered part of the minimum required open space. Expansion or creation of a public utility easement after approval of a development shall not affect the requirements for provision of open space or recreational uses of the development.
- D. Open Space Layout: Open space land shall be designated as undivided parcels to facilitate easement monitoring, enforcement, maintenance, and to promote appropriate management by a single entity according to approved land management standards.
1. As part of the application an open space plan shall be submitted showing clear delineation of parcels of open space land that is not to be developed. The open space plan shall be recorded at the Registry of Deeds and shall indicate that development is restricted from the open space in perpetuity.
  2. Open space shall be directly accessible to the largest practical number of lots within the development.
  3. Safe and convenient pedestrian access to open space shall be provided from all lots not adjoining the open space.
- E. Wells, well radii and associated water supply infrastructure, including pump houses shall be allowed within the open space.

## **205-6 Roadway Design Criteria**

Public roadways shall be built in accordance with conventional Subdivision Regulations. Private roadways within Open Space Subdivision developments may adhere to the following roadway design specifications:

- A. Entrance Roadways: Roadways that provide access to the development at any intersection with public roads, and continue through to the first internal intersection with one or more private internal street(s). Entrance roadways shall generally be constructed to public roadway standards.
- B. Arterial Branch Roadways: Roadways that serve twenty-five (25) dwellings or less which branch off from an entrance roadway. Arterial branch roadways shall be constructed to public roadway standards; however, the Planning Board may permit a width reduction to not less than twenty (20) feet provided that health and safety issues are not jeopardized by the reduced road width.
- C. Common Driveways: Roadways that serve not more than six (6) dwellings which branch off from an Arterial Branch Roadway or Entrance Roadway. Common Driveways that serve more than two (2) dwellings shall be constructed to public roadway standards; however, the Planning Board may permit the width to be reduced

to eighteen (18) feet provided that health and safety issues are not jeopardized by the reduced road width.

D. Dead End Roadways: All roadway endings shall be constructed with innovative design methods in mind. The intent of this requirement is to promote the construction of aesthetically pleasing neighborhood environments with the Open Space Subdivision development provided however, that health and safety issues are not jeopardized by reduced road width. These methods shall include landscaped center loops for dead-end roads of one of the following designs:

1. Circular Loop Drive: May be eighteen (18) feet in width and with a minimum radius of seventy-five (75) feet from center to the inside edge of pavement with travel permitted in a single direction. The center portion of the roadway radius shall contain remaining mature trees, or shall be landscaped with shrubs, rock, or other landscape features and shall not consist solely of grassed surfaces. These areas shall not be counted as part of the open space calculation. Units accessed by circular loop drives shall have parking facilities to accommodate three (3) vehicles of off-street parking (this count may be met by garage space and driveway area with one parking space provided in an off-street parking area).
2. Elliptical Loop Drive: These roadways shall serve not more than eight (8) dwellings and must be a minimum of eighteen (18) feet in width. The minimum dimensions of the central green for this type of roadway shall be one hundred (100) feet wide and one hundred and fifty (150) feet long, on average, and may contain open grassed areas in addition to required landscaped areas, remaining mature trees, and any pedestrian facilities such as benches, gazebos, and playground facilities for children. If an applicant elects to utilize this innovative design method, the open central area shall be considered part of the open space calculation. Dwellings serviced by Elliptical Loop Drives shall have parking facilities to accommodate three (3) vehicles (in total) of off-street parking (this count may be met by garage space and driveway area and one space in an off-street parking area that must be within a reasonable distance of the units served).

## **205-7 Road Specifications**

Roadway specifications shall apply as described in Section 203-4 of these Subdivision Regulations. However, the Planning Board may grant waivers from specific requirements of Section 203-4 on a case by case basis after thorough review including receipt of input from the Highway Safety Committee.

The Planning Board should encourage flexible and innovative road design standards for Open Space Subdivisions that maintain rural character through reduction in width standards, provided health and safety concerns are met, and encourage the development of neighborhood environments that will enhance quality of life and property values through the inclusion of village green concepts.

The Planning Board may require that Open Space Subdivision entrance roadways be built in accordance with public roadways standards contained in Section 203-4 of these Regulations. Where future road connection is reasonably possible and anticipated by the Planning Board, the entrance roadway leading to the point of future connection may be considered an entrance roadway and not included in any association form of ownership as a private way.

## **205-8 Additional Requirements**

As part of any application for approval of an Open Space Subdivision, whether roadway design waivers are granted or not, the Planning Board may require additional facilities to ensure adequate access and service for safety vehicles, including but not limited to additional off-street parking, turn-outs or turnarounds, fire hydrants, cisterns or other recommended accommodations.

## **205-9 Legal Review & Approval**

A legal review of the proposed Open Space Subdivision shall be conducted under the conditions identified herein:

- A. Any condominium agreements, deed restrictions, organizational provisions for a mandatory homeowner's association, or other legal entities providing for ownership or individual dwelling units and a sharing of certain utilities, open space, common areas, and auxiliary facilities and structures must be approved in writing by the Planning Board and by Town Counsel and any other municipal, county, or state agency, body, commission or department required by law to assure the same.
- B. The developer shall submit a suitable legal instrument which, to the satisfaction of the Planning Board and/or Town Counsel, will assure that such open space and/or common land will continue to be used for conservation, park or recreation and shall not be disposed of by sale or otherwise except to any organization established for the purpose of owning and maintaining such open space. Land held in open space may thereafter not be used to satisfy density requirements for any other project than the yield plan approved for the project.
- C. Such developer shall also provide for adequate maintenance of such areas set aside for conservation, park, or recreation. Such developer shall provide for the insertion in all deeds, in a form approved by the Planning Board and/or the Town Counsel any and all safeguards and conditions suitable to carry out the purposes of these Regulations.
- D. Such legal instruments shall also provide that the Town of Pelham, its agents, servants and employees may, without liability, enter upon such land held for conservation, park or recreation to inspect for compliance.



## **205-10 Expiration**

As described in Article XV, Section 307-107 of the Zoning Ordinance any Special Permit granted by the Planning Board shall expire if there has not been active and substantial development or construction on the site by the owner or owner's successor in interest in accordance with the approved plan within twelve (12) months after the date of approval. As part of the approval of a plan, the Planning Board may, with due regard to the scope and details of a particular project, specify the threshold level of work which shall constitute "active and substantial development or consideration" for purposes of complying with this paragraph.

# **SITE PLAN REGULATIONS**

## **Section 300 – GENERAL PROVISIONS**

### **300-1 Title**

This Chapter shall be known as the “Site Plan Regulations of the Town of Pelham, New Hampshire.”

### **300-2 Authority, Adoption and Amendment**

These Regulations have been adopted in accordance with authority vested in the Town of Pelham Planning Board by Town Meeting vote and the provisions of RSA 674:43 and 674:44, as amended.

### **300-3 Purpose**

In accordance with RSA 674:44, the Site Plan Regulations of the Town of Pelham shall:

- A. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety or prosperity by reason of: inadequate drainage or conditions conducive to flooding of the property or that of another; inadequate protection for the quality of groundwater; undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; inadequate provision for fire safety, prevention, and control; and the inadequacy of vehicular and pedestrian safety.
- B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs.
- C. Provide for open spaces and green spaces of adequate proportions.
- D. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality.
- E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.
- F. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval.

- G. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health.
- H. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.
- I. Require innovative land use controls on lands, if and when, supported by the master plan.
- J. Require the use of erosion and sediment controls for construction projects to protect the water quality of the Town's surface waters, wetlands, and stormwater systems.
- K. Provide enhanced stormwater standards for development and redevelopment to meet the requirements of the Town's Municipal Separate Storm Sewer System Permit (MS4) as issued by the US Environmental Protection Agency (EPA), current term.

#### **300-4 Applicability**

- A. These Site Plan Regulations shall apply to all planned: non-residential development; multi-family residential development; and/or an expansion or change of use for any existing non-residential or multi-family residential site or structure.
- B. No construction activities involving non-residential or multi-family residential land development, including any expansion, exterior renovation, or change of use involving existing non-residential and/or multi-family residential property, shall commence unless and until:
  - 1) The owner/applicant has obtained final site plan approval from the Planning Board; and
  - 2) The Planning Board is in receipt of an adequate performance guarantee, if so required by the Board under authority of these Regulations.
- C. Notwithstanding these Regulations, any person may, without Planning Board approval, record a plan of the type described in RSA 676:18, II and 676:18, II-a, provided that no other information is included thereon except as authorized by statute and certified as such in accordance with the provisions of RSA 676:18, III.
- D. No tree cutting or land disturbance shall occur in anticipation of site plan approval; such activity may only occur after the Pelham Planning Board has granted final site plan approval.

#### **300-5 Appeals**

- A. Any person aggrieved by any decision of the Planning Board upon these Regulations may appeal to the Superior Court pursuant to the provisions of RSA 677:15.

- B. Any person aggrieved by any decision of the Planning Board concerning site plan approval or disapproval under these Regulations may appeal to the Zoning Board of Adjustment, pursuant to the provisions of RSA 676:5, III, if the basis of such appeal involves a decision or determination made by the Planning Board in its interpretation of the Pelham Zoning Ordinance.

### **300-6 Waiver Provision**

The Planning Board may grant a waiver of one or more of these Regulations if the Board finds, by majority vote, that:

- A. Strict conformity would pose an unnecessary hardship to the applicant and the granting of such waiver would not be contrary to the spirit and intent of these Regulations; or
- B. Specific circumstances relative to the site plan, or conditions of the land indicate that the waiver will properly carry out the spirit and intent of these Regulations.

The applicant/owner shall make any and all waiver requests in writing and provide sufficient justification supporting each such request for consideration by the Board. In all instances where the Planning Board votes to grant an applicant waivers from one or more requirements of these Regulations, the basis for such waiver(s) shall be recorded in the minutes of Board's proceedings; and the Board shall require that the applicant include a notation on the final site plan acknowledging any and all modifications or waivers granted by the Planning Board. The requirements of these Regulations pertaining to "Special Flood Hazard Areas" shall not be waived by the Planning Board.

**Section 301 – WORD USAGE & DEFINITIONS**  
(SEE SECTION 201)

## **Section 302 - APPLICATION PROCEDURES & REQUIREMENTS**

### **302-1 General Provisions and Requirements**

- A. Residents and business owners, who may from time to time seek to change or amend the use of, or minimally alter or expand existing non-residential or multi-family buildings or sites, may apply for site plan determination. The Planning Board may, after submittal of an executed application for site plan determination, conduct a duly noticed public hearing and grant approval to such applications without benefit of formal site plan review. In order for any proposal to be eligible for approval through site plan determination, the site or building to be modified or expanded must have previously received site plan approval from the Planning Board. Proposals eligible for approval through site plan determination shall be limited to those involving one or more of the following activities: (1) change of use of an existing building or site from one permitted use to another permitted use; (2) additions to and/or renovations of existing structures such that the gross floor area of any existing structure does not increase by more than 10-percent or 1,000 square feet, whichever is less; (3) site improvements or modifications which alter not more than 10,000 square feet of lot area; and (4) other minor site plan proposals which the Planning Board may elect to consider. All non-residential development or multi-family residential land use proposals which do not have benefit of prior site plan approval or which contemplate a scope of work or activity which exceeds the limitations specified above must obtain site plan approval from the Planning Board prior to issuance of a building permit and/or commencement of construction as applicable.
- B. Prior to submission of an application for either site plan determination or site plan review by the Planning Board, applicants and/or their representatives are encouraged to meet with the Planning Director in order to discuss their proposals and gain the Planner's advice in regard to conformance with applicable requirements of the Town of Pelham's land use ordinances and regulations.
- C. Any application for review and consideration by the Planning Board shall be filed with Planning Department not less than twenty-one (21) calendar days prior to the date of the regular meeting of the Planning Board at which the applicant seeks such consideration. After an application has been submitted to the Planning Department, the applicant may not supplement, revise or modify the application after notice of public hearing has been given without consent of the Planning Director. The applicant may provide additional information upon affirmative vote of the Planning Board at a noticed public hearing. An applicant may withdraw an application prior to public hearing; however, in the case of withdrawal, any and all application fees paid by the applicant prior to the date of withdrawal shall be forfeited and the applicant shall remain liable for any expenses incurred by or on behalf of the Planning Board in the processing or technical review of the application prior to application withdrawal.

- D. By filing any application under these Regulations, the owner and applicant acknowledge and consent to: (1) unobstructed entry to and viewing of the land that is the subject of the application by public officials, including members of the Planning Board, their staff, consultants or others so authorized by the Board; and (2) third party review of plans and application materials, pursuant to RSA 676:4-b, which have been submitted to the Board as part of the application.

### **302-2 Classification of Applications**

Under the provisions of these Site Plan Regulations and applicable statute, the Pelham Planning Board shall receive and act upon site plan review applications for:

- Non-residential & Multi-family development; and
- Site plan determination.

In recognition of the varying degree of complexity typically associated with each type of application, these Regulations provide for separate and distinct procedures for applicants and the Planning Board to follow in the submission, review and consideration of each type of application.

### **302-3 Non-Residential and Multi-Family Development**

- A. Applicants for new non-residential or multi-family residential uses shall file an application for site plan review in accordance with all applicable provisions of these Regulations.
- B. If a site plan review application is determined to be complete by the Planning Board, it shall be accepted for formal consideration pursuant to RSA 676:4, I(c) and the Board shall act to approve, conditionally approve, or disapprove that application. Although it is the intent of these Regulations to facilitate timely review and approval of applications which comply with applicable requirements of the Pelham Zoning Ordinance and these Regulations, applicants are encouraged to engage in preliminary conceptual consultation or design review with the Planning Board prior to the submittal of an application for final site plan approval. In the event any applicant wishes to pursue preliminary conceptual consultation or design review with the Planning Board, the Planning Board shall provide that opportunity consistent with the procedures and limitations described herein.
- C. Preliminary Conceptual Consultation

In order to afford applicants proper guidance as well as an opportunity to potentially save time and expense when advancing an application for final site plan approval, an applicant may request an opportunity to engage in preliminary conceptual consultation with the Planning Board prior to submitting an application for formal review and consideration by the Board. Those wishing to engage in preliminary conceptual consultation with the Planning Board may make such a request to the Planning Director. Upon receipt of such a request, the Planning Director shall place an applicant on the agenda of an upcoming public meeting of the Planning Board. All discussion occurring during preliminary conceptual

consultation shall be directed at and limited to a review of basic concepts of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of types of development and proposals under the Master Plan. Preliminary conceptual consultation may occur without the necessity of giving formal public notice pursuant to RSA 676:4, I(d), however, such consultation may occur only at a public meeting of the Board.

#### D. Design Review Phase

The Planning Board may engage in nonbinding discussions with the applicant, beyond conceptual and general discussions, which involve more specific design and engineering details provided, however, that design review phase may proceed only after notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public pursuant to RSA 676:4, I(d). If an applicant desires to proceed with design review, arrangements for this phase may be made by filing an executed application form, together with five (5) copies of plans conforming to the requirements of these Regulations, and payment of applicable fees with the Planning Department not less than twenty-one (21) calendar days prior to a regular meeting of the Board. After undertaking design review at a public meeting, the Planning Board may determine the design review phase of an application has ended and shall inform the applicant in writing within ten (10) calendar days of such determination. Statements made by Planning Board members during the design review phase shall not be the basis for disqualifying said members or invalidating any action taken.

E. The Planning Director shall receive applications not less than twenty-one (21) calendar days prior to a regularly scheduled meeting of the Planning Board. In order to be deemed complete pursuant to RSA 676:4, I(c) an application for final site plan approval must include the following information:

- 1) An executed Site Plan Review application on a form supplied by the Planning Board, together with a list of all parties requiring public hearing notice pursuant to RSA 676:4, I(d) and payment of all required application fees;
- 2) Draft copies of any proposed easement deeds, restrictive covenants, or similar legal instruments;
- 3) Five (5) copies of all project plans and drawings containing the following information and data:
  - a) An existing conditions plan which includes the following information:
    1. A title block identifying: (a) the name or identifying title of the site plan proposal; (b) the location of the site; (c) the tax map & lot numbers of all subject parcel(s); (d) the names, addresses & deed reference of the owner, and if



different, the applicant; (e) the date of preparation & latest revision, if any; (f) plan scale (either 1" = 20' or 1" = 40'); (g) consecutive plan sheet numbers (i.e. Sheet 1 of 5); and (h) the name, address & telephone number of each individual or firm who prepared provided information;

2. A graphic (bar) scale;
3. A Planning Board approval block, together with a note which reads: "The Zoning Ordinance and Site Plan Review Regulations of the Town of Pelham are a part of this plat, and approval of this plat is contingent upon completion of all of the requirements of said Zoning Ordinance and Site Plan Review Regulations, excepting only any waivers granted by the Planning Board, or variances granted by the Zoning Board of Adjustment, which may be acknowledged in notes appearing on this plat";
4. The sealed certification by a Licensed Land Surveyor attesting to the accuracy of boundary information depicted on the drawing (Maximum error of closure of 1:10,000);
5. All boundaries of each subject parcel, defined by metes & bounds, together with the type and location of any existing or proposed boundary monuments;
6. Match lines, if applicable;
7. The tax map and lot numbers of the all proposed & abutting parcels, together with the names & addresses of all abutting property owners;
8. The names, status, right-of-way & travelled way widths of all adjoining streets;
9. The location of adjoining or affected municipal boundaries, if any;
10. The purpose, location, dimension and source of all existing easements on, adjacent to, or benefiting the subject property, as well as similar information regarding any proposed easements, restrictive covenants or deed restrictions;
11. The total area of the lot (in acres & in square feet) shall be noted. In addition, the plat shall indicate the areas of the lot comprised of poorly drained soil and very poorly drained soil/water bodies;
12. A north arrow with a specified reference bearing;
13. A recitation of all reference plans relied upon in preparation of the plat;
14. A locus map having a scale of not less than 1" = 1,000' accurately showing the dimensions of all subject parcels in relation to abutting parcels as well as in relation to adjoining streets. Applicants are encouraged to utilize the Pelham Assessors Maps when preparing a locus map;
15. The location of jurisdictional wetlands, as delineated, defined and sealed by a Certified Wetland Scientist;
16. A notation indicating when, by whom & under what criteria those wetlands shown on the plat were delineated & defined;
17. The limits & dimensions of all required yards, setbacks & buffers required under the Zoning Ordinance;
18. The location of all existing structures, wells, septic systems, drives and similar manmade improvements, as well as the location of existing tree lines, stonewalls, ledge outcroppings and other significant natural and manmade features of the site;
19. The location and name, if any, of all streams & water bodies;

20. The location of all areas of special flood hazard, together with a notation citing the source of any such data shown. If no areas of special flood hazard are present, a note must be provided acknowledging the same;
  21. The location of all existing drainage improvements and utilities (overhead and underground);
  22. Two-foot contour interval topographical survey mapping with elevations referenced to NAVD 1988 datum, as well as a minimum of two temporary or permanent benchmarks;
  23. Site Specific Soil Survey Mapping together with a corresponding legend of soil types as well as a notation describing the source of such mapping. Site Specific Soil Mapping shall be stamped by the Certified Soil Scientist who prepared the same;
  24. The location and results of each soil test pit if applicable; and
  25. Plan notes indicating: (a) the tax map & lot number of the subject parcel(s); (b) the existing area of each subject parcel; (c) the names of all zoning districts within which the subject parcel is situated, or abuts; (d) minimum lot area, frontage & yard dimensions for each applicable zoning district; (e) the purpose of the site plan; (f) intended utility accommodations; and (g) an acknowledgement of any variances, special exceptions, conditional use permits, or waivers granted in response to the proposal by the Planning Board and/or Zoning Board of Adjustment.
- b) Site Plan drawings, sealed by a Professional Engineer licensed in the State of New Hampshire and/or other qualified New Hampshire licensed design professionals as applicable, which fully depict the extent of all proposed site improvements to include the following information:
1. The limits of land clearing and tree removal (over 12-inches in diameter) proposed as well as identification of any stone walls or other existing natural and manmade site features or improvements to be razed or removed in order to accommodate planned site development;
  2. Location and exterior dimensions and height of existing and proposed buildings and accessory structures;
  3. Notes indicating total gross floor area of each existing or proposed building to remain, as well as a breakdown of the total gross floor area for each building by use classification;
  4. Access points and service loading areas for all buildings;
  5. Location and layout of all existing and proposed driveways, parking areas, fire lanes and walks;
  6. Detailed parking lot design with supporting calculations;
  7. Solid waste storage areas, snow storage areas, traffic control signs and pavement markings;
  8. An exterior lighting plan together with details of all proposed lighting fixtures;
  9. A detailed landscape design plan;

10. Plan, details, and notes for erosion and sediment controls during construction. Erosion and sediment controls shall be in accordance with Section 303-5 of these regulations;
11. Commercial signage details and locations;
12. Construction details of all site improvements;
13. A detailed site grading plan;
14. Detailed off-site improvement plans, if applicable;
15. Drainage calculations prepared and sealed by a Professional Engineer licensed in the State of New Hampshire together with a design plans and details for all stormwater management improvements;
16. Operations and Maintenance Plan(s) and O&M Agreement(s) for all proposed stormwater systems and/or practices (to be recorded with the Site Plan package);
17. Easements to the Town to provide access to all stormwater systems and practices (to be recorded with the Site Plan package);
18. Subsurface sewage disposal system design plan, if applicable;
19. Water supply design calculations and corresponding plan of proposed water supply system improvements, if applicable;
20. Traffic impact statements (TIS), when required. TIS scope shall be as determined by Planning Director in consultation with Town Engineer;
21. Traffic circulation including the adequacy of the streets, intersections, entrances, exits and sight distances among other items; the applicant's agent shall provide information on pedestrian access and safety, loading, emergency vehicle access and any off-site improvements necessitated by the proposed development;
22. Location and design of fire protection accommodations;
23. Location, type and size of proposed utility service connections and appurtenant fixtures and equipment;
24. Location and specifications of proposed fencing, guardrail and amenities;
25. Detailed architectural elevation drawings of all proposed or renovated buildings and structures; and
26. A notation acknowledging receipt of each required local, State or Federal project permit shall be provided on the final site plan and a hard copy of each such permit transmitted to the Planning Board prior to signature of the final site plan by the Chair.

- F. Pursuant to RSA 676:4, I(c), the Planning Board shall, at its next regular meeting, or within thirty (30) calendar days following the receipt of an application by the Planning Department, for which proper notice can be given in accordance with the requirements of RSA 676:4, I(b), determine if the submitted application is complete according to these Regulations and shall vote upon its acceptance. In the event the Board determines an application is complete, the Board shall begin formal consideration and shall act to approve, conditionally approve pursuant to RSA 676:4, I(i), or disapprove at that time or at another time within sixty-five (65) calendar days, subject to extension or waiver as provided in RSA 676:4, I(f). Alternately, if the Board determines the application to be incomplete according to these Regulations, the Board shall notify the applicant of that

determination in accordance with RSA 676:3, with such notice describing the information, procedure, or other requirement necessary for the application to be complete.

### **302-4 Site Plan Determination**

Residents and business owners, who may from time to time seek to change or amend the use of, minimally alter, or expand existing non-residential or multi-family buildings or sites, may apply for site plan determination. The Planning Board may, after submittal of an executed application for site plan determination, conduct a duly noticed public hearing and grant approval to such applications without benefit of formal site plan review. In order for any proposal to be eligible for approval through site plan determination, the site or building to be modified or expanded must have previously received site plan approval from the Planning Board. Proposals eligible for approval through site plan determination shall be limited to those involving one or more of the following activities: (1) change of use of an existing building or site from one permitted use to another permitted use; (2) additions to and/or renovations of existing structures such that the gross floor area of any existing structure does not increase by more than 10-percent or 1,000 square feet, whichever is less; (3) proposed site improvements or modifications which do not alter more than 10,000 square feet of lot area; or (4) other minor site plan proposals which the Planning Board may elect to consider. All non-residential development or multi-family residential land use proposals which do not have benefit of prior site plan approval or contemplate a scope of work or an activity which exceeds the limitations specified above must obtain formal site plan approval from the Planning Board prior to issuance of a building permit and/or commencement of construction as applicable.

### **302-5 Issuance of Notice of Decision, Plat Certification and Recording**

- A. The Planning Board shall issue a final written Notice of Decision which either approves, conditionally approves pursuant to RSA 676:4, I(i), or disapproves any application for site plan review or site plan determination. If an application is not approved, the Board shall provide the applicant with written reasons for such disapproval. Whenever the Planning Board votes to approve, conditionally approve, or disapprove an application, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefore, shall be placed on file in the Board's office and shall be made available for public inspection within five (5) business days of such vote pursuant to the requirements of RSA 676:3, II.
- B. In the event the Planning Board votes to conditionally approve any application pursuant to RSA 676:4, I(i), all conditions precedent to final approval must be satisfied within six (6) months of the granting of such approval unless a different maximum period of time is specified by the Planning Board. In the event an applicant fails to satisfy such conditions within the applicable time frame, the approval shall become null and void unless an extension of time, not to exceed an additional six (6) months, is granted by majority vote of the Board prior to expiration.

- C. Pursuant to RSA 676:3, III whenever a plat is recorded in order to memorialize an approval issued by the Planning Board, the final Notice of Decision, including all conditions of approval, and other legally binding project documents, shall be recorded with or on the final plan(s).
- D. Upon approval, or in the case of conditional approval, upon successful demonstration that all conditions precedent to final approval have been fulfilled, the applicant shall file with the Planning Director five (5) complete sets of project plans, as approved by the Board, printed on paper, together with two additional sets of the same plans printed on mylar. Upon receipt of such plans, the Planning Director shall determine if such plans fully conform to all applicable requirements and conditions of the Board's approval. Once such a determination has been made, said plans shall be signed by the Planning Board Chair and Secretary or their designees.
- E. Easements: Where Site Plan Review includes the construction of a stormwater practice on lands not owned or to be deeded to the Town, an easement to the Town of adequate size is required to enable inspection, maintenance, repairs, and reconstruction and shall be provided for such purpose, including flowage rights. All easements shall be recorded at the County Registry of Deeds.
- F. Operations and Maintenance (O&M) Plan(s) and O&M Agreement: The applicant shall record the Town approved O&M Plan and O&M Agreement with the Site Plan recording to ensure long-term inspection, maintenance, repairs, and reconstruction as needed shall be provided by the applicant and subsequent property owners.

Neither the approval of a site plan application nor the subsequent recording of any approved plat or plan shall be deemed to constitute or affect public acceptance, or an obligation for future public acceptance, of any dedicated street, utility, land or easement, which may be shown on said plat or plan, by the Town of Pelham.

### **302-6 Application Fees and Costs**

- A. Upon receipt of an application, the Planning Department shall determine the amount of those application fees, payable at the time of application delivery, and shall not place an application on the Board's agenda for consideration unless and until the full amount of such fees have been paid in full.
- B. Pursuant to RSA 676:4, I(g) reasonable fees, in addition to fees for causing notice to be given pursuant to RSA 676:4, I(d) may be collected by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required in regard to particular applications. The Planning Board shall indicate the amount of all application, notification and recording fees payable at the time of application delivery on those application forms provided by the Planning Department and may periodically vote to amend these fees if and when necessary to insure that the amount of such fees are sufficient to cover the Board's costs.

- C. Pursuant to RSA 676:4-b the Planning Board shall require an applicant to reimburse the Board for expenses reasonably incurred by obtaining third party review and consultation during the application review process.
- D. It is the normal practice of the Planning Board not to record approved site plans at the Hillsborough County Registry of Deeds. However, if the applicant or owner desires to record an approved site plan at the Registry of Deeds, at the time final plans and mylars are transmitted to the Planning Department for signature and recording, the applicant shall also submit a check, in the amount of \$25.00, payable to the "Hillsborough County Registry of Deeds". The Planning Director shall in turn forward this check to the Registry of Deeds at the time of plat recordation in order to satisfy the New Hampshire Land Conservation Investment Program (LCHIP) surcharge fee, payable under New Hampshire law.
- E. No approved plat or plan shall be signed by the Planning Board Chair and Secretary, or their designees, nor be recorded at the Hillsborough County Registry of Deeds, unless and until all fees payable to the Planning Board by the applicant have been received by the Planning Department.

## **Section 303 – DESIGN & CONSTRUCTION STANDARDS**

### **303-1 Site Access and Circulation Requirements**

#### **A. General Requirements for Site Access:**

- 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 and pedestrian traffic.
- 2) Applicants for non-residential and multi-family residential 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.
- 3) All private streets and site driveways serving non-residential and multi-family residential developments subject to approval under these Regulations shall enjoy a measure of all-season safe intersection sight distance sufficient to satisfy the requirements of Appendix I–Paragraph BB.30 of the Subdivision Regulations.
- 4) All private streets shall be designed and constructed in accordance with the requirements of Appendix I of the 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 Pelham 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.”
- 5) Pedestrian sidewalks shall be constructed and maintained along the frontage of non-residential or multi-family residential sites at locations where either the Town of Pelham or the NHDOT presently maintain sidewalks, and at locations where construction of such public sidewalks are planned in the future.

#### **B. General Requirements for Site Circulation**

- 1) Individual non-residential and multi-family residential 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.

- 2) All non-residential and multi-family residential sites and structures shall be equipped with fire lanes and emergency vehicle access accommodations sufficient to satisfy the Pelham Fire Department.
- 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 a minimum of five passenger sized vehicles without impeding site circulation and parking situated beyond the drive-through facility.
- 4) Pedestrian access to all non-residential and multi-family residential 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).

### **303-2 Parking Requirements**

#### **A. General Parking Requirements**

- 1) Any non-residential or multi-family residential site or structure approved under these Regulations shall enjoy paved on-site parking accommodations conforming to the requirements of this Section.
- 2) 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 10-feet to a side or rear property line and not closer than 20-feet to a front property line. In instances where paved surfaces are to be located either within or directly abutting land situated in the Residential, Rural or Recreation-Conservation-Agricultural Districts, said paved surfaces shall be screened from adjoining residential properties by either: (a) a continuous landscaped buffer area, having a width of not less than 20-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 (b) a vegetated landscaped buffer area, having a width of not less than 20-feet, upon which a six foot high solid fence is erected. Not less than 20-percent of the length of such fence shall be planted with evergreen trees or shrubs having a planting height of not less than 3-feet.
- 3) All parking facilities shall be designed and constructed in compliance with applicable requirements of the Americans with Disabilities Act (ADA).
- 4) All sites containing 20 or more on-site parking spaces shall contain one or more islands or peninsulas of green space situated within the interior of the paved parking lot surface. The cumulative area of all interior green spaces provided shall equal not less than five percent of the total area of all contiguous paved parking lot and driveway surfaces situated 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.

- 5) Exterior parking facilities shall be configured such that not more than 20 contiguous parking spaces are placed in a single uninterrupted row.
- 6) All public parking areas serving non-residential uses shall be illuminated to a minimum of a ½ foot-candle, in accordance with Section 303-6.A of these Regulations, during night time and evening hours when the public is anticipated to be on site. In the case of businesses, this means during hours of business operation.

#### B. Parking Density Requirements

- 1) All non-residential and multi-family residential 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 constituent use. At the request of an applicant, the Planning Board, at its discretion, may authorize initial construction of fewer parking spaces than otherwise be required under these Regulations provided: (a) the approved site plan identifies a suitable location and design of the full measure of parking spaces required under these Regulations; (b) the approved site plan identifies such areas as “reserved for future parking expansion”; and (c) 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.
- 2) Handicapped accessible spaces, in sufficient number and dimension to satisfy applicable requirements of the Americans with Disabilities Act (ADA), shall be provided at all non-residential and multi-family residential sites.
- 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.

4) Minimum parking density requirements by specific use are as follows:

- a. Single-Family, Two-Family & Multi-Family Residential Uses: 2-spaces per dwelling unit.
- b. Boarding/Rooming Houses: 1-space per guest room, plus 1-additional space per employee on the largest shift.
- c. 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.
- d. Congregate Elderly & Assisted Living Facilities: 1-space per resident, plus 1-additional space per employee on the largest shift.
- e. Commercial Kennels and Veterinary Hospitals: 1-space per 500 square feet of gross floor area, plus 1-space per employee on the largest shift.
- f. Manufacturing Facilities: 1-space per 800 square feet of gross floor area.
- g. Research & Development Facilities/Laboratories: 1-space per 500 square feet of gross floor area.
- h. Warehousing, Storage, 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 thereafter.
- i. Retail Sale of Automobiles, Heavy Equipment, Building Materials, Nursery Products, Garden Centers, Commercial Greenhouses and Similar Uses: 1-space per 500 square feet of gross floor area of building(s), plus 1-space per 3,000 square feet of exterior product display area.
- j. Retail Stores & Shops: 1-space per 250 square feet of gross floor area.
- k. 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.
- l. Restaurants (fast food): 1-space per 4-seats (or a minimum of 5 spaces for restaurants offering take-out service only), plus 1-space per employee on largest shift, plus stacking for not less than 5 vehicles at each drive-thru window.
- m. Banks & Credit Unions: 1-space per 300 square feet of gross floor area, plus stacking for not less than 5 vehicles per drive-up window.
- n. Professional Offices: 1-space per 300 square feet of gross floor area.
- o. Medical/Healthcare Offices & Laboratories (out-patient services): 1-space per 300 square feet of gross floor area.
- p. General Office Space (as a support use to commercial, industrial or institutional uses): 1-space per 300 square feet of gross floor area.
- q. Hospitals: 5-spaces per bed.
- r. 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.
- s. Churches, Funeral Homes, Theatres, Cinemas, Concert Halls & other Places of Assembly: 1-space per 3-seats.
- t. 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.

- u. Child & Adult Day Care Facilities: 0.25-spaces per student/guest, plus 1-space per employee.
- v. Hairdressers/Barbers, Personal Service Providers, Dry-Cleaners/Laundries & Retail Repair Shops: 1-space per 300 square feet of gross floor area.
- w. Automotive Repair Facilities: 4-spaces per service bay.
- x. 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 automotive service bay.
- y. Car Washes: 1-space per wash bay, plus stacking for not less than 5 vehicles per wash bay.
- z. Public & Private Schools (Grades K thru 8): 0.2-spaces per student or faculty/staff member.
- aa. Public & Private High Schools (Grades 9 thru 12), Trade Schools, Colleges & Other Institutions Offering Instruction or Training to Non-Resident Students: 0.4 spaces per student or faculty/staff member.
- bb. Fraternal/Social Clubs & Lodges: 1-space per 4-seats of assembly area.
- cc. Uses Not Listed: To be determined by Planning Director.

#### C. Dimensional Requirements

- 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 8-feet in width and 22-feet in length.
- 2) Handicapped accessible parking spaces shall conform to the dimensional requirements specified under the Americans with Disabilities Act (ADA).
- 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.

#### D. Construction Requirements

- 1) All parking spaces shall be striped with white or yellow traffic paint (4 inch minimum line width).
- 2) All handicapped accessible spaces shall be identified by pavement markings and signage specified under the Americans with Disabilities Act (ADA).
- 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 1 inch thick wearing course.
- 4) All parking pavement shall be placed over a prepared gravel surface consisting of a minimum of 4 inches of compacted crushed gravel placed over a minimum of 8 inches of compacted gravel.

### **303-3 Landscape and Buffering Requirements**

#### **A. General Requirements**

- 1) All applications for site plan approval under these Regulations shall include a detailed landscape design plan, prepared and stamped by a Licensed Landscape Architect and be accompanied by a color rendering of the proposed landscape design as viewed from the street giving access to the subject site. In general, it is the intent of these Regulations to require installation and long term maintenance of landscapes which: (a) maintain visual interest throughout all seasons of the year through installation of an appropriate mix of deciduous and evergreen species; (b) achieve maximization of color throughout the annual growing season; (c) provide shade within developed portions of a site; and (d) create attractive and effective buffers between adjoining properties and/or provide effective visual screening of uses and improvements where appropriate.
- 2) All plant materials required under this Section shall be standard nursery stock, installed in accordance with 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.
- 3) All areas disturbed by construction shall be covered with a minimum thickness of four inches of friable topsoil and be seeded with grass, covered with sod, or planted with ground cover. In general, establishment of turf shall be limited to those areas intended to be regularly maintained as lawn. Ground covers, flowering shrubs and/or other suitable plant material installed in mulched beds shall be installed in areas not intended to be regularly maintained as lawn.
- 4) A minimum of 30 percent of the developed lot area utilized for any non-residential or multi-family development shall be reserved as permanent green space. Site areas disturbed by construction intended to be reserved as green space shall be vegetated with a combination of landscape plantings, ground covers and lawn acceptable to the Planning Board. In instances where healthy existing trees, shrubs or ground covers are intended to be retained in order to satisfy this requirement, such vegetation shall be trimmed, pruned or selectively thinned in order to remove visible dead or unhealthy specimens and branches.

#### **B. Landscape Standards**

- 1) A street tree strip, having a minimum width of 15-feet running parallel to the frontage of any non-residential or multi-family residential 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.

- 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.
- 3) A minimum of one evergreen or flowering deciduous shrub, with a minimum height and diameter of 18 inches, per required parking space shall be planted within the developed portion of any site. Variety of species in terms of shrub selection is encouraged. Not more than 50 percent of shrubs provided in order to satisfy the requirements of this Section shall be evergreen. Shrubs shall be located so as to maximize the aesthetic quality of the site.
- 4) In order to promote the preservation of mature specimen trees as part of the design and construction of new non-residential and multi-family residential sites, the Planning Board, at its option, may permit the retention of healthy deciduous trees, having a diameter of at least 8 inches at breast height, and situated within developed portions of a site, to be preserved and used to fulfill the minimum tree planting requirements of this Section at a 2:1 ratio (i.e. reduce tree planting requirement by two for each eligible native tree preserved).

#### C. Screening of Unsightly Site Features

- 1) General screening requirements. In general, refuse storage areas, stockpiled materials, tractor trailers used for storage and other unsightly materials and objects situated on any non-residential or multi-family residential 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. In cases where such positioning is not possible, those items shall be effectively screened to the satisfaction of the Planning Board. 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, or a combination thereof.
- 2) Screening requirements for loading and receiving areas. In general, loading docks and receiving areas shall be situated so as to be out of view from abutting properties and public streets. Where such provisions are not possible, the applicant shall propose a method of screening and buffering acceptable to the Planning Board.

### **303-4 Design & Construction Standards for Drainage and Stormwater Management Facilities**

#### A. Analysis and Design of Improvements:

1. All analysis and corresponding calculations submitted for the purposes of demonstrating fulfillment of specific requirements of these Regulations shall be prepared and stamped by a Professional Engineer licensed in the State of New Hampshire. 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, as amended, 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 applicable requirements of Chapter Env-Wq 1500.

2. All additional stormwater generated from land disturbance activities shall be controlled on the project site. No increase of discharge rates from the project site shall be allowed above pre-development conditions for the required design storm events as specified herein.
3. Pre-development conditions shall represent the most natural, undisturbed condition of the site within 5-years of the submittal of the project application to the Town.
4. Design Calculations corresponding to the **1-inch, 1, 2, 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.
5. 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 of pre- and post-development peak stormwater **discharge volumes** to downstream and abutting properties and in the design of stormwater treatment accommodations.
6. Drainage calculations shall include sizing of all structures and BMPs, including sizing of emergency overflow structures based on the assessment of the 50-year 24-hour storm discharge rate.
7. All stormwater installations and areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for vector control.
8. 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.
9. All **bridges** shall be designed for the **50-year** return frequency design storm, unless situated in a Special Flood Hazard Area, in which case such bridge shall be designed to accommodate the 100-year return frequency design storm event.
10. The peak stormwater **discharge volume**, corresponding to the **10-year** return frequency design storm event, tributary to any downstream privately or publicly owned property or street 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.

11. Low Impact Development (LID) site planning and design strategies shall be used to the maximum extent practicable to provide treatment and infiltration, reduce stormwater runoff volumes, protect water quality, and maintain pre-development site hydrology. Capture and reuse of stormwater is also strongly encouraged.
12. LID includes techniques to:
  - a. preserve existing vegetation;
  - b. reduce the development footprint;
  - c. minimize or disconnect impervious areas;
  - d. improve groundwater recharge; and
  - e. use enhanced stormwater BMPs (such as raingardens, bioretention systems, tree box filters, and similar landscaping techniques).
13. The applicant must satisfactorily demonstrate that impervious area is minimized, and LID practices have been implemented on-site to the maximum extent practicable.
14. If LID is not included into the project design, the applicant must provide a narrative in writing describing why LID strategies are not appropriate for the project and/or site.
15. Measures shall be taken to control post-development runoff volumes to infiltrate the groundwater recharge volume ( $GR_v$ ) in accordance with NHDES Alteration of Terrain requirements and the NH Stormwater Manual. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project has provided infiltration to the maximum extent practicable.
16. On-site groundwater recharge rates shall be maintained by promoting infiltration through use of structural and non-structural methods. Capture and reuse of stormwater runoff is encouraged in instances where groundwater recharge is limited by site conditions. All stormwater management practices shall be designed to convey stormwater to allow for maximum groundwater recharge. This shall include, but not be limited to:
  - a. maximizing the length flow paths from collection points to outflow points;
  - b. use of multiple BMPs (treatment trains);
  - c. retention of runoff, increasing residence and settlement times;
  - d. discharge to fully vegetated areas; and
  - e. maximizing use of infiltration practices.

17. Proposed salt and snow storage areas shall be shown on the plans. Private salt storage areas shall be fully covered with permanent or semi-permanent measures, and loading/off-loading areas shall be located and designed to not drain directly into surface waters, wetlands, open conveyances, or catch basins. Salt storage areas must be maintained with appropriate good housekeeping measures in accordance with NHDES published guidance.
18. All runoff from snow piles and salt storage areas shall be directed to stormwater treatment areas or devices before being discharged to surface waters or allowed to infiltrate into groundwater. (See NHDES published guidance fact sheets on road salt and water quality, and snow disposal).
19. Stormwater Management Performance Criteria for New Development:  
The following also applies to all new development projects. All post-construction stormwater runoff from new development shall be controlled by the design and installation/construction of BMPs to:
  - a. retain and/or treat the total Water Quality Volume (WQV) per NH Code Env-Wq 1504.10, **OR**
  - b. achieve at least:
    1. 80% removal of Total Suspended Solids (TSS) (average annual load) generated from the total post-construction impervious area; **and**
    2. 50% removal of both total nitrogen and total phosphorus (TP) (average annual load) generated from the total post-construction impervious area. Calculation of removal rates shall be in accordance with NH MS4 Permit, Appendix F, EPA Region 1 tools and guidance, and/or the NH Stormwater Manual.
20. Stormwater Management Performance Criteria for Redevelopment:  
The following also applies to all redevelopment projects.
  - a. Redevelopment (as applicable to this stormwater regulation) means:
    1. any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential; **OR**
    2. any new impervious area over portions of the site that are currently pervious.
    3. any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this regulation if the capital cost of the improvements is greater than 30% of the appraised property value.
  - b. The following activities are not considered redevelopment:



1. interior and exterior building renovations that do not exceed conditions above.
  2. resurfacing of an existing paved surface (e.g. parking lot, walkway, or roadway).
  3. incidental pavement excavation and patching incidental to the current existing use.
  4. landscaping installation and maintenance.
- c. For projects meeting the definition of a redevelopment project above, but having less than 40% existing impervious surface coverage, the project shall meet the requirements of new development projects per Sections 5.A and 5.B.
- d. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
1. implement measures on-site that result in disconnection or treatment of 50% of the additional proposed impervious surface area, **and** at least 30% of the existing impervious area, preferably using LID, filtration, and/or infiltration practices.
  2. implement LID practices to the maximum extent practicable to provide treatment of runoff generated from at least 50% of the total developed site area.
- e. All post-construction stormwater runoff from the disturbed portion of the redevelopment site shall be controlled by the design and installation/construction of BMPs to:
1. Retain and/or treat the total Water Quality Volume (WQV) per NH Code Env-Wq 1504.10, **OR**
  2. achieve at least:
    - a. 80% removal of Total Suspended Solids (TSS) (average annual load) generated from the total post-construction impervious area; **and**
    - b. 50% removal of both total nitrogen and total phosphorus (TP) (average annual load) generated from the total post-construction impervious area. Calculation of removal rates shall be in accordance with NH MS4 Permit, Appendix F, EPA Region 1 tools and guidance, and/or the NH Stormwater Manual.
- f. Offsite mitigation within the same USGS HUC10 (or smaller) watershed as the redevelopment site may be used to meet the pollutant removal and groundwater recharge equivalents above. Any request for off-site mitigation is required to be included in writing as a part of the Site Plan Application.

21. All applications shall include a long-term operation, inspection, and maintenance plan (O&M) for all stormwater systems, components, and BMPs. The plan shall describe the inspection frequency and required maintenance for each type of practice to ensure the systems will continue to function as designed.
22. All applications shall include an operations and maintenance agreement (O&M Agreement). This O&M Agreement will include all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system. The O&M Agreement shall specify the parties responsible for the proper maintenance of all stormwater treatment practices and reporting. A draft of the O&M Agreement shall be provided to the Town as part of the Site Plan Application and finalized prior to issuance of any local permits for land disturbance and construction activities.
23. The applicant shall provide legally binding documents for filing with the Registry of Deeds which demonstrate that the obligation for maintenance of stormwater systems, BMPs, and constructed project infrastructure is borne by the property owner(s), and that the Town has legal access to inspect the drainage systems to ensure proper function, maintain on-site stormwater infrastructure, and when necessary to address emergency situations or conditions.

**B. Design and Construction Standards for Stormwater Management Improvements:**

- 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.
- 2) All 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.
- 3) A minimum of three (3) feet of soil cover shall be maintained over all culverts and storm drains situated beneath pavement. A minimum of two (2) feet of soil cover shall be maintained at all other locations.
- 4) Concrete or mortar-rubble masonry headwalls shall be furnished and installed on the inlet ends of culverts of any diameter. Similar headwalls shall be furnished and installed on the discharge ends of 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.
- 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. 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 reference publications listed within Section 303-4.C of these regulations.

- 7) All stormwater treatment accommodations shall be designed and constructed in accordance with recommendations contained in reference publications listed within Section 303-4.C of these regulations.
- 8) In instances where the construction of proposed streets, driveways or other infrastructure improvements necessitate crossing a perennial or intermittent stream, the design and construction of such improvements shall conform with the requirements of Chapter Env-Wt 900 of the New Hampshire Code of Administrative Rules entitled "Stream Crossings", unless otherwise exempted under the same.

#### C. Reference Standards

The following documents shall serve as reference standards stormwater management required under this Section:

1. Chapter ENV-Wq 1500 of the New Hampshire Code of Administrative Rules, *Alteration of Terrain*.
2. Standard Specifications for Road and Bridge Construction (latest edition), as published and amended by the New Hampshire Department of Transportation.
3. New Hampshire Stormwater Manual, as published and amended by the New Hampshire Department of Environmental Services.
4. Chapter Env-Wt 900 of the New Hampshire Code of Administrative Rules, *Stream Crossings*.
5. Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) for Hillsborough County, New Hampshire, Federal Emergency Management Agency (FEMA).
6. Seacoast Watershed Alliance Model Stormwater Standards for Coastal Watershed Communities, current edition.
7. Where reference documents conflict with these Regulations or between reference documents, the more strict or conservative rule shall govern.

### **303-5 Design and Construction Standards for the Control of Erosion & Sedimentation**

#### A. General Requirements

Site plans for review shall include a detailed Erosion & Sedimentation Control Plan prepared and stamped by a Professional Engineer licensed in the State of New Hampshire. At a minimum, all Erosion & Sedimentation Control Plans shall include the following information:

1. Plans, details, and specifications for all temporary erosion and sedimentation control measures and best management practices to be implemented during the construction period;
2. Proposed BMPs for erosion and sediment control shall include provisions for:
  - a. manage all stormwater and non-stormwater discharges;
  - b. minimize disturbed areas;
  - c. protect natural resources;
  - d. phase construction activity;
  - e. provide and maintain perimeter controls;
  - f. protect existing slopes and minimize erosion;
  - g. prevent sediment from leaving the project site;
  - h. protect of all storm drain inlets and downstream channels;
  - i. in areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body and no more than 14 days for all other areas;
  - j. contain materials and wastes on-site including demolition debris, construction wastes, litter, and sanitary wastes;
  - k. control dust and particulate generating activities;
  - l. provide stabilized site entrance and exits and implement daily (or more frequent if necessary) street sweeping; and
  - m. dispose of all on-site wastes in accordance with federal, state, and local laws and requirements.
3. Stormwater management and erosion and sediment control practices shall be located outside any regulated buffer zones unless otherwise approved by the Town.
4. Specifications for temporary and permanent seeding of disturbed land to achieve sufficient vegetative ground cover, including soil amendment, seed mix and mulching requirements;
5. Construction sequencing; and
6. Notations specifying:
  - a. the maximum area of land which is allowed to be left in an unstabilized condition at any one time:

- b. the maximum length of time a given area of land may be left in an unstabilized condition;
  - c. a site-specific definition of the term “stabilized”;
  - d. specifications for cold weather site stabilization;
  - e. provisions for the control of wind-borne erosion (dust);
  - f. provisions for the management of sanitary and solid wastes;
  - g. specifications for regular inspection and maintenance of erosion and sedimentation control measures; and
  - h. other site-specific requirements as necessary or requested by the Town.
7. No project will be considered completed or final until 85% vegetative cover has been achieved. Site stabilization shall be documented in the final construction inspection report.

#### B. Reference Standards

The following documents shall serve as reference standards in the preparation of detailed erosion and sedimentation control plans required under this Section:

1. Chapter Env-Wq 1500 of the New Hampshire Code of Administrative Rules, entitled: Alteration of Terrain.
2. New Hampshire Stormwater Manual, current edition, as published and amended by the NHDES; and
3. Seacoast Watershed Alliance Model Stormwater Standards for Coastal Watershed Communities, current edition.
4. Where reference documents conflict with these Regulations or between reference documents, the more strict or conservative rule shall govern.

### **303-6 Design and Construction Standards for Utilities**

#### A. Subsurface Sewage Disposal (Septic) Systems

Design and construction of on-site subsurface sewage disposal systems shall conform to applicable requirements of Chapter Env-Wq 1000 of the New Hampshire Code of Administrative Rules, as amended.

#### B. Water Supply Systems

Design and construction of on-site water supply systems shall conform to applicable requirements of the New Hampshire Code of Administrative Rules, as amended. In instances where water supply accommodations are to be provided via service connection to a public water supply system, design and construction of infrastructure shall conform to specifications of the applicable public utility provider and applicable code.

### C. 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.

## **303-7 General Site Design Standards**

### A. Exterior Lighting Provisions

- 1) All non-residential and multi-family residential site design plans presented to the Planning Board for approval shall include a lighting plan which provides for a method and level of lighting appropriate for the proposed use or uses. All lighting plans shall, as a minimum, identify the location, number, height, type and intensity of those exterior lighting fixtures specified. Proposed exterior lighting fixtures shall provide for a level of illumination appropriate for the proposed use or uses. Illumination patterns proposed shall be such that all sites subject to these regulations will enjoy an adequate level of lighting to insure user safety and security; however, care shall be taken to avoid lighting patterns and intensities which “over light” a site, creating nuisance and glare at abutting properties, public streets and the neighborhood in general. All lighting plans must be “Dark Sky Compliant” and shall be subject to review and approval by the Planning Board. No changes or modifications in approved lighting plans may be proposed without the specific approval of the Board.
- 2) All pole mounted lighting fixtures shall be electrically fed by the use of underground electrical lines installed in accordance with applicable electrical code. Overhead wiring is not permitted.

### B. Solid Waste Storage Provisions

- 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.
- 2) In recognition of the fact that non-residential facilities produce waste of varying types and quantities, provisions for adequate storage shall be reviewed by the Planning Board on a case by case basis. In general, the Planning Board shall:
  - a. Require applicants to disclose anticipated volumes and types of wastes to be produced by their proposed uses;
  - b. Find that the applicant’s proposal for storage and disposal of waste conforms with applicable local, state and federal requirements; and

- c. Find the applicant's proposal for storage and disposal of waste has incorporated reasonable safeguards insuring that such wastes will not become an undue threat to the environment nor create a public nuisance.

#### C. Snow Storage Provisions

- 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.
- 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.

#### D. Commercial Signage Provisions

- 1) Each site plan presented to the Planning Board for approval shall identify all proposed commercial signage and successfully demonstrate such signage conforms to applicable requirements of the Zoning Ordinance.
- 2) Applications submitted to the Planning Board for approval under these Regulations shall include a detailed dimensioned, color rendering of all proposed signage.
- 3) In the case of sites having, or anticipated to have multiple tenants, building signage shall be consistent in terms of size, style and placement and be externally illuminated using "goose-neck" style building mounted lighting fixtures.

#### E. 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.

#### F. Prohibition and Mitigation of Offensive Uses

Applicants seeking non-residential or multi-family residential site plan approval shall disclose the existence of any proposed use having the potential to be deemed offensive in terms of its visual characteristics, excessive noise, odor or other potential 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 unduly offensive. In cases where

a proposed use or uses of a site have the potential to be offensive, the Planning Board may require appropriate mitigation.

G. Fire Protection

All land use applications subject to approval under these Regulations shall conform to applicable NFPA Code and be subject to review and comment by the Pelham Fire Department in capacity of Authority Having Jurisdiction under such Code.

**303-8 Special Flood Hazard Areas**

- A. All development proposals which contain lands designated as Special Flood Hazard Area by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study (FIS) for Hillsborough County, New Hampshire”, associated Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps dated September 25, 2009, as amended, shall conform to the requirements of this Section.
- B. 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, but not limited to: NHDES Wetlands, Alteration of Terrain, or Shoreland Permits; US EPA MS4 Permit, and/or Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- C. The Planning Board shall require that all development proposals identify the FEMA regulatory base flood elevation as shown on the FIRMs and tabulated in the FIS, if established by FEMA.
- D. Sufficient evidence (construction, drawings, grading and land treatment plans) shall be submitted so as to allow a determination that:
  - a. All such proposals are consistent with the need to minimize flood hazards;
  - b. All proposed public utilities and facilities, such as sewer, gas, electrical, and water systems are located above the regulatory base flood elevations, and constructed to avoid flood damage; and
  - c.3). Adequate drainage is provided so as to reduce exposure to flood hazards.
- E. Each applicant must affirmatively demonstrate to the satisfaction of the Planning Board, by preponderance of the credible evidence presented at a public meeting or meetings, that all the requirements of this Section have or shall be met and that the procedures set forth in these Regulations have been satisfied.



## **Section 304 – ARCHITECTURAL DESIGN STANDARDS**

### **304-1 Purpose**

The purpose of these Architectural Design Standards is to provide for harmonious and aesthetically pleasing non-residential and multi-family residential with the municipality and its environs and to promote a stable property tax base in those zoning districts, within which mixed use development is permitted, through the use of construction materials of similar context and value. These standards are intended to encourage preservation and re-use of historic structures while facilitating the construction of new buildings and structures, including corporate franchise prototypes, in a manner which captures and embraces architectural elements commonly associated with New England's Regional identity to the extent practicable. These standards are not intended to discourage creativity and innovation. Rather, the intent of this Section is to encourage cooperation between public and private interests to the extent necessary in order to ensure a mutually acceptable outcome.

### **304-2 Applicability**

The requirements of this Section shall be applicable to all applications for approval of non-residential and multi-family residential site plans under these Regulations. In addition, in those instances where an owner of an existing non-residential or multi-family residential structure or building desires to make exterior architectural changes, and where a requirement for site plan approval does not otherwise exist under Section 302-1 of these Regulations, such property owner shall file an application with the Planning Board for architectural review under this Section. Proposals involving routine maintenance, repair, in-kind replacement of one or more architectural features that do not involve a change in design, dimensions, or materials are exempt from the requirements of this Section and are not subject to architectural review by the Planning Board.

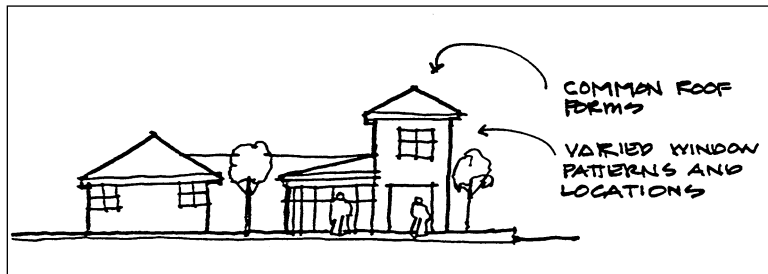
### **304-3 Design Standards Applicable to Districts other than the Mixed Use Zoning District**

The following Design Standards shall apply for all proposed non-residential and multi-family residential proposals in districts other than the Mixed Use Zoning District (MUZD).

- A. In order to protect the aesthetic character of the community and to improve the quality of new development, the design of building façades may be regulated at the discretion of the Planning Board.
- B. Architectural design of all proposed buildings and structures, in the opinion of the Planning Board, must be consistent with or improve upon the architectural character of the neighborhood within which the subject site is situate.
- C. The roof form of proposed buildings and structures must be compatible with that of adjacent structures where appropriate, by duplicating the shape, pitch, and materials:

- 1) A pitched roof should generally be provided on new structures having a building footprint of 12,000 square feet or less.
- 2) In the case of sites having multiple buildings, structures or elements, the roof form of the primary structure should be duplicated throughout whenever practical (see Figure 1).
- 3) For structures with a footprint larger than 12,000 square feet, flat roofs may be permitted, provided that a mansard roof style is employed (see Figure 2).
- 4) Varied offsets, roof heights, forms and window placement should be incorporated into all new structures or additions to existing structures (see Figure 3).
- 5) Refer to sample graphics below for examples regarding common roof form and mansard roofs.

### Common Roof Form Graphic



**Figure 1**

## Mansard Roof Graphic for Structures with footprints greater than 12,000 sq. ft.

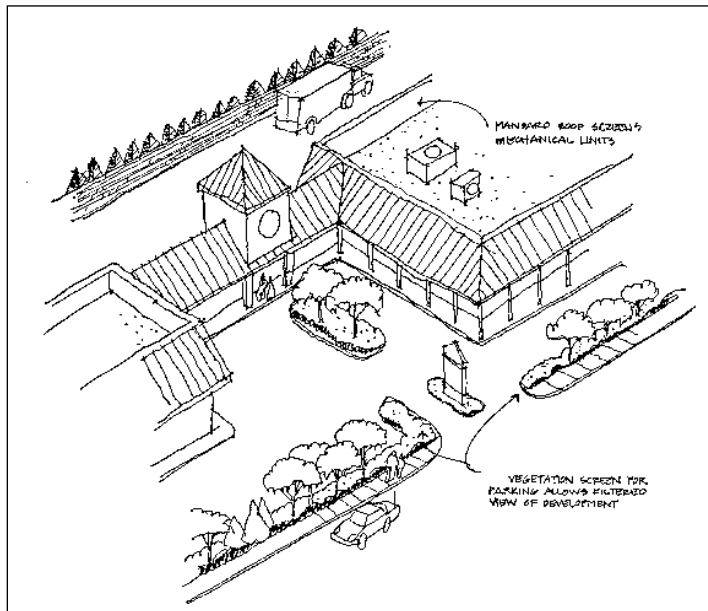


Figure 2

## Varied Offsets, Roof Heights, and Window Graphic

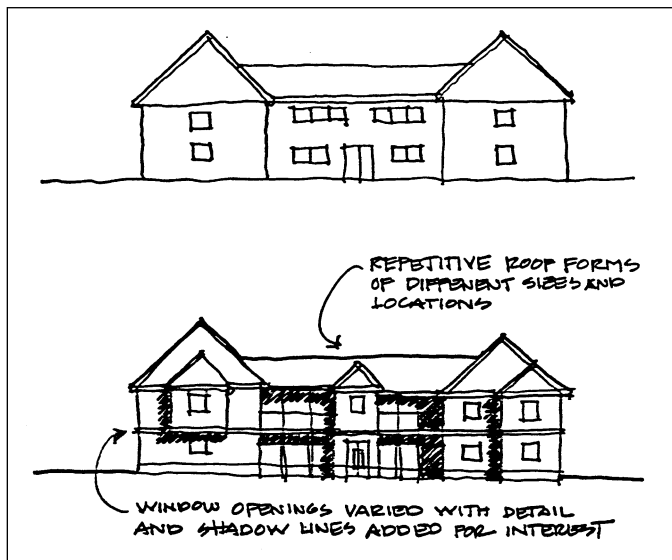


Figure 3

### **304-4 Design Standards Applicable to the Mixed-Use Zoning District**

In addition to those standards contained in Section 304-3, the following additional criteria shall be required for all site plan applications proposed within the Mixed-Use Zoning Overlay District.

#### **A. General Guidelines:**

- 1) Recognizing that every property, proposal and situation are unique; the Planning Board may waive or modify any of the standards specified herein as it reasonably deems appropriate, based upon the individual circumstances. No particular style is stipulated, and innovative, contemporary, and distinctive designs may be permitted, provided they are respectful of general design principles and context.
- 2) It is recognized that many national and regional chain businesses seek to build a standard design across the country or region without regard to local conditions. The Planning Board will evaluate proposed designs for compatibility with the District and for conformance with the purpose of these regulations.
- 3) In general, buildings shall be compatible with traditional New England architecture and should be articulated to express an architectural identity.
- 4) In general, buildings shall possess an overall integrity. Architectural details should not give the impression of being tacked on but rather integral to overall design. As an example, use of undersized shutters on a picture window or installation of an elaborate classical portico or cupola on an otherwise clearly utilitarian structure should be discouraged.
- 5) Reuse of existing structures that have special architectural, historical, cultural, or contextual value is strongly encouraged.
- 6) Modifications and additions to existing buildings should be harmonious with the prevailing character of the existing building when the existing building is in general conformance with the goals of these regulations.

#### **B. Design Elements:**

The purpose of these standards is to encourage architecture that draws its inspiration from traditional New England style. Building design should reinforce a human-scaled environment through careful consideration of architectural forms, massing, detailing, number and use of materials, and color. The Planning Board strongly encourages consideration of the following design elements:

- 1) Roofs: Monotony of design or warehouse style structures shall be avoided. Variation in detail, form and siting shall be used to provide visual interest. In order to prevent the construction of warehouse style buildings (i.e. long horizontal roof lines), all new buildings and additions should have pitched or gabled roofs where

practical. Shed, gambrel and barn style roofs are also acceptable. Roofs should have appropriate overhangs and soffits. The use of dormers is encouraged.

All rooftop mechanical/ventilation equipment must be placed in such a manner so that it is not visible from public ways and adjacent properties. This goal may be accomplished by using architectural treatment/camouflaging (walls, parapets, false chimneys, etc.) or by other appropriate means.

- 2) **Building materials:** Exterior surfaces of buildings should be covered with traditional materials or products which simulate natural materials, including but not limited to clapboards, shingles, stone or brick. Exposed masonry block, corrugated steel and synthetic panels are not acceptable. Pitched roofs should be constructed of shingles, standing seam metal or other materials traditionally used in this Region.
- 3) **Awnings:** Brightly colored or illuminated franchise type awnings are not acceptable. Awnings may be made of transparent materials (glass or clear Plexiglas type products). Awning covers designed for shade should be made of fabric or simulated fabric-like material.
- 4) **Architectural Details:** Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches are among the details to be considered and encouraged. All features and details should be in proportion to the building.
- 5) **Windows:** Windows should be incorporated on front and side facades to humanize the building. It is preferable that windows be vertical with the vertical dimension exceeding the horizontal. The use of large picture-type windows for first-floor retail uses is strongly encouraged. Windows may be used for either interior illumination or for display purposes.
- 6) **Entrances:** Articulation of building entrances is encouraged through the use of a portico, canopy, awning, sidelights, surround, or similar architectural feature.
- 7) **Fencing:** Fencing made of traditional New England materials is encouraged (i.e. picket, split rail, wrought iron, brick or stone). Chain link security fences may be allowed where appropriate, but use of this material is generally discouraged.
- 8) **Color:** Subtle, neutral colors should be used on larger, plain buildings. Paint colors should relate to the natural colors of building materials, such as brick, stucco, etc. Complimentary colors on architectural details are encouraged, as are historic colors. Bright, franchise colors are discouraged.

## **Section 305 - PERFORMANCE GUARANTEE REQUIREMENTS & CONSTRUCTION PROCEDURES**

### **305-1 General Requirements**

- A. 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 Board, be received and filed with the Town prior to signature of a final plat by the Board Chair and Secretary. Specific requirements and procedures governing such performance guarantees are provided elsewhere in these Regulations.
- B. No land clearing for the facilitation of construction of site improvements contemplated on, or in anticipation of, a site plan submitted to the Planning Board for review and approval under these Regulations shall occur until such time as a site plan has been approved and signed. Further, no building or site construction 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 been signed in acknowledgement of the same.
- C. In the case of site plans involving the construction or installation of betterments on existing public lands or within an existing public right-of-way, the contractor or entity who will be performing such work shall provide the Town of Pelham with a copy of a certificate demonstrating said contractor possesses insurance coverage conforming to the following minimum limits: (1) General Liability - \$1,000,000; (2) Automotive Liability - \$1,000,000; and (3) Workers Compensation and Employers Liability – Statutory Limits.
- D. In the case of site plans involving the platting of public streets and/or public easements of any kind, the applicant shall submit, at the time final plans and mylars of such site plan are transmitted to the Planning Department for signature, executed deeds for the conveyance of platted street rights-of-way and/or public easements to the Town of Pelham. Such deeds shall be in a form acceptable to Town Counsel and be suitable for recording at the registry of deeds.
- E. No Building Permit shall be issued for the construction of a structure or site intended to be accessed by a platted or improved street until such time as construction of that street has progressed to a point where the Planning Director, in consultation with Pelham Police and Fire Department personnel has determined the condition of such street is sufficient to safely accommodate construction traffic and emergency services personnel.
- F. No Certificate of Occupancy shall be issued for any structure or site unless and until all work shown on an approved site plan is fully complete and determined to be satisfactory by the Planning Director. However, in certain instances and for good cause and reason, the Planning Director may authorize issuance of 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 site improvements which remain to be completed, corrected or begun.

- G. Upon issuance of a Certificate of Occupancy for any structure 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 needed 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 Pelham may compel said landowner to properly restore and maintain the premises in a manner consistent with the provisions of an approved site plan and these Regulations through any and all remedies available under New Hampshire law.

### **305-2 Performance Guarantee Requirements and Procedures**

- A. The Planning Board may stipulate, as a condition precedent to final site plan approval, that a performance guarantee be provided to serve as financial surety for full and successful completion of the work, a portion thereof, or adequate restoration of the site should the applicant fail to complete the project in a timely manner. In such instances, the Town Engineer shall provide the Planning Director with a recommendation as to surety value.
- B. The Planning Board shall receive a performance bond, irrevocable letter of credit, cash, or other form of surety acceptable to the Board. In all instances, the form or instrument of surety provided shall be acceptable to Town Counsel. In all instances, the form of the surety instrument shall specify the term and duration of the surety, include an “automatic call” provision, and acknowledge that the surety shall neither lapse nor terminate until released in writing by the Board of Selectmen.
- C. 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 Pelham shall enjoy the right to call the performance guarantee and utilize the proceeds of the same to cause any required improvements to be properly completed or repaired.
- D. As site improvements for which a performance guarantee has been given are completed, the Planning Board may, upon request of the applicant and receipt of a favorable recommendation from the Town Engineer, recommend the Board of Selectmen vote to release all or a portion of the remaining surety. However, in no case shall the value of any performance guarantee, which may continue to be held by the Town of Pelham, represent a sum less than 110-percent of the anticipated cost of completion or correction of all remaining work as estimated by the Town Engineer. Only upon full and final completion of all work contemplated under an approved site plan, as determined by the Town Engineer, may a performance guarantee be released in full.

### **305-3 Inspection Requirements and Procedures**

- A. Prior to commencement of construction, the applicant or his/her representative shall contact the Planning Director and request that a preconstruction conference be scheduled. Upon receipt of such a request, the Planning Director shall promptly schedule a preconstruction conference, which shall be attended by the Planning Director, the Town Engineer, the owner or owner's representative, the contractor and other parties invited by the owner, Planning Director or Town Engineer. At the time of the pre-construction conference, the Town Engineer shall review applicable Town construction requirements and procedures with attendees and confirm that all items prerequisite to the commencement of construction have been satisfied.
- B. During the construction period, the Town Engineer shall serve as the Planning Board's field representative observing and reporting to the Planning Director on the progression of the work. During this period, the Town Engineer shall promptly report to the Planning Director and the owner any perceived construction defect or deviation from the terms of the approval of approved project plans. In such instances, the Town Engineer may also offer recommendations for the remedy of such defects or deviations.
- C. The Town Engineer shall periodically invoice the Planning Department for services during the course of construction; and the Planning Department shall in turn require the owner to reimburse the Board for such costs. In the event the owner fails to reimburse in a timely manner for the cost associated with the Town Engineer's services, the Planning Director may issue a stop work order which shall not be withdrawn until the Planning Department has been reimbursed in full for the Town Engineer's services. In the event an owner fails to reimburse the Planning Department for the Town Engineer's services, the Town of Pelham may call upon any performance guarantee given by the owner to satisfy such costs.
- D. If during the construction, changes in the design of those improvements specified on an approved site plan are proposed, the owner shall notify the Town Engineer in advance of proceeding with the same. Upon receipt of a request for a design change, the Planning Director, in concert with the Town Engineer shall make a determination as to whether or not the request represents a significant change in the approved plans and specifications. If the Planning Director 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. If the Planning Director makes the determination that the requested change represents a minor field change which will not adversely affect the outcome of the work and will not cause a departure from the requirements of the approved project plans or these Regulations, the Planning Director may approve the same. In instances where there is any uncertainty on the part of the Planning Director as to whether or not a requested change is significant, the Planning Director shall defer decision on approval of the requested change to the Planning Board.
- E. Town inspections at construction sites will be conducted as needed and do not require advance notice. Any deficiencies noted at the time of inspection must be addressed and/or repaired within 24-hours of in-person or written notification. The Town will provide the landowner a copy of all inspections performed within 7-days from the day of the



inspection. Corrective actions must be documented and accepted by the Town.

- F. Erosion and sediment control site inspections shall ensure that the site operations match the plans approved for the project and that all precautions have been taken to prevent pollutants and sediment from the construction site from impacting local waterways (including drainage ditches/swales) and/or downstream and adjacent properties. The inspections shall also determine the adequacy of the construction site quality control measures. Written documentation is required and must include the date of inspection, inspector name(s), general construction project information, project staff and contractors involved including appropriate contact information, specific information regarding the erosion and sediment controls throughout the project, specific failures, successes, and deficiencies.
- G. Erosion and Sediment Control site inspections should abide by the following guidelines:
  - 1. the inspection shall begin at a low point and work uphill, observing all discharge points and any off-site support activities.
  - 2. written and photographic records shall be maintained for each site visit.
  - 3. the inspector shall document the selection, implementation, and maintenance of BMPs.
  - 4. the inspector shall wear appropriate personal protective equipment and abide by the site-specific requirements.
- H. Records of ongoing construction activities, inspections, and corrective actions must be maintained on-site and available to be submitted electronically to the Town on a weekly basis.
- I. All project sites shall be subject to a final site inspection by the Town prior to the issuance of any certificate of occupancy.
- J. The property owner shall bear responsibility for the installation, construction, inspection, and maintenance of all stormwater management and erosion control measures required by the provisions of these regulations and as approved by the Town, including emergency repairs completed by the Town.
- K. The Applicant shall provide a performance bond as estimated by the Planning Board's consulting engineer to guarantee the drainage structure's function, as designed, for a period of ten (10) years after construction. This "stormwater" bond shall be separate from project surety for roads, drainage, bounds, and other items requiring surety as described in Section 305 of these regulations.

These regulations approved by the Planning Board at their **October 15, 2018** Planning Board Meeting / Public Hearing. The approved changes were to the Subdivision Regulations adding them to the Site Plan Regulations (**Approved June 23, 2014**) to form one complete document known as the Town of Pelham Land Use Regulations.

Updated by the Planning Board at their **June 7, 2021** Planning Board Meeting / Public Hearing. The approved changes were to section 205 to address changes needed as a result of the Open Space Zoning Ordinance approved by the voters at the March 9, 2021 Annual Town Meeting.

Updated by the Planning Board at their **July 19, 2021** Planning Board Meeting / Public Hearing. The approved changes included the addition of defining Workforce Housing under definitions and to add language throughout the document for regulating erosion controls, maintenance details for stormwater structures, etc. as required for compliance with the Town's EPA year 3 MS4 permit obligations, and to add a stipulation to the Open Space Regulations relative to a 5-year waiting period after the subdivision of frontage lots.