TOWN OF

LITCHFIELD, NH

LAND USE LAWS

2012 SITE PLAN REGULATIONS

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110 PURPOSE

The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all site plans for the development of tracts of land for nonresidential uses or for multi-family dwelling units, which are defined as any structure containing more than two dwelling units, in the town of Litchfield, as well as a change of development and/or use, whether or not such development includes a subdivision or re-subdivision or consolidation of the site(s), to assure that minimum standards will be attained so as to provide for and protect the public health, safety and general well being, in accordance with NH RSA [674:43 I & II; 674:44 I, II, III, IV, & V; and RSA 675:8.

Note: The indented and italicized text (*red on color copies and grey on Black &White copies*) found in portions of this regulation is provided to summarize and/or provide commentary and is subordinate to the complete adopted text, which precedes or follows. *(Amended July 18, 2006)*

115 DEFINITIONS

115.1 GENERAL DEFINITIONS.

Definitions serve several functions: 1) they establish the meaning of a word or phrase that might be subject to various interpretations or may be ambiguous; 2) they simplify the text and eliminate the need to explain the term repeatedly; and 3) they translate technical terms into usable terminology

For the purpose of these regulations, certain rules of construction apply to the text, as follows:

a. Words used in the present tense include the future tense and the singular includes the plural, unless the context indicates otherwise.

b. The word "person" includes a corporation or firm as well as an individual.

c. The word "structure" includes the word "building."

d. The word "lot" includes the word "plot," "tract," or "parcel."

e. The term "shall" shall be construed to mean mandatory and not discretionary; the word "should" shall be construed to mean highly encouraged and the word "may" shall be construed to mean permitted but not mandatory.

f. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied."

g. Any word or term not herein defined shall be used with a meaning of common standard use.

115.2 SPECIFIC DEFINITIONS.

For the purposes of these regulations, the following definitions shall apply to the text, as follows:

115.2.1 Abutter

Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Board. If an abutting property is under condominium or other collective form of ownership, the officers of the collective or association as defined in RSA 356-B:3, XXIII, shall receive the formal notification. For purposes of receiving testimony only, and not for the purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

115.2.2 *Abutting*
Having a common border with, or being separated from such a common border by a water body, street, right-of-way, alley or easement.

115.2.3 *Access Management:*
Providing or managing access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity and speed.

115.2.4 *Accessory Building*
A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

115.2.5 *Active and Substantial Development:*
The threshold level of work as determined by the Planning Board, with due regard for the scope and detail of a particular project, which shall constitute a sufficient level of activity being conducted for the purpose of fulfilling paragraph I of NH RSA 674:39, Four Year Exemption.

115.2.6 *Agent*
Any person designated in writing by the owner to be the representative of the owner in any matter before the Board.

115.2.7 *Americans with Disabilities Act (ADA)*
Americans with Disabilities Act of 1990; broad legislation mandating provision of access to employment, services and the built environment to those with disabilities.

115.2.8 *Antenna*
Any exterior apparatus designed for telephonic, radio, television, personal communications (PCS), pager networks or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

115.2.9 *Applicant*
The owner of record of the land to be subdivided or his duly authorized agent.

115.2.10 *Application*
The form and all accompanying documents and exhibits required of an applicant by an approving authority for development review purposes.

115.2.11 *Approval*
Recognition by the approving authority, in most cases the Planning Board, certified by written endorsement on the plan / plat, that the final submission meets the requirements of these regulations and satisfies, in the judgment of the approving authority, all criteria of good planning and design.

115.2.12 *Approval, Conditional*
Recognition by the approving authority that the plan/plat is approved, contingent on the completion of specific tasks or items required for final approval. These items shall only be administrative in nature and may be placed under time limits for completion. Until all the requirements for an approval have been met, a conditional approval does not constitute, or shall be construed as approval, either implied or granted, of the plan/plat, nor does it bind the approving authority to approval of the final plan/plat.

115.2.13 *Arterial Road*
A road whose primary function is mobility, moving people and goods over long distances quickly and efficiently.

115.2.14 *As-Built Plan*
A scaled engineering drawing depicting the actual placement of site elements on the landscape.

115.2.15 *Average Illumination*
Dividing the entire illuminated area into uniformly separated points (every 5 or 10 ft.) and taking a reading at each point. The sum of all the illumination levels divided by the total number of points yields the average illumination level.

115.2.16 *Berm:*
A mound of soil, either natural or manmade, used to obstruct views.

1152.17 *Best Management Practices - General (BMP's)*
Management practices or techniques used to guide design and construction of new development or infrastructure improvements to minimize adverse environmental impacts. Often organized into a list of practices, from which those practices most suited to a specific site can be chosen to halt or offset anticipated problems. BMP's for a construction site might include placement of barriers to prevent sediments from entering streams, contour grading, using selected plantings to stop soil erosion during the rainy season, retention of vegetation along a stream, and controlling heavy equipment operations at stream crossings.

115.2.18 *Best Management Practices – Stormwater (BMP's)*
A proven or accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of stormwater runoff.

115.2.19 *Bicycle Facility*
A pathway, often paved and separated from streets and sidewalks, designed to be used by bicyclists.

115.2.20 *Bonds*

a. *Maintenance Bond:* Bond guaranteeing against defects for a specified time period following the completion of a contract.

b. *Performance Bonds:* A performance bond protects the owner (obligee) from financial loss caused by the contractor (principal) who fails to build the project in accordance with the terms, specifications, and conditions of the contract for construction.

c. *Surety Bonds:* A surety bond is a promise by one party to be liable for the debt, default, or failure of another party. For example, in a contract surety bond obligation, the surety bond is a three-party agreement in which one party (the surety) guarantees or promises a second party (the obligee) that a third party (the principal) will successfully perform a contract.

115.2.21 *Buffer*
An area within a property or site, generally adjacent to and parallel with the property lines or natural feature such as a wetland or stream, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites, properties or roads.

115.2.22 *Bufferyard*
The area between parcels within a zoning district or between zoning districts that shall be landscaped to provide a visual screen and to absorb noise, dirt, dust and litter, pursuant to the standards in these regulations.

115.2.23 *Certified Soil Scientist*
A person who by reason of special knowledge and experience is qualified to practice soil science and who has been duly certified by the board of natural scientists under RSA 310-A:75-97.

115.2.24 *Certified Wetlands Scientist*
A person who by reason of special knowledge and experience is qualified to practice wetland science and who has been duly certified by the board of natural scientists under RSA 310-A:75-97.

115.2.25 *Chicane*
A form of curb extension that alternates from one side of the street to the other.

115.2.26 *Choker*
A barrier to traffic at the intersection of two streets in which one direction of the street is blocked, but traffic from the opposite direction is allowed to pass through.

115.2.27 *Co-location*
The use of an existing tower or an existing telecommunications facility for duplicate or multiple purposes and uses.

115.2.28 *Color Rendering Index (CRI)*
The Color Rendering Index (CRI) measures the effect a light source has on the perceived color of objects and surfaces. High CRI lights make virtually all colors look natural and vibrant. Low CRI causes some colors to appear washed out or even to take on a completely different hue. The scale ranges from 1 (low-pressure sodium) to 100 (the sun). A CRI of 85 is considered very good.

115.2.29 *Collector Road*
A road connecting arterial roads to local roads, whose function is divided between providing mobility and access.

115.2.30 *Commercial Hauler*
Any person who owns, operates or leases vehicles for the purpose of contracting to collect or transport solid waste and/or source separated materials from residential, commercial or industrial properties.

115.2.31 *Completed Application*
The application form and all supporting documents containing the information the Board needs to make an informed decision, including the payment of all fees and administrative expenses as indicated in these regulations.

115.2.32 *Condominium*
A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums shall be considered a subdivision under the requirements of RSA 356-B and reviewed accordingly.

115.2.33 *Consulting Engineer*
The duly designated engineer acting as agent for the Town of Litchfield.

115.2.34 *County Conservation District:*
The Hillsborough County Conservation District (hereafter HCCD).

115.2.35 *Cul-de-sac*
A minor dead-end street intersecting another street at one end and terminated at the other by a vehicular turn-around.

115.2.36 *Curb*
A stone, concrete or other improved boundary usually marking the edge of the roadway or paved area.

115.2.37 *Curb Cut*
The opening along the curb line at which point vehicles may enter or leave the roadway.

115.2.38 *Cutoff Angle*
The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

115.2.39 *Critical Areas*
Disturbed areas of any size within 50 feet of a stream, bog, waterbody or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 10 percent.

115.2.40 *Deceleration Lane*
Right turn lanes and tapers removing turning and slow moving vehicles from the travel lane of the road.

115.2.41 *Decibel*
A standard unit of acoustic measurement having a zero-reference of two ten-thousandth (0.0002) microbar. Microbar is a unit of pressure measurement.

115.2.42 *Deed Restriction*
A restriction of the use of land set forth in the deed.

115.2.43 *Development*
Any construction or land construction or grading activities other than for agricultural and silvicultural practices.

115.2.44 *Direct Light*
Light emitted from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

115.2.45 *Disturbed Area*
An area where the natural vegetation has been removed, exposing the underlying soil, vegetation has been covered, or where it has been altered by human activity.

115.2.46 *Double Frontage Lot*
A lot having street frontage on two opposite sides of the parcel with frontages within 30° of being parallel to each other.

115.2.47 *Driveway*
A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

115.2.48 *Dwelling Unit*
A room or group of rooms located within a dwelling forming a habitable unit for one family.

115.2.49 *Easement*
A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation or another person or entity.

115.2.50 *Elevation, Building*
The view of a vertical plane of one side of a building.

115.2.51 *Erosion*
The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

115.2.52 *Façade, Building*
The face of a building.

115.2.53 *Farm/Farming*
This term shall have the same meaning as that set forth in RSA 21:34-a, as amended.

115.2.54 *Fill*
Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

115.2.55 *Fixture*
The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

115.2.56 *Flood or Spot light*
Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

115.2.57 *Floodplain*
Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

115.2.58 *Footcandle (fc)*
A unit of illuminance on a surface one foot square in area onto which there is a uniform flux of one lumen.

115.2.59 *Footlambert (fl)*
A unit of luminance of a surface reflecting or emitting light at a rate of one lumen per square foot. The average luminance of any reflecting surface in footlamberts is the product of the illuminance in footcandles striking the surface times the reflectance of the surface.

115.2.60 *Forced Turns*
A form of traffic island that prevents traffic from executing specific movements at an intersection.

115.2.61 *Frontage*
The length of any one property line of a premises which abuts a legally accessible street right-of-way.

115.2.62 *Fully-shielded / Full Cut-off lights (FCO)*
A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

115.2.63 *Glare*
Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see.

115.2.64 *Grading*
Any excavating, grubbing, filling or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition.

115.2.65 *(Grandfathered) Non-conforming Pre-existing Luminaire*
Luminaire in non-residential areas not conforming to this regulation that were in place at the time this regulation was adopted. When a regulation "grandfathers" a luminaire, it means pre-existing outdoor lighting is exempt from this regulation until such time as the lamp, fixture and/or luminaire requires replacement as part of ongoing operation and maintenance.

115.2.66 *Hazardous Waste*
Any refuse, sludge, or other waste material or combination of in a solid, semi-solid, liquid or contained gaseous form which because of it's quantity, concentration, chemical, physical, or infectious characteristics may: 1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Categories of hazardous waste material include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste material as defined by the Atomic Energy Act of 1954, as amended.

115.2.67 *Height of Luminaire*
The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

115.2.68 *Highly Erodible Soils*
Any soil with an erodibility class (K factor) greater than or equal to 0.43 in any layer as found in Table 3-1 of the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*.

115.2.69 *IESNA*
Illuminating Engineering Society of North America. An organization that recommends standards for the lighting industry. (http://www.iesna.org)

115.2.70 *Illuminance*
The quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or footcandles.

115.2.71 *Impervious Surface*
Any material that substantially reduces or prevents the infiltration of stormwater into the soil. Impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, driveways, parking areas, sidewalks and any concrete, stone, brick, asphalt or compacted gravel surface.

115.2.72 *Indirect Light*
Direct light that has been reflected off other surfaces not part of the luminaire.

115.2.73 *Lamp*
The component of a luminaire that produces the actual light.

115.2.74 *Laser*
A device that utilizes the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation usually in the ultraviolet, visible, or infrared regions of the spectrum

115.2.75 *Licensed Engineer*
An engineer who is licensed by the State of New Hampshire under RSA 310:A3-27.

115.2.76 *Licensed Land Surveyor*
A land surveyor who is licensed by the State of New Hampshire under RSA 310-A:53-74.

115.2.77 *Light Pollution*
Night-sky brightness (skyglow) caused by the scattering of light in the atmosphere. Sources include light projected above the horizontal plane or light reflected from illuminated sources such as roadways.

115.2.78 *Light Trespass*
Any form of artificial illuminance emanating from or produced by a source, such as a luminaire, that extends beyond the boundaries of the property on which it is located.

115.2.79 *Local Road*
A road whose primary function is to provide access to adjacent development.

115.2.80 *Locus Map*
A map depicting the location of the subject site, subdivision or location within a larger geographic area, such as a neighborhood, municipality or region, for the purpose of identifying the relative location.

115.2.81 *Lot*
A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, or by group dwellings and their accessory buildings together with such open spaces as are required, having at least the minimum area required for a lot in the zoning district in which such lot is located and having adequate principal frontage on a public street.

115.2.82 *Lumen*
A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For purposes of these regulations, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

115.2.83 *Luminaire*
A complete lighting system, including a lamp or lamps and a fixture.

115.2.84 *Master Plan*
Overall plan for the development of the Town as adopted by the Planning Board and which may be amended from time to time by the Planning Board.

115.2.85 *Median*
A barrier placed between lanes of traffic flowing in opposite directions or between parking spaces.

115.2.86 *Monument*
Stone or reinforced concrete bounds meeting town specifications.

115.2.87 *Multifamily Structure*
A building containing three or more dwelling units, including units that are located one over the other.

115.2.88 *Noise*
A loud and/or unwanted sound. [See Sound]

115.2.89 *Non-residential Areas*
All common, public and commercial areas within the Town are considered non-residential, including but not limited to, businesses, roadways, public parking lots, parks and playgrounds, ballfields, schools and places of worship. Public access and parking areas for home businesses.

115.2.90 *Nonresidential Use of Land*
Any use of land excluding uses that are solely for residential purposes.

115.2.91 *Nuisance*
A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance or inconvenience.

115.2.92 *Odor*
The property or quality of a thing that affects, stimulates or is perceived by the sense of smell. The perception experience when one or more chemicals come in contact with the olfactory nerves and stimulate the olfactory nerve.

115.2.93 *Off-Street Loading*
Designated areas located adjacent to buildings where trucks may load and unload cargo.

115.2.94 *Off-Street Parking Space*
A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

115.2.95 *On-Street Parking Space*
A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

115.2.96 *Outdoor Lighting*
The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

115.2.97 *Parking Aisle*
The area of a parking lot that allows motor vehicles ingress and egress from the driveways or streets.

115.2.98 *Parking Lot*
An outdoor area where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

115.2.99 *Parking Space*
A temporary storage area for a motor vehicle.

115.2.100 *Pedestrian*
A person traveling on foot; a walker. A person operating a pushcart; a person riding on, or pulling a coaster wagon, sled, scooter, tricycle, and bicycle with wheels less than 14 inches in diameter, or a similar conveyance, or on roller skates, skateboard, wheelchair or a baby in a carriage.

115.2.101 *Pedestrian District*
Districts characterized by dense mixed-use development with a concentration of pedestrian-generating activities. Improvements in the right-of-way provide for the ease of pedestrian movement through the use of appropriate design treatments.

115.2.102 *Permit*
Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

115.2.103 *Plat*
1) a map showing actual or planned features, such as streets and building lots; or 2) a map of a town/city, section or subdivision indicating the location and boundaries of individual properties.

115.2.104 *Project Area*
The area within the subdivision or site plan boundaries.

115.2.105 *Protected Parking*
A landscaped island projecting out from the curb, separating parking bays from other uses.

115.2.106 *Right-of-way*
An easement held by the municipality or the state over land owned by the adjacent property owners that allows the holder to exercise control over the surface and above and below the ground of the right-of-way. Property owners are typically responsible for the construction of transportation improvements adjacent to their property. The municipality or the state maintains the street, while the property owner is responsible for maintaining the sidewalk.

115.2.107 *Road or Roadway*
See STREET.

115.2.108 *Road Agent*
The duly designated Road Agent for the Town of Litchfield.

115.2.109 *Road Undulations*
Raised humps in the paved surface of a street that extend across the driveway.

115.2.110 *Roundabout*
An intersection control measure composed of a circular, raised, center island with deflecting islands on the intersecting streets to direct traffic movement around the circle. Roundabouts shall meet the design requirements of FHWA, *Roundabouts: An Informational Guide*, publication #FHWA RD-00-067, 2001 or its successors.

115.2.111 *Rumble Strips*
Patterned sections of rough pavement or cobblestone strips across a street that cause a slight vibration in a motor vehicle.

115.2.112 *Sediment*
Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

115.2.113 *Setback*
The distance between any building and the lot line on a parcel of land. Typically described as front, side and rear setback.

115.2.114 *Semi-Diverter*
A barrier to traffic at the intersection of two streets in which one direction of the street is blocked, but traffic from the opposite direction is allowed to pass through.

115.2.115 *Sidewalk*
An improved facility intended to provide for pedestrian movement; usually, but not always, located in the public right-of-way adjacent to a roadway. Typically constructed of concrete.

115.2.116 *Sidewalk Corridor*
The portion of the pedestrian system from the edge of the roadway to the edge of the right-of-way, generally along the sides of streets, between street corners. The sidewalk corridor functions to provide an environment for walking that is separated from vehicle movement.

115.2.117 *Site Specific Soil Mapping Standards*
Soil mapping standards consistent with the National Cooperative Soil Survey Standards, acceptable to the New Hampshire Department of Environmental Services under authority of RSA 485-A.

115.2.118 *Sky Glow*
Luminance in the atmosphere caused by dust, water vapor and other particles that reflect or scatter any stray/excess light that is emitted or reflected into the atmosphere.

115.2.119 ***Soil Erosion and Sediment Control Plan***
A plan that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited, to a map and a narrative.

115.2.120 *Solid Waste*
Garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded waste materials and sludges, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations and from community activities. It does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solids or dissolved material in domestic sewage or resources, such as silt. It does not include dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under Section 402 of the Federal Waste Pollution Control

Act, as amended. It also does not include source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

115.2.121 *Solid Waste Storage*
The holding of solid waste near the point of generation.

115.2.122 *Sound*
An oscillation in pressure, partial velocity or other physical parameter in a medium with internal forces that cause compression and refraction of the medium.

115.2.123 *Sound Level Meter*
An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks, used for the measurement of sound in a specified manner and calibrated in decibels.

115.2.124 *Special Exception*
A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the Zoning Board of Adjustment.

115.2.125 *Stabilized*
When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass or a good covering of hay, straw mulch or other equivalent (seedless mulch) (2 tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.

115.2.126 *Stormwater Pollution Protection Plan (SWPPP)*
A Stormwater Pollution Prevention Plan is a plan for controlling runoff and pollutants from a site during and after construction activities to protect water resources from stormwater impacts. It is a site-specific, dynamic plan that describes specific activities at that site to control the discharge of pollutants that can be carried off a construction site in storm water drains and waterways. The basic goal of storm water management is to improve water quality by reducing pollutants in storm water discharges. The basic elements to a SWPPP are:

a. Pre-Construction Site Information

b. An Assessment of the Site and Project

c. Selecting and Describing the Best Management Practices ("BMP")

d. Certification and Notification

e. Construction and Implementation of BMPs

f. Final Stabilization and Termination

115.2.127 *Stormwater Runoff*
The water from precipitation that is not absorbed, evaporated, or otherwise stored within the contributing drainage area.

115.2.128 *Stream*
Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

115.2.129 Street

A way for vehicular traffic, whether designated as a street, avenue, boulevard, road, lane, alley, highway, freeway, pedestrian way, or however otherwise designated.

a. *Major Street:* One that is used primarily for through traffic, local/regional.

b. *Secondary Street:* One connecting residential and other service streets to through traffic facilities.

c. *Minor Street:* One that is used exclusively for access to abutting properties.

115.2.130 Structure

Anything constructed or erected at a fixed location on the ground or which is attached to something located on the ground. Structures include, but are not limited to, a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, fence, sign, flagpole, etc.

115.2.131 "T" Intersection

An at-grade intersection where one of the intersecting legs is perpendicular to the other two.

115.2.132 Tax Map

The recorded map of delineated lots or tracts in a municipality showing boundaries, bearings, sizes and dimensions, including the sheet and lot number.

115.2.133 Telecommunications Facility

Any structure, antenna, tower, or device that provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR) and personal communications services (PCS), and common carrier wireless exchange access services.

115.2.134 Temporary Decorative Lighting

The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 30 days, with at least 180 days passing before being used again. All seasonal and temporary lighting should be rated less than 1,800 lumens.

115.2.135 Tower

A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supported lattice towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

115.2.136 Traffic Study

A traffic impact study to determine the effect of a proposed development, both on and off site, and propose appropriate mitigation measures.

115.2.137 Traffic Calming

Methods for slowing traffic to prevent conflicts with pedestrians, bicycles and other slow moving vehicles.

115.2.138 Variance

Permission to depart from the literal requirements of a zoning ordinance as granted by the Zoning Board of Adjustment.

115.2.139 Vernal Pool
A confined basin (i.e. does not contain a permanently flowing outlet) that dries periodically or otherwise does not support fish, and is utilized for breeding by obligate indicator species. A vernal pool typically contains surface water for at least two months following snowmelt, which allows obligate species to complete their breeding cycles. Obligate indicator species include: wood frogs (Rana sylvatica), mole salamanders (Ambystoma spp.), and fairy shrimp (Eubranchipus spp.).

115.2.140 Waiver
Permission to depart from the requirements of a regulation with respect to submission of required documents or specific actions required.

115.2.141 Walkway
A pedestrian facility, whether in the public right-of-way or on private property, which is provided for the benefit and use of the public.

115.2.142 Wetland
In accordance with RSA 482-A:2 - "Wetlands" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

120 GENERAL STANDARDS

The review of any site plan, including the further development by change of development and/or use, or expansion of an allowable use of an existing developed site, conducted by the Planning Board under these regulations shall ascertain that adequate provisions have been made by the owner or his authorized agent for the following:

120.1 VEHICULAR CIRCULATION STANDARDS

(Adopted July 21, 2009)

120.1.1 General Provisions

All site plans shall portray the design of all streets and driveways that provide access to roadways. All site plans shall adhere to the specifications and guidelines set forth in these regulations. The Planning Board requires that traffic impact studies be conducted by or under the supervision of a qualified NH licensed engineer, who shall certify any study by signature and professional seal prior to submission to the planning board.

The need for and scope of a traffic impact study shall be determined at a "scoping" meeting attended by; the applicant and/or its representatives; NHDOT representative(s) when current or future State or State maintained roadways are involved; the Litchfield Road Agent, when current or future local roadways are involved, the Planning Board's designated representative; and may include additional Town representatives. Input from all attendees shall be considered when determining the need for and scope of a traffic impact study. Note: (As of June 2009, State roadways include NH 3A and NH 102. State maintained roadways include Hillcrest Road.) Additional representatives may be invited in the case of a Regional Impact determination.

Unless waived in whole or in part by the Planning Board, the following traffic impact study and internal traffic circulation plan is required for all site plans.

a. **Traffic Impact Study –** for ALL roadways in the Town of Litchfield may include, but not be limited to, any or all of the following:

1. The requirements detailed in the NHDOT document, "Declaratory Ruling No. 2000-01 Driveway Permits; Policy Relating to Driveways and Access to State Highway Systems," section 6 (h), as amended.
2. Identification of all streets and intersections that may be impacted.
3. **Twenty-four hour, seven-day traffic counts.**
4. Peak hour turning movement counts at selected intersections.
5. **Accident data.**
6. Analysis of existing traffic patterns.
7. Trip generation data and traffic distribution resulting from proposed development.
8. Projected total traffic volumes and traffic pattern analysis for opening year and for each year planned for the opening of subsequent phases of the development if the proposed project is not to be opened.
9. Projected total traffic volumes and traffic pattern analysis for opening year and for each year planned for the opening of subsequent phases of the development if the proposed project is opened.
10. Identification of any potential adverse impacts and a description of measures planned to minimize any potential adverse impacts.

b. **Internal Traffic Circulation Plan** including the following:

1. Identification of all access points, parking areas, drives and aisles, walkways, structures with entrances and exits defined, directional arrows to indicate the flow of traffic, drop-off areas and/or other limited or no-parking areas.
2. Vehicular and pedestrian access to adjacent existing or proposed non-residential uses as described under Section 120.1.1, (c).
3. Designated loading zone and circulation.
4. Provisions for emergency vehicle access and circulation.
5. Internal directional signs may be required to direct traffic flow through the site.

c. **Integration with adjacent non-residential uses:** Where a proposed non-residential use abuts existing or proposed non-residential uses, provisions shall be made for vehicular and pedestrian circulation between such uses. Provisions for joint access or future joint access drives with adjacent non-residential uses are encouraged.

120.1.2 Street Impact

The applicant is responsible for assessing the impact of the proposed development on street systems, and shall be responsible for any design, permitting and construction. If a development will generate enough traffic to significantly impact the level of service of an off-site roadway or intersection, then the developer shall be responsible for upgrading the facility to accommodate the new development. If the Planning Board requires such actions, the

applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.

120.1.3 Performance.

The internal network of streets and driveways shall be designed to accommodate demonstrated traffic demand, be safe, efficient, have a simple and logical pattern, respect natural features and topography; and present an attractive streetscape.

120.1.4 General Street and Driveway Design

Roadway and driveway access point shall be designed utilizing current "smart growth" techniques for context sensitive design (See Definitions), and as otherwise required in Litchfield by applicable State and Town regulations. At such time as the Town may adopt a Roadway Master Plan, the requirements outline therein shall also apply.

Streets shall not be over-designed for their use. For example, streets that serve only a multi-family residential use need not be as wide as a major arterial roadway. Overly wide pavement widths encourage faster moving traffic and increase the amount of impervious surface. Context Sensitive Design techniques shall be utilized wherever possible.

a. *Street Classification*. The size and design needs of new streets shall be based upon the projected number of vehicles they are to carry. All streets shall be classified in the site plan review process according to the functional street classification defined by the American Association of State Highway and Transportation Officials (AASHTO) "Green Book," *A Policy on Geometric Design of Highways and Streets*, as amended.

b. *Design and Dedication Standards*. Private streets and streets intended for public dedication shall satisfy the Street Standards found in this section, Public & Private Road Design Requirements found in Appendix A, Construction Standards found in Appendix B, and Inspection and Acceptance of Streets found in Appendix C. For State highways, standards, specifications and procedures of NH Department of Transportation (NHDOT) shall apply. Driveways on Town and private roads that require site plan review shall satisfy the Driveway Standards found in this section. For driveways on State or State maintained roads and highways that require site plan review, the minimum standards, specifications and procedures of NHDOT apply. (E.g. "Declaratory Ruling No. 2000-01 Driveway Permits; Policy Relating to Driveways and Access to State Highway Systems," including *Appendix II, Figures I - XV (English Unit Measurements)*, as amended.) Additional requirements under the State Building and Fire Code shall be required, where applicable. Where street design criteria are not provided, then streets shall be designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) "Green Book," *A Policy on Geometric Design of Highways and Streets*, as amended. Americans with Disabilities Act (ADA) standards shall apply where applicable (E.g. sidewalks, ingress and egress points, parking and crosswalks, etc.)The Fire Chief, Road Agent and Planning Board/Consulting Engineer and/or Town Engineer shall review the design of all streets and driveways prior to final approval by the Planning Board.

c. *Travel Lanes.* All streets and driveways shall only have turn lanes, deceleration lanes or more than one travel lane in each direction if it can be demonstrated, through a traffic model or study conducted by a qualified NH licensed Engineer, that more than temporary congestion is anticipated. Where a total of four or more lanes are planned, planted medians shall be utilized to reduce the visual impact of pavement.

d. *Conservation of Scenic Features.* The proposed network of streets and driveways shall conserve

scenic features, including but not limited to mature trees, stone walls and riparian vegetation.

e. *Multi-Modal Transportation.* The proposed network of streets and driveways shall provide for the smooth, safe, convenient and functional movement of all modes of transportation, including vehicles, public transit, bikes and pedestrians. Priority shall be given to pedestrian circulation. Conflicts between pedestrians, bicycles and vehicles shall be minimized. Separation of systems shall be created through design elements such as changes in grade, materials, screens and structures.

f. *Construction Requirements.* All streets and driveways shall be built according to the approved site plan, as determined by the Planning Board/Consulting Engineer, prior to the issuance of a building permit for any portion of the development. Pavement shall consist of two courses. A 2-inch base course and a 1-inch wearing course. The wearing course shall not be applied until two (2) years after the base course, 80 percent of the occupancy permits have been issued, and the road has been duly inspected for deficiencies. No paving of streets and roads shall take place during the period from November 15 to April 1. In the event of suitable weather within this period, any paving shall only be conducted with the prior approval of the Litchfield Road Agent and the consulting engineer. *(Amended July 9, 2013)*

120.1.5 Number, Spacing and Width of Access Points

Driveways and access points requiring site plan approval on Town or private roads shall satisfy the Driveway Standards found in this section. For driveways on State or State maintained roads, the minimum standards, specifications and procedures of NHDOT apply. See section 120.1.4 "General Street and Driveway Design" above.

Section 120.1.5 is based on the principals of Access Management "…which involves providing or managing access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity and speed."(Source, AASHTO).

Sections 120.1.5, (a) and 120.1.5, (b) eliminates unrestricted access to the lot frontage, a safety hazard, as illustrated below.

Driveway width shall be based on the use. Multi-family residential use with little truck traffic should have narrower driveways to reduce speeds and pedestrian conflicts. Commercial uses with heavy truck traffic should have wider driveways to accommodate larger vehicles.

a. *Authority.* New Hampshire Revised Statutes Annotated (RSA) 674:35, *Power to Regulate Subdivisions* and RSA 236:13, *Driveways and Other Accesses to Public Ways,* and RSA 236:14, *Penalty*, as amended.

b. *General Provisions.* A NHDOT DRIVEWAY PERMIT is required for ALL curb cuts intended to take access from a current or future State or State maintained roadway. Curb cuts intended to take access from current or future Town or Private Roadways require local approval from the Planning Board and Road Agent during site plan review. This includes

alteration or relocation of an existing driveway. NOTE: See Appendix J, Residential Driveway Regulations & Permit for a copy of the Town RESIDENTIAL DRIVEWAY PERMIT APPLICATION for residential curb cuts, driveway, and driveway apron design requirements. This includes temporary access points (E.g. Access for logging, construction entrances).

All curb cuts on State of New Hampshire highways or state-maintained portions of roadways in Litchfield are reviewed through the office of the District 5 Engineer of NHDOT who is responsible for issuance of permits. Contact NHDOT for current requirements.

No landowner or authorized agent may construct, or alter in any way that substantially affects the size, grade, or function of, any drainage structure or feature, driveway, entrance, exit, or approach within the limits of the right-of-way of any class of roadway in the Town of Litchfield without prior approval.

The provisions in this section are based on principals of access management.

c. *Driveway Approach Width (commercial and industrial):* The maximum width of a driveway approach for a two-way driveway shall not exceed fifty (50) feet. The minimum width of a driveway approach for two-way driveway shall not be less than thirty (30) feet. These widths may include two (2) foot shoulders.

d. *Driveway Approach Width (multifamily residential):* The maximum width of a driveway approach shall not exceed twenty four (24) feet. The minimum width of a driveway approach shall not be less than twelve (12) feet.

e. *Driveway Access Spacing*: Driveway access spacing shall be measured from the edge of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street. Where possible shared driveways are encouraged and may be required. *(Amended December 2013)*

1. Driveway access spacing shall meet the requirements of Table 120.1-1. See Diagram 120.1-1. Classification of roads is an inexact science. The table below depicts rural/suburban roadways as examples. Minimum spacing may be waived where access is otherwise not possible, side-by-side driveways are approved to reduce curb cuts and as necessary for reduced frontage lots. *(Amended December 2013)*

Table 120.1–1: Driveway Spacing

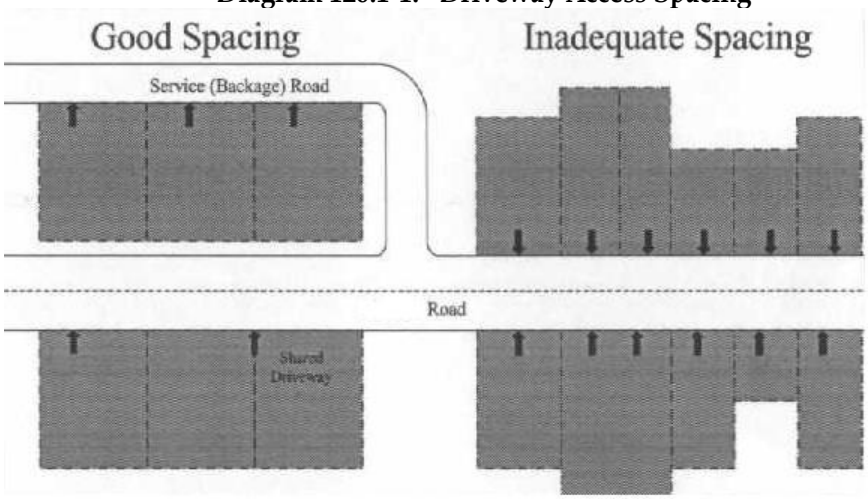
Roadway Classification	Minimum Spacing (feet)	Desirable Spacing (feet)
Frontage on Route 102	300	400
Frontage on Route 3A	300	400
Lots created before 3/14/1989 with frontage on Route 3A	75	150
All Other Roads or lots with access provided from a road other than Route 102 or 3A	75	150

2. Parking lots for single tenant commercial developments shall utilize shared driveways where possible to meet the minimum spacing and shall contact adjacent property owners to obtain access easements as needed. At the time of site plan approval, each development may be required to extend the easement to the next property. The Planning Board may waive this requirement if it determines that it is physically impossible to provide shared access to the lot or if extenuating circumstances can be demonstrated and are approved by the by the Planning Board. *(Amended December 2013)*

3. Wherever a proposed development abuts undeveloped land or a future development phase of the same development, stubs-out shall be installed in order to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turn-arounds or cul-de-sacs. The restoration and extension of the street shall be the responsibility of any future developer of the abutting land. These standards may be waived by the Planning Board where specific finding is made that the peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirement. *(Amended December 2013)*

4. Multi-tenant developments shall provide a central drive entrance. Each development shall provide an "entrance throat" that will direct traffic and provide for stacking space at intersections with the corridor. This limited access will permit the Town and State to control traffic at this location. The development shall extend access to adjacent properties in order to control access to the corridor. *(Amended December 2013)*

Diagram 120.1-1: Driveway Access Spacing



Section 120.1.5, (d), establishes a minimum distance between access points. By doing this, the number of access points a driver has to observe, and therefore the number of conflict points, are reduced.

f. *Intersection Alignment*. If a proposed driveway cannot meet the requirements of Section 120.1.5, (d), (or Diagram 120.1-1), then the proposed driveway shall be aligned directly opposite an existing or proposed opposite driveway and the configuration shall be treated as a four-way intersection.

g. *Angle of Driveway Approach*. The angle of non-residential driveway approach shall be approximately ninety (90) degrees for two-way driveways and between sixty (60) degrees and ninety (90) degrees for one-way non-residential driveways.

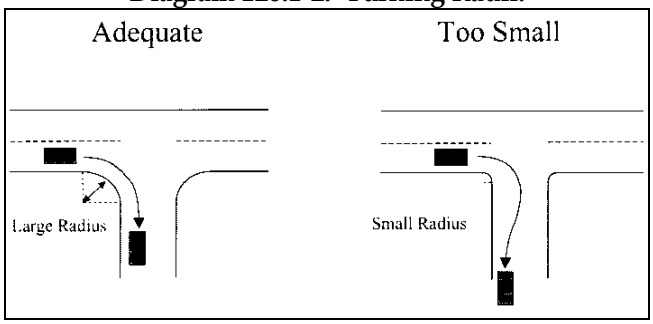
h. *Turning Radii*. The principal users of the roadway shall be considered when determining the inside turning radii. The inside turning radii shall vary between a minimum of fifteen (15) feet and a maximum of thirty (30) feet and meet the minimum and maximum requirements of Table 120.1-2. See Diagram 120.1-2.

Table 120.1-2: Inside Turning Radii

Land Use	Minimum Inside Turning Radii (feet)	Maximum Inside Turning Radii (feet)
Multifamily Residential Only	15	20
Commercial/Industrial Only	20	30
Mixed Uses	15	30

The size of the turning radius affects the speed at which vehicles can exit the flow of traffic and enter a driveway. The larger the turning radius, the greater the speed of entry. The turning radius shall be based on land use. In areas of high pedestrian traffic or in a residential development, the turning radii should be smaller. In commercial areas with heavy truck traffic, the turning radius will need to be larger

Diagram 120.1-2: Turning Radii.



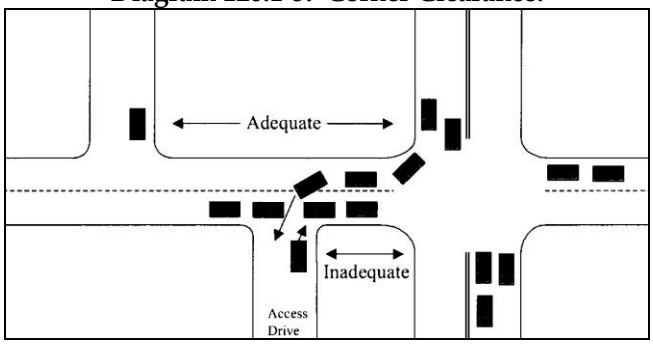
i. *Corner Clearance*. No driveway approach may be located closer to the corner than indicated in Table 120.1-3 and Diagram 120.1-3. The measurement shall be taken from the intersection of property lines at the corner to the nearest edge of the proposed driveway pavement. When these requirements cannot be met due to lack of frontage, the nearest edge of the proposed driveway pavement shall be located as far as possible from the intersection of property lines at the corner.

Similar to the driveway spacing requirements, driveways should be located an adequate distance from intersections so as to avoid turning vehicle conflicts

Table 120.1-3: Distance of Driveway Approach from Corner

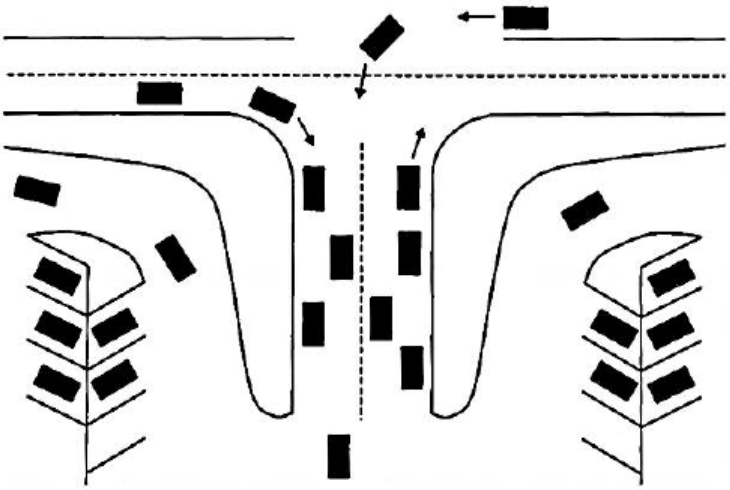
Speed (mph)	Distance from Corner (feet)
30	325
35	425
40	525

Diagram 120.1-3: Corner Clearance.



j. *Driveway Throat Length.* Driveway throat length shall be measured from the edge of the property line to the furthest end of the driveway. A minimum driveway throat length of twenty-five (25) feet for collector streets, forty (40) feet for minor arterials, and fifty-five (55) feet for major arterials shall be required. The purpose of the driveway throat length is to allow for traffic entering the site to be stored on site in order to avoid a queue of traffic on the roadway causing delays and a potentially hazardous situation. See Diagram 120.1-4

Diagram 120.1.4: Adequate Throat Length



Vehicles entering the parking lot have room to maneuver without conflict.

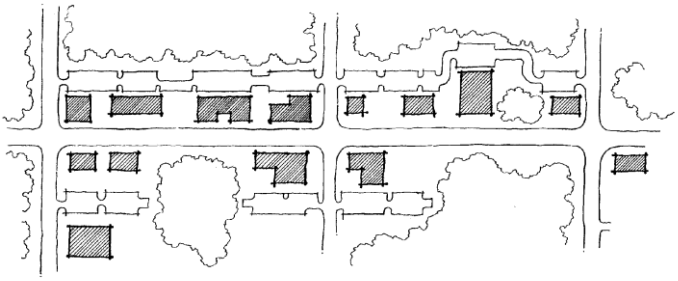
k. *Shared Access*. Shared driveways are encouraged and may be required between adjacent lots

that front on arterial and collector streets. In such cases, a joint access easement between the property owners may be required. The location and dimensions of said easement shall be determined by the Planning Board. Provisions for joint access or future joint access driveways with adjacent non-residential uses may be substituted for buffer yards as required under Section 160. See Diagram 120.1-5.

Throat length is the length of the driveway that is controlled internally from turning traffic, measured from the intersection with the road. Driveways should be designed with adequate throat length to accommodate queuing of the maximum number of vehicles as defined by the peak period of operation of the development. Providing an adequate throat length works in concert with locating the principal structure closer to the roadway and placing the parking at the rear or side. The photo to the right is an example of adequate throat length.

Diagram 120.1–5, shows how the parking lots of the various commercial structures along an arterial roadway are connected and access taken from side roads. This allows traffic to move between the various structures without entering the arterial roadway.

Diagram 120.1–5: Shared Access.



All season safe sight distance is the length of the roadway that is visible to the driver. A minimum safe sight distance should be required for access points based on the roadway classification or speed and the grade.

1. *All Season Safe Sight Distance.* All season safe sight distance is defined as a line which encounters no visual obstruction between two (2) points, each at a height of three feet nine inches (3′-9″) above the pavement, and ten (10) feet back from the road pavement as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction. Safe sight distance shall be compatible with the maximum speed limit posted on the roadway as indicated in Table 120.1-4.

Table 120.1–4: All-Season Safe Sight Distance

Speed Limit (mph)	All Season Safe Sight Distance (feet)					
	Downgrades			Upgrades		
	3%-	6%	9%+	3%-	6%	9%+
25	158	165	173	147	143	140
30	205	215	227	200	184	179
35	257	271	287	237	229	222
40	315	333	354	289	278	269
45	378	400	427	344	331	320
50	446	474	507	405	388	375
55	520	553	593	469	450	433

To prevent hardships to owners of small parcels of land or special land uses, exceptions to the all season safe sight distance requirements should be allowed for individual homes, agricultural land, public works land, highway department land and temporary accesses for vehicles such as construction vehicles, gravel trucks and log trucks. The road shall then be properly signed for "Blind Drive" or "Trucks Entering."

120.1.6 Street Edges.

Berms or Curbs and Gutters. The Planning Board/Consulting Engineer shall make the final determination on the preferred construction material for street edge treatments (concrete or granite) for curbing. Curbing is required on slopes of five (5) percent or greater. Berms or curbs and gutters shall be required for the purposes of drainage, safety and delineation and production of pavement edge, with the following exceptions:

a. Along rural roads; or

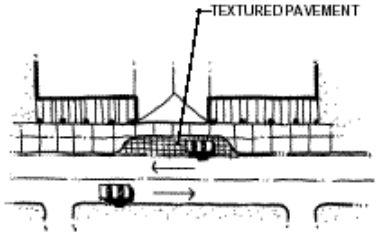
b. Along other streets where drainage swales and dense vegetation presently exist near the street.

Drainage Swales. Drainage swales shall be sized to adequately convey runoff and shall be stabilized for erosion. Swale banks shall not exceed a 3:1 slope if planted with ground cover.

120.1.7 Passenger Drop Off Areas

Passenger drop off facilities shall be incorporated into all projects that generate a high volume of vehicular traffic. A clear separation shall be provided between drop off zones and vehicular traffic and parking lots/structures. Drop off lanes shall not obstruct traffic flow when motorists discharge passengers. Signs shall be created to indicate, "drop off zone" or "passenger loading only." See Diagram 120.1-6.

Diagram 120.1–6: Passenger Drop-Off Areas.



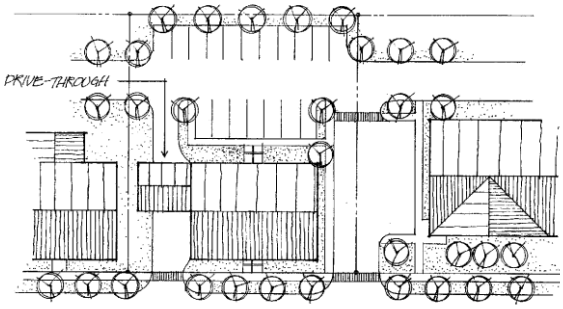
120.1.8 Drive-Through Facilities.

Any use that provides drive-through service shall be located and designed to minimize the impact on neighboring properties and traffic circulation. Drive-through facilities shall not be located in any buffer or setback to an adjacent residential use or zone. Vehicular access to the

drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space shall be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through shall not interfere with any sidewalk or bicycle circulation. See Diagram 120.1-7.

Drive-through facilities can be incorporated into the design of a commercial facility. The following is an example of an appropriate design for a drive through bank:

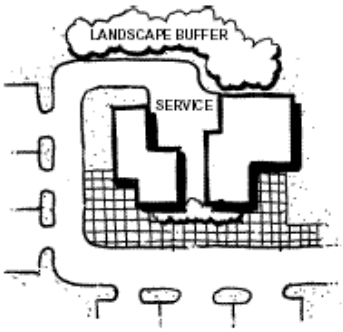
Diagram 120.1–7: Drive-Through Facility.



120.1.9 Service, Delivery and Storage Areas/Drives

The visual impact of service and delivery areas shall be minimized. Loading docks and service areas shall be located in areas of low visibility, including but not limited to the rear of buildings. All service, delivery and storage areas/drives shall be screened from public view with fencing, walls and/or landscaping. Signage shall be provided to discourage the use of main entrances for deliveries. Service circulation within a development shall be designed to provide safe movements for all anticipated vehicles. "Blind areas" that cannot be patrolled by police or security staff shall not be created in access areas. Areas for waste disposal shall meet the standards in 120.6. See Diagram 120.1-8.

Diagram 120.1-8: Service, Delivery and Storage Areas/Drives.

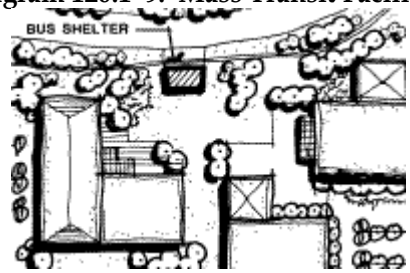


120.1.10 Mass Transit Facilities

Mass transit access and facilities (E.g. bus stop/shelter/pullout) shall be incorporated within the design of all major site plans that could generate high volumes of transit use along major roadways. Transit facilities shall be provided in a manner to make transit an attractive mode of travel for both employees and patrons. Shelters shall be located next to significant clusters of

buildings, and shall provide protection from prevailing winds and inclement weather. See Diagram 120.1-9.

Diagram 120.1–9: Mass Transit Facilities.



Mass transit facilities should be provided for new developments that are likely to be major destinations, such as regional shopping centers or large office complexes. If no public transportation is currently provided along the route, then accommodation should be made for future facilities. The photo on the right is an example of an adequate bus shelter.

Photo by Austin Brown

120.2 PEDESTRIAN SAFETY AND ACCESS

Provisions for pedestrian circulation within the site and between the site and adjacent non-residential uses and public rights-of- way shall be clearly delineated. Walkways may be required to allow for the safe movement and circulation of pedestrians between principal or accessory buildings or uses on the site, to parking areas located in excess of 200 ft. from principal or accessory uses or structures, and between rows of parking stalls within parking areas in excess of 12,000 square feet. All walkways shall be handicapped accessible.

a. *Pedestrian Traffic (Housing for Older Persons):* The use of interconnecting walkways, trails and natural walking paths shall be an integral part of the design of any development to facilitate access between common areas, groups of dwelling units and open space areas. Easements shall be requested where trails or potential trails on abutting lands may allow for a local connection. Appropriate timing and restrictions may apply. Primary walkways and sidewalks shall meet Americans with Disabilities Act (ADA) requirements. Secondary trails and natural walking paths are exempt from strictly meeting this requirement, but the Board encourages maximizing accessibility to residents. *(Amended March 2004)*

120.3 EMERGENCY VEHICLE ACCESS

Provisions shall be made for emergency vehicle access to and throughout the site. The Fire Chief and Police Chief shall review all site plans to determine the adequacy of provisions for emergency vehicle access. A clearly defined fire lane, not less than ten (10) feet in width, shall be located around and adjacent to all principal and accessory structures intended for human occupation.

120.4 DRAINAGE

Storm water drainage based on a 25-year storm frequency, utilizing on site absorption wherever practical. Closed drainage may be required. Drainage systems for sites containing unpaved parking areas, driveways or walkways shall be designed on the assumption that such surfaces are to be paved. Stormwater and Erosion Control measures shall comply with section 155.0, *(Stormwater and Erosion Control) (Amended May 2003)*

120.5 WATER SUPPLY

Water supply of sufficient quantity and quality for domestic use, for fire safety including provisions for fire hydrants, cisterns or fire ponds, and wastewater disposal. Water quality testing may be required for water intended for human consumption. For purposes of measuring the adequacy of water volumes in fire ponds or cisterns, the bottom foot and top two feet may not be included in the total volume of water available for fire safety.

120.6 SOLID WASTE DISPOSAL

The applicant shall demonstrate the adequacy of the Town's existing solid waste disposal facility to service the projected solid waste volumes and waste composition that is anticipated to be generated at the site. In addition, the applicant shall demonstrate consistency with the following:

a. All operations serviced by a municipal sewer system shall be subject to the Litchfield Industrial/Commercial Pre-treatment program to insure compliance with federal, state, and local regulations prior to disposal in a municipal sewer system.

b. Operations utilizing subsurface waste water disposal systems shall not use, produce, store, or dispose of any contaminant or substance of a type or in such quantities which may adversely impact surface or groundwater resources so as to impair its use for human consumption, recreation and public enjoyment, or wildlife habitats.

c. No waste material or refuse shall be disposed of or allowed to remain on-site except within an enclosed building or stationary containment system. No solid wastes shall be dumped or allowed to remain in such a way as to allow wastes to fly or be scattered due to wind or precipitation or to leak into the ground or result in contaminated runoff.

d. Subsurface Disposal: Each Housing for Older Persons development shall conform to these regulations and those promulgated by the NH Water Supply and Pollution Control Commission with respect to water, sewerage, garbage and other health measures (Amended March 2004)

120.7 ENVIRONMENTAL FACTORS

The applicant shall address the potential impact of the proposed development on air quality, surface water and groundwater resources, wetlands, noise, odor, erosion and sedimentation, historic or archaeological resources, existing character of the area, and any other prominent natural or man-made features. The Planning Board, at its discretion, may require an environmental assessment or impact statement to determine compliance with any and or all of the environmental factors cited above.

120.8 LANDSCAPING

A landscape design shall be included as part of the site plan to include proposed grading, existing and proposed vegetation by species, size and location; paving materials. Cross sections and details may be required. Indigenous vegetation, prominent natural features and waterbodies should be retained and used to enhance the site design where possible.

Housing for Older Persons Developments shall provide plans consistent with the Landscaping, Off Street Parking and Loading requirements in these Site Plan Review Regulations. Due to the clustering of dwellings, privacy screening (screen unobstructed interior views) is encouraged and will be required when the orientation of adjacent dwellings prevents screening consistent with the overall level found throughout the development. *(Amended March 2004)*

Where landscaping is proposed to screen unsightly features, the minimum requirements shall include the planting of one evergreen tree or shrub per 10 linear feet of required screen length or perimeter. The height of required trees or shrubs shall be equal to 1/2 of the maximum height of the item requiring the screen at the time of planting. Required plantings shall be regularly spaced so as to maximize the overall density of the landscape screen. *(Amended December 2013)*

120.9 SIGNS

Signing in accordance with Section 1500 of the Zoning Ordinance and exterior lighting.

120.10 BUFFERS

A buffer yard as per the requirements of Section 160.

120.11 COMPATIBILITY

All proposed buildings should be compatible with the surrounding uses and the proposal should result in no foreseeable diminution of surrounding properties anticipated.

Franchise or corporate style architecture and/or highly contrasting color schemes are strongly discouraged.

Multiple buildings on the same site should be designed to create a cohesive visual relationship. Accessory buildings should be designed to complement the primary building and/or use on the site in design and material expression. *(Amended December 2013)*

120.12 PROTECTION AND PRESERVATION OF WETLANDS

(as defined in Section 600 of the Zoning Ordinance,) aquifers, streams, rivers, and other aquatic bodies and tributaries. Conservation easements and/or vegetated buffers of not less than fifty feet measured from the edge of wetlands, perennial streams or open bodies of water to any developed portion of the site, may be required.

120.13 BUILDING ORIENTATION AND DESIGN STANDARDS.[1] (ADOPTED MAY 18, 2005)

120.13.1 General Procedures

Site plans shall portray the design of all buildings and the relationship of the development to surrounding properties, buildings, natural features and built features. All site plans shall adhere to the specifications and guidelines set forth in Section 120.13 of these regulations. The Planning Board may require that developments proposed in areas of special sensitivity or significance be designed by a professional Land Planner or Architect.

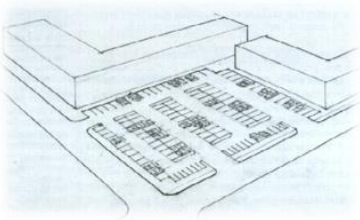
120.13.2 Natural Features

Buildings, lots, impervious surfaces and accessory structures shall be sited in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers, shall be maintained and preserved to the maximum extent. Natural drainage areas shall be preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

120.13.3 Building Orientation

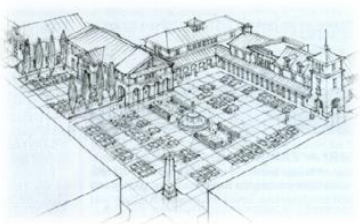
Building facades shall be oriented parallel to the street and maintain a consistent street edge in relationship to adjacent structures. Buildings shall be sited so that buildings create pedestrian plazas and gathering places. Buildings shall be sited so that entrances are clearly identifiable and directly accessible from a sidewalk. Buildings shall be accessible for pedestrians, bicyclists and future public transit users. See Diagram 120.13.3.

Most site plan regulations do not address building orientation and design. In addition to other standards, the control of building orientation and design is important if the community wishes to preserve its local character. Many communities are now requesting elevation drawings for new commercial developments, as required in section 120.13.10.



Retail centers are typically designed like this:

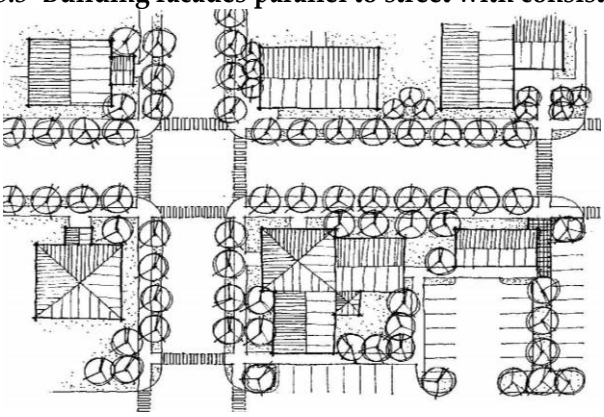
Building orientation and design standards encourage a more aesthetically pleasing, functional and higher quality design, like this:



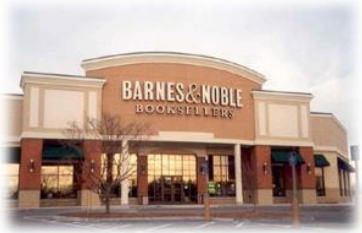
Illustrations courtesy of The Congress for New Urbanism, 2001.

[1] For more information on community design, please see Nashua Regional Planning Commission, *Non-Residential Community Character Guidelines*, 2000.

Diagram 120.13.3 Building facades parallel to street with consistent street edge



Buildings that are parallel to the street and set back consistent with other structures on the street are generally thought to create a more defined sense of place. However, the location of buildings in relationship to the street and other structures will vary from one community to the next.

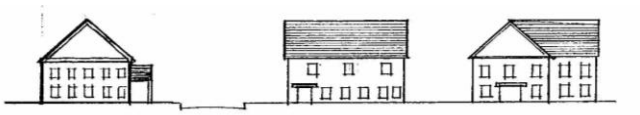


Large buildings with extreme horizontal massing can seem out of place with surrounding developments. Building height should be similar to adjacent development. In addition, the mass of large buildings can be tempered with design treatments, as in the following:

120.13.4 Building Heights

The applicant shall ensure that building heights are compatible with and transition from the height of adjacent development. The building height and number of floors shall comply with the dimensional requirements of the zoning ordinance. See Diagram 120.13.4.

Diagram 120.13.4 Building Height Compatible with Adjacent Structures



New Structure Existing Structures

The two photographs below are of the same franchise. The first did not receive site plan review for building orientation and design:

The grocery store below provides interesting roof treatments, even in the loading area:

120.13.5 Building Massing, Forms and Pedestrian Scale

In cases of facades 50 feet or more in length, the applicant shall incorporate the following architectural features and treatments to diminish the building mass:

a. Variations in color and/or texture.

b. Variations in roof forms and height of roof elements.

c. Emphasis on the rhythm and pattern of windows, columns and other architectural features.

d. Enhanced definition of each floor of the building through terracing, articulated structural elements, changes in materials, belt courses and horizontal trim bands.

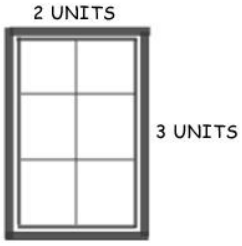
e. Avoidance of blank walls at ground-floor levels through the use of windows, trellises, wall articulation, arcades, materials changes, awnings or other features.

f. Use of materials manufactured in units and measurable in human proportions, including but not limited to brick, tile, modular stone, glass and decorative tiles.

g. Use of significant architectural features, including but not limited to columns, pilasters, canopies, porticos, awnings, brackets or arches.

h. Use of windows that reveal indoor amenities, activities and displays.

Blank walls should be avoided. Windows should reflect "human scale." That is, reflect the approximate height to width ratio of a human being.



120.13.6 Roof Forms and Materials

Rooflines shall not run in continuous planes of more than fifty (50) feet. Flat roofs are discouraged. All roofs shall provide adequate overhangs for pedestrian activity. Roof materials shall be composed of high quality, durable and architecturally consistent materials, including but not limited to concrete tile, asphalt shingles and standing seam metal. Roll roofing, tar and gravel, plastic or fiberglass materials shall not be used for roofing.

120.13.7 Windows

Windows and entry areas shall cover a minimum of sixty (60) percent of the entire façade length. Large plate glass windows shall be broken up with mullions or muttons. Windows and doorways shall be encased with trim. Walls facing streets and pedestrian approaches shall have display windows, recessed windows, detailed entry areas, awnings or prominent sills. Windows shall reflect a vertical scale with height to width ratio of at least 3:2.

120.13.8 Building Entrances

All building entrances shall be clearly defined and highly visible with a minimum of three of the following details:

a. Porticos

b. Canopies

c. Overhangs

d. Arcades

e. Recesses or projections

f. Raised cornice parapets over door

g. Arches with detail (tile work or moldings) integrated with building

h. Outdoor patios

i. Display windows

j. Integral planters

k. Wing walls with planters or seating

Entrances should be obvious. They should include at least three of the eleven recommended design treatments. Providing options allows for flexibility in design while not permitting blank facades. The building below includes an overhang, a projection and arches with details integrated to the building:

120.13.9 Building Screening

All rooftop air conditioning, heating equipment and other large mechanical equipment shall be screened from public view. The screening may be part of the articulation of the building.

120.13.10 Building Design Review

All existing buildings within 200 feet of the boundaries of the parcel shall be delineated in plan and elevation. Elevational drawings of all sides of proposed principal structures shall be provided to indicate building scale and massing, location of windows and doors, building materials, general style, and compatibility with surrounding buildings and land uses. An axonometric and/or perspective drawing or artists rendering of the proposed site shall be provided from the vantagepoint that will most commonly be seen outside of the boundaries of the parcel. Such rendering shall depict the site as it is likely to appear upon opening including automobiles, pedestrians, trucks, loading areas, and any features indicated in plan that would be visible from the selected vantage point.

Housing for Older Persons developments shall conform to these regulations with emphasis on the vantagepoint seen from adjacent properties to ensure appropriate scale and arrangement in

light of the underlying zoning district, the prominence of the site, viewsheds, adjacent uses and the surrounding neighborhood. (Amended March 2004)

120.14 OFF-STREET PARKING AND LOADING

Adequacy of the off street parking and loading: Parking areas shall be located to the rear or side of proposed principal structures and may not be located within fifty feet of any public right-of-way or within side or rear yard set backs. Corner lots or dual frontage lots may contain parking areas between buildings or structures on a site and a public right-of-way if the Planning Board determines that suitable alternative locations for required parking spaces cannot be provided on the site. Parking areas shall be screened from adjacent parcels and public rights-of-way, and shall be landscaped according to the following specifications:

1. Greenspace: Interior landscaping or greenspace, encompassing not less than 5% of the total parking area or ten square feet per parking stall, (which ever is greater,) shall be required for all parking lots between 6,000 and 12,000 square feet in area. Interior landscaping shall encompass at least 7.5% or fifteen square feet per parking stall for parking lots between 12,000 and 24,000 square feet in area. Parking lots in excess of 24,000 square feet shall provide not less than 10% interior landscaping or twenty square feet per parking stall. Pedestrian walkways within parking areas may be incorporated into landscaped areas but may not be considered a part of the total interior landscaped area.

2. Tree Cover: Interior and peripheral landscaped areas shall be planted with shade trees in such numbers and locations so as to provide cover for 30% of parking areas between 6,000 and 12,000 square feet, 40% of parking areas between 12,000 and 24,000 square feet, and 50% of parking areas in excess of 24,000 square feet within fifteen years after development of the site. A single tree species shall not comprise more than 20% of the total number of trees planted. Indigenous vegetation should be preserved where possible.

3. Signage: Sites containing parking areas in excess of 12,000 square feet, multiple uses, or multiple structures, may be required to provide directional signs to guide automobiles, service and delivery vehicles, and emergency vehicles within the site. Parking areas in excess of 24,000 square feet may be required to identify individual parking areas by number, letter, color or other method in keeping with the theme of the development.

4. Parking Spaces: The following table provides a minimum standard for the provision of parking spaces by use:

    a. Agricultural Uses: One space per employee on the largest shift.
    b. Farm Stands and Nurseries: One space per employee on the largest shift plus one space per two hundred feet of gross indoor floor space provided for customer service and sales.
    c. Bowling Establishments: Five parking stations for each lane, plus one (1) space for each employee on shift of the largest employment.
    d. Theaters and Auditoriums: One space per three patrons based on maximum capacity.
    e. Private Clubs or Function Halls: One space per three persons based on the maximum capacity of the facility.
    f. Drive-in Theater: One space per automobile station plus one space per employee on the largest shift.
    g. Golf Driving Range: One space per tee plus one space per employee of the largest shift.
    h. Miniature Golf: One and one-half spaces per hole plus one space per employee on the largest shift.

i. Golf Courses: Ninety spaces per nine holes plus one space per employee of the largest shift, plus 50% of the spaces otherwise required for any accessory use.
j. Skating Rink: One space per 300 square feet of gross floor area.
k. Marina: One and one-half spaces per berth. At least 10% of the spaces must be large enough to accommodate cars with trailers.
l. Swimming Facilities: One space per seventy-five square feet of gross water area plus one space per employee of the largest shift.
m. Tennis and other Racquetball or Handball Courts: Four spaces per court plus one space per employee of the largest shift.
n. Community and Recreation Centers: One space per two-hundred and fifty square feet of floor area, or one space per four patrons to the maximum capacity, which ever is greater, plus one space per employee on the largest shift.
o. Other Indoor Recreational/Amusement Facilities: One space per one hundred square feet of service floor area and one space per two hundred square feet of storage area, or one space per three patrons based on maximum capacity, which ever is greater, plus one space per employee of the largest shift.
p. Other Outdoor Recreational/Amusement Facilities: One space per Four patrons based on maximum capacity.
q. Grocery or Supermarket: One space per one hundred square feet of gross leasable floor area plus one space per two hundred square feet of storage area.
r. Convenience Stores: One space per one hundred square feet of gross floor area.
s. Banks: One space per two hundred square feet of gross floor area plus one space per employee on the largest shift. Drive through facilities shall provide five off-street waiting spaces per lane.
t. Restaurants (Standard): One space per three patron seats or one space per one hundred square feet of gross floor area, which ever is greater, plus one space per employee on the largest shift.
u. Fast Food Restaurant: One space per fifty square feet of gross floor area plus one space per employee on the largest shift.
v. Taverns, Lounges, Night Clubs and Lounges: One space per fifty square feet of gross floor area plus one space per employee on the largest shift.
w. Laundromats: One space per two washing machines plus one space per employee on the largest shift.
x. Personal Services: One space per two hundred square feet of gross leasable floor space plus one space per employee on the largest shift.
y. Offices: One space per two hundred feet of gross floor area.
z. Medical/Health Care Offices: Five spaces per practitioner plus one space per each employee on the largest shift.
aa. Hospitals: One space per three patient beds plus one space per employee on the largest shift.
ab. Hotels and Motels: One space per sleeping room plus one space per two employees on the largest shift. In addition, one space per three persons based on the maximum capacity of function hall and 50% of the required spaces for any accessory uses.
ac. Bus Terminals: One parking space per each employee on the largest shift plus one parking space per each four seating accommodations for waiting passengers.
ad. Automobile Wash Facilities (Car Washes): One parking space for each employee on the largest shift and stacking space equal to five (5) times the capacity of the facility.
ae. Automobile Service Station: One space per gas pump island, two spaces per working bay, plus one space per employee on the largest shift. In addition, stacking space equal to one (1) space per pump shall be provided. Mini-marts or service stations offering food, beverages, or other items for sale that are not traditionally sold at service stations shall provide on additional space per 100 square feet of gross floor area.

af. Beauty Parlors or Barber Shops: Three spaces per operator or one space per each one hundred square feet of floor area, which ever is larger, plus one space per employee on the largest shift.
ag. Other Commercial Uses: Five and one-half spaces per 1000 square feet or gross floor area.
ah. Elementary and Middle Schools: One space per employee and one space per two classrooms.
ai. Senior High Schools: One space per employee plus one space per five non-bused students.
aj. Other Schools: One space per employee plus one space per two students of the largest class attendance period.
ak. Day Care Centers or Nursery Schools: One space per employee on the largest shift plus one off-street waiting space per six students.
al. Churches: One space per four seats of maximum capacity plus 50% of the required spaces for any accessory use.
am. Nursing Homes: One space per six patient beds plus one space per employee on the largest shift.
an. Industrial Uses: One space per employee on the largest shift plus one space per company car vehicle stored on the premises.
ao. Warehouse: One space per employee on the largest shift plus one space per four thousand square feet of gross floor area.
ap. Mini-warehouses: One space per five storage cubicles plus two spaces for employees or resident manager.
aq. Funeral Home: One space per four patron seats or twenty- five spaces per chapel unit which ever is greater.
ar. Truck Terminal: One space per employee on largest shift and one space per truck normally parked on premise and one space per three patrons of maximum capacity.
as. Housing for Older Persons Developments shall provide areas for parking of two (2) motor vehicles per individual dwelling unit. Spaces shall be a minimum of twelve (12) feet wide and eighteen (18) feet long. Space for parking of recreational vehicles shall be provided in a separate designated area, when permitted. Appropriately engineered permeable/pervious surfaces may be constructed to provide for one of the spaces. Adequately sized garages (minimum 24′ x 20′) qualify for required parking. Where one way roads less than 24 feet in width (20 ft. minimum) are utilized or driveways of dwellings cannot accommodate 2 guest vehicles without blocking sidewalks, additional on-site guest parking shall be required. (April 3, 2001) *(Amended March 2004)*

121 SPECIAL FLOOD HAZARD AREAS.

(Adopted April 17, 2007) For site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

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

b. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

1. all such proposals are consistent with the need to minimize flood damage;
2. all public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and,
3. adequate drainage is provided so as to reduce exposure to flood hazards.

130 PREAPPLICATION SUBMISSION PROCEDURE

The following procedures apply to site plan review and will be followed by the Planning Board and its agents when reviewing a pre-application submission.

130.1 PRELIMINARY CONCEPTUAL CONSULTATION PHASE

Any applicant may request a preapplication conceptual review before the Board. Requests for a conceptual review shall be made in writing and must be submitted at least 15 days prior to the Conceptual Consultation meeting of the Board. *(March 2004)*

a. The preliminary conceptual review phase shall be directed only at the review of the basic concepts of the proposal, requirements for final submission, procedures of the Board, the desirability of types of development and the goals and recommendations of the master plan. Discussions between the Board, its agents, and the applicant shall be in general terms and shall not be binding to either members of the Board or to the applicant. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating and future action taken. Such discussions may occur without the necessity of giving formal public notice, but such discussions may only occur at a formal meeting of the Board.

b. The preliminary conceptual review phase submission requirements shall consist of a written statement of intent, which shall outline the basic concepts of the proposal. No plans or design details shall be provided.

c. The applicant shall be obliged to pay a preliminary conceptual review fee, as outlined in Appendix F, Planning Board Fee Schedule For: Subdivisions, Site Plans, Sign Permits & Plan Recording at the time of application to cover its administrative expenses. 6-20-00

130.2 DESIGN REVIEW PHASE

Any applicant may apply for a preapplication design review before the Board. Applications for a preapplication design review must be submitted at least 15 days prior to the Design Review meeting of the Board. All Housing for Older Persons applicants shall submit plans for Design Review. (*Amended March 2004*)

a. Discussions between the Board, its agents, and the applicant may involve general standards, specific design and engineering details and suggestions for further study but shall not be binding to either members of the Board or to the applicant. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating and future action taken. Such discussions may occur only after formal public notice and notice to abutters (as defined in Section 140.5) is provided. The Board, at its discretion, may appoint a designee, consultant planner and/or engineer to assist the applicant in meeting the requirements for final plan submission.

b. Applications for a preapplication design review shall include a fully executed and signed copy of the application for preapplication design review. In addition to information related to Section 120 General Standards, the information required under Section 150.1, 150.2, and 150.8 (a), (b), (c), (e), (f), (g), (h), (j), (k), (l), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (z), (aa), and 150.8 (ad) shall be provided.

c. The applicant shall be obliged to pay a preapplication design review fee as outlined in Appendix F, Planning Board Fee Schedule For: Subdivisions, Site Plans, Sign Permits & Plan Recording. Preapplication design review fees shall be paid at the time of application to cover the administrative expenses of the Board.

140 SUBMISSION PROCEDURE

Amended November 27, 2012

The following procedures apply to site plan review and will be followed by the Planning Board when considering or acting upon a plat or application submitted to it for approval.

140.1

A completed application (as defined below) sufficient to invoke jurisdiction of the board shall be submitted to the Planning Board per section 140.2 (a) below and accepted by the board only at a public meeting of the board. The application shall include the names and addresses of the applicant and all abutters as indicated in town records not more than 5 days before the day of filing. Abutters shall also be identified on any plat submitted to the board.

140.2

A completed application to invoke the board jurisdiction under the site plan review regulations shall consist of all applicable information, including that required in Section 150. Said application must contain sufficient information to allow the board to make an informed decision. (Amended May 18, 2005)

a. Preliminary Review. All site plan proposals must be reviewed by the Board's designated representative prior to the submission for Planning Board consideration of application completeness. Proposals for preliminary review must be received a minimum of 21 days before the scheduled planning board meeting for which the application is to be heard. This review will determine if the application and the plats conform to the requirements of the Town's land use regulations and ordinances. At this time, the applicant will be informed of any deficiencies.

b. Application Filing. A Site Plan Review Application must be completed and filed with the Board at least fifteen (15) days prior to the scheduled public meeting at which the application shall be considered. All of the information required for a completed application by Section 150 Submission Requirements, the Site Plan Review Checklist, request for waivers, and any additional studies requested by the Board must accompany the application. Revised plans, letters and other information and materials submitted to the Board or its agents less than fifteen (15) days prior to the scheduled meeting shall not be considered in determining the completeness of a site plan for approval by the Planning Board for that meeting.

c. Waivers. The applicant may request in writing that the Board waive any of the requirements contained in Section 150 Submission Requirements, the Site Plan Review Checklist and any other standards contained in this regulation. Written waivers requests shall provide the specific section number, title and a justification, which explains how the waiver will not detract from the intent of these regulations and must be provided to the PB with the application 21 days prior to

the proposed hearing. Requests for waivers should accompany the application filing and be discussed with the Board's designated representative prior to the submission of the application. The designated representative will advise the Board on the request for a waiver. The Board shall vote to grant or deny the applicant's written request for a waiver from a specific section of these regulations after a determination of application completeness and the decision shall be recorded in the minutes of the meeting and contained in a written response to the applicant.

140.3

All submissions for Site Plan approval shall be completed and filed with the Board at least fifteen (15) days prior to the scheduled public meeting at which the Site Plan shall be considered. Revised plans, letters and other material submitted less than fifteen (15) days prior to the scheduled public meeting shall not be considered in determining the completeness of a Site Plan for approval by the Planning Board for that meeting.

An application shall only be submitted to and accepted by the Board at a properly noticed public hearing as required by RSA 676:4,I(d).

Upon a determination that the application is complete, the Board may vote to accept the application. Immediately after acceptance of the application, the Board will determine if the application will have regional impact per RSA 36:54 through 36:58. If the finding of the Board is that the application is of regional significance, the Board will not commence review of the application until notice to the regional abutters is officially made.

Once accepted, the applicant may present the proposal to the Board and the general public. The board shall begin formal consideration of the application within 30 days after acceptance of the completed application. The Board will ask questions and discuss the proposal, and then open the floor to questions and comments from abutters and the general public. The date of acceptance recorded in the minutes begins the sixty-five (65) day review period. Should the application not be accepted, the Board must state the reasons and specify any additional requirements to the applicant at the meeting and will provide a written response to the applicant listing the reasons for refusal to accept.

Any plan revisions proposed subsequent to acceptance must be filed the Wednesday, or at a minimum 7 days, prior to the scheduled public hearing.

Upon failure of the board to approve or disapprove the application, the applicant may obtain an order by submitting a written request to the Selectmen requesting them to direct the Planning Board to act within 30 days. Failure of the Planning Board to act upon such order of the Selectmen shall constitute grounds for an applicant to petition the Superior Court in accordance with the provisions of RSA [676:4]. (Amended April 3, 2001; March 2004)

140.4

The Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application. The applicant may waive the requirement for Planning Board action within the time periods specified in Section 140.3 and consent to such extension as may be mutually agreeable.

140.5

Notice to the applicant, abutters and the public shall be given as follows: The Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall be given at the same time by posting a

copy of the notice in a public place within the town. The notice shall include a general description of the proposal, which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Nor shall additional notice be required of an adjourned session of a hearing when proper notice of the date, time and place of the continuation of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

140.6

The applicant shall be obliged to pay review fees as outlined in Appendix F, Planning Board Fee Schedule For: Subdivisions, Site Plans, Sign Permits & Plan Recording. Reasonable fees may also be imposed by the board to cover the total cost of special investigative studies, review of documents and other matters which may be required by particular applications, including the costs for any additional professional consultation deemed necessary by the board. 6-20-00

140.7

Action on a Completed Application. The Board shall act to approve, conditionally approve or disapprove a completed application within sixty-five (65) days of its acceptance, subject to extension or waiver as provided in Section 140.4 unless waived by the applicant or by the BOS as described below.

If the Board has not taken action on a completed application within sixty-five (65) days of its acceptance and has not obtained an extension, the applicant may obtain an order from the Board of Selectmen directing the Board to act on the application within thirty (30) days If the Board fails to act on the order, the Selectmen shall have forty (40) days to certify that the plat is approved unless noncompliance with some specific provision of the Site Plan regulations, zoning ordinance or other ordinance is identified in writing. Failure of the Selectmen to issue an order to the Board or act to certify approval of the plat shall constitute grounds for the applicant to petition the superior court as provided in RSA 676:4,I(c)(2).

a. Approval. Approval of the Site Plan plat shall be by affirmative vote of the majority of the Board present at the meeting. The plat is certified by the signatures of the Board Chairman and Vice-chairman and the date of approval on the plat. The Board will transmit the signed and dated Mylar copy of the plat to the Hillsborough County Register of Deeds along with the recording fees paid by the applicant. The approved plat will not be recorded until all fees have been paid by the applicant. The applicant may not commence construction of the subdivision until the plat is recorded.

b. Conditional Approval. The Board may grant conditional approval of an application if the remaining actions on the application: are administrative in nature; involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the NH Departments of Transportation or Environmental Services; and/or do not involve discretionary judgment by the Planning Board. In these instances, final approval may be granted without further public hearing. A public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4,I(i). Final approval will be granted when the conditions have been met to the satisfaction of the Board. The plat will not be recorded at the Hillsborough County Registry of Deeds until all of the conditions have been met and confirmed by the Planning Board's designated representative, Chairman, and Vice-Chairman. If the conditions are not met, the conditional approval shall be null and void after 90 days unless an extension is granted by the Planning Board.

c. In case of disapproval of any application submitted to the Planning Board, the grounds for such disapproval shall be adequately stated in the Planning Board's meeting minutes as well as a written notice of finding to the applicant.

150 SUBMISSION REQUIREMENTS

When the owner of the property or his authorized agent makes formal application for site review, his application shall contain the following exhibits and information presented in a clear and distinct manner:

150.1

A fully executed and signed copy of the application for site plan review.

150.2

Site plan sheet size: 22" X 34" maximum with match lines if needed.

150.3

Approval as required by law from any other municipal, state or federal agency which may have jurisdiction.

150.4

A traffic impact study as described under Section 120.1 (a).

150.5

An internal circulation plan as described under section 120.1 (c).

150.6

Renderings and illustrations as required under Section 120.13.

150.7

Four (4) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch and showing the following:

a. Name of development or project.
b. Owners name, address and signature; and name and address of applicant if different from owner.
c. Names and addresses of all abutting property owners.
d. Signature and seal of registered surveyor, engineer or architect.
e. Scale
f. Contour interval: not greater than 2' for the developed portion of the site and not greater than 5' elsewhere.
g. North point.
h. Date
i. Key map sketch showing the general location of the site within the town.
j. Boundary of the entire parcel held in single ownership regardless of whether all or part is being developed at this time.
k. The bearings and distances of all property lines and the source of the information.
l. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts. Description of any variances or special

exceptions from the Zoning Ordinance granted for use of the property and a description of any conditions or stipulations placed on such use.

m. Soil types, location of soil boundaries and accompanying information mapped in accordance with the Site Specific Soil Maps for New Hampshire and Vermont, SSSNNE Special Publication No. 3, June 1997, as amended, prepared and stamped by a certified soil scientist. (March 2000)

n. All building setbacks required by the zoning district (through shading, hatching or overlay).

o. The lot area of the parcel, street frontage and the zoning requirements for minimum lot size and frontage.

p. The location of all buildings within 200 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

q. A storm water drainage plan showing:

    1. The existing and proposed method of handling storm water run-off.
    2. The direction of flow of the run-off through the use of arrows.
    3. The location, elevation, and size of all catch basins, drywells, drainage ditches, swales, retention basins, and storm sewers.
    4. Engineering calculations used to determine drainage requirements based upon a 25-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed. *(Amended May 18, 2005)*

r. Existing and proposed topography of the site at 2-foot contour intervals if major changes to the existing topography are being proposed.

s. The location of existing and proposed topographic features, watercourses, water bodies, large trees and other features within 200 feet of the parcel which should be considered in the site design.

t. The location of any easement.

u. The location, dimensions, number of floors, total area and first floor elevation of all existing and proposed buildings.

v. The number of non-residential units in each building with the floor area and proposed use for each unit.

w. The description of any potential vehicular visibility obstructions created by signs or other proposed developments at the site.

x. The location of existing and proposed roads showing center lines, edges of pavement and right-of-way lines and widths.
The estimated traffic volumes that will travel on the proposed and existing roads affected by the development. The location of all proposed and existing driveways within 200 feet of the site.

y. The location of sidewalks or shoulders for pedestrian safety.

z. The location of all existing or proposed fire hydrants, cisterns, wells, or ponds within 200 feet of the site.

aa. The location of all existing or proposed underground storage tanks on the site.

ab. A written description of the purpose and intent of the proposal including a description of proposed uses, number of units, and estimated number of employees. A description of the previous use(s) of the property should also be included.

151 SUBMISSION REQUIREMENTS FOR HOME OCCUPATIONS

The applicant shall submit the following information concerning the parcel and the proposed home occupation:

a. six copies of the home occupation sketch plan providing the name and address of the owner of record; and name of the applicant, if not the owner;
b. the tax map and lot number;
c. the total area and the dimensions of the parcel;
d. show the location of the required setbacks on the plan;
e. the location and dimensions of existing buildings and structures;
f. the proposed home occupation and its location within the existing structure/site;
g. the location of any proposed signs;
h. the scale of the map/diagram;
i. the tax map and lot numbers, names and addresses of all abutters;
j. the location of all driveways and parking areas;
k. the location of existing roads and driveways within 100 feet of the parcel;
l. the total number of employees broken down by resident and non-resident;
m. the estimated number of vehicle trips per day generated by the proposed home occupation; and
n. a signature block.

155 STORMWATER MANAGEMENT AND EROSION CONTROL1

(Adopted May 2003)

155.1 GENERAL

The purpose of this regulation is two fold. First, to control runoff and soil erosion and sedimentation resulting from site construction and development. Second, to comply with US Environmental Protection Agency (EPA) Stormwater Management legislation for Municipal Separate Storm Sewer Systems (MS4s, as amended. **Subdivisions and site plans shall include plans for managing stormwater and controlling erosion and sedimentation as provided below.** Any errors or omissions in these regulations shall not exempt applicants from complying with applicable state and federal statutes. In the event of conflicting requirements, the stricter standard applies as stated in the Conflict and Severability and Conflicting Provisions sections of Litchfield's ordinance and regulations.

155.2 RESERVED (DEFINITIONS REPEALED MAY 18, 2005) SEE SECTION 115 DEFINITIONS.

155.3 APPLICABILITY

155.3.1

The applicant shall submit a stormwater management and erosion control plan to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:

a. A cumulative disturbed area exceeding 15,000 square feet.

b. Construction or reconstruction of a street or road.

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[1] Adapted from NH Association of Conservation Districts Water Quality and Urban Conservation Committee, *(MODEL STORMWATER MANAGEMENT AND EROSION CONTROL REGULATION - FINAL DRAFT, February 1997)*

c. A subdivision of more than three building lots.

d. Disturbed critical areas. (See Definitions)

155.4 MINIMUM REQUIREMENTS

155.4.1

The following minimum requirements apply to all projects, regardless of size. Additional requirements may be found in this and other sections of the Site Plan Review and Subdivision regulations.

a. Site drawing of existing and proposed conditions:
   1. Locus map showing property boundaries
   2. North arrow, scale, date
   3. Property lines
   4. Easements
   5. Structures, utilities, roads and other paved areas
   6. Topographic contours
   7. Critical areas
   8. Surface water and wetlands, drainage patterns, and watershed boundaries
   9. Vegetation

b. Soils information for design purposes or for determining highly erodible soils shall be determined from a National Cooperative Soil Survey (NCSS) soil series map. A High Intensity Soil Map of the site, prepared in accordance with the Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 1, can only be used for design purposes and not for determining highly erodible soils.

c. Temporary and permanent stormwater management and erosion and sediment control BMPs

d. Areas and timing of soil disturbance

e. A schedule for the inspection and maintenance of all BMPs

155.4.2

Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

155.5 DESIGN STANDARDS

155.5.1

The following standards shall be applied in planning for stormwater management and erosion control: Additional requirements may be found in this and other sections of the Site Plan Review and Subdivision regulations.

a. All measures in the plan shall meet as a minimum the Best Management Practices set forth in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire," Rockingham County Conservation District, NH Department of Environmental Services, Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended, a copy of which is available in the planning board office.

Additional BMP's are available at the following locations:

1. http://www.des.state.nh.us/factsheets/wqe/wqe-6.htm - NHDES Environmental Fact Sheet WD-WQE-6, (*Soil Erosion and Sediment control on Construction Sites, 1996)*
2. http://cfpub.epa.gov/npdes/stormwater/menuofbmps/menu.cfm - EPA National Pollution Discharge Elimination System, (NPDES) (*Stormwater Menu of Best Management Practices (BMPs).*
3. http://cfpub.epa.gov/npdes/stormwater/menuofbmps/con_site.cfm -EPA NPDES (Construction Site Stormwater Runoff Control).

b. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.

c. Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.

d. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.

e. Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.

f. Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.

g. Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 2-year, 24-hour storm event and for additional storm event frequencies as specified in the design criteria of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."

h. Priority should be given to preserving natural drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area.

i. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days unless conditions dictate otherwise.

155.6 COMPLETED APPLICATION REQUIREMENTS

155.6.1

The Planning Board shall require each of the following in the final plan unless the project is deemed of sufficiently minimal impact to qualify for the minimum requirements specified in Section 155.4 of this regulation.

155.6.2 Construction Drawings

a. Existing and proposed conditions:
   1. Locus map showing property boundaries
   2. North arrow, scale, date
   3. Property lines
   4. Structures, roads, utilities, earth stockpiles, equipment storage, and plan for stump and debris removal
   5. Topographic contours at two-foot intervals
   6. Critical areas, stockpile and staging areas and snow storage areas
   7. Within the project area and within 400 feet of project boundary surface waters, wetlands, and drainage patterns and watershed boundaries
   8. Vegetation
   9. Extent of 100-year flood plain boundaries if published or determined
   10. Soils information for design purposes from a National Cooperative Soil Survey (NCSS) soil series map or a High Intensity Soil Map of the site, prepared in accordance with SSSNNE Special Publication No. 1. Highly erodible soils shall be determined by soil series.
   11. Easements
   12. Areas of soil disturbance
   13. Areas of cut and fill
   14. Areas of poorly or very poorly drained soils including any portion to be disturbed or filled
   15. Location of all structural, non-structural, and vegetative stormwater management and erosion control BMPs
   16. Identification of all permanent control BMPs
   17. Tabulated sequence of construction

b. Other plan requirements:
   1. Construction schedule
   2. Earth movement schedule
   3. A proposed schedule for the inspection and maintenance of all BMPs
   4. Description of temporary and permanent vegetative BMPs including seeding specifications
   5. Description of all structural and non-structural BMPs with detailed drawings of each as appropriate

155.6.3 Report Section Including

a. Design calculations for all temporary and permanent structural control BMP measures

b. A proposed schedule for the inspection and maintenance of all BMPs

c. Identification of all permanent control measures and responsibility for continued maintenance

d. Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff

e. When detention structures are planned to reduce future condition peak discharge the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design will conform to the criteria outlined for those types of

structures given in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."

155.7 RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION

155.7.1

The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all stormwater management and erosion control measures required by the provisions of this regulation.

155.7.2

The Planning Board shall require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or the surety

155.7.3

Site development shall not begin before the stormwater management and erosion control plan receives conditional approval. Best Management Practices shall be installed as designed and scheduled as a condition of final approval of the plan.

155.8 PLAN APPROVAL AND REVIEW

155.8.1

The Planning Board shall indicate approval of the stormwater management and erosion control plan, as filed, if it complies with the requirements and objectives of this regulation. Such approval shall be a component of subdivision or site plan approval. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

155.8.2

Technical review of any stormwater management and erosion control plan prepared under this regulation shall be reviewed by the Hillsborough County Conservation District or other qualified professional consultant, as determined to be appropriate by the planning board, at the expense of the applicant.

155.9 MAINTENANCE AND INSPECTION

155.9.1

A narrative description of on-going maintenance requirements for water quality measures required by stormwater management and erosion and sediment control plans after final planning board approval shall be recorded on the deed to the property on which such measures are located. The narrative shall be in the form of a typical site plan management, development agreement or as otherwise set forth by the planning board. The description so prepared shall comply with the requirements of RSA 478:4-a, as detailed below.

"I. The register of deeds shall not accept a deed or instrument for filing and recording unless it recites the following information:

(a) The latest mailing address of the grantees named in the deed or instrument;

(b) In the first sentence of the first description paragraph, the names of all municipalities in which the property is located;

(c) The name of each person signing the deed or instrument as a party to the transaction printed or typewritten under the signature.

II. All documents shall be suitable for reproduction as determined by the register of deeds, who shall provide document standards as amended and adopted by the New Hampshire registers of deeds. The standards and any amendments thereto shall include a statement of their effective date, and shall be posted in and distributed by all registries of deeds for at least 60 days prior to such effective date."

155.9.2

The purpose of this article is to enact locally the administrative and enforcement procedures set forth in RSA 676 of the existing planning and land use statutes.

155.9.3

RSA 676 authorizes the following penalties and remedies for enforcement of the provisions of this regulation:

a. Injunctive relief in accordance with RSA 676:15;

b. Fines and penalties in accordance with RSA 676:17;

c. Issuance of a cease and desist order in accordance with RSA 676:17-a;

d. Pleas by mail for local land use citations in accordance with RSA 676:17-b.

155.9.4

The planning board may require inspections to verify on-going maintenance of water quality protection measures. Such inspections shall be performed by the Board of Selectmen or their designee at reasonable times to the landowner.

155.9.5

If permission to inspect is denied by the landowner, the Board of Selectmen or their designee shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.

155.9.6

The Planning Board shall require a fee for routine inspections of water quality protection measures. See Appendix F, Planning Board Fee Schedule for Subdivisions, Site Plans, Sign Permits and Plan Recording, found in Litchfield's Subdivision Review Regulations. The owner of the property or site plan operator shall be responsible for fee payment on and into the future on an annual basis. Fee payments for site plans, regardless of approval date, shall be due on or before December 31 to cover inspections for the following year. A schedule of fees shall be adopted by the Planning Board, which represents the cost of performing routine inspections of various types of water quality protection measures. Inspections shall be performed by an inspector(s)/consultant(s) knowledgeable in water quality, storm water and erosion control devices and their maintenance. The procedure for adoption of the fee schedule shall be as provided for in RSA 676:4(I)(g), as detailed below.

> "Reasonable fees in addition to fees for notice under subparagraph (d) may be imposed by the board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications."

155.10 OTHER REQUIRED PERMITS

In addition to local approval, the following shall be required if applicable:

a. RSA 485-A:17 requires a permit from the New Hampshire Water Supply and Pollution Control Division for "…any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff …." Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the state.

b. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by the EPA or by the State under authority delegated pursuant to 33 USC, section 1342 (b) that authorizes the discharge of pollutants to waters of the United States.

c. For a cumulative disturbance of one acre of land that EPA considers "construction activity," which includes, but is not limited to clearing, grading, excavation and other activities that expose soil typically related to landscaping, demolition and construction of structures and roads, a federal permit will be required. Consult EPA for specific rules. This EPA permit is in addition to any state or local permit required. To apply, the entity or individual responsible for construction site operations shall file a Notice of Intent (NOI) with the EPA postmarked at least 24 hours prior to work beginning. EPA will respond within two weeks with a written permit, provided the NOI meets their criteria. A sample NOI is provided in Attachment 3 at the end of this section.

155.11 ENFORCEMENT

155.11.1

Any violation of the requirements of this regulation shall be subject to the enforcement procedures detailed in RSA 676. The Board of Selectmen or their designee shall be responsible for enforcement of the provisions of this regulation.

155.11.2 Written Notice of Violation

A written notice of violation shall be issued to the property owner by registered mail from the Board of Selectmen or their designee if the agent determines that conditions at the site are in violation of any of the requirements of this regulation or plans approved under this regulation and that the violation is not an immediate threat to public health and safety. The notice of violation shall:

a. 10.2.1 Specify the actions or conditions which violate the requirements of this regulation or plans approved under this regulation;

b. Identify what needs to be done to correct the violation(s);

c. Specify a reasonable time frame within which the violation will be corrected;

d. Be provided to the property owner with a copy to be kept in the official records of the (local land use board or local administrator).

155.11.3 Cease and Desist Order

In accordance with NH RSA 676:17-a, *Cease and Desist Orders*. A cease and desist order may be issued to the property owner by the Board of Selectmen or their designee if the agent determines that conditions at the site are in violation of any of the requirements of this regulation and the violation is either:

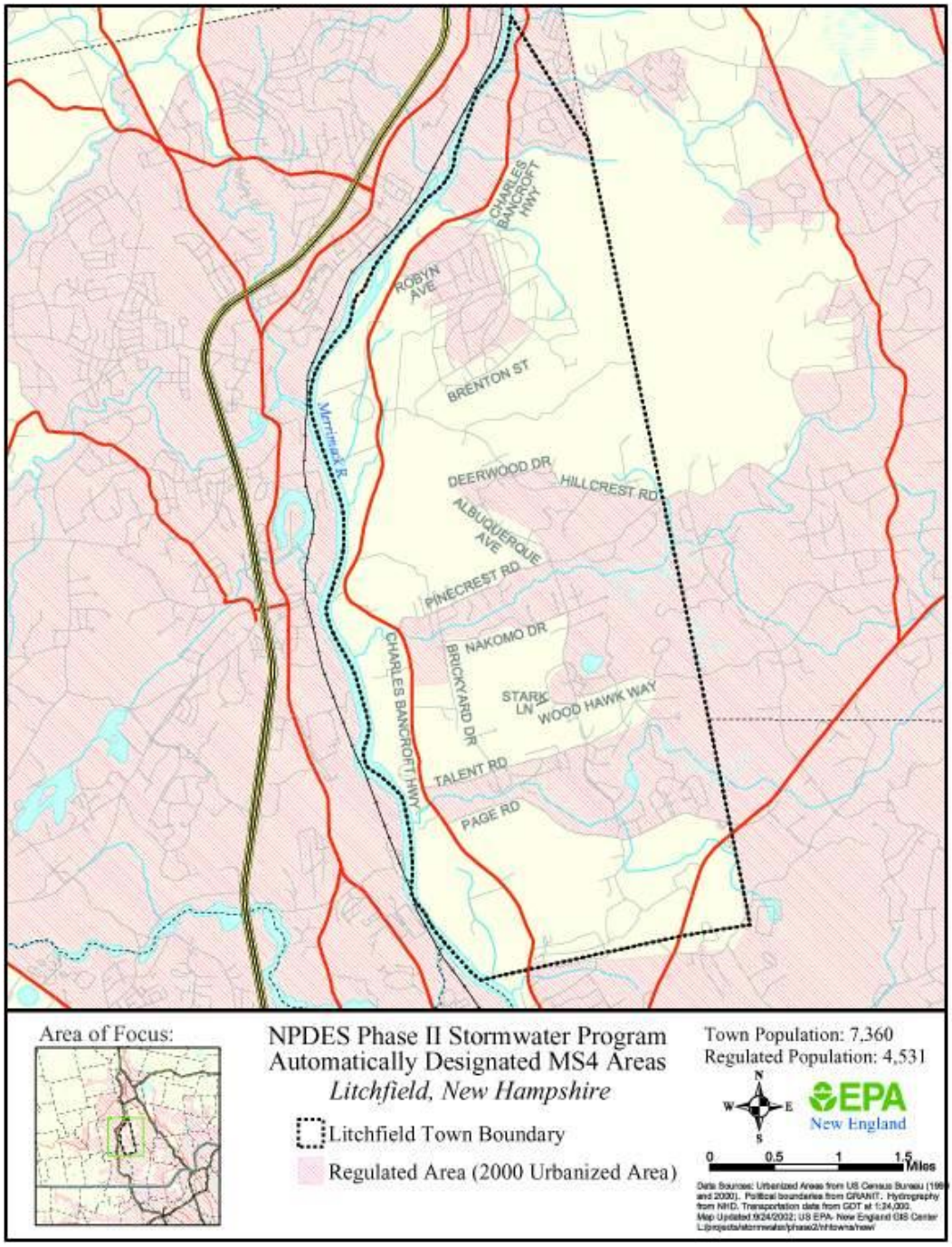
a. An immediate threat to public health and safety; or

b. The property owner has failed to take corrective action(s) identified in a written notice of violation issued under Section 155.11.2 of this regulation within the time frame specified therein.

155.12 MANDATORY REGULATED MS4S IN URBANIZED AREAS – MAP

Municipal Separate Storm Sewer Systems (MS4s) within "urbanized areas" (UA), as defined by the Bureau of Census, fall under mandatory regulation under EPA Phase II Stormwater Management regulations. Within the UA's, all roads and streets and associated drainage systems, both open and closed fall under regulation. Map 1 depicts the two (2) urbanized areas in Litchfield. The northern area is within the Manchester UA and the southern area is within the Nashua UA. All land in Litchfield shall comply with this regulation.

Map 1: Litchfield "Urbanized Areas"



155.13 CERTIFICATION OF ADOPTION:

1. We, the undersigned do hereby attest that this amendment to the (Subdivision regulations, section 155.0/Site Plan Review regulations, Appendix D, Section 1.0) was adopted by a majority vote of the Litchfield Planning Board at their duly noticed public meeting on:

   Date _____

   Chairperson, Planning Board _____

   Member, Planning Board _____

   Member, Planning Board _____

   Member, Planning Board _____

   Member, Planning Board _____

   Member, Planning Board _____

   Ex-Officio Member, Planning Board _____

2. This regulation was recorded with the Litchfield Town Clerk on:
   Date _____.

3. A summary of this regulation was published in_____(local newspaper) on _____(date), with a notice of where the ordinance was posted in Town.

4. This regulation was posted at_____and _____(two Public Places) as of _____(date).

Town Clerk

5. Effective Date: _____

   Signature (Town Clerk) _____

ATTACHMENT 1

SAMPLE FORM

WRITTEN NOTICE OF VIOLATION

Dear Property Owner: _____

You are hereby informed that based on an inspection performed by the local administrator on

_____(Date), your property does not meet the requirements of the Town of Litchfield Site Plan Review regulations (Section 155.0) / Subdivision regulations (Appendix D, Section 1.0) or plans approved thereunder. You are hereby served written notice and instructed to correct the violations listed below:

A copy of the inspection report, which details the nature of the violation at hand, is enclosed.

The notice of violation shall:

a. 10.2.1 Specify the actions or conditions which violate the requirements of this regulation or plans approved under this regulation;

b. Identify what needs to be done to correct the violation(s);

c. Specify a reasonable time frame within which the violation will be corrected;

d. Be provided to the property owner with a copy to be kept in the official records of the (local land use board or local administrator).

Sincerely, _____

Litchfield Code Enforcement Officer

VIOLATIONS:

_____

_____

_____

Please see attached details of violation(s) if necessary.

ATTACHMENT 2

SAMPLE FORM

CEASE AND DESIST ORDER

In accordance with NH RSA 676:17-a, *Cease and Desist Orders*.

Dear Property Owner: _____

You are hereby notified that based upon an inspection performed by the local administrator on _____ (Date), your property is in violation of the Town of Litchfield Site Plan Review regulations (Section 155.0) / Subdivision regulations (Appendix D, Section 1,0) or plans approved thereunder. A copy of the inspection report that provides details about the nature of the violation is enclosed for your records. (If an inspection form is not used, the letter must describe the facts constituting the violation.)

You are also notified that you are required to take the corrective action(s) listed below within _____ working days of receipt of this order, unless an answer is filed with the District Court specifically denying such facts in this order as are in dispute.

If no answer is filed within 20 days, the local administrator may make a motion to the court for enforcement of this order. If the order is sustained following trial, the Court shall enter judgment and fix a time within which the corrective action shall be taken. If the judgment is not complied with within the prescribed time, the local governing body is authorized to take the corrective action. The municipality's cost to take that action and other expenses, including legal fees, will then become a lien against the real estate, collectable in the same manner as local property taxes. This includes loss of the property if not paid.

The violation(s) of the Town of Litchfield (Site Plan Review regulations, section 155.0/Subdivision regulations, Appendix D, section 1.0) or plans approved thereunder, and corrective action(s) required:

Please contact me at _____ if you have any questions regarding this order or how to comply with the corrective actions required by it.

Sincerely, _____

Litchfield Board of Selectmen or

Code Enforcement Officer

ATTACHMENT 3

SAMPLE FORM

THIS FORM REPLACES PREVIOUS FORM 3510-6 (8-98)
See Reverse for Instructions

Form Approved. OMB No. 2040-0188

NPDES FORM

EPA

United States Environmental Protection Agency
Washington, DC 20460
Notice of Intent (NOI) for Storm Water Discharges Associated with
CONSTRUCTION ACTIVITY Under a NPDES General Permit

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a NPDES permit issued for storm water discharges associated with construction activity in the State/Indian Country Land identified in Section II of this form. Submission of this Notice of Intent also constitutes notice that the party identified in Section I of this form meets the eligibility requirements in Part I.B. of the general permit (including those related to protection of endangered species determined through the procedures in Addendum A of the general permit), understands that continued authorization to discharge is contingent on maintaining permit eligibility, and that implementation of the Storm Water Pollution Prevention Plan required under Part IV of the general permit will begin at the time the permittee commences work on the construction project identified in Section II below. IN ORDER TO OBTAIN AUTHORIZATION, ALL INFORMATION REQUESTED MUST BE INCLUDED ON THIS FORM. SEE INSTRUCTIONS ON BACK OF FORM.

I. Owner/Operator (Applicant) Information

Name: _____ Phone: _____

Address: _____ Status of Owner/Operator: ☐

City: _____ State: ___ Zip Code: _____-____

II. Project/Site Information

Is the facility located on Indian Country Lands? Yes ☐ No ☐

Project Name: _____

Project Address/Location: _____

City: _____ State: ___ Zip Code: _____-____

Latitude: _____ Longitude: _____ County: _____

Has the Storm Water Pollution Prevention Plan (SWPPP) been prepared? Yes ☐ No ☐

Optional: Address of location of SWPPP for viewing ☐ Address in Section I above ☐ Address in Section II above ☐ Other address (if known) below:

SWPPP Address: _____ Phone: _____

City: _____ State: ___ Zip Code: _____-____

Name of Receiving Water: _____

Month Day Year — Estimated Construction Start Date

Month Day Year — Estimated Completion Date

Estimate of area to be disturbed (to nearest acre): _____

Estimate of Likelihood of Discharge (choose only one):

1. ☐ Unlikely
2. ☐ Once per month
3. ☐ Once per week
4. ☐ Once per day
5. ☐ Continual

Based on instruction provided in Addendum A of the permit, are there any listed endangered or threatened species, or designated critical habitat in the project area?

Yes ☐ No ☐

I have satisfied permit eligibility with regard to protection of endangered species through the indicated section of Part I.B.3.e.(2) of the permit (check one or more boxes):

(a) ☐ (b) ☐ (c) ☐ (d) ☐

III. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: _____ Date: _____

Signature: _____

EPA

Instructions – EPA Form 3510-9
Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity to be Covered Under a NPDES Permit

Form Approved. OMB No. 2040-0188

Who Must File a Notice of Intent Form

Under the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et.seq.; the Act), except as provided by Part I.B.3 the permit, Federal law prohibits discharges of pollutants in storm water from construction activities without a National Pollutant Discharge Elimination System Permit. Operator(s) of construction sites where 5 or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least 5 acres, or any site designated by the Director, must submit an NOI to obtain coverage under an NPDES Storm Water Construction General Permit. If you have questions about whether you need a permit under the NPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a State agency, write to or telephone the Notice of Intent Processing Center at (866) 352-7755.

Where to File NOI Form

NOIs sent regular mail:

Storm Water Notice of Intent (4203M)
USEPA
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

NOIs sent overnight/express:

Storm Water Notice of Intent
US EPA East Building, Rm. 7420
1201 Constitution Avenue, NW
Washington, D.C. 20004

Storm Water Pollution Prevention Plans (SWPPPs) should not be sent in with the NOI -- they should remain on-site. For overnight/express delivery of NOIs, add the phone number (202) 564-9545. Please submit original document with signature in ink—DO NOT send copies.

When to File

This form must be filed at least 48 hours before construction begins.

Completing the Form

OBTAIN AND READ A COPY OF THE APPROPRIATE EPA STORM WATER CONSTRUCTION GENERAL PERMIT FOR YOUR AREA. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call the Notice of Intent Processing Center at (866) 352-7755.

Section I. Facility Owner/Operator (Applicant) Information

Provide the legal name, mailing address, and telephone number of the person, firm, public organization, or any other entity that meet either of the following two criteria: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have the day-to-day operational control of those activities at the project necessary to ensure compliance with SWPPP requirements or other permit conditions. Each person that meets either of these criteria must file this form. Do not use a colloquial name. Correspondence for the permit will be sent to this address.

Enter the appropriate letter to indicate the legal status of the owner/operator of the project: F = Federal; S = State; M = Public (other than federal or state); P = Private.

Section II. Project/Site Information

Enter the official or legal name and complete street address, including city, county, state, zip code, and phone number of the project or site. If it lacks a street address, indicate with a general statement the location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

The applicant must also provide the latitude and longitude of the facility in degrees, minutes, and seconds to the nearest 15 seconds. The latitude and longitude of your facility can be located on USGS quadrangle maps. Quadrangle maps can be obtained by calling 1-800 USA MAPS. Longitude and latitude may also be obtained at the Census Bureau Internet site: http://www.census.gov/cgi-bin/gazetteer.

Latitude and longitude for a facility in decimal form must be converted to degrees, minutes and seconds for proper entry on the NOI form. To convert decimal latitude or longitude to degrees, minutes, and seconds, follow the steps in the following example.

Convert decimal latitude 45.1234567 to degrees, minutes, and seconds.

1) The numbers to the left of the decimal point are degrees.
2) To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006. 1234 x .006 = 7.404.
3) The numbers to the left of the decimal point in the result obtained in step 2 are the minutes: 7'.
4) To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result in step 2 by 0.06: 404 x 0.06 = 24.24. Since the numbers to the right of the decimal point are not used, the result is 24".
5) The conversion for 45.1234 = 45° 7' 24".

Indicate whether the project is on Indian Country Lands.

Indicate if the Storm Water Pollution Prevention Plan (SWPPP) has been developed. Refer to Part IV of the general permit for information on SWPPPs. To be eligible for coverage, a SWPPP must have been prepared.

Optional: Provide the address and phone number where the SWPPP can be viewed if different from addresses previously given. Check appropriate box.

Enter the name of the closest water body which receives the project's construction storm water discharge.

Enter the estimated construction start and completion dates using four digits for the year (i.e. 05/27/1998).

Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest acre; if less than 1 acre, enter "1." Note: 1 acre = 43,560 sq. ft.

Indicate your best estimate of the likelihood of storm water discharges from the project. EPA recognizes that actual discharges may differ from this estimate due to unforeseen or chance circumstances.

Indicate if there are any listed endangered or threatened species, or designated critical habitat in the project area.

Indicate which Part of the permit that the applicant is eligible with regard to protection of endangered or threatened species, or designated critical habitat.

Section III. Certification

Federal Statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner of the proprietor, or

For a municipality, state, federal, or other public facility: by either a principal executive or ranking elected official. An unsigned or undated NOI form will not be granted permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, OPPE Regulatory Information Division (2137), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.

160 BUFFERYARDS

160.1 INTER-DISTRICT BUFFERYARDS: (BETWEEN ZONING DISTRICTS)

a. Proposed land uses which are located within, but abutting the boundaries of any zoning district shall provide a landscaped bufferyard for the length of the zoning district boundary within the parcel being developed as indicated in the following table:

TABLE 1: Required Bufferyard Widths Between Zoning Districts

Existing Use		***1***	***2***	***3***	***4***	***5***
Land Use	1	None	50′	50′	75′	100′
Intensity	2	50′	None	20′	50′	100′
	3	50′	20′	None	20′	20′
	4	75′	50′	20′	None	30′
	5	100′	100′	20′	30′	None

1. Wetland and Floodplain Conservation Districts
2. Residential Districts
3. Transitional
4. Commercial Districts
5. Commercial/Industrial Districts

160.2 INTRA-DISTRICT BUFFERYARDS: (WITHIN DISTRICTS)

For the purposes of this section all proposed land uses within the Town of Litchfield shall be characterized by the Planning Board as being in one of the four Land Use Intensity classes defined as follows:

1. Residential/Agricultural/Vacant: Land uses in this class include single family and duplex dwelling units, mobile homes, agricultural lands and related structures, and vacant, undeveloped land in any zoning district. Also included are outdoor commercial-recreational establishments such as golf courses and horse riding stables.

2. Office Commercial: A commercial use which generally does not offer goods for sale, but rather offers personal or professional services such as doctor, dentist, lawyer, architect, engineer, accountant or insurance agent. Also includes less intensive services such as hair and beauty salon or barber, real estate sales.

3. Retail Commercial: A commercial use which offers for retail sale goods and certain services including; grocery, food, clothing and hardware stores, automobile and automobile parts sales, automobile repair and cleaning services, restaurants, fast food restaurants and convenience grocery stores.

4. Industrial/Manufacturing Assembly: A commercial use, other than a home occupation, which manufactures finished goods from raw materials, assembles a product or products from prefinished parts, or an industrial use which extracts or refines raw materials. Also includes research laboratories, trucking and warehousing operations, concrete batching, and sand or gravel extraction.

   a. The following table indicates the required bufferyard width for each land use intensity classification of proposed and existing uses.

TABLE 2: Required Bufferyard Widths -
Proposed Use -
Land Use Intensity Class

Existing Use		***1***	***2***	***3***	***4***
Land Use	1	None	20′	30′	50
Intensity	2	20′	None	20′	20′
	3	30′	20′	None	20′
	4	50′	20′	20′	None

160.3 BUFFERYARD REQUIREMENTS:

a. Landscaping:

All bufferyards required under this section shall be landscaped to provide a visual screen and to absorb noise, dirt, dust, and litter. Indigenous vegetation that contributes to the purpose of the buffer yard should be retained where possible. Evergreens, hedges and shrubs of at least six feet (6') tall may be used. Deciduous trees may also be used to provide for shade and a naturalistic appearance provided that the buffer yard will continue to serve as a barrier throughout the year.

b. Solid fences, masonry walls or earth berms may be provided in place of the required plantings where the provision of a landscaped bufferyard is infeasible or inappropriate as determined by the Planning Board.

c. Maintenance: The owner(s) of the use for which the bufferyard is required shall be responsible for the maintenance of the bufferyard.

160.4 REDUCTION OF BUFFERYARD:

a. The required width of a bufferyard may be reduced at the discretion of the Planning Board if the applicant can demonstrate that the purposes of this section will be met by any of the following:

1. Very dense plantings of evergreens or other plantings.
2. Construction of a fence, wall or berm with additional landscaping.
3. Natural features exist which will accomplish the same purposes.
4. Adjacent properties provide adequate buffers.

b. Bufferyards with landscaping may be considered side yards to meet the setback from the line of abutting property requirements under the Zoning Ordinance.

163 EXTERNAL LIGHTING

(Adopted December 7, 2004)

163.1 PURPOSE AND INTENT

The purpose of this regulation is to preserve the rural atmosphere and dark skies of the Town of Litchfield, NH. Natural dark skies are the nighttime aspect of rural character. Increasing light pollution and glare from inappropriate lighting degrades such rural character. This regulation is intended to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, providing for lighting that will complement the character of the Town of Litchfield, reduce glare, minimize light trespass, reduce the cost and waste of unnecessary energy consumption and prevent the degradation of the night sky.

163.2 APPLICABILITY.

Detailed lighting requirements shall be set forth in these Town of Litchfield Site Plan Review Regulations and shall apply to all outdoor lighting in non-residential developments in the Town of Litchfield requiring site plan approval from the Planning Board, as well as all new and replacement outdoor lighting in non-residential areas. Home Occupations requiring Planning Board site plan review are required to comply with this Section. This regulation takes effect immediately upon adoption and certification by the Town Clerk.

a. Though they are not subject to permitting through this regulation, residential developers and homeowners are encouraged to use full cutoff energy efficient lighting fixtures and prevent light trespass onto neighboring properties.

b. The Illuminating Engineering Society of North America (IESNA) standards shall apply to those non-residential uses not specifically addressed in these regulations. Standards are available in print and electronically at (http://www.iesna.org)

c. Proposed lighting installations or modifications that are not covered by these regulations shall conform to the Illuminating Engineering Society of North America (IESNA) standards.

d. A "grandfathered" luminaire, is pre-existing non-residential outdoor lighting in use prior to the adoption of this regulation and is exempt from this regulation until such time as the lamp, fixture and/or luminaire requires replacement as part of ongoing operation and/or maintenance. Compliance is required upon replacement of a lamp, fixture or luminaire unless a waiver is granted or other exemptions apply.

163.3 RESERVED (DEFINITIONS REPEALED MAY 18, 2005) SEE SECTION 115 DEFINITIONS

163.4 GENERAL STANDARDS.

Non-residential lighting and lights from vehicular traffic associated with a non-residential use shall be shielded or buffered to prevent off-site glare, sky-glow and light trespass. Full cut-off or partial cut-off fixtures, when approved, are to be used, except that low-level lighting (Globe style, non-cut-off types) for walkways and landscape lighting may be approved when an acceptable design meeting the Purpose and Intent of this regulation is submitted.

Wherever outside lighting is proposed in a site plan review, it shall be accompanied by a formal lighting plan, prepared to scale. The lighting plan shall require Planning Board approval. Home Occupations are exempt from a formal plan but are subject to site plan review regulations. When

any site plan proposes installed street, common or public area outdoor lighting, the final plan shall contain a statement certifying that the applicable provisions of this regulation shall be adhered to. Lights not required for safety or security shall be turned off within a reasonable time of when a business or activity closes or ceases, as set forth in this regulation.

This regulation shall not apply to temporary decorative lighting, which may include colored lamps, such as holiday lighting. Commercial lighting shall meet minimum IESNA illumination levels while not exceeding IESNA uniformity ratios and average illumination recommendations.

163.5 LIGHTING PLAN.

Wherever outside lighting is proposed in a site plan review, it shall be accompanied by a lighting plan that shall show:

a. The location of the site where outdoor lighting fixtures will be installed.

b. Scaled plans indicating the location of outdoor lighting fixtures on the site, the height of each fixture, the type(s) of outdoor lighting proposed and the lamp type (i.e. Metal Halide, High Pressure Sodium), level of wattage and initial lumens for all light sources.

c. A description of the outdoor lighting fixtures including but not limited to manufacturer's catalog descriptions and drawings. The required plans and descriptions shall be sufficiently complete to enable the Planning Board to readily determine compliance with the requirements of this regulation. If necessary, the Planning Board may require the applicant to submit further evidence of proper design and compliance.

d. The Planning Board requires an iso-lux / footcandle plan indicating levels of illumination, in footcandles, at ground level. The maintained horizontal illuminance standards set by the Illuminating Engineering Society of North America (IESNA) shall be observed.

e. If any site plan or subdivision plan proposes to have installed street, common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of these regulations shall be adhered to.

Should any outdoor light fixture, or the type of light source therein, be changed after the site plan approval has been issued, and would present a different result than the submitted iso-lux / footcandle illumination plan, an amended site plan shall be submitted to the Planning Board. Changes requiring an amended site plan include, but are not limited to pole or luminaire height, orientation, intensity, location, quantity and reduced Color Rendering Index (CRI). Where fixture and/or luminaries are replaced with comparable or superior equipment, an amendment or change request shall be submitted in writing to the Building Inspector for approval, together with adequate information to assure compliance with this regulation. An iso-lux / footcandle plan depicting pre and post illumination levels and/or manufacturers specifications data may be adequate to make a determination. Any request for amendment or change must be received and approved by either the Planning Board or Building Inspector prior to substitution.

163.6 CONTROL OF GLARE AND LIGHT TRESPASS.

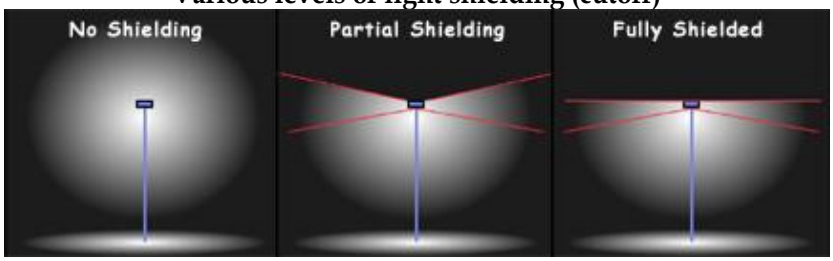
a. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens shall be of fully shielded (cutoff) design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire.

b. Luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on abutting land.

c. Flood or spot luminaires shall be full cut-off if they are 900 lumens or more.

d. The following illustrations depict the three standard types of outdoor lighting. Control of sky-glow, glare and light trespass is minimized as the level of cutoff increases.

Various levels of light shielding (cutoff)



e. The following illustrations depict some of the most common traditional external (outside) lighting fixtures.

Typical Exterior Lighting

Mini-mart Service Station **Acorn** **Bollard** **Cobra**

High Mast **In-ground** **Traditional Post** **Wall Pack**

f. The following illustrations depict examples of modern cut-off design lighting fixtures. These and other examples are available on the International Dark-Sky Association website with references to over 485 Luminaires and over 90 Lighting Manufacturers: http://www.darksky.org/fixtures/fixtures.html

Area Post Top

Area Post Period

Area Parking/Road

Area Roadway

Area Shoe Box

Bollard Pedestal

Flood/Spot

Security

Wall Mount Utility

Wall Mount Can

Example of shielding a traditional street light

Before

After

Source: http://saveourstarryskies.homestead.com/projects.html

163.7 LAMPS.

Lamp types shall be selected for optimum color rendering as measured by their color-rendering index (CRI), as listed by the lamp manufacturer. Lamps with a color-rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting that may include colored lamps, such as holiday lighting. Commercial Lighting shall meet minimum IESNA illumination levels while not exceeding IESNA uniformity ratios and average illuminance recommendations.

a. *Hours of Operation*. Outdoor lighting shall not be illuminated between 11:00 p.m. and 6:00 a.m. with the following exceptions:

1. If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one hour after the activity ceases;

2. Low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 am, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles. Showrooms and storefronts with large exterior windows shall reduce lighting a minimum of (50) percent for nighttime security lighting (E.g. car dealership, supermarket, and appliance showroom).

163.8 SIGNAGE.

Any luminaire intended to illuminate a sign or billboard shall be shielded so that its direct light is confined to the surface of such sign or building and shall be downcast (downward facing) whenever feasible. The average level of illumination on the vertical surface of the sign shall not exceed 3.0 footcandles, and the ratio of average to maximum illuminance shall not exceed 2:1. Lighted off-premise signs, if permitted, shall be turned off upon closing, or 10:30 p.m., whichever is earlier. Lights that flash, rotate, move, or simulate motion are not permitted.

163.9 FACADE LIGHTING.

Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

163.10 SPORTS LIGHTING.

Sports venue lighting is exempt from any lumens per acre standards for the playing field only. Full-cutoff fixture design is required and light trespass requirements apply. No lighted outside sporting or entertainment event shall start after 10:00 p.m. or extend beyond 11:00 p.m. For the purposes of this section, sports lighting shall include, but shall not be limited to, public and private ballfields and stadiums, golf driving ranges, and other venues that require greater lighting heights to effectively illuminate an area for sport related and outdoor entertainment activities.

163.11 LASER SOURCE LIGHT.

The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

163.12 SEARCHLIGHTS.

The use of searchlights except by civil authorities for public safety is prohibited.

163.13 COMMUNICATIONS TOWERS.

The nighttime use of white or white strobe lighting is prohibited unless written proof of FAA requirement is provided.

163.14 WAIVERS.

The Planning Board may waive or modify the requirements of this Section, provided it determines that such modification is consistent with the objectives set forth in this regulation.

a. Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists.

b. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas.

c. Where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation.

d. Where it can be demonstrated that for reasons of the geometry of a lot, building, or structure, complete shielding of direct light is technically infeasible.

163.15 EXEMPTIONS.

The following types of lighting are exempt from this regulation:

a. State or Federal regulated lighting such as airports, towers requiring lighting, highway signage and traffic signals, etc.

b. Low wattage or low voltage temporary decorative lighting used for holidays, festivals and special events, provided they do not pose a safety or nuisance problem due to light trespass or glare.

c. Continuous colored tube lighting (E.g. neon lighting), except that it shall not remain on after a business has closed or as regulated under the Signage section(s) of the Town of Litchfield's land use laws.

d. Grandfathered (Pre-existing non-conforming) lamp, fixture and/or luminaire until the lamp, fixture and/or luninaire requires replacement as part of ongoing operation and/or maintenance.

165 TELECOMMUNICATION FACILITY SITE REQUIREMENTS

In the site plan review process, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse impact of the proposed tower or antenna on adjoining properties, and preserve the intent of the ordinance and these regulations. The following factors are to be considered when reviewing the application:

a. Height of proposed tower or other structure.
b. Proximity of tower to residential development or zones.
c. Nature of uses on adjacent and nearby properties.
d. Surrounding topography.
e. Surrounding tree coverage and foliage.
f Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
g. Proposed ingress and egress to the site.
h. Availability of suitable existing towers and other structures as discussed in Section 1050 of the Zoning Ordinance.
i. Visual impacts on viewsheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
j. Availability of alternative tower structures and alternative siting locations.

165.01 SUBMISSION REQUIREMENTS FOR TELECOMMUNICATION FACILITIES

Each applicant requesting Site Plan review and approval for a telecommunication facility shall submit a plan in accordance with the requirements of the Zoning Ordinance and the Non-Residential Site Plan Review Regulations, particularly Section 165.0. In addition, the applicant shall submit the following prior to any consideration and approval by the Board:

a. Additional plat information: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, access drives, parking, fencing, landscaping, and adjacent uses (up to 200 feet away).
b. Written proof that the proposed use/facility complies with Federal Communications Commission regulations on radio frequency (RF) exposure guidelines.
c. Written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable Federal Communications Commission (FCC) rules.
d. An inventory of its existing towers that are within the jurisdiction of the Town and those within two (2) miles of the border of the Town, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Town.
e. Written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna if the applicant is proposing to build a new tower. This evidence can consist of an analysis of the location, height, strength, potential interference, and co-location costs, which would make co-location impractical.
f. A written agreement with the Town specifying that the applicant agrees to provide for maximum shared use of the facility with other telecommunication providers and with governmental agencies at industry standard lease rates. The applicant shall also provide notice to all commercial carriers in the region that a new facility is to be erected and that an opportunity for co-location exists.
g. A viewshed analysis to include, at minimum, a test balloon moored at the site for the purpose of indicating the visibility of the proposed structure from all abutting streets and other key locations.

h. Engineering information detailing the size and coverage required for the facility location. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be home by the applicant in accordance with RSA 676:4(g).
i. Any other information deemed necessary by the Planning Board to assess compliance with Section 1250.00 of the Zoning Ordinance.

165.20 CONSTRUCTION PERFORMANCE REQUIREMENTS

The guidelines in this section shall govern the location of all towers, and the installation of all antennas. The Planning Board may waive these requirements in accordance with Section. 165.30 of the Non-residential Site Plan Regulations, only if it determines that the goals of the ordinance and these regulations are served thereby. These requirements shall supersede any and all other applicable standards found elsewhere in Town ordinances or regulations that are less strict.

165.21 AESTHETICS AND LIGHTING

a. Towers shall maintain a neutral, non-reflective color so as to reduce visual obtrusiveness.
b. The design of the buildings and related structures at a tower site and antennas and supporting equipment on structures other than a tower shall use materials, colors, textures, screening.
c. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
d. Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

165.22 SETBACKS AND SEPARATION

a. Free-standing towers must be set back a distance equal to 150% of the height of the tower from any off-site residential structure and property line.
b. Towers and accessory facilities must satisfy the minimum zoning district setback requirements.

165.23 SECURITY FENCING

Towers shall be enclosed by decay-resistant security fencing not less than eight (8) feet in height and shall also be equipped with an appropriate anti-climbing device or other similar device to prevent tower access. The fence should be posted with "No Trespassing" signs on all sides and other danger warning signs.

165.24 LANDSCAPING

a. Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent property. The standard buffer shall consist of a landscaped strip of at least ten (10) feet wide outside the perimeter of the compound.
b. Natural vegetation is preferred, and existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
c. In locations where the visual impact of the tower would be minimal or where natural growth provides a sufficient buffer, the landscaping requirement may be reduced or waived entirely.

165.25 BUILDING CODES AND SAFETY STANDARDS

To ensure the structural integrity of towers and antennas, the tower shall be inspected in accordance with section 1055.00 Inspections of the Litchfield Zoning Ordinance. The owner of a tower shall ensure that it is maintained in compliance with standards contained in the Litchfield Building Code and the applicable standards for towers that are published by the Electronic Industries Association,

as amended from time to time. Failure to bring a tower into compliance within thirty (30) days of notice being provided to the owner by the Town shall constitute abandonment and grounds for the removal of the tower or antenna in accordance with Section 1056.00 Removal of Abandoned Antennas and Towers of the Zoning Ordinance.

165.26 FEDERAL REQUIREMENTS

All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate towers and antennas. Failure to bring towers and antennas into compliance with revised standards and regulations within six (6) months of their effective date shall constitute grounds for the removal of the tower or antenna in accordance with Section 1056.00 of the Zoning Ordinance.

165.30 WAIVERS

The Planning Board may waive the requirements of this section where it finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing terms, or the purposes of these regulations may be served to a greater extent by an alternative proposal. The purpose of granting waivers under the provisions of this regulation shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by the terms of the ordinance. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or be injurious to other property and will promote the public interest.
b. The waiver will not, in any manner, vary the provisions of the Town's Zoning Ordinance or Master Plan.
c. The waiver will substantially secure the objectives, standards, and requirements of this ordinance.
d. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
    1. Topography and other site features.
    2. Availability of alternative site locations.
    3. Geographic location of the property.
e. Size/magnitude of the project being evaluated and availability of co-location.

165.31 CONDITIONS FOR GRANTING OF WAIVERS

In granting waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of this ordinance.

165.32 PROCEDURES

A request for a waiver shall be submitted in writing by the applicant with the application for Planning Board Review. The request shall state fully the grounds for the waiver and all of the facts relied on by the applicant. Failure to submit the request in writing shall require an automatic denial of the waiver request.

170 PERFORMANCE GUARANTY /BONDING REQUIREMENTS AND PROCEDURES

All bonding shall be in place prior to the start of any construction. See PERFORMANCE GUARANTY/BONDING PROCEDURES section in Appendix A. (Amended July 20, 2004)

175 POST APPROVAL PROCEDURES

(Adopted June 21, 2005)

Post approval procedures provide a way to ensure compliance with the site plan and any conditions of approval. They also ensure that necessary funds to guarantee project completion are provided.

175.1 FINAL PLAT.

175.1.1 Recording

Upon a vote by the majority of the Planning Board to approve a site plan, the application shall be deemed to have final approval and the site plan shall be signed by the Chairperson of the Board and shall be filed with the Planning Board secretary and/or the Code Enforcement Officer. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void. In addition, the signed plan shall be recorded in the Hillsborough County Registry of Deeds (HCRD) within sixty (60) days of the vote to approve the plan. Plans are not valid until recorded at the registry of deeds. The Planning Board, by vote, may extend the filing period for good cause. *(Amended July 18, 2006)*

Approved plans should be signed by the Chair of the Planning Board and filed with the registry of deeds within 60 days of approval or the plan will expire. Extensions may be granted to deadlines.

175.1.2 Incorporation of Approved Plan

One copy of the approved site plan shall be provided prior to the initial (first) building permit for the project and all construction activities shall conform to the approved plan, including any conditions of approval and minor changes approved by the Planning Board or Town Engineer/Inspector/Code Enforcement Officer to address field conditions. *(Amended July 18, 2006)*

A copy of an approved plan shall be provided prior to the initial (first) building permit application so that the Building Inspector is aware of the Planning Board's approval. All construction must comply with the approved plan, including any conditions.

175.2 CONDITIONS OF APPROVAL

All terms of a conditional approval shall be met as determined by the Planning Board in its affirmative vote on the motion for conditional approval, prior to recording of the plan at the HCRD. All other requirements, bonds and/or guarantee shall be in place prior to construction beginning. Under no circumstance shall a certificate of occupancy be issued prior to all the terms of these regulations being met.

All conditions of approval must be met prior to recording plans. All bonds or other requirements should be met prior to recording plans.

175.3 AS-BUILT PLANS REQUIRED

Any project involving the construction of more than ten thousand (10,000) square feet of gross floor area, thirty thousand (30,000) square feet of impervious surface, or any Stormwater

Management construction, including required driveway culverts, shall provide the Planning Board or Town Engineer and/or Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans shall be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building. A copy of this plan shall also be provided the Planning Board for their records. (Amended July 18, 2006)

As-Built plans are required for any plan with greater than 10,000 S.F. of floor area, 30,000 SF. of impervious surface or which stormwater management devices will be constructed.

175.4 INSPECTIONS AND SITE VISITS

Prior to approval, site visits may be required by the planning board to better understand the features of the land and the relationship and effect of the proposed development on the land and the abutters. Proposed centerline to roads and/or access-ways, test-pits, existing lot lines or other markings typical in the engineering process may be required prior to a site walk to aid the Board.

Pre-approval site inspections may be required by the Planning Board to best determine the land characteristics before engineering plans are detailed. Road centerlines, wetlands, existing bounds and test pit locations should be marked.

A Technical Review Fee for engineering inspections for approved site plans shall commence the establishment of an escrow account or other account for expenses for plan review and inspections incurred by the Planning Board, in accordance with RSA 674:44 V and RSA 676:4 I (g), shall be borne by the applicant. This includes, but is not limited to, review by consulting engineers or other consultants to assess the environmental impact, hydrological impact, ground water quality impact, traffic impact, or any other study deemed necessary by the Planning Board in order to make an informed decision.

Inspections include verification of overall compliance with the approved site plan. In the case of inspections, funds are due prior to commencing site work or construction and not at the time of application. Funds from the account will be disbursed on a monthly basis upon satisfactory completion of service. Inspection reports shall be provided to the Board for their records. At any time the funds in this account are depleted to $1,500.00 (one thousand five hundred), and prior to commencement of any new inspections, the account shall be replenished by the applicant to the full amount required in the Fee Schedule, as established by the Planning Board or Board of Selectmen.

The use of escrow accounts for engineering inspections is cumbersome on part time staff in smaller towns. Cash or other means of secure payment may be approved for short duration projects.

Upon written request by the applicant, any remaining funds in excess of $5.00 (five) shall be returned to the applicant, provided the municipality receives documentation from the engineer/inspector that the project has been completed according to the approved plans and to the satisfaction of the project inspector. The building inspector shall not issue a Certificate of occupancy and/or final performance guarantees shall not be released until all required improvements are constructed as shown on the approved site plan and any final inspections or approvals completed.

If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or Superior Court under RSA 595-B, Administrative Inspection Warrants.

Money to cover inspections and reviews should be placed in escrow prior to the inspections in order to ensure that the community is not stuck with the bill. Payment for inspections or reviews should be disbursed monthly to the inspector in accordance with the fee schedule.

Smaller towns may accept cash or other secure methods instead of cumbersome escrow accounts.

A Certificate of Occupancy, allowing the occupation of the building for its stated purpose will not be issued unless the project is completed in accordance with the approved plans.

175.5 PERFORMANCE GUARANTEES.

175.5.1 Application

The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in Performance Guaranty/Bonding Requirements and Procedures as found in Appendix A of the Town of Litchfield's regulations, as is reasonably necessary to ensure the proper installation of all on and off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

Upon substantial completion of all required improvements, the developer shall notify the Planning Board, in writing, of the completion or substantial completion of improvements, and shall send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the municipal officials. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

a. *Form of Guarantee*. Performance guarantees may be provided by a variety of means, as detailed in Appendix A, that shall be approved as to form and enforceability by the Planning Board and Municipal Attorney.

Reasonable secured funds may be required to ensure completion of all required on and off-site improvements. This section prevents the community from having to complete the improvements if the developer fails to do so.

The security will be released once an inspection confirms they are completed as required. A reduction in the guarantee will be granted for partially approved improvements. For example, the developer may construct part of a roadway to access a certain phase of the development. Once completed, the security for this section of roadway can be released.

175.6 MINOR CHANGES TO APPROVED PLANS

Minor changes in approved plans necessary to address field conditions may be approved by the Planning Board or Town Engineer/Inspector/Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal.

The Planning Board or Town Engineer/ Inspector/Code Enforcement Officer shall endorse any such change in writing on the approved plan.

175.7 MAJOR CHANGES TO APPROVED PLANS

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except for minor changes that do not affect approval standards, are subject to review and approval in a formal public hearing after proper abutter notification. Engineering and studies applicable to the new site plan may be resubmitted in order to reduce cost to the applicant, at the Boards discretion.

175.8 EXPIRATION OF APPROVED PLANS (VESTING)

In accordance with RSA 674:39, *Four Year Exemption,* site plan approvals shall become vested from subsequent changes to zoning ordinances and regulations for a period of four (4) years, provided active and substantial development as defined by the Planning Board, has occurred within twelve (12) months of the date of final approval, the exception being those ordinances and regulations which expressly protect public health standards. If site development and/or construction have not been substantially commenced within twelve (12) months, the plan shall not be vested and is subject to changes in zoning and regulations. If site development and/or construction are not completed within four (4) years from the date of site plan approval, the approved plan shall be null and void. At this point, the applicant may reapply for site plan approval. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances and regulations in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

175.9 REVOCATION OF APPROVED PLANS

In accordance with RSA 676:4-a *Revocation of Recorded Approval*, a subdivision, plat, street plat, site plan or other approval which has been filed with the appropriate recording official, under RSA 674:37, *Recording of Plats*, may not be revoked by the planning board in whole or in part except as detailed in the statute. Failure to conform to the statements, plans or specifications upon which an approval was based; failure to provide adequate security; failure to meet conditions of approval within the time period set forth in the approval, or if no time period was set, then the time periods specified in RSA 674:39, *Four Year Exemption*, are grounds for revocation under RSA 676:4-a.

175.10 DIGITAL DATA SUBMISSION REQUIREMENTS.

The following apply to the submission of site or subdivision plans.

175.10.1

All plans and specifications must be submitted on CD_ROM in IBM-PC compatible format. Acceptable file formats for plan sheets to be recorded include AutoCAD DWG, AutoCAD DXF, or ArcView (shapefile or geodatabase), or as otherwise directed. The files must be identical to the printed plan and contain all information included thereon. Upon project completion, a digital submission of the "as-built" plan is required for final release of the performance bond associated with any project.

In addition, a complete plan set shall be provided in Adobe (PDF) format at a resolution sufficient to produce full sized copies. (Amended December 6, 2005)

175.10.2

All digital mapping data shall be registered horizontally to the New Hampshire State Plane Coordinate System, North American Datum 1983 (NAD83) feet. Vertical datum shall be the North American Vertical Datum 1988 (NAVD88).

175.10.3

Each feature type (roads, buildings, lot lines, etc) must be organized in the CAD or GIS file as a separate layer. Layer names must clearly describe the features within each layer. For example,

Feature Type	**Layer Name**
Lot Line	LOT_LINE
Building	BUILDING
Roads	ROAD
Driveways	DRIVEWAY

175.10.4

Disks submitted in duplicate to the Litchfield Planning Board must be labeled with project name, submitting consultant, file name, date, and whether the plan is preliminary, approved, or as-built. (Amended December 6, 2005)

175.10.5

Digital files shall be submitted upon subdivision or site plan approval. For site plans, upon project completion, a digital submission of the "as-built" plan is required for final release of the performance bond associated with any project.

180 SUBMISSION REQUIREMENTS FOR THE EXPEDITED REVIEW OF FARM BUILDINGS AND MINOR SITE PLANS

180.1 APPLICABILITY:

a. To qualify as a farm under this procedure, the farm must have at least four (4) acres of productive land with a cash income earned from farm produce of at least $1,000. The Planning Board may require proof of farm income.

b. A minor site plan shall include proposals with a developed area of 40,000 square feet or less where no new habitable structures or significant expansions of existing habitable structures are proposed.

180.2

Any commercial retail sales proposals including farm stands or sale outlets must come under full non-residential site plan review.

180.3

Seasonal/temporary structures used solely for agricultural use shall be exempt from Non-Residential Site Plan Review. Seasonal/Temporary structures are those erected for period of use not to exceed 180 consecutive days, and are disassembled on a seasonal basis.

180.4

In addition to fees outlined in Appendix F, Planning Board Fee Schedule For: Subdivisions, Site Plans, Sign Permits & Plan Recording the Board may impose reasonable fees to cover the costs of special investigative studies, review of documents and other matters which may be required by particular applications, including the costs for any additional professional consultation deemed necessary by the Board. 6-20-00

180.5 SUBMISSION REQUIREMENTS

The applicant shall request an expedited site plan review in writing. Preapplication requirements (Section 130, Submission Procedures (Section 140) and Submission Requirements (Section 150) shall apply for expedited site plan reviews. The applicant may request, in writing, a waiver of specific requirements from the Planning Board where specific submission requirements do not appear, at the discretion of the Board, to be applicable.

190 SEPARABILITY

If any section, subsection, or phrase of these non-residential site plan review regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

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