

TOWN OF DURHAM, NEW HAMPSHIRE



[SUGGESTED EDITS AND COMMENTS BY ROBIN MOWER, AUGUST 26, 2015]

****PROPOSED NEW****

SITE PLAN REGULATIONS

Part II – Site Plan Review Process

Presented for Public Hearing on August 26, 2015

[*Note. These regulations are one consolidated document consisting of:

Part I - General Provisions

Part II - Site Plan Review Process

Part III - Development Standards

Copies provided to the public may be broken up into five separate sections for ease of reading, including Part I; Part II; Part III, Articles 1-6; Part III, Articles 7-12; and Part III, Articles 13-17]

Adopted by the Durham Planning Board: [date]

Most Recently Amended:

- 1.2.2 The Design Review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public, as required by RSA 676:4. I – (d).
- 1.2.3 The Planning Board shall hold a public hearing on Design Review applications as laid out in the Board’s Rules of Procedure. Statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action taken.
- 1.2.4 An application for Design Review shall be submitted to the Planning Department not less than 21 calendar days before the regularly scheduled meeting of the Board. The request shall be accompanied by 12 copies of all plans and exhibits, along with digital copies of the documents and exhibits in Portable Document Format (PDF). The application shall include:
- (a) a completed application form, as prepared by the Planning Department,
 - (b) a letter of intent describing the proposed project,
 - (c) drawings depicting the site and proposed improvements, in a level of detail as described herein,
 - (d) a list of abutters and their addresses from municipal records collected not more than five days before submission,
 - (e) a list of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property, and
 - (f) applicable fees including fees to cover mailing and advertising costs.
- 1.2.5 The application for Design Review shall include enough of the requirements listed in Article 2 so that the Board is able to review the project. Detailed engineering of infrastructure and utilities is not required at the Design Review phase, but the information and preliminary plan shall be displayed in sufficient detail to enable the Board to understand the proposed project and identify potential issues.
- 1.2.6 The application shall include all of the following information and details. It is understood that some of these items will be subject to change. If the board determines that the required information is not properly provided or not provided in sufficient detail to allow for a substantive review, in accordance with these provisions, then the application shall be deemed a preliminary conceptual application, rather than a design review application. All structures, whether existing or proposed, shown on plans shall be drawn to scale, including those on adjacent properties.

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Comment [1]: This would address the issue of GHOST buildings on the Orion drawings NOT being drawn to scale.

action within the time period specified in these regulations and consent to such an extension as may be mutually agreeable.

1.4.4 If the Board has not taken action on the formal application within 65 days after receipt of the completed application by the Board or its designee, and the Board has not obtained an extension, the applicant may obtain from the Town Council an order directing the Planning Board to act within 15 days. Failure of the Board to act on the order shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4, I(c).

1.4.5 Conditions of **A**pproval shall be stated in a Notice of Decision to be sent to the applicant.

1.4.6 A financial surety, adequate to cover the construction of all infrastructure improvements approved as part of the site plan application, as determined appropriate by the Planning Board, shall be posted with the Town prior to signing the plan. The following financial sureties are acceptable to the Town: cash, passbook savings account in the Town's name, letter of credit, or a bond.

1.4.7 If any application is denied, the grounds for such denial shall be clearly stated in the records of the Board and in written notice given to the applicant. Applications may be denied by the Board without public hearing on the grounds of failure by the applicant to supply information or to pay fees as required by these regulations.

Section 1.5 Conditional Approval

The applicant shall have 1 (one) year to comply with the **C**onditions of **A**pproval and have the plan certified. If the conditions are not met within 1 (one) year, the conditional approval shall lapse, unless the Board has granted a mutually agreeable extension. The Board for conditional approval shall grant only two 6- month extensions. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, these regulations, or any other ordinance or regulations which would render the Site Plan non-conforming, and if all required permits are still valid.

Section 1.6 Notices

1.6.1 Notice of a Design Review, submission of a formal application, or a public hearing shall be given by the Planning Department to the abutters; holders of conservation, preservation, or agricultural preservation restrictions; every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plan submitted to the Board; and the applicant. The notice shall be provided by certified mail, and mailed at least ten (10) days prior to the meeting.

1.6.2 The public shall be given notice at the same time, by posting in two public places and in a paper of general circulation in the Town.

1.6.3 The notice shall give the date, time, and place of the Planning Board meeting at which the application will be submitted to the Board, shall include a general description of the

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3. A location plan at a minimum scale of one (1) inch equals one thousand (1,000) feet, showing:
- a) Property lines of the parcel being developed in relation to the surrounding area within a radius of two thousand (2,000) feet.
 - b) Names and locations of existing town streets including the nearest intersection of said streets;
 - c) Names and locations of streets within the proposed development;
 - d) Names and location of watercourses and water bodies on and adjacent to the site;
 - e) Area of entire parcel in acres and square feet.
4. The plan of the site itself shall show:
- a) Surveyed property lines of the parcel showing their bearings;
 - b) Names of all abutting property owners;
 - c) Location and layout of existing and proposed structures and buildings;
 - d) Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
 - e) Area of entire parcel in acres and square feet;
 - f) Zoning and special district boundaries;
 - g) Deed reference and tax map number;
 - h) Location width, curbing and paving of access ways, egress ways and streets within the site;
 - i) Location and layout of all on-site parking and loading facilities;
 - j) Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
 - k) Type and location of solid waste disposal facilities;
 - l) Location, elevation and layout of catch basin and other surface drainage features;
 - m) Location of all physical/natural features including water bodies, watercourses, wetlands, soil types including farmland soils, railroads, rock outcroppings and stone walls;
 - n) Existing vegetation/foilage lines and description of existing vegetation/foilage types;
 - o) Identification of vegetated areas and individual trees to be retained and protected including delineation of "save islands," critical root zones (or "root save areas"), the driplines of individual specimen trees, and/or entire stands of trees, and tree buffers;
 - p) Stormwater management plan, including how the site will be dewatered during construction;
 - q) Dimensions and area of all property to be dedicated for public use of common ownership;
 - r) Location of 100 year flood hazard boundaries and minimum flood elevations;

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- s) Date and permit numbers of all required state and federal permits.
 - t) Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
 - u) Dimensions, area and minimum setback requirements on all existing and proposed lots;
 - v) Proposed landscaping plan including size and type of plant material;
 - w) Pedestrian walks providing circulation through the site;
 - x) Location and size of proposed and existing signs, walls and fences;
 - y) Location and type of lighting for outdoor activities;
 - z) Location, widths and purposes of any easements or rights-of-way;
 - aa) Total on-site square footage of impervious surfaces;
 - bb) Clear demarcation of erosion and sedimentation control structures and specifics on types of structures (silt fence, silt sock, etc.);
 - cc) Plan for staging of construction;
 - dd) Delineation of temporary area to be disturbed by construction activity, including vehicle travel lanes, parking areas, and areas for stockpiling of equipment, material, and supplies; and
 - ee) Delineation of limits, including total square footage, of disturbance of site.
5. The following features required on the plan itself, as above, shall be delineated in color on one digital copy and fifteen (15) 11x17 printed copies:
- a) Surveyed property lines of the parcel showing their bearings;
 - b) Zoning and special district boundaries;
 - c) Access ways, egress ways parking lots and streets within the site;
 - d) Waterbodies, watercourses, wetlands, railroads, rock outcroppings and stone walls;
 - e) Property to be dedicated for public use of common ownership;
 - f) Pedestrian walks providing circulation through the site;
 - g) Location and widths of any easements or rights-of-way;
 - h) Features unique to the site that should be brought to the attention of the Board; and
 - i) Proposed buildings
6. Sheet Index showing a list of submitted plans, when there are multiple sheets.
7. A current or recent aerial photograph showing the footprint of the construction area and the area of disturbance of the site, and the site in context, including existing site conditions and physical elements, natural or built, in the immediate vicinity which might be of significance to the Planning Board's understanding of the impact of or on the proposed development. (Appropriate photographs from Google Earth and similar web-based applications are acceptable.)
8. On larger or more complex projects, photographs taken from multiple viewpoints that show the clearly defined locations and details of existing natural elements, such as mature trees, large rocks, waterbodies.

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- F. At its option, the Planning Board may accept an application as complete that does not include a limited number of the items herein, where the Board determines that there is sufficient information to commence a detailed substantive review, and where it states that the outstanding items must be received in a timely fashion in order to review those items thoroughly prior to taking final action.
- G. Copies of the current deed, purchase and sale agreement (if applicable), and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.
- H. A completed Energy Considerations Checklist. The applicant is not required to comply with the items on the checklist but is encouraged to meet as many considerations as possible. Note that some items on the checklist, such as the standards under Chapter 38 Building Construction of the Town of Durham Code of Ordinances, are required.
- I. For new buildings and additions to existing buildings, in zoning districts that are not subject to the Architectural Design Standards, herein, the items listed under Elevation Drawings, below, related to the proposed architectural design of the exterior of buildings, shall be prepared. The final architectural design is considered part of the site plan approval, and must be implemented in detail specifically as approved. In zoning districts that are subject to the Architectural Design Standards, the Standards delineate the submission and other requirements.
- J. Elevation Drawings. The elevation drawings shall be prepared by an architect, landscape architect, engineer, or architectural designer (Use of an architect for larger projects is strongly encouraged), but the Planning Board may waive this requirement for smaller structures or those less prominently located, or as it deems appropriate after public discussion that explicitly provides its rationale for the waiver.
1. Three (3) 24" x 36" copies and fifteen (15) 11" x 17" copies of elevation drawings of each pertinent façade, drawn to scale. One 11" x 17" copy of the elevation drawings and one digital copy shall be rendered in color. Elevation drawings shall be straight on, conventionally-rendered views of each pertinent side, rather than perspective drawings, though applicants may submit supplemental perspective drawings at their option. Elevation drawings shall include the buildings only and not any other items, such as landscaping, that would distract from the clear rendering of the buildings, though applicants may provide such drawings as a supplement at their option.
 2. A color board may be required at the option of the Planning Board showing actual color samples.
 3. A material sample if required by the Planning Board, such as the type of brick that is proposed.

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Comment [2]: This can be an issue of significant public concern, as we have seen with a 2014 project. The public may have a different perspective than members of the Board. The point is that the public should understand WHY the Board is deciding to waive the requirement.

4. Information on any proposed building illumination.
5. Any other items related to the architectural design as deemed necessary by the Planning Board.

K. Revised plans. Whenever the applicant submits subsequent revisions/iterations of plans, the applicant shall clearly state on the plans which specific items have been changed from the prior iteration of plans and provide a separate list detailing those changes.

Section 2.3 Additional Application Submission Requirements, All Personal Wireless Service Facilities

2.3.1 General Filing Requirements

- (a) Written statement signed by the landowner and carrier that the lease between the carrier and the landowner of the subject property contains a provision that the landowner or carrier can enter into leases with other carriers for co-location.
- (b) A written and signed statement from the landowner and applicant that he/she agrees that the Town may enter the subject property to obtain RFR measurements, to ensure conformance with the FCC Guidelines, and to obtain noise measurements, all at the expense of the applicant, but not necessarily accompanied by, the applicant and/or landowner.

2.3.2 Location Plan Filing Requirements

- (a) A town-wide map showing the other existing personal wireless service facilities in the Town and outside the Town within one (1) mile of its corporate limits.
- (b) A town-wide map that shows all existing and reasonably foreseen or contemplated personal wireless service facilities operated by the carrier in the Town.
- (c) Proof by the carrier of adequate comprehensive general public liability insurance for the proposed personal wireless service facility that provides coverage for damage or injury to persons or property caused by the carrier or its facility.

2.3.3 Site plans for all personal wireless service facilities shall indicate:

- (a) Outlines of all existing buildings, including their purpose (e.g., residential buildings, garages, accessory structures, etc.) on the subject property and within three hundred (300) feet from the subject property boundary on adjacent properties.
- (b) Proposed location of antenna(s), mount(s), and equipment shelter(s).
- (c) Proposed security barrier, indicating type and extent as well as point of controlled entry.
- (d) The proposed lease area for the personal wireless service facility.