

SITE PLAN REVIEW REGULATIONS

Town of Stratham, N.H.



Adopted February 3, 1987
As amended to **October 3, 2007**

2007

**Stratham, Hew Hampshire
Planning Board**

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SECTION I: GENERAL PROVISIONS**1.1 AUTHORITY:**

These Regulations are enacted in accordance with the authority conferred in RSA 674:43-44 and based upon the authority given to the Planning Board at the Town Meeting held on March 10, 1981.

1.2 PURPOSES:

The purposes of these Regulations are to:

- a. Provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of: (1) inadequate drainage or conditions conducive to flooding of the property or that of another; (2) inadequate protection for the quality of groundwater; (3) undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and (4) inadequate provision for fire safety, prevention, and control;
- b. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs and to promote the goal of maintaining the rural character of the Town; (Rev. 11/95)
- c. Provide for open spaces and green spaces of adequate proportions and of adequate visibility from public streets, roads, or subdivided and/or developed residential areas; (Rev. 11/95)
- d. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- e. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- f. Require in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- g. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
- h. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

1.3 TITLE:

These Regulations shall be known as the "Site Plan Review Regulations of the Town of Stratham, New Hampshire."

SECTION II: DEFINITIONS**2.1 DEFINITIONS:**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of these Regulations. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not optional.

In general, words and terms used in these Regulations shall have their customary dictionary meanings. Definitions described in the existing Town of Stratham Zoning Ordinance shall apply therein. The following words are specifically defined:

- 2.1.1 **Abutter**: means any person whose property is located in New Hampshire and adjoins or is directly across any street or any other way or stream from the land to be considered or under consideration by the Planning Board for Site Plan Review approval. For purposes of receiving testimony and not for purposes of specific notification, the term abutter shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal to be considered or under consideration.
- 2.1.2 **Development**: means the construction of improvements on a tract or tracts of land, which shall include the enlargement of the structure or physical changes to the site to accommodate the intended use.
- 2.1.3 **Engineer or Surveyor**: means the duly designated and legally recognized engineer or licensed surveyor of the developer as may be pertinent to the actual services to be performed.
- 2.1.4 **Enlargement**: means the increase in size or the expansion of any structure or appurtenance, whether said appurtenance exists alone or in service of a structure or other appurtenance.
- 2.1.5 **Hardpan**: means a compact soil layer high in silt and very fine sand and generally low in clay with a permeability of less than 0.6 inches per hour.

- 2.1.6 Improvement: means all structures, appurtenances, or additions to the site whether above or below the surface of the land, and including but not limited to buildings, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the developer, or required by the Board under these Regulations.
- 2.1.7 Non-Public or Individual Waste Disposal System: means any treatment system other than a public sewer, which receives sewage or other wastes.
- 2.1.8 Non-Public or Individual Water Supply System: means any private system providing potable water.
- 2.1.9 Non-Residential Use: means any use other than that of a residence, provided, however, that these Regulations and procedures shall not apply to the construction, expansion, siting or permitted use with respect to any accessory use buildings on the same site as a principal residence in the Agricultural - Residential District defined in the Zoning Ordinance of the Town of Stratham.
- 2.1.10 Seasonal High Water Table: means the upper limit of the groundwater in a soil, which becomes seasonally saturated with water.
- 2.1.11 Street: means the same as the definition provided in Section 1.5.26 of the Subdivision Regulations. (Rev. 8/99)
- 2.1.12 Subdivision: means the division of a lot, tract or parcel of land for the purpose, whether immediate or in the future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under these Regulations.
- 2.1.13 Wetlands: means the same as the definition provided in Section 1.5.29 of the Subdivision Regulations. (Rev. 8/99)

SECTION III: SCOPE & REQUIREMENTS

3.1 SCOPE:

The Planning Board is hereby authorized to review, and approve or disapprove site plans for the development of tracts for nonresidential uses or for multifamily dwelling units (any structure containing in excess of two dwelling units) whether or not such development includes a subdivision or re-subdivision of the site.

3.2 RELATIONSHIP TO OTHER REQUIREMENTS:

3.2.1 Compliance with Other Regulations:

The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Town's Zoning Ordinance, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent ordinances and regulations.

In cases where a variance is required from the Zoning Ordinance, the applicant shall first present the plan to the Planning Board so as to allow the Board to render a decision at a public hearing. (Rev. 7/89) (Rev. 8/99) (Rev. 6/00)

At the Applicant's request, the Planning Board may, at its sole discretion, waive the general requirements for a complete application, in accordance with these regulations, in order to advance the application to the Zoning Board of Appeals. Said waivers would be granted for the sole purpose of accepting the application, thereby providing the Board with jurisdiction to render a formal decision on the plan. Waivers of any or all of these general requirements shall be granted on a one time only basis and shall not be considered as justification for any future waivers of said regulations. The applicant assumes all risk of any further zoning relief that may be found necessary as a result of subsequent Planning Board reviews of the application. (Rev. 6/00)

3.2.2 Minimum Not Maximum:

These Regulations shall be interpreted as **MINIMUM REQUIREMENTS** and compliance with these minimum requirements in no way obligates the Planning Board to approve any particular application solely on that basis. The Planning Board will fully consider all aspects of an application before rendering its decision. This will include study of all site design and technical aspects of the proposal as well as consideration of the impact of the development on the open space, wildlife habitat and other natural resources, on local traffic patterns and on available public utilities, services, municipal resources and, in general, in compliance with the Stratham Master Plan. Only after the Planning Board has fully satisfied

itself that the proposed project is in the public interest and that it will not prove detrimental to the public health, safety, welfare, or prosperity, will the application be approved.

3.2.3 Conflicting Provisions:

If any other provision of the Town, or any provision of State or federal law relates to any matter covered herein, the provision, which imposes the greater restriction or higher standard, shall govern.

3.3 SITE PLAN REVIEW REQUIRED:

The Planning Board requires site plans to be submitted to it for review by any applicant seeking any of the following:

- a. The construction of any new non-residential or multi-family use;
- b. The enlargement of any existing non-residential or multi-family use, which requires development of the site;
- c. The construction or conversion of any non-residential or multi-family use in which development of the site be contemplated or required by virtue of any other Town or State ordinance, statute, regulation or decision of the Town's Zoning Board of Adjustment;
- d. The change within a structure from one permitted use to another permitted use which will require development of the site including, but not limited to, improvement or alteration to the site required by virtue of any other Town or State ordinance, statute, or regulation.

3.4 BUILDING PERMIT:

No building permit shall be issued by the Building Inspector for the construction or expansion of a building or other facilities subject to these regulations, until final approval is granted by the Planning Board and the Building Inspector is so notified in writing by the Planning Board.

SECTION IV: APPLICATION PROCEDURES & REQUIREMENTS

4.1 PRELIMINARY CONSULTATION: (Rev. 0/06)

An individual who anticipates submitting a formal application for site plan review shall be required, to consult with the Planning Board prior to submission of the formal application and supporting documentation.

4.1.1 Purposes of the Consultation:

An individual who anticipates submitting a formal application for a site plan review approval shall be required, to consult with the Planning Board prior to submission of the formal application and supporting documentation. The purpose of the consultation is to familiarize the Planning Board with the basic concept of the proposed site plan. The consultation is further designed to acquaint the potential applicant with the formal application process and particular information that the Board may request, to suggest methods for resolving possible problems in the development, design and layout, and to make the potential applicant aware of the recommendations in the Master Plan (if applicable) to the property in question. Any request for consultation shall be made at least 7 days prior to the meeting at which such consultation shall occur.

4.1.2 Documents:

In order to facilitate discussion, the potential applicant is requested to prepare a base map of the property to be developed. It should be drawn to scale, and may be drawn in pencil. The proposed development should be drawn on the base map. Dimensions may be approximate. The data may be tentative, but all information shall be sufficiently clear to illustrate all conditions and the proposed development of the property.

The following information or data is requested to be submitted for review of the concept by the Planning Board:

- a. General description of existing conditions on the site including characteristics of the land, topography, vegetation, and similar features;
- b. General description of available community facilities and utilities;
- c. General description of the proposed development, including size and dimensions, and a general use plan for the site.

4.1.3 Limits of the Review:

The Planning Board shall conduct the Preliminary Consultation at a regularly scheduled meeting of the Board. The applicant will make a presentation defining the general scope and concept of the development and how the land will be used. Any documents presented to the Board will be made a part of the record for future reference purposes.

Neither the applicant nor the Planning Board shall be bound by the discussions. However, the Planning Board shall be entitled to make recommendations with respect to the material presented to assist the applicant in preparing a formal application that will meet the development standards of the Town as expressed in these Regulations and in other ordinances and/or regulations. The Planning Board shall enter into the minutes and shall verbally communicate to the applicant any suggestions, recommendations, or other factors that the Board finds prudent and necessary.

4.1.4 Separation of Process:

It is hereby declared that no processing time limits shall apply as defined in RSA 676:4. Such time limits shall apply only when a formal application is submitted in accordance with Section 4.2 of these Regulations.

4.2 FORMAL APPLICATION REVIEW PROCESS: (Rev. 8/99)

Whether or not a Preliminary Consultation has been conducted, an applicant shall prepare and submit an application for site plan approval in accordance with and to the standards set forth in these Regulations. This formal review process is designed to afford the Planning Board, the applicant, abutters, and parties in interest a clearly delineated method for examining the proposed site plan thus allowing the Planning Board to make a timely and informed decision on the proposal.

4.2.1 Submission Period: (Rev. 5/02)

- a. An application for site plan approval shall be submitted to the Town Office, c/o Chairperson of the Planning Board, prior to 12-PM, at least twenty (20) days in advance of a regularly scheduled Planning Board meeting. The application form and the supporting exhibits required are set forth in Section 4.2.2 of these Regulations;
- b. In the case of continued applications, all new information, including but not limited to plan revisions, special studies, waiver requests, and conditional use permit requests, must be submitted to the Planning Department prior to 4-PM, at least ten (10) days in advance of the continued meeting date;

- c. Applications submitted later than the deadline date in (a) above will not be placed on the following meeting's agenda. New information in (b) above that is submitted later than ten days prior to the meeting date will not be considered by the Planning Board. In the case of late submission of new information, the Board shall automatically continue the application to the next scheduled meeting date.

4.2.2 Exhibits Required at Time of Submission:

The applicant shall submit the following information when a formal application is made for site plan approval. The Planning Board shall not determine whether or not the application is complete until it reviews all of the documents at its next regularly scheduled meeting.

- a. A completely filled out form entitled: "Application for Site Plan Approval." Forms may be obtained from the Town Office;
- b. A list of the names and addresses of all abutters obtained from the Town Records not more than five (5) days before the date of filing of the application;
- c. Six (6) complete sets of blackline or blue line prints of all plans drawn to scale appropriate to the size of the project. Plans shall be prepared under the supervision of and stamped by a registered land surveyor licensed to practice in New Hampshire; roadway, drainage and all utility plans prepared and stamped by a professional engineer licensed to practice in New Hampshire. The information to be contained in and standards to be followed for the preparation of these plans are set forth in Section 4.3 of these regulations;
- d. High intensity soils information with lot size calculations and cover letter from a soil scientist;
- e. Data on test pits and percolation tests including: location of test pits, percolation test data and rate, certification of test witness, and outline of area reserved for leach fields; (Rev. 7/89)
- f. Any supporting documentation necessary to explain the proposal to the Planning Board, abutters, and the general public.

4.2.3 Planning Board Responsibilities in Initial Processing:

The Planning Board will accept the exhibit materials specified in Section 4.2.2 and determine its completeness at its next regularly scheduled meeting.

- a. The Board, at least ten days in advance of the meeting, shall mail notice to the applicant and abutters stating that an application for site plan approval has been filed. The notice will contain the following:
 - i. Name and address of the applicant;
 - ii. The location of the proposed development;
 - iii. A general description of the proposed project.
- b. The Planning Board will also post the information contained in Section 4.2.3.a in the Town Offices.
- c. At least seven (7) days prior to the meeting date where application completeness is scheduled to be determined, the Town Planner will issue formal comments relative to application completeness to the Board. These comments are made available to assist the Board in their determination of application completeness and are purely advisory. Only a vote of the Board shall determine application completeness. As a courtesy, these comments will be copied to the applicant for their consideration.
(Rev. 5/02)
- d. At the regularly scheduled meeting the Planning Board will:
 - i. Review the application for completeness and determine its acceptability for further processing;
 - ii. Advise the applicant of additional information that may be needed to process or evaluate the application;
 - iii. Set the date for a public hearing on the application;
 - iv. Determine the need for special investigative studies and advise the applicant of the time and the need for financial support from the applicant;
 - v. Notify the applicant verbally at the meeting and confirm in writing if the application is formally accepted for evaluation. The date of the formal acceptance shall be used for calculating the time period for decision by the Board.

The Planning Board may begin formal consideration of the application upon determination by vote that the application is complete, so long as a public hearing was noticed.

- e. If not complete, the Planning Board will advise the applicant of what information is needed to complete the application package and when it will next be considered by the Board.
- f. The Planning Board will arrange with the applicant for an inspection of the site (if determined necessary or desirable by the Board) by the Board, a committee or a member of the Board, or a Town employee appointed for said purpose by the Chairperson. Abutters shall be notified at the hearing of such inspection and shall be permitted to attend.

4.2.4 Public Hearing and Notice: (deleted 1/01; reinserted 12/03)

The Planning Board, before taking action on a site plan, shall hold at least one public hearing thereon. The Planning Board shall take testimony from the applicant, abutters, and parties in interest to the proposal either in person and/or in writing.

The applicant and abutters shall be notified of the public hearing and the time of place of such hearing by certified mail, not less than ten (10) days before the date fixed for the hearing. In addition, notice to the general public of the public hearing shall be published in the Portsmouth Herald and posted in the Town Offices at least ten (10) days before the date fixed for the hearing. The notice to the applicant, abutters and general public shall contain the information as specified in Section 4.2.3.a.

4.2.5 Concurrent and Joint Hearings:

The Planning Board may hold a hearing on a site plan or for a subdivision plat (Rev. 1/01) in conjunction with each other if both are required for a project. A hearing for either by the Planning Board may be held at the same time and place that a hearing for a special exception or variance is held for the project by the Board of Adjustment, provided that such a hearing is mutually agreed to in advance by the Boards.

4.2.6 Submission Deadline: (deleted 1/01)

4.2.7 Fees and Charges:

The applicant shall pay the following fees and charges as are applicable.

- a. Filing Fee: The applicant shall pay a filing fee of one-hundred (\$100) dollars for each 1,000 square feet of building construction — with a minimum of one hundred (\$100) dollars. (Rev. 8/99) (Rev. 10/07)
- b. For a Preliminary Consultation as provided for under Section 4.1, a filling fee of \$75.00.
- c. Notice Costs: The applicant shall pay \$150.00 plus \$8.00 per abutter and per applicant for the costs of all notice requirements including the cost of postage for certified mail, reproduction costs, and any publication and/or posting costs. (Rev. 8/99) (Rev. 10/07)
- d. Special Investigative Costs: The Board may require the applicant to pay reasonable costs of special investigative studies which may be necessary for the Planning Board to evaluate the impact of a proposed development.
- e. Recording Costs: The applicant shall prepare a check payable to the Rockingham County Registry of Deeds for submission to Rockingham County after the site plan has been approved. The amount shall be determined by Rockingham County at the time of submission. Recording check and mylar plan shall be delivered to the Planning Board Secretary after Planning Board approval. It will be the responsibility of the Town to record all plans. (Rev. 11/93)
- f. Municipal Review Costs: (Rev. 11/93)

The Board will require the applicant to reimburse the Town for the cost of having duly appointed agents of the municipality review a submitted plan. Such costs may be encountered in the following instances:

- i. Witnessing of test pits by an agent designated by the Board;
- ii. Review of roadway design, drainage and stormwater management, and erosion and sediment control plans by an agent appointed by the Board;
- iii. Periodic construction inspections and/or tests;
- iv. In accordance with RSA 674:44, V, and RSA 676:4 I, (g), the Board shall also require an applicant to reimburse the Town for expenses incurred by the Rockingham Planning Commission Circuit Rider Planner; including, but not limited to, time spent for technical review of plans, meetings with the applicant subsequent to application, and other reasonable expenses directly accountable to the particular application, the rate shall reflect the current

hourly rate charged to the Town for this service, however, no fee shall be charged for time spent in meetings during contracted office hours, or contracted night meetings, or the first 2 hours of technical review of an application submitted to the Board. The amount of this fee will vary according to the particular aspects of any application. The Circuit Rider shall provide a detailed accounting of the time spent reviewing an application to the Town for purposes of proper billing. (Rev. 12/96)

4.3 DATA REQUIRED:

The following data or information is required on the site plan(s) or as part of the submission package showing existing and proposed features as described:

4.3.1 Existing Data:

The following existing site data shall be provided unless inappropriate for the specific project:

- a. Location of site and the current names and addresses of developer, owners of record, abutting landowners, and professionals preparing and/or stamping the plan;
- b. Names and address of person or firm preparing the map (which must be prepared and stamped by a registered architect or registered professional engineer), the scale of the map, north arrow and date. Name and address of persons or firm preparing other data and information if different from the preparer of the map;
- c. The boundary lines of the area included in the site, including angles or bearings of the lines, dimensions, and the lot area;
- d. Sketch plan of the site showing existing natural features including watercourses and water bodies, trees and other significant vegetation, topographic features, and any other features, which should be considered in the site design process. Existing trees over 6" in caliper at 4 ft. above the existing ground elevation must be shown on the existing conditions plan (in some cases the Board may waive this requirement if an inventory of standing timber of significant or unique species (Rev. 1/01) is provided by a licensed forester). The landscape design must indicate which of existing trees meeting the stated minimum size requirement will be removed during the development; (Rev. 8/99)
- e. The existing grades, drainage systems, structures, and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than three percent (3%);
- f. The shape, size, height, and location of existing structures on abutting properties and access roads within 200 feet of the site; (Rev. 11/95)

- g. All easements and rights-of-way;
- h. Man-made features such as, but not limited to, existing roads, and structures indicating which of such features are to be retained and which are to be removed or altered;
- i. The size and location of all existing public and private utilities and all existing landscaping including the location and size of existing public utilities that are located off-site with which connection is planned or located within 100 feet of the site;
- j. A vicinity sketch (no smaller than 1 inch equals 1000 ft.) showing the location of the site in relation to the surrounding public street system and the zoning districts and boundaries for the site and within 1,000 feet of the site. One hundred-year flood elevation contour shall be included within floodplain;
- k. Soils map showing all soil types and delineating any poorly or very poorly drained soils;
- l. Tax map and parcel number; (Rev. 7/89)
- m. Size of parcel in acres; (Rev. 7/89)

4.3.2 Proposed Plans:

The following site data shall be provided for the proposed development, as appropriate:

- a. Proposed grades, topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than three percent (3%). All elevations at the base of existing trees, which are over 6" in caliper at 4 ft. above the existing ground level and affected by proposed grading, shall be shown. Proposed finish grade elevations around these trees shall be shown; (Rev. 11/95) (Rev. 8/99)
- b. Plan view of the shape, size, height and location of the proposed structures, including expansion or other alterations of existing buildings;
- c. The location, size, direction of travel, if appropriate, curbing, paving and the radii of all streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system;
- d. The size, location, and layout of all on-site parking and loading facilities;
- e. The size and location of all public and private utilities including water lines, sewage facilities, gas lines, power lines, telephone lines, fire alarm connections, storage tanks (underground and above ground), and other utilities; (Rev. 11/93)

- f. A storm drainage plan, performed by a Registered Professional Engineer, including a plan for the retention and slow release of storm water where necessary, together with supporting calculations;
- g. The location, type, and size of all proposed landscaping and screening as well as a plan for the retention of existing significant natural features (open spaces, green areas, etc.) on the site;
- h. A statement, prepared by the project architect, landscape architect, or landscape designer, and included on the landscape plan indicating that the design is compatible and complementary to the building and hardscape design. The statement shall read as follows:

"I certify that the landscape design as depicted hereon is compatible with and complementary to the building and hardscape design for the site."

Signed _____

Project Architect

(Landscape Architect or Landscape Designer); (Rev. 11/95)

- i. The location, size, and design of proposed signs and other advertising or instructional devices. The calculation of the sign area must be shown on the sign design submitted to the Planning Board. A sign permit shall be obtained from the Town of Stratham Code Enforcement Officer prior to the submission of site plan approval. (Rev. 11/95) Signs may be two-faced with the area of each face equal to the area allowed by the Zoning Ordinance. Only one face may be seen from any one view. Sign standards or supports along with any elements cannot exceed in area, on the same plane, as the sign more than 50% of the allowed signage area for the sign without the express approval of the Planning Board; (Rev. 11/95) Signage design shall be submitted in the Site Plan Review, with colors specified by the architect and color samples submitted to and approved by the Planning Board; (Rev. 11/95)
- j. The location, type, and design of outdoor lighting;
- k. Surveyed property lines showing their bearings and distances and showing monument locations;
- l. Construction details, including but not limited to pavement, walks, steps, curbing, drainage structures, and erosion and sedimentation control techniques.
- m. Any other exhibits or data that the Planning Board may require in order to evaluate adequately the proposed development including but not limited to:
 - i. Calculations relating to stormwater runoff;

- ii. Information on the composition and quantity of wastewater generated;
 - iii. Information on air, water, or land pollutants discharged;
 - iv. Estimates of noise generation.
- n. **Traffic Impact Analysis:** All proposed commercial, industrial or residential development shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide a traffic impact analysis when deemed necessary by the Board due to the size, location, or traffic-generating characteristic of the development. Traffic impact analyses shall address each of the following:
- i. Traffic circulation and access, including adequacy of adjacent street and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization;
 - ii. Pedestrian safety and access;
 - iii. Off-street parking and loading;
 - iv. Emergency vehicle access;
 - v. Necessary off-site improvements, to be constructed by the developer.
- o. A copy of the plans submitted in a digital format as provided for in Addendum D: Digital Submission Requirements. *(added 07/06)*

4.3.3 Other Permits:

The applicant may be required to secure permits from other levels of government as part of the approval process. The applicant may submit approvals in any logical order. However, the Site Plan will not receive final approval until evidence is placed in the record that all other permits have been received.

4.4 FORMAL REVIEW PROCEDURE: (Rev. 1/01)

The Board shall act to approve or disapprove a site plan within sixty-five (65) days of the formal acceptance as determined in Section 4.2.3(d)(v).

The Planning Board may apply to the Board of Selectmen for an extension not to exceed ninety (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 and consent to such extension as may be mutually agreeable.

Upon failure of the Planning Board to approve or disapprove within sixty-five (65) days (or within additional days, if granted by the Selectmen), the applicant may obtain from the Selectmen an order directing the Planning Board to act within thirty (30) days. Failure of the Planning Board to act upon such order shall constitute grounds for action in the Superior Court in accordance with RSA 676:4.

4.4.1 Public Hearing and Notice (deleted 1/01)**4.5 BOARD ACTION:** (Rev. 11/93) (Revised 06/07)

Within the appropriate time frames as established by NH RSA 676:4, the Board shall approve, conditionally approve, approve with conditions, table or disapprove the application. The reasons for disapproval of a plan shall be stated in the record of the Board. Approval of a plan shall be endorsed on the plan by the Chairman or Vice Chair of the Board. The time to act may be extended in accordance with NH RSA 676:4-f.

4.5.1 Conditional Approval:

All conditional approvals are valid for a period of not more than 120 days, unless the Planning Board, at their discretion, chooses to extend the number of days required to meet precedent conditions. All precedent conditions of approval must be met within this 120-day period (or time period established by the Planning Board at time of conditional approval) or the approval shall be considered null and void. In cases where extenuating circumstances prevent the meeting of precedent conditions within 120 days, the applicant may request an extension, to be filed (in writing and with justification) with the Board no later than 14 days prior to the expiration date of the conditions. The Planning Board shall then vote on whether or not to grant such extensions.

4.5.2 Approval with Conditions:

The Board may attach reasonable conditions to ensure that the public interest is upheld. Such conditions may include, but are not limited to the following:

- a. The posting of a performance guarantee (in the form of a bond, passbook, or cash only) in an amount and under conditions satisfactory to the Planning Board; (Rev. 8/91)
- b. The execution of a written agreement stating the nature, conditions, and time for performance of the approved application;
- c. Phasing of the development approval providing that the portions approved and portions to be approved subsequently are clearly delineated on the documents to be filed with the Rockingham County Registry of Deeds;
- d. Any other conditions that the Planning Board finds necessary to secure the public interest.

4.5.3 Table:

If the Planning Board finds that certain administrative/procedural requirements have not been met or additional investigative studies are needed, the Planning Board may table the application to a time certain.

If such a finding is made, the Planning Board shall advise the applicant in writing what is necessary to correct the administrative/procedural defect or what investigative studies are needed.

4.5.4 Disapproval:

If the Planning Board finds that the application does not meet the standards of these Regulations, fails to comply with other local or State laws, or will have an adverse impact on surrounding areas or the community, the Planning Board shall disapprove the application. (Rev. 8/99)

In the event of disapproval, the grounds for disapproval shall be specified in the records of the Board and communicated to the applicant in writing. If the Board denies an application, based on the need for a variance or special exception, the applicant may appeal the decision to the Stratham Zoning Board of Adjustment per Section XVII of the Stratham Zoning Ordinance. The granting of said variance or special exception by the Zoning Board of Adjustment does not relieve the applicant from the need to obtain Planning Board approval for the site plan. (Rev. 8/99)

4.5.5 Building Permit Time Limitations

All certified (signed by the Planning Board Chair or Vice Chair) site plans must obtain a building permit within 1 year from the date the plan was signed. Failure to obtain a building permit within 1 year will render the approval null and void. In cases where extenuating circumstances prevent the receipt of a building permit within 1 year, the applicant may request an extension of not more than 1 additional year. Such request must be filed (in writing and with justification) with the Board no later

than 14 days prior to expiration. The Planning Board shall then vote on whether or not to grant such extensions.

4.5.6 Vesting

Approved site plans shall be protected from future changes in regulations and ordinances in accordance with NH RSA 674:39 as summarized by the following:

- a. Every site plan approved by the Planning Board shall be exempt from all subsequent changes in Site Plan Regulations and Zoning Ordinances adopted by the Town of Stratham, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of certification of the site plan by the Planning Board; provided, however, once substantial completion of the improvements as shown on the plans have occurred in compliance with the approved plans, or the terms of said approval or unless otherwise stipulated by the Planning Board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in Site Plan Regulations or Zoning Ordinances shall operate to affect such improvements; and further provided that:
 - i. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within 12 months after the date of approval (certification by the Planning Board), or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drainage structures, landscaping, drains or septic/sewer is required in connection with such approval, such bond or other security is posted with the Town, at the time of commencement of such development;
 - ii. The development remains in full compliance with the public health regulations and ordinances of the Town of Stratham; and
 - iii. At the time of approval (certification of the plans by the Planning Board), the site plan conforms to the Site Plan Regulations, and Zoning Ordinances then in effect at that time.
- b. For purposes of these regulations, "active & substantial development" shall be defined as:

- i. Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and
- ii. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; and
- iii. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
- iv. Items i, ii, and iii shall be reviewed and approved by the Town's Road Agent & Building Inspector or their designated agents.

Movement of earth, excavation, or logging of a site without completion of items i, ii, iii, & iv, above, shall not be considered "active and substantial development." Plans approved in phases shall be subject to this definition for the phase currently being developed.

SECTION V: DESIGN & CONSTRUCTION REQUIREMENTS

The layout of the proposed site plan is subject to the requirements and provisions of these Regulations.

5.1 ACCESS DESIGN:

Traffic access to the site from Town streets must ensure the safety of vehicles and pedestrians.

- a. The Planning Board must give its approval of the design for a proposed access/egress point onto the public way, which point shall provide as adequate sight distance, grade, width and curb.
- b. In all cases, the number of points of access to a given street shall be held to a minimum, preferably one, in order to reduce traffic hazards from turning movements and installation of traffic control devices.
- c. The Planning Board may require improvement of existing access/egress point(s) to provide safe flow onto abutting streets should increased traffic be generated by the development.

Any approval or requirements above shall in no way be in lieu of or superior to any approval or permit which may be granted by the State of New Hampshire Department of Public Works and Highways in any case where that body has preemptive jurisdiction.

- d. Off-site requirements may be required, such as pavement width, deceleration lanes, curbing, or signal devices.

The Planning Board, at its sole discretion, may require the developer of the subject property to install granite curbing on all frontages facing public thoroughfares. The curbing shall be installed in accordance with the State of New Hampshire Department of Transportation specifications. (Rev. 6/00)

In the event that the State, County or Town has documented plans to adjust the frontage roads within three years of the submission of the site plan, the developer may not be required to install the curbing specified prior to site plan approval. In lieu of such installation, the developer must post a bond with the Town in an amount equal to 125% of an estimate for curbing installation provided by the Town Highway Agent. The Town will have the right to require installation of the curbing at any time, without regard to Federal, State, or Town road improvement plans. (Rev. 11/95)

The Planning Board, at its sole discretion, may require the

developer of General Commercial (GCM), Professional/Residential (PRE), Town Center (TC), Commercial Light Industrial Office (CLIO) and Retirement Planned Community (RPC) zoned property to install granite curbing in accordance with the State of New Hampshire Department of Transportation specifications wherever paved areas abut open space. (Rev. 11/95) (Rev. 8/99) (Rev. 6/00)

- e. Traffic circulation, pedestrian access, parking and loading facilities, emergency and fire access shall be designed and located to ensure safety on the site.
- f. Parking areas and drives shall be paved if public use is intended; however, the Planning Board may waive or modify paving to reduce runoff which cannot be conveniently disposed of.
- g. Access to public streets will meet the requirements of the New Hampshire Department of Public Works and Highways and/or the Town, as adopted and amended, and shall conform to whichever standards are higher.

5.2 LANDSCAPE DESIGN STANDARDS

- A. The existing landscape of Stratham is diverse, containing natural wooded environments, orchards and open fields, as well as marsh, wetlands and streams. New development should be respectful and sensitive to the dominant landscape character of Stratham as a whole.

B. Purpose

The purpose of landscaping design standards in Stratham is to:

1. Preserve and enhance the character of Stratham's landscape.
2. Enhance the goals of the Master Plan, and provide attractive settings for new development, which promotes aesthetically pleasing relationship of scale between buildings and their natural surroundings.
3. Preserve and enhance local and regional open space resources.
4. Support and encourage the use of sustainable design principles and operating practices that preserve and enhance wildlife habitats, water quality, and overall health of the natural environment.
5. Encourage the use of indigenous plant material to provide natural habitat and food sources and to maintain ecological diversity.
6. Retain mature vegetation in place or transplant and reuse it on site to the greatest extent feasible and reinforce the visual image of Stratham through the planting of shade trees along roadways, the installation of underground utilities, and the design of "monument or pedestal" signage.

7. Enhance the visual impact of public spaces and promote “pedestrian friendly” environments by including sidewalks, barrier-free street crossings, public benches, and bicycle racks.
8. Offer adequate buffering between abutting parcels and to protect neighboring properties from potentially adverse impacts of structures, lighting glare, noise, wind velocities, and odors.
9. Provide visual and climatic relief from broad expanses of pavement and define pedestrian and vehicular circulation.
10. Enhance the natural drainage of the site and facilitate the reintegration of stormwater run-off on the site.

C. General Requirements:

1. All required landscaping shall be located entirely within the lot, unless agreements have been made with the Town for landscaping in the road right-of-way.
2. Landscaping and screening must be provided with proper regard to adjacent properties, the public highway and within the site, including interior landscaping of parking areas. The proposed landscape design must be sensitive to any well-executed and maintained adjoining property landscape design. The landscape design, as submitted to the Planning Board, shall indicate prominent landscape elements on adjoining properties within 25 feet abutting the subject site. A minimum of 60% of the required open space on any lot shall be readily visible from public streets, roads, or subdivided and/or developed residential areas.
3. Where the site abuts residential property, activity on the subject property shall be screened to a reasonable level from the residential property by appropriate landscaping, including the use of plant materials, and/or existing natural vegetation. Fencing alone will not be considered an acceptable method of screening. **(Rev. 11/95)**
4. Buffer strips of at least twenty-five (25) feet minimum width, or more, if required by the Zoning Ordinance, must be provided where a proposed non-residential development abuts residential properties. Where appropriate, existing growth must be incorporated into the buffer strips or landscaping design. Buffer strips must contain vegetation, which will screen the view from adjacent residential property during all seasons. **(Rev. 7/89)**
6. The use of native plant varieties or the cultivars of natives is encouraged. Plants shall be selected for their ability to thrive in the environment encountered and for their ability to achieve a desired effect. In addition:
 - a. Plants shall be installed in contiguous planting beds in masses of three or more so as to appear more natural.
 - b. Plant varieties shall be selected to ensure long-term survival.
 - c. Plant varieties shall be selected so as to reduce long-term maintenance.
 - d. A partial list of acceptable plants includes:

Botanic Name:**Common Name:****Shade Trees:**

Acer Rubrum	Red Maple
Quercus palustris	Pin Oak
Fraxinus pennsylvanica	Green Ash
Quercus rubra (borealis)	Red Oak
Tilia cordata	Littleleaf Linden
Zelkova serrata	Japanese Zelkova
Ulmus Americana	American Elm (DED resistant only)
Platanus acerifolia	London Planetree

Ornamental Trees:

Cercis canadensis	Redbud
Cornus spp.	Dogwood (do not use Cornus florida)
Malus spp.	Crabapple
Prunus spp.	Flowering Cherry
Pyrus calleryana	Callery pear
Amelanchier Canadensis	Service berry

Evergreen Trees:

Picea spp.	Colorado Spruce
Pinus spp.	Pine
Thuja spp.	Arborvitae
Tsuga canadensis	Canadian Eastern Hemlock

For additional recommended trees, see; Selecting Trees For Urban Landscape Ecosystems. NH Department of Resources and Economic Development, 1994.

Botanic Name:**Common Name:****Evergreen Shrubs:**

Ilex spp.	Holly
Juniperus spp.	Juniper
Kalmia latifolia	Mountain Laurel
Pieris spp.	Andromeda
Rhododendron spp.	Rhododendron
Taxus spp.	Yew

Deciduous Shrubs:

Azalea spp.	Azalea
Cornus spp.	Dogwood
Cotoneaster spp.	Cotoneaster
Euonymus spp.	Euonymus
Forsythia spp.	Forsythia
Myrica pensylvanica	Northern Bayberry
Syringa spp.	Lilac
Viburnum spp.	Viburnum

7. Under no circumstances shall any plants be used that are recognized by the State of New Hampshire Department of Agriculture as invasive.
8. All plant material shall have a minimum winter hardiness for Zone 5B as determined by the U.S. Department of Agriculture.
9. Minimum sizes for plant material, unless indicated elsewhere in these regulations or the Zoning Ordinance, shall be as follows:
 - a. Deciduous shade trees: three-inch caliper,
 - b. Deciduous ornamental trees: two inch caliper, and
 - c. Evergreen trees: six-foot height.
10. Sizing and measuring shall be governed by the American Association of Nurserymen and defined in the publication, "American Standard for Nursery Stock"

11. Landscaping shall be laid out in informal drifts rather than formal rows and shall undulate with site topography. Individual clusters of trees or islands of shrub beds are acceptable as long as the tree clusters and/or shrub islands overlap. Linear solutions shall be avoided wherever possible.
12. The applicant may request that the Planning Board determine whether existing vegetation is suitably located, sufficiently dense, and vigorous enough to be substituted in lieu of new planting required by these regulations.
13. Plant material located within 20 feet of any road or other paved area shall consist of only those plants tolerant of roadway deicing salts.
14. Landscaping shall be maintained in good condition. If within one year from the date of installation any plant is in a deteriorating state or is dead it shall be replaced in kind in a timely manner.
15. No person shall deface, alter the location of, or remove any stonewall which was made for the purpose of delineating a boundary or border of a lot, road or right of way in the Town of Stratham or other stone wall or historic structure located within the proposed development area, except upon the issuance of a Conditional Use Permit by the Planning Board with written comments from the Heritage Commission.
16. Landscaping shall be designed so that it does not interfere with sight distances at driveways.
17. Use a variety of species to assemble new landscaping masses.
 - a. Create visual depth in plant massing by layering plants of various textures, sizes and colors.
 - b. Include flowering or fruiting species for color, interest and wildlife habitat where appropriate.
18. Integrate existing mature trees and vegetation into the landscape plan.
 - a. Preserve the function of existing vegetation, such as groves of trees that separate land uses or provide a natural backdrop for development.
19. Use plantings to enhance the relationship of buildings to their surroundings.
 - a. Layered plantings soften edges and corners and reduce the scale of buildings in the landscape.
 - b. Masses of trees and vegetation near buildings reduce the perceived scale of buildings and set them into the landscape.
 - c. Trees shall have a 3" caliper minimum at the time of planting.

- d. Consider plant massing along with architectural massing during the design process.
- e. Balance the mass, proportion and rhythm of landscape and building elements.

Minimize lawn area, as most lawn grasses require supplemental irrigation and regular applications of fertilizer to stay green.

- 18. Where lawn is necessary favor fescues and other drought tolerant species.

D. Preservation of Existing Vegetation

- 1. Buildings, parking, loading docks, access roads, and other site elements shall be sited to preserve existing healthy mature vegetation and maintain natural topography to the maximum extent feasible.
- 2. Healthy trees with a minimum 12-inch caliper, and existing wooded areas are recommended for preservation, particularly those trees located within setback areas where buildings cannot be constructed.
- 3. Construction activities and site alterations shall not disturb the root zone of the trees designated for preservation. During construction, the applicant shall install and maintain tree protection fencing, or other protective measures approved by the Planning Board, located 12 inches off the drip-line of the trees to be protected. All no-cut zones shall be appropriately monumented and delineated on the site plan.
- 4. The applicant shall be responsible to replace any trees designated to remain, which have been damaged, killed, or removed as a result of construction activities. The Planning Board shall require replacement-in-kind, per caliper inch of deciduous trees and by height for evergreens. Two-inch caliper deciduous trees and 4-foot tall evergreens shall be the minimum size used for replacement. For example, if a 24-inch caliper deciduous tree is damaged or killed during construction, the applicant shall replace the tree with six 4-inch caliper trees, or any other combination that adds up to 24 caliper inches. A 36-foot tall evergreen, for example shall be replaced with six 6 foot tall evergreen, or any other combination adding up to 36 feet.

E. Screening

1. Screening shall be a year-round visually impermeable barrier that may be existing, constructed, or a combination thereof.
 - a. Existing screens may consist of natural topographic landforms, rock outcrops, or vegetation that is dense enough to be visually impermeable.
 - b. Constructed screens may consist of built screens, such as walls or fences, topographic screens, such as berms or landforms, vegetative screens consisting of primarily evergreen material, or a combination thereof.
2. Screening is required to soften the visual impact of buildings, parking areas, loading docks, trash disposal areas, exterior storage, and other unsightly areas associated with or generated by a particular development as viewed from a public right-of-way, residential zoning districts, and the principal entrances of buildings on abutting lots.
3. The use of existing vegetation, topography, and natural features to comply with screening requirements is encouraged.
4. Vegetative screens shall achieve a minimum of 75% vertical opacity to a height of 6 feet, year-round, within one year of installation. Screens shall not be located so as to impede vehicular or pedestrian traffic.

F. Screening of unsightly features

1. Locate storage/stockpile areas out of view of public or in a screened area: fenced enclosure required.
2. Locate loading docks/receiving areas out of view or in a screened area.
3. Minimum one evergreen tree per linear foot of screen perimeter; minimum tree height equal to 1/2 maximum height of items to be screened.
4. An enclosure constructed of materials compatible with the principal structure may be substituted for screening requirements.

G. Street Tree Landscape Strip

1. Minimum one shade tree per 40' frontage; minimum 3" caliper may substitute one new tree for each existing tree over 3" caliper preserved within strip.
2. Minimum tree height equal to 1/2 proposed building height.
3. Buffer strip should include a combination of deciduous and/or evergreen trees and shrubs, grass, fences, berms and walls.

H. Parking Areas

1. Planting islands should be used to define vehicular and pedestrian circulation patterns, to break up large expanses of pavement and to facilitate site drainage. In general, islands should be distributed throughout the parking lot. A combination of end cap islands and linear islands running parallel to parking rows are preferred. Islands should include trees and be planted with either grass or evergreen shrubs and shall be designed to absorb run-off from the parking areas.
2. There shall be landscaped open space within the parameter of the parking areas in the minimum amount of 5 % of the gross parking area.
3. **Provide minimum area of 200 sf per landscaped island and at least one tree per island; trees must be minimum 4' from curbing.**
4. **Divider islands** Provide at least one island for every four parking rows at least 10 ft. wide; space trees not more than 50 ft. apart in each contiguous landscape area; or provide one tree per 200 sf of ground area.
5. **Terminal islands** Provide at ends of parking rows at least every 25 spaces; provide at least two trees per island and evergreen shrubs 3' on center, or grass/ground cover with approval of Planning Board. All landscape areas shall contain shrub and ground cover plantings. They may not be totally covered with mulch.
6. Strategically placed island crossings constructed of modular pervious paving is encouraged to minimize soil compaction within the island.

I. Adjacent Buildings

1. Provide minimum 10' deep area with trees and shrubs around building sides with public access.

J. Signage Landscape Strip

1. Require minimum 4' wide area around each freestanding sign.
2. **Existing vegetation, which is preserved, may be substituted for required plantings.**

K. Soil Preparation

Landscaped areas where soil compaction has occurred due to construction activities should be deep tilled to a depth of 12 inches to facilitate deep-water penetration and soil oxygenation. Use of soil amendments is encouraged to improve water drainage, moisture penetration, soil oxygenation, and/or water holding capacity. Soil amendments are organic matter such as compost, Biosolids, and forest by products, but do not include topsoil or any mix with soil as an element.

For all newly landscaped areas, organic matter (3-4 cubic yards of organic matter per 1,000 square feet of landscape area) should be incorporated to a depth of 4 to 6 inches. Organic content of landscaped soils shall not be less than 18% by volume in the top 6 inches of the finished topsoil.

For newly landscaped areas where topsoil is limited or nonexistent, or where soil drainage is impeded due to subsurface hardpan or bedrock, 6 to 24 inches of sandy loam topsoil should be spread in all planting and turf areas, in addition to the incorporation of organic matter into the top horizon of the imported soil. Organic content of landscaped soils shall not be less than 18% by volume in the top 6 inches of the finished topsoil.

Soil analysis of new or renovated turf areas should include a determination of soil texture, including percentage of organic matter; an approximated soil infiltration rate; and a measure of pH value.

L. Mulching

1. Mulch should be applied regularly to, and maintained in all, planting areas to assist soils in retaining moisture, reducing weed growth, and minimizing erosion. Mulches include organic materials such as wood chips, compost and shredded bark and inert organic materials such as decomposed lava rock, coble, and gravel. If weed barrier mats are used, the use of organic mulches is recommended. Non-porous materials, such as plastic sheeting, are not recommended for use in any areas of the landscaping because of down-slope erosion potential soil contamination from herbicide washing and increased runoff coefficients. Mulches should be applied to the following depths; 3 inches over bare soil, and 2 inches where plant material will cover. Mulches for stormwater management areas should be heavier and not of a type that will float away.

M. Maintenance

1. The owner of any lot shall be responsible for the maintenance of all landscaped open space, natural screens, and constructed screens within the lot. Landscaping shall be maintained in good condition such that planting shall be vigorous and in good health at all times and that the parcel shall present a healthy, neat, and orderly appearance, free from refuse and debris. Any dead vegetation that is part of the approved landscaping design shall be replaced within one year.
2. Landscaping shall be maintained so that it does not interfere with sight distances at driveways.
3. The Planning Board, at its discretion, may require a landscape maintenance and water management plan. The maintenance plan shall include, but not be limited to the following:

- i. Integrated Turf Management: mowing schedule, weed control, pest control, soil pH management, fertilizer plan, aeration/dethatching schedule and repair/replacement plan.
 - ii. Shrub and Groundcover Management: mulch schedule, weed control, pruning where needed for visibility, preventative pest/disease management, repair/replacement plan.
 - iii. Tree Management: mulch schedule, weed control, deadwood removal, pruning schedule, particularly for trees located next to walkways or roadways, fertilizing schedule, preventative pest/disease management, repair/replacement plan.
 - iv. Water Systems Management: water source, system description, spring start-up, fall closeout, system testing schedule, and repair/replacement plan. The applicant may install a permanent water supply system consisting of a sprinkler system and/or hose bibs placed at appropriate locations and intervals. Wherever possible, irrigation water shall be derived from sources other than a public water system, including "gray water," re-used water, detained stormwater or roof drainage. "Gray water" is water from sinks, showers, dishwashers, and washing machines. On-site cisterns may be installed to store water for irrigation.
 - v. Seasonal Maintenance: Spring clean-up plan, fall clean-up plan, disposal plans for leaves and plant debris, winter plowing plan, winter deicing plan.
4. Provide a landscape maintenance bond for one year.
 5. A note shall be provided on the plan stating "All conditions on this plan shall remain in effect for perpetuity."

N. Preparation of a Landscape Plan:

Landscape Plan shall be prepared in sufficient detail to indicate compliance with these regulations. The plan shall include:

- a. A plant schedule (keyed to plants shown on the plan) with quantity, plant name (common and scientific) and size. Sizing and measuring shall be governed by the American Association of Nurserymen and defined in the publication, "American Standard for Nursery Stock"
- b. Written planting notes and details.

- 2. The Plan shall be prepared by a Professional Landscape Architect registered in the State of New Hampshire, or certified by the Council of Landscape Architectural Registration Boards (CLARB). The Landscape Architect shall sign and stamp the Plan as a requirement for a complete Site Plan application. The Planning Board may waive the requirements of this section where the overall cost of site improvements and building are less than \$ 400,000.

The Landscape Plan shall be prepared to include the following certification:

<p>I _____, hereby certify that I prepared or have sufficiently reviewed this plan and am confident that the design meets the requirements of the Town of Stratham’s Landscape Design Standards.</p> <p>I am a Landscape Architect licensed by the State of NH # _____ and/or I CLARB # _____.</p>
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5.3 STORM DRAINAGE:

- a. An adequate surface stormwater drainage system must be provided. Storm drainage shall be carried to existing watercourses, or connect to existing storm drains. Storm water runoff shall be restricted to existing drainage ways. No new drainage ways shall be created unless necessary easements are obtained by the applicant. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines unless it is to be within an existing approved public storm drainage system.
- b. Drainage swales, culverts, storm sewers, detention/retention ponds, and other drainage facilities shall be based on the storm frequencies stipulated in Addendum C of the Subdivision Regulations. (Rev. 7/89) (Rev. 8/99)

5.4 FLOOD CONTROL:

Provision shall be made to assure that the proposal is consistent with the need to minimize flood damage, that all public utilities and facilities, such as sewer, electrical and water systems, are constructed and that adequate drainage is provided so as to reduce exposure to flood hazards. Design provisions shall also be made to minimize or eliminate infiltration of floodwaters into new or replacement water supply systems and/or sanitary sewage systems and discharges from these systems into floodwaters. On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

5.5 SNOW STORAGE:

Provision shall be made to store snow accumulation during the winter months, and such provisions shall be shown on the site plan and shall not be located in wetland or shoreland protection districts. (Rev. 8/99)

5.6 SOLID WASTE DISPOSAL SCREENING:

The manner of waste disposal must be specified on the site plan and include areas for safe disposal. Litter and/or garbage collection and holding areas must be secured. All outdoor storage areas and trash receptacles must be located or screened to prevent visibility from within the parking and neighboring properties. The use of either fencing or hedges is permitted for the foregoing purposes. However, as a condition of approval, the Board may require earth berms and plantings of shrubs and/or trees.

5.7 SIDEWALKS:

Sidewalks must be provided for pedestrian traffic to permit passageways between the entrances of commercial, housing, or industrial establishments, and parking areas. All such sidewalks must be at least six (6) inches above grade and protected by curbing. The design must include means for access by handicapped persons.

All paving, except for walks and drive entries, shall be set back 25 feet from all property lines, except for those fronting Portsmouth Avenue. In the case of Portsmouth Avenue all paving, except for walks and approved entry drives, shall be set back a minimum of 35 feet from the front property line, with an average setback no less than 50 feet from the front property line. (Rev. 11/95)

5.8 ILLUMINATION/ NOISE EMISSIONS:

Outdoor lighting must be provided subject to the following conditions:

- a. Outdoor lighting must not directly shine on abutting properties or on public highways or streets. All lighting cast will be confined to within property lines and will not illuminate adjacent properties; (Rev. 11/95)
- b. Indirect lighting should be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs shall not be permitted;
- c. Outdoor lighting must be restricted to that which is necessary for advertising, safety, and security of the development. All parking, roadway, and walk areas within the proposed development will be illuminated to a level sufficient to provide reasonable security lighting during hours of darkness; (Rev. 11/95)
- d. All security lighting shall be located on light standards not exceeding 25 feet in height, with the illumination source directed downward and not visible in the horizontal plane. In addition to light standards, security lights may be building-mounted, subject to the review and approval of the Planning Board for the specifications of all such fixtures and mounting locations. Light standards used to illuminate the exterior of the buildings may not exceed four feet in height. All building, security, and general-purpose lighting fixtures and locations must be approved by the Planning Board; (Rev. 11/95)
- e. All external loudspeaker (or enunciation) systems, including bells, buzzers, and public address systems are prohibited. Intercom systems, such as those used in the operation of drive-in fast-food restaurants and drive-in bank tellers are specifically exempt from this provision. (Rev. 11/95)
- f. The building and all site improvements will be designed to contain operational and mechanical noise, such that the noise level on abutting properties will not exceed 60 decibels. (Rev. 11/95)

5.8.1 Illumination: (Adopted 08/01)

This regulation is intended to reduce the problems created by improperly designed and installed outdoor lighting for non-residential development. It is intended to eliminate problems of glare, minimize light trespass minimize obtrusive light, protect the quality of the New Hampshire night sky, Stratham's rural character, and conserve energy and resources while maintaining safety, security and productivity by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of Stratham.

a. Definitions:

For the purposes of this Regulation, terms used shall be defined as follows:

Cut-off Angle (*of a luminaire*) - 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.

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

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

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.

Foot-Candle: A unit of illuminance amounting to one lumen per square foot. A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away.

Fully Shielded: A fully shielded luminaire is 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 an angle of 20 degrees below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

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.

Illuminance: The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in foot-candles.

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

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For the purposes of this Regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Partially Shielded: Shall mean outdoor light fixtures shielded or constructed so that no more than ten percent of the light rays are emitted by the installed fixture at angles greater than 20 degrees below the horizontal plan, and shall not extend above the horizontal plane, as certified by a photometry test report.

Temporary Outdoor Lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

Uplighting: Any light source that distributes illumination above a 90-degree horizontal plane.

b. General Lighting Requirements:

- i. Illumination levels at property boundaries will not exceed 0.3 foot-candles, except when a property abuts a residential lot where illumination levels shall not exceed 0.2 foot-candles at the shared boundary;
- ii. All lighting in the Town of Stratham is required to be fully shielded.;

- iii. Up-lighting by any method is prohibited; however, the Planning Board may allow limited use of upward landscape lighting on a case by case basis;
- iv. Non-cutoff wallpack type fixtures are prohibited.

c. Control of Glare – Luminaire Design Factors:

Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

The luminaire's maximum illuminance shall not exceed the MINIMUM illuminance recommended for that purpose as defined in the most RECENT "Illuminating Engineering Society Lighting Handbook/References & Applications."

d. Submission of Plans:

The submission shall contain but shall not necessarily be limited to the following:

- i. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- ii. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
- iii. Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions;
- iv. A visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan.

Additional Submission: The above required plans, descriptions and data shall be sufficiently complete to readily determine whether compliance with the requirements of this regulation are met. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

e. Exceptions:

- i. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot or flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
- ii. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property. Proposed streetlights or replacement of existing streetlights shall be fully shielded.
- iii. All temporary emergency lighting need by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
- iv. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
- v. Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

f. Prohibitions:

- i. Mercury Vapor Lamps Fixtures and Lamps: The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited;
- ii. 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;
- iii. Searchlights: The operation of searchlights for advertising purposes is permitted by permit issued by the building inspector.

5.8.2 Noise Emissions:

- a. All external loudspeaker or enunciation systems, including bells, buzzers, and public address systems, are prohibited. Intercom systems, such as those used in the operation of drive-in fast-food restaurants, and drive-in bank tellers, are specially exempt from this provision. (Rev. 11/95)
- b. The building and all site improvements will be designed to contain operation and mechanical noise, such that the noise level on abutting properties will not exceed 60 decibels. (Rev. 11/95)

5.9 PARKING AREAS AND ACCESS DRIVES: (Rev. 6/01)

Drives and parking areas must be constructed to the following specifications:

- a. Loam and/or yielding material must be removed to a depth of no less than fourteen (14) inches below finished grade;
 - b. A bank run gravel sub-base of six (6) inches must be applied or compacted, followed by a six (6) inch base of crushed gravel, then compacted and rolled true to grade lines with a roller weighing not less than 12 tons;
 - c. A one and one half (1.5) inch rolled binder course and a one (1) inch rolled wearing surface of bituminous concrete pavement must be installed with a self-propelled mechanical spreader and rolled by a tandem roller with not less than 285 pounds per inch of wheel width. The Planning Board may also allow for graveled parking and aisle surfaces in certain cases when considering the unique characteristics of the land, the proposed use, drainage, dust control, and if a graveled parking surface would promote and/or preserve the rural character of Stratham;
 - d. The minimum grade for parking areas shall be one percent (1%); the maximum grade shall be five percent (5%);
 - e. If approved by the Board, permeable pavement may be used which might minimize dust, erosion, and runoff conditions that could have detrimental effect on abutting or neighboring properties.
 - f. Off-street parking spaces shall be provided in accordance with these specifications for any change of use, new use, or expansion of use. In no case shall on-street parking be credited for any site because its availability is subject to change over time based on the public need to use the right-of-way for other, possibly conflicting, uses.
1. Number of Spaces: Each site shall provide at least the minimum number of parking spaces for the site, determined as follows:

USE:	SPACES REQUIRED:
Carry-out Restaurants (no beverages or food consumed on premises)	1 space per 50 square feet of gross floor area
Child-Care Facility	1 space per 10 children, maximum rated occupancy, plus 1 space per employee
Public and Private School (K through 12)	One (1) space per 500 s.f. of gross floor area other than classrooms plus one for each teaching station.
Colleges, Universities, Trade School and Vocational Institutions	1 space per 2 seats and 1 space per employee
Combination Sit-Down and Carry-Out Restaurant	Parking requirements shall be the aggregate of requirements for sit-down restaurants and carryout restaurants.
Covered Skating Rinks, Bowling Alleys, and Other Similar Places of Assembly, the capacity of which cannot be measured in terms of seats	1 space per 150 square feet of gross floor area.
Funeral Home	1 space for each 4 patron seats in the largest assembly area
Gas Service Station, Automotive Repair Garage	1 space for each employee on principal work shift, plus 4 spaces for each service bay, or 300 square feet of interior service area.
Industrial: Wholesale, Warehouse and Storage	1 space per employee in the largest shift; and 1 space per company vehicle operating from the premises; and 1 space per 1,200 square feet of gross floor area.
Industrial: Manufacturing, Research and Testing Laboratories	1 space per employee in the largest shift; and 1 space per 1,000 square feet of first 20,000 square feet of gross floor area; and 1 space per each additional 10,000 square feet of gross floor area; and 1 space per company vehicle operating from the premises.
Lounge	1 space per 2 seats.
Medical and Dental Offices and Medical Office Buildings	3 spaces per doctor and 1 space per employee.

Membership Clubs	1 space for each 4 persons maximum occupancy; and 1 space per 3 seats for ancillary restaurant and 1 space per employee.
USE:	SPACES REQUIRED:
Motels and Hotels	1.1 space per rental unit; and 1 space per 5 seats in ancillary restaurant, of gross floor area used; and 1 space per 300 square feet floor area for function rooms and other such uses.
Multi-Family Housing	2 spaces per dwelling unit.
Office: Business, Professional, Administrative and Bank	1 space per 250 square feet of gross floor area.
Place of Assembly: Theaters, Churches, Auditoriums, Restaurants (sit-down) and other places of assembly with fixed seats (based on maximum capacity).	1 space per 3 seats; and 1 space per 55 inches of permanent bleacher or bench seating space; and 1 space per 150 square feet of area without permanent seating facilities that is devoted regularly to public assembly; and 1 space per employee.
Retail Sales of Furniture, Automobiles, Nursery Stock, and such other goods as usually involve extensive display areas in relation to customer traffic.	1 space per 500 square feet of gross floor area.
Retail Stores, Store Groups, Shops and Service Establishments	1 space per 200 square feet of gross floor area of first floor area and 1 space per 400 square feet of gross floor area above and below first floor.
Sports Complex*	0.25 space per seat as general requirement
Other	As determined by the Planning Board

* Applicant shall submit: A traffic analysis which would include, but not be limited to, design hourly volume (DHV), peak hour traffic entering and leaving the site and generated traffic; and a comprehensive traffic assessment concerning traffic circulation within the parking lot, and conflict points at the site, and adjacent roadways and intersections.

2. Parking Space Location: Of the total number of parking spaces required, off-site parking on a separate private lot of record shall be permitted in lieu of on-site parking when the following conditions are met:

- i. the parking spaces on the other lot of record are located within 400 feet of the parking area on the applicant's lot;
 - ii. the parking is off-street;
 - iii. the applicant's use is permitted in the zoning district in which the off-site parking is located;
 - iv. the lot providing the parking documents excess parking spaces that are available based on parking standards in these Regulations; and
 - v. a recorded parking easement which specifies the number and location of parking spaces is provided to the Board.
3. **Minimum Number of Handicap Parking Spaces:** Each site shall provide the appropriate number of handicap parking spaces, as specified by New Hampshire Code of Administrative Rules, PART Ha 304.02, as amended.
- g. **Parking Lot Design:** Parking lots shall meet the following minimum design requirements, in addition to any other applicable design requirements contained in these regulations:
- i. **Aisle Widths:** Minimum aisle widths for lots with 90° parking shall be 20 feet for one-way aisles, and 24 feet for two-way aisles; 18 feet for one-way aisles with 60° angle parking; and 14 feet for one-way aisles with 45° (and less) angle parking;
 - ii. **Parking Space Dimensions:** Minimum parking space sizes shall be ten feet wide by 20 feet long. Handicap parking spaces shall be sized as specified by New Hampshire Code of Administrative Rules, PART Ha 304.02, as amended, and must adjoin a five foot access aisle, which may be shared by adjoining handicap parking spaces. All paved areas shall be striped to delineate individual parking spaces and travel aisles;
 - iii. **Traffic Control Islands:** In any parking lot, no more than two aisles, double or single, may run generally parallel to one another without separation by a raised, curbed traffic control island which runs parallel to and the full length of the aisles. Traffic control islands shall be a minimum of twelve feet in width. At the ends of each traffic control island there shall be 12 foot-wide raised islands which shall extend (on both sides, if parking rows are double) the full length of the parking stalls. The applicant, if desired, may shorten the main traffic control islands no more than 14

feet at each end to better allow for the removal of snow. If the main traffic control island is proposed to be shortened, pavement markings will be required to prohibit through-traffic. The Board may require additional traffic control islands to prevent or correct traffic safety problems. Curbing shall be vertical granite.

- iv. Landscaping: Landscaping shall be incorporated into any parking layout. All traffic control islands shall be landscaped. A minimum of ten percent (10%) of the parking area shall be landscaped. The outside ten-foot (10') perimeter of the parking boundary shall be considered parking area to meet the minimum 10% landscaping requirement.
- v. Traffic Circulation: The parking lot design shall be such that there is safe and adequate traffic circulation, and room to stack exiting vehicles separate from the entering traffic lane(s).
- h. Loading: All non-residential sites shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles, and so that delivery vehicles can be parked completely out of the public or private right-of-way. Loading facilities shall be designed such that delivery vehicles do not need to stop or reverse direction on a public or private right-of-way.
- i. Snow Removal: Snow removal shall be considered for all sites, and the general plan for snow removal shall be indicated in a note. Locations for snow storage shall be designated on the plat, or there shall be a note indicating that all snow shall be removed from site. In no case shall snow be stored on a landscaped area in which the snow pile could destroy the landscaping. In no case shall snow storage be allowed within a designated wetland area.
- j. Pedestrian Access and Circulation: All sites shall provide for safe pedestrian access and circulation. Such provision shall include sidewalk access to existing street side sidewalks if applicable, pedestrian aisles through parking lots, and other facilities as are appropriate for the site.
- k. Waivers: Waivers to this section shall be applied for per the requirements of Section 8.1-Waivers. The Planning Board may, in granting a waiver from the number of parking spaces required, require that an undeveloped yet buildable area be left adjacent or proximate to the proposed parking. This area would be required

to be maintained in its natural state or improved upon with landscaping features, but otherwise remaining pervious to groundwater infiltration and readily convertible to parking if the intensity of the current use or a new use is proposed for the site in the future.

5.10 WATER AND SEWER SERVICE:

Water supplies and sewage disposal systems must be sized to meet the needs of the proposed use. Percolation test and design of sewage disposal systems shall comply with the Town of Stratham Zoning Ordinance Section XX (Rev. 8/99) and applicable State standards as outlined in the New Hampshire Code of Administrative Rules. Newly proposed public water systems, as defined by RSA 485:1, shall be designed by a professional engineer licensed in New Hampshire. (Rev. 11/93) All septic vents shall be screened from view by use of appropriately sized plantings. (Rev. 11/95)

5.11 FIRE PROTECTION:

- a. Fire alarms, fire hydrants, cisterns and fire ponds shall be provided as specified by the Stratham Fire Department. These items shall be shown on the site plan and installed by the applicant. Above ground storage tanks having capacities of forty (40) gallons or more shall have their contents clearly marked on the outside of the tank(s) in order to aid fire-fighting efforts. Tanks shall be marked according to the most recent Hazard Identification Code as developed by the National Fire Protection Association (NFPA). (Rev. 11/93) (Rev. 8/99) (Rev. 5/04)
- b. Where required, it is recommended that cisterns be designed and installed according to the Specifications for 30,000 Gallon Single-Wall FRP Tank For Fire Cistern as amended to these regulations and provided as Addendum "A" of the Stratham Site Plan Review Regulations. (Rev. 5/04)

5.12 UTILITIES:

- a. All utilities serving the property shall be placed underground;
- b. Propane tanks, and other tanks used to store fuels, gases or liquids must be buried underground in accordance with environmental regulations and sound engineering practices, except as otherwise noted. If tanks must be located above ground, tanks, tank pads, and any related appurtenances must be adequately screened with fencing and landscaping.

5.13 STORMWATER MANAGEMENT AND EROSION CONTROL: (Rev. 11/93)

The purpose of this regulation is to control runoff as well as erosion and sedimentation resulting from development. Subdivision and site plans shall include plans for managing stormwater and controlling erosion and sedimentation as provided below.

a. Definitions:

Best Management Practice (BMP): A proven and accepted structural, non-structural, or vegetative measure, the application of which reduces erosion, sedimentation, or peak storm discharge.

Critical Areas: Disturbed areas of any size within 50 feet of a water-course, waterbody, poorly drained soil or very poorly drained soil; disturbed areas exceeding 2,000 square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.

Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil.

Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than or equal to .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 of New Hampshire".

b. Where Required:

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:

1. A cumulative disturbed area exceeding 20,000 square feet;
2. Construction of a street or road;
3. A subdivision of three or more building lots or dwelling units;
4. Disturbed critical areas.

c. **Waivers:**

The Planning Board may waive the requirement for all or part of a stormwater management and erosion control plan if it determines that a plan is unnecessary because of the size, character, or natural conditions of a site. All requests for waivers shall be made in writing by the applicant with supporting technical documentation to demonstrate minimal environmental impact.

At a minimum, all plans shall depict the following:

- i. Critical areas within the site;
- ii. Areas to be disturbed during development;
- iii. Stormwater management and erosion control BMP's.

The applicant shall also submit a narrative section which discusses each BMP, its purpose, construction sequence, and schedule of installation. A description of the design standards, plan requirements, and other relevant criteria for stormwater management and erosion control plans can be found in Addendum C of the Subdivision Regulations.

5.14 STREET CONSTRUCTION:

Streets or access ways in non-residential and multi-family developments shall be constructed to Town specifications as set forth in the Subdivision Regulations.

Streets serving non-residential (unless a public roadway such as in an industrial park) shall remain in private ownership, and the applicant shall execute and provide legal instruments to insure their continued maintenance and ownership, any such instruments being subject to approval by the Town Attorney and Board of Selectmen. (Rev. 7/89)

5.15 ARCHITECTURAL PLANS:

No building permit shall be granted for a commercial building unless architectural elevations and a building footprint depicting exterior features drawn to scale meet all of the requirements of the Planning Board. Specifications shall have been filed with and approved by the Planning Board. (Rev. 8/99)

As documented in the 1985 and subsequent Stratham Master Plans, a majority of the residents of Stratham prefer that the character of the town maintain a rural, residential, countrified flavor. This preference is represented in the scale of commercial development to residential/agricultural development desired, and in the aesthetic characteristics of the buildings and structures that have been developed. To this end, the Site Plan Review Regulations have been amended to require building design that incorporates significant features representing a rural New England colonial design theme. (Rev. 11/95)

The Stratham Planning Board strongly believes that by reviewing the building design and holding the applicant to stringent design standards, the integrity and character of the community will be preserved, the property values will be maintained and the community will benefit from aesthetically pleasing, high quality development along major transportation corridors within Stratham. (Rev. 11/95)

The features in the design of buildings, structures and outbuildings noted below shall be required in the Professional/Residential (PRE), Town Center (TC), General Commercial (GCM), Commercial Light Industrial Office (CLIO) and Retirement Planned Community (RPC) - all districts located along Portsmouth Avenue corridor and extremely visible to the general public. The Planning Board strongly encourages applicants to consider and include these design features within the Industrial (IND) district however, due to the lack of visibility by the general public, these standards are not mandatory within the Industrial District. (Rev. 11/95) (Rev. 8/99) The design features shall include:

- a. Pitched roofs of at least a 4:12 pitch; (Rev. 11/95) (Rev. 8/99)
- b. Roofing materials and roofing colors in keeping with the New England theme; (Rev. 11/95)
- c. Building components, such as windows, doors, and eaves that are adequately proportioned. Use of multiple paned windows is encouraged; (Rev. 11/95)
- d. Exterior cladding materials allowed are clapboard, shakes, brick, plaster, stone or other similar materials or similar fabricated materials. Disallowed is the use of prefabricated metal, concrete blocks, T-111 plywood, or other similar materials; (Rev. 11/95)
- e. Exterior colors in muted tones, with no more than 15% of any exterior face of the buildings(s), including the roof, in an overly bright color. Colors to be implemented in the design will be specified on the architect's drawing, and a color board shall be submitted to the Planning Board prior to site plan approval; (Rev. 11/95)
- f. All buildings and outbuildings shall be designed by a professional, registered architect; (Rev. 11/95)
- g. No mechanical equipment incorporated on or in the building, including electrical, plumbing, heating, ventilation, and air conditioning equipment and antennas shall be exposed to view. (Rev. 11/95) Such elements shall be appropriately screened by incorporation in the building design;

- h. Whether attached to the building or freestanding from the building, the following items shall be completely architecturally screened and clad with materials similar to the building(s):
 - i. Trash dumpsters and compactors;
 - ii. Surface mounted mechanical equipment;
 - iii. Material storage areas;
 - iv. Above ground storage tanks (Rev. 11/95)
- i. Vehicle entry doors will not be located on the front or side faces of the building(s). Where these vehicle entry doors face to residential property, these doors shall be screened, taking into account the proximity and exposure to the residential property; (Rev. 11/95)
- j. The front, sides, and rear of the building(s) shall be attractively designed and articulated to eliminate large spans of blank exterior wall. (Rev. 11/95)

The Architectural Plan shall indicate:

- i. The architectural design of the exterior of the building;
- ii. The type of windows and doors to be installed on the building;
- iii. The type of building material to be used on the exterior walls of the building.

5.16 OPEN SPACE SETBACK: (Rev. 11/95)

Furthermore, it should be noted that in addition to the building setbacks contained in the Stratham Zoning Ordinance, all paving, except for walks and approved drive entries, shall be set back a minimum of 35 feet from the front property line, with an average setback no less than 50 feet from the front property line. Setbacks shall be measured along a line parallel to the front property line, with said line beginning 25 feet from side property lines.

SECTION VI: SUPPLEMENTARY PROVISIONS

The site plans shall also comply with the following provisions.

6.1 **CONSTRUCTION STANDARDS:**

Construction of improvements shall also comply with, and be inspected pursuant to, the requirements of "Building Ordinance - Town of Stratham."

Unless otherwise specified on the site plan and approved by the Planning Board, roadway and ancillary improvements shall comply with the State of New Hampshire Department of Public Work and Highways' manual, "Standard Specifications for Road and Bridge Construction," dated 1990, as amended. (Rev. 8/99)

6.2 **AS-BUILT DRAWINGS:**

Prior to the issuance of a Certificate of Occupancy, the applicant shall have prepared by licensed land surveyor or engineer an "as-built plan" showing the accurate location, invert and top grade of all drainage structures, all sewer structures, water mains and appurtenances and ties thereto, and profiles, centerline street and ditch grades on 100-foot stations to the nearest .1 feet. Three prints of this information shall be submitted to the Planning Board, or its agent, for approval. (Rev. 8/99)

In the event that the Planning Board or its agent shall determine that the as-built plans shall differ in any respect from the plans previously approved by the Planning Board, the Board shall decide whether such differences are sufficiently material as to require a resubmission of portions or all of the project plans to the Planning Board under these Regulations or any part thereof.

6.3 **SITE INSPECTIONS AND FEE:** (deleted 11/93)

SECTION VII: AGREEMENTS & BONDING

7.1 SITE REVIEW AGREEMENT:

As a condition of the Planning Board's approval, the applicant must execute a legal agreement, which specifies the terms and conditions, and the understandings between the parties with respect to these Regulations. Terms and conditions of the Site Review Agreement shall indicate any stipulation or condition which may be necessary to secure the public health, safety, and welfare and insure compliance with all the Ordinances of the Town of Stratham, requirements of the Town's Building Code, and including the posting of a performance and/or guaranty bond to insure that all site development and construction is completed according to the plan approved. No building permit shall be issued until the Site Review Agreement is executed by both parties.

7.2 FINANCIAL GUARANTY:

The Planning Board may require a performance surety (in the form of a bond, passbook, or cash only) for such facilities that it believes should be guaranteed before any work commences on the development. (Rev. 8/91) The steps for issuing and releasing a performance bond (or other surety) shall be the same as required in the pertinent Zoning Ordinance and Subdivision Regulations, including but not limited to determining the amount, the sufficiency, term, and form of the bond (or other surety).

7.2.1 Certificate of Occupancy:

No dwelling unit or building may be occupied or used unless a certificate of occupancy has been issued by the Building Inspector. If any corrections, changes, or other stipulations are required by the Building Inspector prior to issuance of a Certificate of Occupancy, the Building Inspector shall keep a copy of said required actions in his office.

7.3 MAINTENANCE BOND:

The Planning Board may require a performance surety (in the form of a bond, passbook, or cash only) covering maintenance of roads and improvements for a period of one (1) year from the date of completion, in an amount not to exceed 10% of said cost of improvements. (Rev. 8/91) If repair or unusual maintenance is needed or additional improvements required, then such costs as necessary shall be borne by the applicant or sought from said surety.

SECTION VIII: WAIVERS

8.1 WAIVERS:

The requirements of the foregoing Regulations may be waived or modified by the Planning Board where appropriate hardship exists or specific circumstances warrant. The applicant shall write to the Planning Board describing the requested term to be waived. The granting of said waiver shall not impair nor diminish the public health, safety, and welfare, and shall conform to and carry out the purpose and intent of these Regulations and the Master Plan.

SECTION IX: ENFORCEMENT

9.1 ENFORCEMENT PROVISIONS:

These Regulations shall be enforced by the Board or its duly authorized representative. In the event that the Board, or its representative shall determine that these Regulations have not been complied with, or that the terms of any approval given under these Regulations has not been met or satisfied in a timely fashion, the Board shall have the authority to take such action as it shall deem lawful or necessary, including but not limited to the revocation of any approval(s) granted, the withdrawal of any building permits which may have been issued, or the withholding of any building permit by request of the Selectmen.

The Board shall notify any offending person, firm, or organization by certified mail which notice shall contain the specifics of the Board's findings and if necessary shall contain a cease and desist order.

SECTION X: VALIDITY

10.1 DECLARATION:

If any section, clause, provision, or portion of these Regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect or impair any other section, clause, provision, or portion of these Regulations.

10.2 EFFECTIVE DATE:

These Regulations are effective as of February 3, 1987, on which day they were filed with the Stratham Town Clerk and Board of Selectmen.

ADDENDUM A: CISTERN SPECIFICATIONS (05/04)

These standards currently are **not** available in digital format.
Please contact the Stratham Planning Office for a hard copy of the document at:

Planning Department
Town of Stratham
10 Bunker Hill Avenue
Stratham, NH 03885

(603) 772-7391

ADDENDUM B: DIGITAL SUBMISSION REQUIREMENTS (added07/06)

With the submission of any new application for Site Plan Review and prior to the recording of a Mylar, an Applicant shall submit a complete electronic file of all of the drawings in the plan set for the Town of Stratham's records, in accordance with the following:

1. All submitted plans shall be submitted to the Town Planner in a format compatible with the town's ArcGIS (Shapefile .shp) format.
2. All digital files shall be projected in NH State Plane feet, NAD83.
3. All digital Files shall be submitted on a CD-ROM or 3.5" floppy disk (note that files compressed and spanned with multiple floppy disks will not be accepted). Arrangements may be made to send digital data via FTP, email, or on other media on a case-by-case basis by approval of the Town Planner;
4. If submitted via disk the following information shall be labeled on the disk: file name; property owner name; parcel identification number (tax map and lot number); and name of submitting consultant;
5. Horizontal control points shall have an adjusted accuracy of 1:10,000 (Third Order, Class I);
6. Entities and their data layer properties shall correspond to the following:
 - a. Property lines entities shall be created on a " Lot Line" layer.
 - b. Parking lots shall be created on a "Parking" layer.
 - c. Driveways shall be created on a "Driveway" layer.
 - d. Building outlines shall be created on a "Structure" layer.
 - e. Location of wetlands, streams and ponds shall be created on a "Hydro" layer.
 - f. Distance and bearing annotation shall be created on a "Dimtxt" layer.
 - g. The digital file shall have a layer named "NHSPCS". NH State Plane NAD83 referenced points and the easting, northing and vertical descriptions of at least 2 referenced points shall be annotated on this layer.
7. All lines representing property lines shall consist of continuous line work snapped to endpoints. Stonewall representations, unless created using a line type will not be accepted.

APPENDIX A: RECORD OF AMENDMENTS

(most recent on 10/2007 back to adoption of revamped Site Plan Regulations on 2/3/1987)

October 3, 2007

Section 2.3.6 Fees and Charges

- To amend section 2.3.6 of the subdivision regulations and section 4.2.7 of the site plan review regulations pertaining to fees & charges to increase the fees to reflect the current cost of services.

September 19, 2007

Section 4.3 Soils-Based Lot Size Determination:

- Conservation Land Exception. Any portion of a lot or other land which was protected by recorded conservation easement or shown as intended or dedication on any plan conditionally approved and not revoked by the Planning Board at the time of application, shall not be included in the calculation of minimum lot size or in the calculation of any Yield Plan as defined under Section 4.6.4 (OPEN SPACE CLUSTER SUBDIVISION).

September 6, 2006

Section 5.2 Landscaping Design Standards

- To amend the Site Plan Review Regulations Section 5.2 Landscaping Design Standards to replace the entire section with new standards for landscaping requirements for all Site Review applications brought before the Planning Board.

July 19, 2006

Section 4.3.2 Proposed Plans:

- To amend section 4.3.2 to add a new subsection g as follows:
A copy of the plans submitted in a digital format as provided for in Addendum D: Digital Submission Requirements.
Also add a new addendum b to the end of the Site Review regulations.

June 7, 2006

Section 4.5 Board Action

- Amend Section 4.5 Board Action of the Site Review Regulations to replace the section with a new Section 4.5 providing for a definition of "Active and Substantial Development" and providing conditions for the vesting of subdivisions and setting time limits for the completion of conditions when a project is approved.

May 3, 2006

Section 4.1 Preliminary Consultations

- Amendment to the site plan review regulations Section 4.1 Preliminary Consultation, to require a preliminary site plan review on certain site plans prior to submission to the planning board.

May 19, 2004:

Section 5.11: Fire Protection

- Amend the Stratham Site Review Regulations to provide for a specification for the installation or Fire Cisterns within projects as may be required. Add a new Section 5.11 (b).

August 6th, 2003:**Section 4.2.4: Public Hearing and Notice**

- Amended section by reinserting provision that was inadvertently deleted on January 31st, 2001.

May 1, 2002**Section 4.2.1: Submission Period**

- Amended advance submittal requirement from 15 to 20 days in (a).
- Added provision regarding 10-day advance submittal for continued applications in (b).
- Added provision that Planning Board review of tardy submittals will be delayed in (c).
- Added provision regarding Town Planner issuing an advisory determination of complete application.

August 1, 2001

- Adopted detailed lighting regulations for non-residential development (see Appendix A).

June 6, 2001**Section 5.9: Parking Areas and Access Drives**

- Amended section generally and included a new subsection (f) relating to parking lots and spaces which was formally contained in Section VI of the Stratham Zoning Ordinance.

January 31, 2001**Section 4.2.6: Submission Deadline**

- Deleted section entirely due to duplication elsewhere in the regulation.

Section 4.2.4: Public Hearing and Notice

- Deleted section entirely due to duplication elsewhere in the regulation.

Section 4.2.5: Concurrent and Joint Hearings

- Amended first sentence in this section to reference a hearing on both site plans or for a subdivision plat.

Section 4.3.1: Existing Data

- Amend subsection (d) to added the words "...of significant or unique species..."

Section 4.4.1: Public Hearing and Notice

- Deleted section entirely due to duplication elsewhere in the regulation.

Section 4.4: Formal Review Procedure

- Amended section generally to reflect the time requirements and procedures established by current state statute.

June 21, 2000**Section 3.2.1: Compliance with Other Regulations**

- Removed reference to special exceptions and added a second paragraph which outlines a waiver procedure.

Section 5.1: Access Design

- Amended Section 5.1(d) to clarify the need for granite curbing.

August 18, 1999Section 2.1: Definitions

- Amended Section 2.1.11 to correct cross-reference
- Amended Section 2.1.13 to correct cross-reference

Section 3.2.1: Compliance with Other Regulations

- Amended language to clarify Planning Board procedure for variances and special exceptions

Section 4.1: Preliminary Consultation

- Amended language to mirror subdivision procedures

Section 4.2 : Formal Application Review Process

- Amended Section 4.2 language to mirror subdivision procedures
- Amended Section 4.2.2 (c) to require additional plans sets at time of submission
- Amended Section 4.2.7 to modify fees and charges

Section 4.3: Data Required

- Amended Section 4.3.1 (d) to allow an inventory of standing timber to be provided
- Amended Section 4.3.2 (a) to change the spot elevations grade requirement from 5% to 3% and to require trees affected by grading be shown on the plan

Section 4.5.4: Disapproval

- Amended to change the word MAY to SHALL
- Added paragraph three to direct an applicant to the Zoning Board of Adjustment upon denial based on the need for a variance.

Section 5.1 (d): Access Design

- Amended to add CLIO and RPC zones in paragraph four.

Section 5.3 (b): Storm Drainage

- Amended to change cross-reference from Section 4.5.2 to Addendum C

Section 5.5: Snow Storage

- Amend to prohibit snow storage in wetland and shoreland protection areas.

Section 5.10: Water & Sewer Service

- Added language stipulating compliance with Section XX of the Zoning Ordinance

Section 5.11: Fire Protection

- Amended language to require fire protection sources to be approved by the Fire Department.

August 18, 1999 (continued)Section 5.15: Architectural Plans

- Amended to add the word “building” before “permit” in the first sentence.
- Added CLIO & RPC zones to section

Section 6.1: Construction Standards

- Amended to change year of referenced publication

Section 6.2: As-Built Drawings

- Amended to change the word “competent” with “licensed land”

December 4, 1996

Section 4.2.3: Fees and Charges

- Added section 4.2.3 (e) 4 (reimbursement for services)

November 1, 1995

Section 1.2: Purpose

- Added language to subsection (b) regarding maintaining rural character of Stratham
- Added language to subsection (c) regarding providing adequate open space visible from public ways

Section 4.3.1 (f): Existing Data

- Combined subsection f. and subsection j. into one subsection

Section 4.3.2: Proposed Plans

- Added language in (a) for measurement of existing and proposed elevations at base of existing trees
- Added a new subsection (h) which requires language be placed on the plan that the landscape design is compatible

to the building and hardscape.

- Added language in newly designated (i) that requires a sign permit be obtained from the Code Enforcement Officer prior to the submission of the site plan and requires sign area calculations, colors, standards or supports and other information relative to the sign is provided to the Board.

Section 5.1: Access Design

- Added language regarding installation of granite curbing within State right-of-way and/or bonding of granite installation work when improvements are scheduled for State rights-of-way

Section 5.2: Landscaping and Screening

- Added language regarding berming and mounding to obscure parking
- Added language on screening of residential property from the site
- Added language regarding color, style, and location of fencing

November 1, 1995 (continued)Section 5.7: Sidewalks

- Add setbacks for open space along Portsmouth Avenue and provisions which excludes walks and drive entries from the setback requirements

Section 5.8: Illumination and Noise Emissions

- Added in (a) language that all lighting will be confined to the property
- Added in (c) language which indicates that outside lighting must be to a level for security purposes
- Added in (d) language which specifies height and location of light standards
- Added a new subsection (e) regarding loudspeaker/enunciation systems
- Added a new subsection (f) which limits noise to buildings and limits decibel levels on abutting properties

Section 5.10: Water and Sewer Service

- Added language to require screening of septic vents.

Section 5.15: Architectural Plans

- Added reference to Master Plan and desire to retain the rural, agricultural character of the community. Includes language regarding required improvements to various zoning districts, and provisions for stringent design standards
- Added requirements for design features including roof slopes, roof materials and colors, building components, cladding materials, building colors, locations of mechanical equipment, and other building design and site standards

Section 5.16 (Open Space Setback)

- Added new dimensional requirement for open space setbacks from front property line

November 17, 1993Section 4.2: Formal Application Review Process

- Amended Section 4.2.3 to add a new Item (d) and (e)

Section 4.3: Data Required

- Amended Section 4.3.2, Item (e) to add new language

Section 4.5: Board Action

- Replaced Section 4.5.1 with new language

Section 5.10: Water and Sewer Service

- Revised Section 5.10 to delete old language

Section 5.11: Fire Protection

- Added a new sentence to Section 5.11

Section 5.12: Erosion and Sedimentation Plans

- Changed the name and replace the text of Section 5.12

November 17, 1993 (continued)Section 6.3: Site Inspection Fee

- Deleted Section 6.3

August 21, 1991Section 4.2.3: Fees and Charges

- Amended Section 4.2.3 (a)

Section 4.5.1: Approval With or Without Conditions

- Amended Section 4.5.1 (a)

Section 5.12: Erosion and Sedimentation Plans

- Replaced Section 5.12 in its entirety

Section 7.2: Financial Guarantee

- Amended second sentence of Section 7.2

Section 7.3: Maintenance Bond

- Amended first sentence of Section 7.3

July 26, 1989Section 2.1: Definitions

- Amended Section 2.1.11 (Street)
- Amended Section 2.1.13 (Wetlands)

Section 3.2.1: Compliance with Other Regulations

- Added second paragraph

Section 4.2.2: Exhibits Required at Time of Submission

- Inserted Sections 4.2.2(d) and (e)

Section 4.3.1: Existing Data

- Added Section 4.3.1(n) and (o)

Section 5.3: Storm Drainage

- Amended Section 5.3(b)

Section 5.13: Street Construction

- Amended second paragraph

Section 5.14: Design and Construction Requirements

- Added Section 5.14 (Architectural Plan)

February 3rd, 1987

- Adoption of Revamped Site Plan Regulations. The Town of Stratham originally adopted Site Plan Regulations on March 6th, 1973.