City of Concord, NH
Site Plan Regulations

Adopted November 30, 2011
Revised October 17, 2012
Revised April 17, 2013

City of Concord Planning Board
Planning Division
Community Development Department

Foreword

The authority for Planning Board's to review and approve or disapprove site plans is provided for in N.H. under Revised Statues Annotated Chapters 674, 675, and 676, as amended by subsequent Session Laws.

The City Council granted to the Planning Board in February of 1977, the authority to review Large Scale Developments (site plans) through the adoption of Article 28-10, Non-Residential Large Scale Development, Zoning Ordinance, City of Concord Code of Ordinances.

By ordinance passed November 18, 1988, the City Council of the City of Concord has granted the Planning Board the authority to review and approve or disapprove site plans pursuant to Article 29-1-2, Power to Review Site Plans, City of Concord Code of Ordinances.

By ordinance passed November 29, 2001, the City Council of the City of Concord has granted the Planning Board further established and amended the Planning Board's authority to review and approve or disapprove site plans in Article 28-9-4(d), Site Plan Review, Zoning Ordinance, City of Concord Code of Ordinances.

The Planning Board, pursuant to the authority granted, adopted and placed into effect regulations governing site plan review on July 2, 1982. The Board exercised, without interruption, those regulatory controls in the interest of orderly community development since that date.

The regulations adopted on November 30, 2011, replace and supersede previous versions of the site plan regulations.

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City of Concord, NH
Site Plan Regulations

Chapter 1
Authority and Purpose

SECTION 1 Authority

SECTION 2 Policy

SECTION 3 Purposes

SECTION 4 Jurisdiction

SECTION 5 Adoption

City of Concord Planning Board
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Site Plan Regulations

SECTION 1 Authority

1.01 In accordance with the provisions of Chapters 672, 673, 674, 675, 676 and 677, of the N.H. Revised Statutes Annotated, and pursuant to the authority vested in the Concord Planning Board by the City of Concord, New Hampshire under the provisions of the Code of Ordinances, Concord, New Hampshire, Title IV, Article 29-1-2, Power to Review Site Plans, the Planning Board adopts the following regulations governing the review and approval or disapproval of site plans in the City of Concord, New Hampshire.

SECTION 2 Policy (N.H. RSA 674:1, 674:43)

2.01 It is hereby declared to be the policy of the Planning Board of the City of Concord to consider the layout, design and appearance of sites and buildings in the City of Concord as set forth in the regulations set forth herein, as well as the provisions of the Municipal Code of Ordinances, and applicable state and federal regulations.

2.02 The establishment of uses and the development of sites and buildings related to said land uses, even though generally suitable for location in a particular zoning district, are, because of their nature, size, complexity or other indices of probable impact, capable of adversely affecting the public health, safety and welfare unless careful consideration has been given to certain critical design elements through the Site Plan Review process established herein.

2.03 It is the intent of these regulations to ensure that developments are subject to review by the City Planning Board , and to allow the Board to approve, to approve with conditions, or to disapprove applications pursuant to these regulations to ensure the orderly, planned, efficient, economical and environmentally sensitive development of the municipality.

2.04 Public and private improvements shall conform to and be properly related to the proposals shown in the Master Plan and Official Map of the municipality, and it is intended that these regulations shall supplement and facilitate the

enforcement of the provisions and standards contained in building and housing codes, health codes, and zoning ordinances (N.H. RSA 674:3, 4, 9-11).

SECTION 3 Purposes (N.H. RSA 674: 44)

These regulations are adopted for the following purposes:

3.01 To protect and provide for the public health, safety, and prosperity of the municipality.

3.02 To provide for future harmonious development and redevelopment of the municipality in accordance with the Master Plan.

3.03 To provide against the uses of land or buildings which would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, emergency medical services, or other public services, or necessitates the excessive expenditure of public funds for the supply of such services.

3.04 To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.

3.05 To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize conflicts among the uses of land and buildings.

3.06 To guide policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, open space, public and private utilities, services and facilities.

3.07 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community, having particular regard to the avoidance of congestion in the streets and highways, to provide for connectivity between neighborhoods and abutting development, to calm traffic within neighborhoods, to manage access by abutting land uses, to provide for pedestrian and bicycle circulation throughout the community, and to provide for appropriately designed bus stops along transit corridors.

3.08 To provide for adequate and safe vehicular and pedestrian access and to provide for adequate, redundant and timely access by public safety vehicles.

3.09 To establish reasonable standards of design for the development of land and buildings through the site plan review process.

3.10 To establish procedures for the review of site plans in order to further the establishment of a harmonious and compatible land use pattern.

3.11 To insure that public facilities are available and will have a sufficient capacity to serve the proposed land uses.

3.12 To require that the natural site conditions be considered during the site design process and, where appropriate, to preserve, protect and promote such physical and natural features as rivers, streams, ponds, marshes, wetlands, scenic vistas, steep slopes, woodlands, wildlife habitat, special geological features, and other environmentally sensitive resources. To minimize the destruction of natural vegetation and alteration of terrain and to insure appropriate development in relation to these natural features.

3.13 To provide for the harmonious and aesthetically pleasing development of the community and its environs. To preserve and enhance the architectural heritage of Concord, and insure that new and redevelopment sites and property are architecturally and aesthetically compatible with neighborhoods, adjacent development and the natural environment.

3.14 To enhance the tax base of the community and improve the quality of life in Concord by improving the appearance and design of land, buildings and structures.

3.15 To prevent the pollution of air, streams, ponds, and groundwater; to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of land.

3.16 To encourage the most efficient design and layout of the land while preserving the density of land as recommended in the Master Plan and established in the City's Zoning Ordinance.

3.17 To identify and minimize impacts on historic sites, buildings and structures.

3.18 To promote energy efficiency in the design, layout and construction of sites and buildings. To promote "smart growth" and discourage sprawl.

SECTION 4 JURISDICTION (N.H. RSA 674:43)

4.01 These Site Plan Regulations shall apply to all land development within the corporate limits of the City of Concord as set forth in Article 28-9-4, Decisions of the Planning Board, of the City of Concord Code of Ordinances.

4.02 No building permit shall be issued for the purposes of constructing a new or renovated building or structure, or for the purpose of making exterior alterations to an existing building or structure, or for the purpose of changing the use of an existing use of land, building or structure, unless a Certificate of Approval has first been issued by the City Planning Board as required herein.

SECTION 5 ADOPTION (N.H. RSA 675:6)

In order that land, buildings or structures may be developed in accordance with these purposes and policy, these site plan regulations are hereby adopted on November 30, 2011. These regulations shall be in force on November 30, 2011, upon certification by the Planning Board and the filing of a certified copy of the regulations with the City Clerk.

Site Plan Regulations

Chapter 2
Application Procedures

SECTION 6 Overall Procedures and Classification

SECTION 7 Minor Site Plan Procedure

SECTION 8 Major Site Plan Process

SECTION 9 Preliminary Conceptual Consultation Phase

SECTION 10 Design Review Phase

SECTION 11 Major Site Plan Procedure

SECTION 6 OVERALL PROCEDURES AND CLASSIFICATION

6.01 General Procedures:

(1) *Application Required:* Whenever any development, redevelopment or change of use of land, buildings or structures is proposed, before any building permit for the erection or modification of an existing structure in such proposed development shall be granted, the property owner, or his authorized agent, shall apply for and secure Site Plan approval in accordance with Article 28-9-4(d), Site Plan Review, Zoning Ordinance, of the City of Concord Code of Ordinances, and the following procedures.

(2) *Application Deadlines:* A schedule of dates and times for site plan application deadlines is established each year by the Clerk of the Board, and is designed to allow reasonable time for City staff to review and comment on applications prior to consideration by the Planning Board, or the Technical Review Committee (TRC), as applicable. The schedule is available prior to January 2nd of each year from the Planning Division.

(3) *Official Submission Date:* Upon submittal of an application, the next available published deadline date shall constitute the official submittal date of the application from which the statutory period for determination of completeness shall be calculated as set forth in NH RSA 676:4. Applications received prior to the deadline date shall be considered for completeness at the next scheduled regular meeting of the Planning Board after the deadline date. Recessed Planning Board meetings and special meetings of the Board are not considered regular meetings of the Planning Board at which an application can be determined complete.

(4) *Conformity with Zoning:* For an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance, at the time the notices are mailed to the abutters notifying of the Board's consideration of completeness. To be determined complete where a variance is being requested from the Zoning Board of Adjustment, the site plan application must either be in compliance with the Zoning Ordinance, or the applicant must have obtained favorable approval of the required variances prior to the time the notices are mailed to the abutters notifying of the Board's consideration of completeness.

(5) *Conditional Use Permits:* Where Conditional Use Permits (CUP) are required in conjunction with a proposed site plan application, a completed CUP application for each CUP requested shall be made at the same time as the site plan application. Where a CUP is required, no site plan application may be considered complete without a complete CUP application. CUP applications will be considered concurrently with the site plan application.

(6) *Special Investigations:* The Board may request the applicant to prepare special studies, at the applicant's expense, of public facilities and utilities required to serve the proposed site plan application, the impacts of the proposed application on natural resources, environmental quality, or the fiscal and economic impacts of the proposed application; or the Board may contract with a consultant to perform these studies at the applicant's expense. Other types of studies may be required including, but not limited to, sanitary sewer study, flood hazard study, noise study, nuisance lighting study, parking study, radio frequency (RF) study, wildlife study and habitat evaluation, hydrological study, fiscal impact study, historic resource study, and school impact study. The Board's decision to request a special study shall be based on a determination that additional information is necessary for the Board to properly review an application to determine the impacts of a proposed application on abutters, or to determine the impacts of the proposed application on community infrastructure and the ability of the infrastructure to support the proposed development, to determine the impacts of a development on the natural environment and mitigation that may be necessary, or to determine the fiscal impacts of the development, or as may otherwise be required herein.

The procedures for the review and processing of a special investigative study are set forth in Section 31, Special Investigative Studies – Third party Review, herein. The submittal requirements for special investigative study of traffic impacts are set forth in Section 32, Traffic Impacts and Traffic Studies, herein.

(7) *Third Party Review Of Applications*: In the review of applications, the Planning Board may contract with consultants to review all or portions of any application, an environmental impact statement, or any special study requested by the Planning Board. This review shall be done at the applicant's expense.

6.02 Classification of Site Plans:

(1) *Classification:* Threshold criteria for the classification of Site Plans are established in Article 28-9-4(d), Site Plan Review, Zoning Ordinance, of the City of Concord Code of Ordinances. The Clerk of the Board shall initially classify each application for site plan approval as either a major or minor site plan. The Planning Board shall confirm or reclassify when the application is presented to the Board. Special requirements are set forth therein for projects in Performance Districts and for minor improvements exempt from the requirement to obtain Site Plan approval.

6.03 Application Stages:

(1) *Minor Site Plan:* The site plan application phase for minor site plans consists of the receipt of a complete site plan application; review of site plan drawings, construction plans, supporting studies and reports, legal documents; consideration and action on the site plan; the satisfaction of pre-construction conditions of approval, and the receipt of any required permits. Minor site plans may be considered by either the Planning Board or the Technical Review Committee (TRC).

(2) *Major Site Plan:* There are three possible stages for all Major Site Plans: (1) the Preliminary Conceptual Consultation Phase which is optional; (2) the Design Review Phase which is also optional; and, (3) the Site Plan Phase which is mandatory. Major Site Plans are only considered by the Planning Board.

(a) *Preliminary Conceptual Consultation Phase:* The applicant may enter into non-binding discussions with the Planning Board at the Preliminary Conceptual Consultation Phase. The Planning Board and the applicant may only discuss proposals in conceptual form and in general terms, such as the desirability of types of development, the consistency with the Master Plan, the presence of important natural resources, and the availability of public facilities to serve the proposed land uses pursuant to RSA 676:4 II(a). Pre-application consultations shall occur only at regularly scheduled meetings of the Planning Board. Public and abutter notification is not required for preliminary consultations.

(b) *Design Review Phase:* The applicant may enter into non-binding discussions with the Planning Board, which involve more specific design, engineering and architectural details. Public and abutter notice shall be provided in the same manner as for the Site Plan. Applicants are encouraged to submit proposals for consideration at the Design Review Phase. Public notice is required, and abutters are noticed by certified mail, for all meetings where the Planning Board considers an application during the Design Review Phase.

(c) *Site Plan:* The Site Plan Phase is a two-step process. The first step is a determination by the Board, after recommendation by the Clerk, that a site plan is complete or incomplete. When determined complete, a site plan is then scheduled for a public hearing by the Board at the next regular meeting. Public notice and abutter notice by certified mail is required for all determinations of completeness, and all public hearings by the Board for any site plan application. Public notice and abutter notice by regular mail is required for all further consideration by the Board after the public hearing(s) are closed.

6.04 ***Technical Review Committee:*** The Planning Board has been authorized to delegate its site plan review powers and duties in regard to minor site plans to the Technical Review Committee (TRC). The process and procedures for the TRC are set forth herein in Section 35, Technical Review Committee. The applicant can request to have a minor site plan heard by the TRC or the Planning Board. The Clerk of the Board has the authority to schedule a minor site plan application to be heard by either the Planning Board or the TRC. Criteria for the Clerk to use in making this determination includes, but is not limited to, public or abutter concern with the application which would likely lead to an appeal to the Planning Board, any request for waivers from the Site Plan Regulations, or specific design issues identified by City staff which may require a decision by the Board. The TRC cannot act on a Minor Site Plan where either, a Conditional Use Permit, or a waiver from the Site Plan Regulations is required.

6.05 ***Minor Revisions to Approved Site Plan:*** The Clerk of the Board may approve minor revisions to site plans previously approved by the Board, if the Clerk determines that the revisions are not substantive in nature, and are fully in compliance with the standards contained in these regulations and the City of Concord Zoning Ordinance. Said revisions shall be limited to the following: modification to parking and loading areas which does not reduce the required

amount of parking; modification of the landscaping plan for the substitution of plant species or relocation of plantings on site; minor relocation of drainage structures, underground utility lines, storm drainage lines; the equivalent substitution of storm water treatment facilities; minor changes to exterior appearance of a building or structure which do not adversely affect the appearance of the building or structure; and reductions in the size of the building or increases in floor area under five hundred (500) square feet and amounting to less than five percent (5%) of the total floor area. The Clerk shall consult with the City Engineer, Fire Department and Code Administration Division, as well as other City, State or Federal regulatory agencies as applicable before rendering a decision. The Clerk shall file a report with the Board of those minor amendments which the Clerk has approved at the next regular meeting of the Board following the approval of the minor amendments. Other minor changes proposed to a site plan previously approved by the Board shall be considered by the Planning Board as a further consideration item with appropriate abutter notice. If the Clerk, or the Board, determines that the proposed revisions result in a major change to an approved site plan, then a new public hearing shall be required before the Board as required for a new application.

6.06 ***Revocation of Planning Board Approval:*** Where the Planning Board finds that circumstances have materially changed or new information is brought to the attention of the Board which, in the opinion of the Board, would materially affect the validity of its prior decision, the Board may at any regularly advertised public meeting, after a public hearing with notice being provided to the applicant or the applicant's successor in title pursuant to Section 7:03, Notice to Applicant, Abutters, and Public, rescind a previously granted site plan approval.

6.07 ***Tabled or Postponed Applications:*** Any application which has been tabled for additional information from the applicant, or has been postponed at the request of the applicant, shall be automatically determined to be withdrawn after one (1) year from the date of tabling or one (1) year from the date when the applicant requested postponement. A new application, and a new fee, will be required for any further consideration of the application in question.

SECTION 7 MINOR SITE PLAN PROCEDURE

7.01 ***Planning Division Inquiry:*** Any applicant proposing to undertake development which may be classified as a Minor Site Plan, as defined in Article 28-9-4(d), Site Plan Review of the City of Concord Zoning Ordinance,

is encouraged to make an initial inquiry to the Planning Division to discuss classification of the site plan, merits of the site plan, conformance with City Ordinances and Regulations including the Zoning Ordinance and Site Plan Review Regulations, and to determine if any state or federal regulations or permits may be applicable.

7.02 ***Minor Site Plan Application Requirements:*** The applicant shall file with the Planning Board, or the Technical Review Committee (TRC), in accordance with the established application deadlines, a request for consideration of a Minor Site Plan. Application forms are available from the Planning Division and on the City of Concord web site. The following items, when submitted in an appropriate manner and fully executed, shall comprise a completed application:

(1) A completed application form endorsed by the owner, or submitted by an agent where written authorization has been provided by the owner;

(2) An application fee as set forth in Appendix A. Fees, which is due and payable upon submission;

(3) An abutters list including a list of names and addresses of all abutters, as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application, as specified in Section 7:03;

(4) Five (5) copies of the site plan and supporting plans and documents which meet the requirements, as set forth in Section 15, Minor Site Plan Requirements and in conformity Chapter 4, Design Standards;

(5) Complete Conditional Use Permit (CUP) application(s), where applicable. Applications for which a CUP is required cannot be acted on by the TRC, and will automatically be placed on the next open Planning Board agenda;

(6) Copies of permit applications to state and federal agencies, where applicable;

(7) An 8 ½ " by 11" reduction of the site plan, architectural elevations and landscape plan, if a separate landscape plan is provided.

(8) Written requests for any waivers from the Site Plan Review Regulations, as set forth in Section 36.10, Waiver Petition. Applications for which waivers have been requested cannot be acted upon by the

TRC, and will automatically be placed on the next open Planning Board agenda.

7.03 ***Notice to Applicant, Abutters and Public:*** Based on the initial classification by the Clerk of the Board, the Planning Division shall notify the applicant, abutters, holders of conservation, preservation, and agricultural preservation restrictions, and every land surveyor, engineer, architect, landscape architect, wetland scientist, and soil scientist whose professional seal appears on the site plan application. The notice shall include a general description of the proposed development, the applicant's name(s), and the time and location of the proposed hearing. Notice shall be mailed at least ten (10) days prior to the public hearing and consideration of the submission. The ten (10) day notice period shall not include the day the notice is mailed or the day of the hearing. The Planning Board shall notify the public at the same time by posting the notice at two (2) locations.

7.04 ***Fees:*** Fees shall be required as adopted from time to time by the Planning Board as set forth in Appendix A. Fees, herein.

7.05 ***Classification:*** The Planning Board or the TRC, as applicable, shall confirm or reclassify the Minor Site Plan at a regularly scheduled meeting with notice that the site plan is on the agenda.

7.06 ***Determination of Completeness:*** Upon receipt of an application, the Board shall determine if the application is complete. The next available published deadline date shall constitute the official submittal date of the application from which the statutory period for determination of completeness shall be calculated, as set forth in NH RSA 676:4. Applications received prior to the deadline date shall be considered for completeness at the next scheduled regular meeting of the Planning Board or the TRC, as applicable, after the deadline date. Continued Planning Board meetings and special meetings are not considered regular meetings of the Planning Board or the TRC, where an application can be determined complete. A completed application will contain the required information listed in Section 15, Minor Site Plan Submittal Requirements, and will be legible and competently prepared. In making a determination of completeness, the Board or the TRC, as applicable, shall consider the written recommendation of the City Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; however, no hearing shall be opened nor shall testimony be received on a determination of completeness. If it is determined that the application is complete, the Board or TRC, as applicable, shall then open the public hearing on said application. An application which is determined to be

incomplete may be revised and resubmitted to a subsequent meeting of the Board or the TRC, as applicable, for another determination of completeness.

7.07 ***Public Hearing:*** The Planning Board or the TRC, as applicable, shall hold a public hearing on the completed application. Notice of public hearing shall be given as described in Section 7.03, Notice to Applicant, Abutters and Public. Any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board or the TRC, as applicable, at each hearing.

7.08 ***Consideration of, and Action on, the Application:***

(1) *Site Visit:* A site visit may be scheduled by the Planning Board or the TRC, as applicable, to inspect the site of the proposed application, accompanied by the applicant or his/her representative.

(2) *Period of Consideration*: The Board or the TRC, as applicable, shall have sixty-five (65) days within which to consider and act on the application. The sixty-five (65) day period shall commence upon the date of the regular meeting of the Board or the TRC, as applicable, at which the application was accepted as complete. The applicant may request that the sixty five (65) day review period be extended. The applicant may, in writing, or verbally at a public meeting of the Board or the TRC, as applicable, request the requirement to act within the sixty five (65) day period be waived.

(3) *Issuance of a Decision on the Site Plan:* After the Planning Board or the TRC, as applicable, has reviewed and considered the site plan application and Planning Division's reports, the applicant shall be advised of any required changes or additions. The Planning Board or the TRC, as applicable, shall approve, modify and approve, or disapprove the site plan application and shall set forth any conditions to which the approval is subject or state the grounds for disapproval for the record. The Clerk of the Planning Board shall notify the applicant in writing of the Planning Board's or TRC's decision, as applicable, within five (5) business days commencing the next business day after the Board's decision.

(4) *Request for Reconsideration:* An applicant who is aggrieved of a decision of the Technical Review Committee (TRC), under this section may request reconsideration of the application by the Planning Board which shall place the application on its next available agenda for further consideration. The applicant may provide additional materials and

information in support of the request. The Board may seek further recommendations from the Design Review Committee prior to rendering a decision on the reconsidered application.

(5) *Tabled or Postponed Applications:* Any application which has been tabled for additional information from the applicant or has been postponed at the request of the applicant, shall be automatically determined to be withdrawn if no further information is submitted within one (1) year from the date of tabling or one (1) year from the date when the applicant requested postponement. A new application, and a new fee, will be required for any further consideration on the application properties in question.

(6) *Public Improvements*: The Planning Board or the TRC, as applicable, may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for a site plan. If the Planning Board or the TRC, as applicable, requires the construction or installation of public improvements, then a financial guarantee shall be provided, to secure the installation of the public improvements. Financial guarantees shall be provided in accordance with the requirements of Section 30, Financial Guarantees of the City of Concord Subdivision Regulations. The amount of the financial guarantee shall be determined by the City Engineer, and the form and sufficiency of the financial guarantee shall be satisfactory to the City Solicitor.

(7) *Building Permits and Certificates of Occupancy:* No building permit shall be issued where site plan approval is required until the site plan has been approved by the Planning Board or TRC, as applicable, and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No Certificate of Occupancy shall be issued until all public and private improvements have been completed, and all conditions of a site plan approval established by the Planning Board or TRC, as applicable, have been satisfactorily addressed as determined by the Clerk of the Planning Board.

(8) *Change of Use:* No change of use approved by the Planning Board, or the TRC, as may be applicable, shall be allowed to commence operation on a property or within a building without being in full compliance with the approved site plan, Architectural Design Review approval, and any applicable Conditional Use Permits.

(9) *Expiration of Approval:* If active and substantial development so authorized by a Minor Site Plan approval has not commenced within a two-year period from the date of the decision of the Planning Board or the TRC, as applicable, or, in the event of an appeal to the courts, within a two-year period from the date of the judgment of the court, then the Site Plan approval shall have expired.

(10) *Extension of Approvals:* At the request of the applicant, the approval of a minor site plan may be extended for one (1) year by the Board. The Board may approve a second one (1) year extension provided that the approved site plan remains in compliance with the current zoning and site plan regulations. Once an extension has been granted, should the use or construction so authorized by the site plan approval not have commenced within the extension period, then the approved Site Plan shall be deemed to have expired and the decision rendered null and void.

(11) *Termination after Start of Construction:* If construction has commenced within the two (2) year authorized site plan approval period, but site development has ceased for a period longer than one (1) year and the project is not substantially complete as defined herein, the Site Plan approval shall expire. Upon written request, the Planning Board or the TRC, as applicable, may extend the period of validity of a site plan approval for one (1) additional year. The Planning Board or the TRC, as applicable, may approve a second one (1) year extension provided that the approved site plan remains in compliance with the current zoning and subdivision regulations. Once an extension has been granted, should the use or construction so authorized by the site plan approval not be substantially complete within the extension period, then the site plan approval shall expire.

SECTION 8 MAJOR SITE PLAN PROCESS

8.01 ***Planning Division Inquiry:*** Any applicant proposing to submit an application which may be classified as a Major Site Plan, as defined in Article 28-9-4(d), Site Plan Review, of the Zoning Ordinance of the City of Concord, is encouraged to make an initial inquiry to the Planning Division to discuss classification of the site plan, compatibility with the Master Plan, and conformance with City Ordinances and Regulations including the Zoning Ordinance and Site Plan Review Regulations, and to determine if any state or federal regulations or permits may be applicable.

8.02 ***Major Site Plan Review Phases:*** There are three possible stages for all Major Site Plans: (1) the Preliminary Conceptual Consultation Phase which is optional; (2) the Design Review Phase which is also optional; and, (3) the Major Site Plan stage which is mandatory.

SECTION 9 PRELIMINARY CONCEPTUAL CONSULTATION PHASE

9.01 ***Voluntary Process:*** An applicant may seek a Preliminary Conceptual Consultation with the Planning Board but it is anticipated that a consultation will not be necessary for most site plans.

9.02 ***Extent of Consideration:*** A Preliminary Consultation pursuant to RSA 676:4 II(a) may be sought for the purpose of discussing Planning Board policies, standards and conclusions derived from the Master Plan, which reflect community resources, needs, goals and policies, so that potential applicants may evaluate whether their site development concept is consistent with the Master Plan. The Planning Board and the applicant may only discuss proposals in conceptual form and in general terms such as the desirability of types of development, consistency with the Master Plan, the presence of important natural resources, and the availability of public facilities to serve the proposed land uses pursuant to RSA 676:4 II(a). The applicant and the Board may discuss the potential and the timing for utility extensions or the construction of other public facilities to serve the project as set forth in the Master Plan and the City's Capital Improvement Program and Budget. Consideration of elements of the design or layout of the site plan and conformity with Zoning Ordinance and Site Plan Review Regulations cannot be addressed at this stage. The Planning Board may advise the potential applicant, where appropriate, to discuss the proposed site plan concept with those officials who must eventually approve those aspects of the site plan coming within their jurisdiction.

9.03 ***Process:*** The prospective applicant may seek the advice of the Planning Board only at a regularly scheduled meeting. Public notice and abutter notice are not required for Preliminary Consultations.

9.04 ***Submission Requirements:*** The applicant shall submit the information required in Section 14.01, Preliminary Conceptual Consultation Phase Requirements.

9.05 ***Fees:*** No application fee is required.

9.06 ***Schedule:*** Submissions shall conform to the deadlines established for minor site plans. The developer may seek the advice of the Planning Board only at a regularly scheduled meeting of the Board.

9.07 ***Consideration:*** Pursuant to RSA 676:4 II(a) , statements, comments, suggestions and recommendation made by the Planning Board are non-binding. Representations, comments, suggestions and alternatives made by the applicant or the applicant's agents are equally non-binding.

SECTION 10 DESIGN REVIEW PHASE

10.01 ***Extent of Consideration:*** A Design Review Phase discussion with the Planning Board may be sought pursuant to RSA 676:4 II(b) for the purpose of discussing the design and layout of the site and buildings for a major site plan. The applicant may discuss with the Planning Board the site plan review procedures and application requirements; the general layout of buildings, parking, landscaping and buffers; access from and improvements to nearby streets, including the reservation of land; site drainage, utilities, and fire protection; the appearance of buildings and structures, and similar matters; as well as the availability of existing services.

10.02 ***Process:*** The prospective applicant may seek the advice of the Planning Board only at a regularly scheduled meeting. Public notice is required, and abutters are noticed by certified mail, for all meetings where the Planning Board considers major site plans during the Design Review Phase. A public hearing shall not be held for the Design Review Phase but comments may be received from abutters or other parties of interest.

10.03 ***Fees:*** Fees shall be required as adopted from time to time by the Planning Board as set forth in Appendix A. Fees, herein.

10.04 ***Schedule:*** Submissions shall conform to the deadlines established for major site plans. The developer may seek the advice of the Planning Board only at a regularly scheduled meeting of the Board.

10.05 ***Design Review Phase Application Requirements:*** The applicant shall file with the Planning Board, in accordance with the established application deadlines, a request for consideration of a Design Review Plan for a proposed major site plan. Application forms are available from the Planning Division and on the

City of Concord web site. The following items, when submitted in an appropriate manner and executed, shall comprise a completed application:

(1) A completed application form endorsed by the owner, or submitted by his/her agent where written authorization has been provided by the owner;

(2) An application fee as set forth in Appendix A. Fees, which is due and payable upon submission;

(3) An abutters list including a list of names and addresses of all abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application as specified in Section 11.03;

(4) Five (5) copies of the plan drawings meeting the requirements as set forth in Section 14.02, Design Review Phase Requirements; and

(5) An 8 ½ " by 11" reduction of the plan drawings.

10.06 Determination of Completeness: A completed application will contain the required information listed in Section 14.02, Design Review Phase Requirements, will be legible and competently prepared. If it is determined that the application is complete, the Board shall accept the application for consideration, which may take place at the same meeting as the determination of completeness. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness. In making a determination of completeness, the Board shall consider the written recommendation of the City Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; however, no hearing shall be opened nor shall testimony be received on a determination of completeness. The next available published deadline date shall constitute the official submittal date of the site plan from which the statutory period for determination of completeness shall be calculated as set forth in NH RSA 676:4. Applications received prior to the deadline date shall be considered for completeness at the next scheduled regular meeting of the Planning Board after the deadline date. Continued Planning Board meetings and special meetings are not considered regular meetings of the Planning Board where an application can be determined complete.

10.07 Design Review Phase Consideration:

(1) *Site Visit*: A site visit may be scheduled by the Planning Board to inspect the site of the proposed major site plan, accompanied by the applicant or his/her representative. Temporary staking showing the location of buildings, parking and other significant site improvements will be required in time for such field trip or, if impractical, the Planning Board shall permit a suitable alternative procedure.

(2) *Board Action on the Design Review Phase*: Pursuant to 676:4 II(b), statements, comments, suggestions and recommendations made by the Planning Board are non-binding statements. Representations, comments, suggestions and alternatives made by the applicant or the applicant's agents are equally non-binding. After reviewing and discussing the design review plan, Planning Division report and other reports as submitted by invited agencies and officials, the Planning Board may advise the applicant of the specific changes or additions, if any, in the layout and design of the site, infrastructure improvements which may be required to serve the site, and the extent and character of any off site improvements which may be necessary to serve the site.

(3) *End of Design Review Phase*: The Design Review Phase shall be complete at the end of the public meeting, unless the Planning Board elects to table consideration of the Design Review Phase to allow the applicant to submit additional information and for additional staff review and comment. If, within 65 days of the tabling by the Board, the applicant has not submitted the requested information for further consideration by the Board, the Design Review Phase shall automatically be terminated. The one (1) year vesting period, established pursuant to RSA 676:12 VI, shall commence at the close of the public hearing. Notice of the Planning Board decision shall be provided to the applicant pursuant to RSA 676:4.

SECTION 11 MAJOR SITE PLAN PROCEDURE

11.01 Major Site Plan Application Requirements: The applicant shall file with the Planning Board in accordance with the established application deadlines, a request for consideration of a major site plan. Application forms are available from the Planning Division and on the City of Concord web site. The following items, when submitted in an appropriate manner and executed, shall comprise a completed application:

(1) A completed application form endorsed by the owner, or submitted by his/her agent where written authorization has been provided by the owner;

(2) An application fee, as set forth in Appendix A. Fees, which is due and payable upon submission;

(3) An abutters list including a list of names and addresses of all abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application as specified in Section 11.03;

(4) Five (5) copies of the site plan drawings and documentation meeting the requirements as set forth in Section 16, Major Site Plan Requirements and in conformity to Chapter 4, Design Standards;

(5) The results of any special investigative studies performed by the applicant, the review of the same by the Board's consultants, and the applicant's response to the review comments made by the Board's consultants;

(6) Complete Conditional Use Permit (CUP) application(s) where applicable;

(7) Copies of permit applications to state and federal agencies, where applicable;

(8) An 8 ½ " by 11" reduction of the site plan drawings;

(9) Colored architectural elevations of buildings and any significant structures; and

(10) Any requests for waivers from the Site Plan Review Regulations as set forth in Section 36.10, Waiver Petition.

11.02 Notice to Applicant, Abutters and Public: Based on the initial classification by the Clerk of the Board, the Planning Division shall notify the applicant, abutters, holders of conservation, preservation, and agricultural preservation restrictions, and every land surveyor, engineer, architect, landscape architect, wetland scientist, and soil scientist whose professional seal appears on a Site Plan drawing or technical report. The notice shall include a general description of the proposed site plan, the applicant's name(s), and the time

and location of the proposed hearing. Notice shall be mailed at least ten (10) days prior to the public hearing and consideration of the submission. The ten (10) day notice period shall not include the day the notice is mailed or the day of the hearing. The Planning Board shall notify the public at the same time by posting the notice at two public (2) locations. Notice for the Board's Determination of Completeness shall be provided in the same manner as the notice for public hearing.

11.03 ***Fees:*** Fees shall be required as adopted from time to time by the Planning Board as set forth in Appendix A. Fees, herein.

11.04 ***Classification:*** The Planning Board shall confirm or reclassify the major site plan at a regularly scheduled meeting with notice that the site plan application is on the agenda.

11.05 ***Determination of Completeness:*** Upon receipt of a site plan application, the Board shall determine if the application is complete. The next available published deadline date shall constitute the official submittal date of the application from which the statutory period for determination of completeness shall be calculated as set forth in NH RSA 676:4. Applications received prior to the deadline date shall be considered for completeness at the next scheduled regular meeting of the Planning Board after the deadline date. Continued Planning Board meetings and special meetings are not considered regular meetings of the Planning Board where an application can be determined complete. A completed application will contain the required information listed in Section 16, Application Requirements for Major Site Plans will be legible and competently prepared. If it is determined that the application is complete, the Board shall accept the application for consideration and set a date for the public hearing on the complete application no sooner than the next regular meeting of the Board. If it is determined that the application is incomplete, the Board shall specify the reasons the application is deemed incomplete and take no further action on said application. In making a determination of completeness, the Board shall consider the written recommendation of the Clerk, as well as any written communications from the applicant, abutters, and parties of interest; however, no hearing shall be opened nor shall testimony be received on a determination of completeness. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

11.06 ***Determination of Regional Impact:*** Upon receipt of an application, the Board shall determine whether or not the application, if approved, could reasonably

be construed as having the potential for regional impact pursuant to RSA 36:54. Doubt concerning the regional impact shall be resolved in a determination that the development has a potential impact. The Board shall determine an application to have the potential for regional impact on neighboring municipalities because of factors including, but not limited to, the following:

(1) Proximity of the proposed site plan to the municipal boundaries.

(2) Access to, and egress from, the proposed site plan via regional arterial routes, and/or local streets that cross municipal boundaries.

(3) Proximity of the site plan to aquifers, surface waters, or other water resources that transcend municipal boundaries.

(4) Proximity of the site plan to existing public water supplies of other municipalities.

11.07 ***Public Hearing:*** The Planning Board shall hold a public hearing on an application determined to be of Regional Impact once an application has been determined complete. Notice of public hearing shall be given as described in Section 11.02, Notice to Applicant, Abutters and Public. In addition, where an application has been determined to be a development of potential regional impact pursuant to Section 11.06, Determination of Regional Impact, additional notice shall be given as described in Section 11.08, Notice for Developments of Regional Impact. Any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.

11.08 ***Notice for Developments of Regional Impact:*** For site plan applications determined to be developments of potential regional impact, additional notification shall be provided to the Central New Hampshire Regional Planning Commission (CNHRPC) and those neighboring towns which the Board deems to be affected by the application. The notice for a development determined to be of potential regional impact shall be sent by certified mail at least fourteen (14) days prior to the date of the meeting. Where an application has been determined to be of potential regional impact, the CNHRPC and those towns which have been notified are deemed to have the status of abutters for the limited purpose of providing testimony.

11.09 Consideration of, and Action on, the Application

(1) *Site Visit:* A site visit may be scheduled by the Planning Board to inspect the site of the proposed major site plan, accompanied by the applicant or his representative. Temporary staking of the proposed building locations and other major features such as driveways and clearing limits will be required in time for such field trip or, if impractical, the Planning Board shall permit a suitable alternative procedure.

(2) *Period of Consideration*: The Board shall have sixty-five (65) days within which to consider and act on the application once the application is determined complete. The sixty-five (65) day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete. The applicant may, in writing, or verbally at a public meeting of the Board, request that the Board's requirement to act within the sixty five (65) day period be waived.

(3) *Board Action on the Site Plan:* After the Planning Board has reviewed and considered the site plan application and the Planning Division's reports, the applicant shall be advised of any required changes or additions. The Planning Board, upon completing its deliberations, shall either approve, modify and approve, or disapprove the site plan application and shall set forth any conditions to which the approval is subject, or state the grounds for disapproval for the record. The Clerk of the Planning Board shall notify the applicant in writing of the Planning Board's decision within five (5) business days, commencing the next business day after the Board's decision.

(4) *Tabled or Postponed Applications*: Any application which has been tabled for additional information from the applicant, or has been postponed at the request of the applicant, shall be automatically determined to be withdrawn if no further information is submitted within one (1) year from the date of tabling or one (1) year from the date when the applicant requested postponement. A new application, together with a new fee, will be required prior to any further consideration by the Board of the site plan application.

(5) *Public Improvements*: The Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for any site plan. If the Planning Board requires the construction or installation of public improvements then a

financial guarantee shall be provided, in accordance with the requirements of Section 36.26, Public Improvement Guarantees. The amount of the financial guarantee shall be determined by the City Engineer, and the form and sufficiency of the financial guarantee shall be satisfactory to the City Solicitor.

(6) *Building Permits and Certificates of Occupancy:* No building permit shall be issued where Major Site Plan approval is required until the site plan has been approved by the Planning Board and the pre-construction conditions of approval have been satisfactorily addressed as determined by the Clerk of the Planning Board. No Certificate of Occupancy shall be issued until all site and building improvements have been completed to the satisfaction of the Clerk of the Board according to the approved plans and conditions of Planning Board approval.

(7) *Change of Use:* No change of use approved by the Planning Board shall be allowed to commence operation on a property or within a building or structure, without being in full compliance with the approved site plan, Architectural Design Review approval, and any applicable Conditional Use Permits.

(8) *Extension of Approvals:* At the request of the applicant, the approval of a Major Site Plan may be extended for one (1) year by the Board. The Board may approve a second one (1) year extension provided that the approved Major Site Plan remains in compliance with the current zoning and site plan regulations. Once an extension has been granted, should the use or construction so authorized not commence within the extension period, then the approved Major Site Plan shall be deemed to have expired and the decision rendered null and void.

(9) *Termination after Start of Construction:* If construction has commenced within the authorized site plan approval period, but site development has ceased for a period longer than one (1) year and the project is not substantially complete as defined herein, the Site Plan approval shall expire. Upon written request, the Planning Board, may extend the period of validity of a site plan approval for one (1) additional year. The Planning Board may approve a second one (1) year extension provided that the approved site plan remains in compliance with the current zoning and subdivision regulations. Once an extension has been granted, should the use or construction so authorized by the site

plan approval not be substantially complete within the extension period, then the site plan approval shall expire.

11.10 Phasing of Major Site Plans: Where a major site plan is proposed to be phased, the applicant shall submit a phasing proposal which shall identify the boundaries of each phase, the improvements to be constructed in each phase, and a time frame for completion of each phase. The Planning Board may alter the phasing proposal as circumstances warrant.

(1) *Financial Guarantee*: Where the Planning Board requires a financial guarantee, it shall be in such an amount as is commensurate with the improvements to be completed in each phase. The Planning Board may defer the guarantee for remaining phases until such phases are proposed for construction.

(2) *Time Frame*: The time allowed for completion of each phase shall be as stipulated by the Planning Board and no phase shall exceed two (2) years in duration. In no case shall any proposed phasing plan in total exceed six (6) years.

(3) *Expiration of Later Phases*: The approval of all remaining phases shall automatically expire when any phase of the project expires, except for any subsequent phase where significant development has already commenced.

Site Plan Regulations

Chapter 3
Application Requirements

SECTION 12 General Requirements for All drawings

SECTION 13 General Requirements for Documentation

SECTION 14 Application Requirements for Preliminary Conceptual consultation Phase and Design Review Phase

SECTION 15 Application Requirements for Minor Site Plans

SECTION 16 Application Requirements for Major Site Plans

SECTION 12 General Requirements for All drawings

12.01 ***Research*** : The applicants shall familiarize themselves with all City, State and Federal regulations relative to zoning, site plan design and approval, land sales, utilities, drainage, health, buildings, roads and other pertinent data so that the applicants are aware of the obligations, standards expected, and documents to be submitted.

12.02 ***All Applications*****:** The following information shall be required on all plans and drawings except for the Preliminary Conceptual Consultation Phase:

(1) *Title Block*:
- (a) Title of plan;
- (b) Name and address of the owner and applicant;
- (c) The date the plan was prepared and date of subsequent revisions; and
- (d) Name, address and seal of the licensed professionals who prepared the plan.

(2) *Scale*.

(3) *North Arrow and Bar Scale* except for detail drawings.

12.03 ***Plan Certification:*** The following shall govern the preparation and certification of the plans and studies submitted by applicants for site plan approval.

(1) A New Hampshire Licensed Land Surveyor shall prepare, sign and seal the existing condition plan.

(2) A New Hampshire Licensed Professional Engineer shall prepare, sign and seal all plans where grading, drainage and utility information is proposed.

(3) Landscape plans shall be prepared by a New Hampshire Licensed Landscape Architect who shall sign and seal the landscape plan(s).

(4) Architectural elevations shall be signed or sealed by a New Hampshire Licensed Architect, or a New Hampshire Licensed Professional Engineer, as allowed by the State of New Hampshire professional licensing boards.

(5) Where wetland boundaries are required to be delineated, the delineation shall be performed by a New Hampshire Certified Wetland Scientist who shall sign and seal the plan upon which the wetland boundaries are mapped.

(6) Where soils are required to be identified, classified, and delineated, the identification, classification, and delineation shall be performed by a

New Hampshire Certified Soil Scientist who shall sign and seal the plan upon which the soils are mapped.

***12.04 Location Plan*:** Each site plan application shall have on the site plan, or a cover sheet, a detailed location plan prepared at a minimum scale of 1″= 400′ showing clearly the following information:

(1) Proposed property to be developed;
(2) Property lines;
(3) Abutter's property lines;
(4) Names and locations of nearby and adjacent City streets;
(5) Names and locations of adjacent water bodies and watercourses;
(6) Names and locations of nearby and adjacent parks, schools, churches, and other significant physical and man made features;
(7) Nearest street intersections;
(8) The tax assessor's map, block and lot number for abutters and the properties to be developed;
(9) Zoning district designations and boundaries; and
(10) Other special information which may be required by the Planning Board.

12.05 Vicinity Plan: Each site plan shall have on the site plan or the cover sheet a vicinity plan prepared at a scale between 1″=1000′ and 1″=2000′ clearly showing the following:

(1) The location of the property to be developed; and,
(2) Streets, water bodies, city limits, parks, schools, and other significant physical and man-made features.

12.06 Plan References: The following references shall be included on the site plan and existing condition plan:

(1) *Certificate of Ownership*: A certificate of ownership identifying each parcel, including which property is owned by each owner, and a deed citation for each deed from the Merrimack County Registry of Deeds;

(2) *Easements*: Plan or deed references for recorded easements, whether public or private, on the properties proposed for development; and existing easements on abutting properties, which are for the purposes of providing access, utilities or drainage to the properties proposed to be developed;

(3) *Existing Restrictions*: Deed reference and statement of any existing recorded covenants or restrictions relating to the use of the land proposed to be developed;

(4) *Prior Subdivisions or Surveys*: Plan references for prior recorded subdivisions or surveys on the properties proposed for development, or abutting said properties proposed to be development; and

(5) *Other Plans:* Plan references for applicable road, utility or site improvement plans, which are available in City records or are available to the surveyor or engineer preparing the plans.

12.07 Wetland Delineations: Wetland delineations are to be prepared by a New Hampshire Certified Wetland Scientist who shall sign and seal the existing condition plan and site plan. The date of the wetland delineation shall be noted on the plans.

12.08 Electronic Submission: Prior to the issuance of a certificate of approval, digital information from the site plan shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The following layers shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88):

(a) Right-of-Way lines with bearings and dimensions;
(b) Property lines with bearings and dimensions;
(c) Conservation easements with bearings and dimensions;
(d) Water bodies, including the edges of lakes, ponds, rivers and streams;
(e) Wetlands;
(f) Utility, drainage and slope easements;
(g) Shoreland Protection District boundaries;
(h) Wetland buffers, ravines and bluffs, and buffers to bluffs; and
(i) Location of buildings, parking and other paved areas.

12.09 As-Built Drawings: Prior to the issuance of a Certificate of Occupancy digital as-built drawings shall be provided conforming to the City Engineering Division's As-Built checklist.

SECTION 13 General Requirements for Documentation

***13.01 All Applications*:** The following information is required for all site plan applications except for Preliminary Conceptual Consultation Phase:

(1) *Authorization of the Property Owner:* The applicant for site plan review must either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner. All applications shall include written evidence that the fee simple owner of the property has authorized the application and does not object to the application being made. Evidence shall include either the owner's signature on the application or a letter signed by the owner authorizing the submittal of the application.

(2) *Application Form:* A completed application form endorsed by the owner, or submitted by his agent where written authorization has been provided by the owner. A copy of the owner's written authorization needs to be attached to those applications signed by the agent.

(3) *Application Fee*: An application fee as set forth in Appendix A, Fees, which are due and payable upon submission or prior to the recording of any documents or plans.

(4) *Abutters List*: An abutters list including a list of names and addresses of all abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application.

(5) *Zoning Board of Adjustment Actions:* A copy of any actions by the Zoning Board of Adjustment on requests for special exceptions or variances from the City of Concord Zoning Ordinance.

(6) *State and Federal Permits*: A copy of any application made to a State or Federal agency required for the approval of this site plan, including those required for the development of off-site improvements.

(7) *Phasing Plan*: A statement describing the proposed phasing of the site plan including the time frame, percentage of total residential and non-residential uses, and the improvements and facilities provided in each phase.

(8) *Impact Studies*: The following studies where required in Section 31, Special Investigative Studies – Third Party Review, and Section 32,

Traffic Impacts and Traffic Studies, herein, or as may be specifically required by the Planning Board in order to satisfactorily complete its review of a proposed application:

(a) Drainage study;
(b) Wetland study;
(c) Traffic study;
(d) Water and/or sewer studies;
(e) Soil tests and soil survey including borings;
(f) School impact study; and
(g) Other studies as may be required from time to time by the Planning Board; and

(9) *Special Investigative Studies or Third Party Reviews:* Special Investigative Studies pursuant to RSA 676:4 I(g), or Third Party Review pursuant to RSA 676:4-b for all or a portion of a site plan application, or impact study, shall be provided where required in accordance with Section 31, Special Investigative Studies – Third Party Review, of these regulations, or as may be specifically required by the Planning Board in order to satisfactorily complete its review of a proposed application.

***13.02 Documentation Required Prior to Issuance of a Certificate of Approval*:** Three (3) copies of the following documents are required to be submitted to the Planning Division for review and approval prior to the issuance of a Certificate of Approval. Once approved by the Planning Board Clerk, and the City Engineer, and the City Solicitor as to form and content, properly executed easement documents and agreements shall be submitted for recording prior to the issuance of a building permit.

(1) *Right-of-Way Easement:* Deeds of Easement for any new, extended or expanded right-of-way of any public street shown on the plan or required to be dedicated by the Planning Board. The format of right-of-way easements shall conform to Appendix B, Easements and Legal Documents.

(2) *Utility and Drainage Slope Easements*: Deeds of Easements for new, extended or expanded utility and drainage rights-of-way located outside of any existing or proposed street right-of-way including flowage easements for drainage across property not within a defined pipe, channel or watercourse. The format of utility and drainage right-of-way easements, and slope easements shall conform to Appendix B, Easements and Legal Documents.

(3) *Open Space*: Warranty Deeds or Conservation Easements for land to be set aside for open space purposes and/or required by the Planning Board to protect environmentally sensitive lands such as streams, steep slopes or wetlands.

(4) *Other Public Easements*: Warranty Deeds or Deeds of Easement for any other public use shown on the site plan or required by the Planning Board.

(5) *Financial Guarantee for Public Improvements*: Where applicable, a financial guarantee for all public improvements in the full amount approved by the City Engineer, and in a form acceptable to the City Solicitor, shall be submitted prior to the issuance of a Certificate of Approval. All construction cost estimates for any public improvements shall be submitted and approved by the City Engineer prior to submission of a financial guarantee.

(6) *Publically Funded Improvements*: Where required improvements are to be fully or partially funded by the City of Concord, or other governmental authority, a fully executed public improvement guarantee or development agreement shall be provided.

(7) *Recording Fees*: The recording fees required by the Merrimack County Registry of Deeds, or the State of New Hampshire, for all plans and documents to be recorded.

(8) *State and Federal Permits*: Copies of all required state and federal permits.

(9) *Municipal Utility Extension*: Where required, approval from City Council for the extension of municipal utilities, or the General Services Director for minor water and sewer extensions.

(10) *City Council Approvals*: Where applicable, licenses from City Council to use public property or rights-of-way.

(11) *Electronic Submission:* Prior to the issuance of a certificate of approval, digital information from the site plan drawings shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps as specified in Section 12.08.

SECTION 14 APPLICATION REQUIREMENTS FOR PRELIMINARY CONCEPTUAL CONSULTATION PHASE AND DESIGN REVIEW PHASE

***14.01 Preliminary Conceptual Consultation Phase Requirements*:** Five (5) copies of the required Preliminary Conceptual Consultation Phase plans and documents shall be submitted. The following information is required at a minimum:

(1) *Application Form*: A completed application form endorsed by the owner, or submitted by his/her agent where written authorization has been provided by the owner.

(2) *Location & Vicinity Plan*: A location plan as set forth in Section 12.04, Location Plan and a vicinity plan as set forth in Section 12.05, Vicinity Plan, clearly showing the parcel(s) where the proposed uses are contemplated and the context of the proposal.

(3) *Applicant's Statement:* The applicant shall submit in writing a statement of the proposed use indicating the types and densities of any residential and non-residential development including accessory uses. The applicant shall include within the statement a description of those issues and policies contained within the Master Plan that the applicant wishes to discuss with the Planning Board, as well as any issues associated with the existing and planned extension of public utilities and infrastructure.

***14.02 Design Review Phase Requirements*:** Five (5) copies of the Design Review plans and documentation shall be submitted. The following information is required at a minimum:

(1) *Required Information*: The following information is required for each design review plan application:

(a) *Authorization of the Property Owner*: The applicant must either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner. All applications shall include written evidence that the fee simple owner of the property is aware of the application and does not object to the application being made. Evidence shall

include either the owner's signature on the application or a letter signed by the owner authorizing the submittal of the application.

(b) *Application Drawings*: All items set forth in Section 12, General Requirements for All Drawings, except for Section 12.08, Electronic Submission.

(c) *Application Documentation*: All items set for in Section 13.01, General Requirements for Documentation, except for impact studies required in Section 13.01 (8).

(2) *Project Statement:* A statement describing the proposed phasing of the development including the time frame, a description of the proposed residential and non-residential uses, and proposed site improvements and facilities to be constructed in each phase of the development.

(3) *Site Analysis Plan*: The site analysis plan shall contain all the following information:

(a) Natural Features: The following information both on and adjacent to the site to be subdivided:

i. Identification of wetlands and wetland buffers;
ii. Vegetation survey showing fields, swamplands, wetlands, grasses, shrubs and trees (deciduous and evergreen);
iii. Rock outcrops, ledges, surface water, streams, seasonal or permanent water bodies or water courses including any known flood elevations, as well as identification of high water marks;
iv. Important views of and from the site;
v. Orientation to the sun and direction of prevailing winds;
vi. Contour lines at a minimum of two (2) foot intervals with ten (10) foot contour intervals highlighted;
vii. Slopes in excess of fifteen percent (15%) and in excess of twenty five percent (25%);
viii. Identification of bluffs and buffers to bluffs;
ix. Identification and classification of the extent and types of soils using the USDA Natural Resource Conservation Service System;
x. Wellhead protection areas;
xi. Wetland Delineation;
xii. Wetland buffers; and

xiii. Shoreland Protection Overlay District boundaries and natural vegetative and woodland buffers.

(b) Man-made Features: The following items, both on and adjacent to the site to be developed, are required to be shown at a minimum, but are not exclusive:

i. Location of utilities including any specific rights-of-way; the size of sanitary sewers; water mains, storm sewers, including surface and subsurface drainage systems; and non-municipal utilities including overhead transmission lines;
ii. Identification of municipal special district boundaries;
iii. Location and purpose or use of building and structures;
iv. Location of walls, fences and wells;
v. Location of existing conservation and open space easements, and easements for utilities, storm drainage, slopes, vehicular and pedestrian access;
vi. Public streets and highways and mapped future streets as defined on the Official Map;
vii. Railroad tracks and rights-of-way, and airport approach zones;
viii. Driveways, curb cuts, and parking lots;
ix. Any historic structures or sites listed or eligible for the National or State Registers of Historic Places, and any historic markers;
x. Any cemeteries, stone walls or foundations, or known archeological sites; and
xi. Public and private recreation areas, parks and open space.

(c) Proposed highways or other major public improvements planned by public authorities for future construction on or in proximity to the site;

(d) Planned private improvements on or in proximity to the site, including any previously approved subdivision or adjacent site plan;

(e) Any other significant man-made or natural features which have relevance to the development of the site; and

(f) Photographs of the site showing existing features and conditions. Notes shall be made of camera locations, direction, view, and key numbers.

(4) *Proposed Site Layout Plan*: A proposed site layout plan shall show:

(a) The approximate location, number, and type of parking spaces, the location of loading areas, interior landscaping, access aisles and storage or display areas for motor vehicles;

(b) The approximate location of pedestrian and/or bicycle facilities including those along the frontage of the property;

(c) All driveway and access locations including approximate locations of interconnected parking lots, or other shared access;

(d) The approximate location and size of buildings and structures;

(e) The location of perimeter yards, buffer yards and fences, and other landscape or open space areas;

(f) Tabulations of the gross land area and buildable land area, approximate lot coverage of buildings and impervious surfaces, parking lot area including aisles and driveways, required open space, number of dwelling units, residential density, square footage of non-residential uses, and ; and

(g) Any proposed impacts to wetlands and bluffs, buffers to bluffs and wetlands, Shoreland Protection (SP) District buffers, and Aquifer Protection Areas.

(5) *Site Utility and Drainage Layout Plan*: A site utility and drainage layout plan shall show the following:

(a) The location of existing sanitary sewers and/or septic systems, water mains and/or potable wells, culverts, and existing utility poles;

(b) Existing utility rights-of-way;

(c) Existing drainage facilities and the approximate layout of all proposed storm drainage facilities, including detention and retention ponds and drainage swales;

(d) Preliminary proposals for connection with existing water supply and sanitary sewage systems or alternative means of providing water supply and sanitary waste treatment and disposal; and

(e) Existing non-municipal utilities on, or adjacent to the site, and the approximate layout of non-municipal utilities proposed.

(6) *Other Requirements*: The Board may require further detailing of information and additional meetings, before advising the applicant to proceed with a formal application for a major site plan.

SECTION 15 APPLICATION REQUIREMENTS FOR MINOR SITE PLANS

15.01 Required Information: Five (5) copies of the following supporting documents and information are required at a minimum for each minor site plan application unless otherwise specified herein:

(1) All items set forth in Section 12, General Requirements for All Drawings;

(2) All items set forth in Section 13.01, General Requirements for Documentation, except for impact studies required in Section 13.01(8);

(3) All items set forth in Section 15.02, Site Plan Requirements;

(4) All items set forth in Section 15.03, Existing Conditions Plan;

(5) All items set forth in Section 15.04, Proposed Site Plan;

(6) A Wetland Delineation and wetland buffers where applicable;

(7) Construction drawings as set forth in Section 16.02, Site Plan Requirements, as may be required by the Clerk of the Board;

(8) Architectural plans as set forth in Section 16.03, Architectural Plans and Elevations;

(9) Impact studies set forth in Section 13.01(8), as may be required by the Clerk of the Board; and

(10) Where Conditional Use Permits (CUP) are required in conjunction with a proposed site plan, a completed CUP application for each CUP requested shall be made at the same time as the site plan application. Where a CUP is required, no site plan application may be considered complete without a complete CUP application. CUP applications will be considered concurrently with the site plan application.

15.02 Site Plan Requirements: The following shall govern the preparation of the site plan drawings:

(1) *Preparation*: The site plan drawings shall be prepared by a New Hampshire Licensed Land Surveyor, a New Hampshire Licensed Professional Engineer, a New Hampshire Licensed Landscape Architect or a New Hampshire Licensed Architect as applicable, who shall sign the plan(s) and place their seal upon it.

(2) *Copies*: Five (5) copies of the site plan set shall be submitted with the application including the existing condition plan, site plan, grading and drainage plans, utility plans, landscaping plan, along with construction details, utility profiles, etc., as may be applicable.

(3) *Scale:* Minor site plans may be submitted at a scale of 1″=10′, 1″=20′, 1″=30′, or 1″=40′ provided that the Clerk of the Planning Board finds the scale to be appropriate for depicting the required information. The scale of the plan submittal may be required to be adjusted or details provided at a larger scale, if in the opinion of the Clerk, the larger scale is needed to properly review all details of the site plan submittal.

(4) *Plan Size:* Plan drawings shall be no smaller than 11″ x 17″, nor larger than 24″ x 36″. Display graphics for presentation purposes may be submitted at larger size or varying scale. Colored copies or photo reductions of the display graphics shall be provided at a scale of 11″ x 17″ for the record file.

(5) *Easements and Restrictions*: Each site plan shall contain notations of all easements, covenants, self-imposed restrictions and any other restrictions or notations required by the Board.

(6) *Large Parcels*: In cases where only a portion of a parcel is proposed to be modified, redeveloped or developed, the Clerk may authorize the applicant to submit all, or a portion, of the site plan at another engineering scale, provided all pertinent information can be shown accurately and legibly.

(7) *Multiple Sheets*: In the event multiple sheets are required for each plan in the plan set, match lines shall be established so that all buildings, proposed or existing, are entirely shown on a single sheet.

(8) *Addresses*: The address of each existing and proposed building or use shall be noted on the site plan as approved by the City Engineer, as well as, addresses for abutting properties.

15.03 Existing Condition Plan: Existing conditions may be shown on the site plan if the existing and new information can be legibly and clearly shown. Where minimal changes are proposed to the site, the Clerk may allow the applicant to reduce the amount or extent of the information to be provided below, provided that the proposed extent and impacts of the proposed improvements to the site, and the city at large, can be satisfactorily reviewed and sufficient information is provided on the plan for the Planning Board, or the Technical Review Committee, as applicable, to act on the application. The existing condition plan shall contain the following information:

(1) *Property Lines:* The property lines of the parcel to be developed with bearings and dimensions;

(2) *Abutters:* The full names and addresses of all property owners and abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application. The Tax Assessor's Map-Block-Lot number for each parcel;

(3) *Topography:* Existing topographic conditions and all proposed changes in ground elevation at a contour interval of two (2) feet, as referred to sea level datum of the North American Vertical Datum 1988 (NAVD88). Where the land slopes less than two percent (2%), spot elevations shall be shown at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions;

(4) *Soils:* The identification and classification of the extent and type of soils using the USDA Natural Resources Conservation Service system;

(5) *Natural Features:* The location of all significant natural features including, but not limited to, ledge outcroppings, streams and water bodies, wetlands, bluffs and ravines, steep slopes in excess of fifteen (15%) percent and twenty-five (25%) percent;

(6) *Community Features:* Existing adjacent public buildings, parks or open space, or any historic structures or features;

(7) *Buildings and Structures*: The location, layout, and use of existing buildings and structures with exterior dimensions;

(8) *Parking, Loading and Access*: The location and layout of existing driveways, curb cuts, parking lots, and loading areas, with dimensions and the number of spaces identified by parking bay;

(9) *Easements or Right-of-way*: The location, dimensions and purpose of any easements or rights-of-way;

(10) *Municipal Utilities:* The location, size, material and type of municipal utilities currently serving the site including all structures, valves, hydrants, meters, and other appurtenances;

(11) *Non-municipal Utilities:* The location, type and size, where applicable, of the non-municipal utilities which currently serve the site including transformers, switch boxes and other appurtenances;

(12) *Wells and Septic Systems:* The location of existing wells and subsurface waste disposal systems;

(13) *Flood Hazard:* A notation as to whether or not the property is located in a FH – Flood Hazard Zoning Overlay District. The location of the boundary line of the Flood Hazard District if it transects the property and the required finished floor elevation if all or a portion of the property is located within a flood hazard area;

(14) *Aquifers:* Where present, the boundaries and label for each Water Systems Protection Area established in Article 28-3-6, Aquifer Protection (AP) Overlay District of the City of Concord Zoning Ordinance;

(15) *Shoreland Protection:* Where present, the boundary of the Shoreland Protection (SP) Overlay District, and the boundaries and label for the Natural Vegetative and Woodland Buffers established in Article 28-3-3, Shoreland Protection (SP) Overlay District of the City of Concord Zoning Ordinance;

(16) *Signs:* The location and size of existing ground signs;

(17) *Solid Waste and Outside Storage:* The type and location of existing solid waste disposal facilities. All existing outside storage areas noting dimensions, height and types of material or equipment stored;

(18) *Lighting:* The type and location of existing outdoor lighting;

(19) *Setbacks and Buffers*: Setbacks and buffer yards shall be shown and dimensioned including wetland buffers, Shoreland Protection District buffers, buffers to bluffs, and Residential District buffers;

(20) *Existing Vegetation:* The location, type and size of existing trees on the site, or in the case of heavily wooded portions of the site, the edge of clearing. The Clerk may require that individual trees be identified in areas to be cleared or if existing trees are being used to meet required landscape provisions;

(21) *Restrictions*: Each site plan shall contain notations of all covenants, easements, self-imposed restrictions and any other restrictions in place at the time of application;

(22) *Abutting Properties:* Existing abutting properties including intersecting property lines, buildings, wells and septic systems, owners name and address, property address, and Tax Assessors Map-Block-Lot number.;

(23) *Tabulations:* The following tabulations including:

(a) Gross acreage in square feet and acres;
(b) Square feet or acres devoted to existing and proposed land uses;
(c) Square feet of each existing building broken down by floor and use category;
(d) Impervious surface coverage in square foot and percent;
(e) Parking required for existing and proposed uses;
(f) Useable land area calculations for residential development and net land area calculations for non-residential development; and

(g) Other tabulations that may be required by the Clerk in order to determine compliance with the City's Zoning Regulations or Site Plan Review Regulations;

(24) *Zoning:* Zoning District Boundary lines, including Overlay Districts with labels; and

(25) *Historic Structures or Sites*: The location and description of any historic structures or sites listed or eligible for the National or State Registers of Historic Places, and any historic markers on the site or abutting properties or rights-of-way.

***15.04 Proposed Site Plan*:** Existing conditions may be shown on the site plan if the existing and new information can be legibly and clearly shown. Where minimal changes are proposed to the site, the Clerk may allow the applicant to reduce the amount or extent of the information to be required below, provided that the extent and impacts of the proposed use and improvements to be made to the site can be satisfactorily reviewed, and sufficient information has been provided for the Planning Board, or the TRC as applicable, to act on the application. The proposed site plan drawing or drawing set shall contain the following information:

(1) *Property Lines:* The property lines of the parcel to be developed with bearings and dimensions;

(2) *Abutting Property:* Existing abutting properties including intersecting property lines, buildings, wells and septic systems, owners name and address, property address, and Tax Assessors Map-Block-Lot number. The full names and addresses of all property owners and abutters shall be provided as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application;

(3) *Parcel Information*: City Tax Assessors Map-Block-Lot number for each parcel involved in the development along with the name and address of all property owners, and the most current deed reference noting the book and page numbers from the Merrimack County Registry of Deeds;

(4) *Proposed Use*: Each site plan shall clearly identify each existing and proposed use planned for the site;

(5) *Addresses*: The address of each existing and proposed building and unit shall be noted on the plan;

(6) *Topography:* Existing topographic conditions and all proposed changes in ground elevation at a contour interval of two (2) feet, as referred to sea level datum of the North American Vertical Datum 1988 (NAVD88). Where the land slopes less than two percent (2%), spot elevations shall be shown at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions;

(7) *Restrictions*: Each site plan shall contain all notations of covenants, self-imposed restrictions, and any other restrictions or notations required by the Board;

(8) *Natural Features:* The location of all significant natural features including, but not limited to, ledge outcroppings, streams and water bodies, wetlands, bluffs and ravines, steep slopes in excess of fifteen percent (15%) and twenty five percent (25%). The location and extent of any modifications proposed to any existing natural feature;

(9) *Streets and Right-of-Way*: The location and the right-of-way and traveled way widths of all existing and proposed streets, alleys, and other public ways;

(10) *Buildings and Structures:* The location, layout, and use of existing and proposed buildings and structures, including additions, with exterior dimensions shall be shown;

(11) *Parking, Loading and Access:* The location and layout of existing and proposed driveways, curb cuts, parking lots, and loading areas with dimensions and the number of spaces identified by parking bay. All existing and proposed driveways along the frontages of the property to be developed, on abutting properties and on the opposite sides of the street;

(12) *Easements and Rights-of-way:* The location, width, and purpose of existing and proposed easements for road rights-of-ways, utilities, drainage, slope, open space or conservation easements and any other easement as required. The easements to be shown include both public and private easements. The dimensions and bearings shall be shown for the boundaries of all easement areas where available;

(13) *Municipal Sewer:* The location, size, and invert elevations of existing and proposed sanitary sewers including manholes, catch basins, and culverts, including service connections;

(14) *Drainage & Erosion Control:* Where applicable, grading and drainage information showing the information required in Section 16.02(12). For areas proposed to be disturbed, erosion control information shall be provided as set forth in Section 16.02(13);

(15) *Landscaping:* The location, type and size of existing trees on the site, or in the case of heavily wooded portions of the site, the edge of clearing. The location of all existing, required or proposed landscaping on the site shall be clearly shown, including a landscape table which lists the size, common name, botanical name and number of proposed specimens to be planted. The Clerk may require that individual trees be identified in areas to be cleared or if existing trees are being used to meet required landscape provisions;

(16) *Septic Systems:* Where municipal sewer service is not available, soil data and test results sufficient to submit an application for subdivision approval to the NHDES including a plan showing the location of test pits, the soil profiles, ground water elevation, and seasonal high water table elevation at each test pit. The required 4,000 square foot (4K) septic drain field area required by the NHDES shall be shown on the subdivision plat;

(17) *Municipal Water Supply*: The location and size of all existing and proposed water mains and service connections, including hydrants, gates, valves, and meters, and other appurtenances;

(18) *Wells:* Where the municipal water system is not available, the location of all existing and proposed wells and required wellhead protection radii on the site and abutting properties;

(19) *Other Utilities*: The location, type and size, where applicable, of the non-municipal utilities which currently serve, or are proposed to serve the site, including transformers, switch boxes and other appurtenances;

(20) *Flood Hazard:* A notation as to whether or not the property is located in a FH – Flood Hazard Zoning Overlay District. The location of the boundary line of the Flood Hazard District if it transects the property,

and the required finished floor elevation if all or a portion of the property is located within a flood hazard area. Finished floor elevations shall be noted for existing and proposed buildings and structures;

(21) *Signs:* The location and size of existing and proposed ground signs;

(22) *Setbacks and Buffers:* The location and dimensions of all yard setbacks, wetland buffers, Shoreland Protection District buffers, buffers to bluffs, and Residential District Buffers;

(23) *Zoning:* Zoning District Boundary lines including Overlay Districts with labels;

(24) *Solid Waste Facilities:* The type and location of existing and proposed solid waste disposal facilities. The dimensions, setbacks, type of screening along with constructions details shall be provided;

(25) *Outside Storage:* The location of existing and proposed outside storage areas shall be shown noting dimensions, height and types of material or equipment stored. The dimensions, setbacks and type of screening provided shall be shown along with constructions details;

(26) *Lighting:* The type and location of existing and proposed outdoor lighting as required in Section 29, Lighting;

(27) *Fire Suppression:* Any existing or proposed fire alarm service and fire suppression system shall be noted on the plans. All fire lanes and fire access shall be noted, shown on the plans and dimensioned as required in Section 28, Fire Protection;

(26) *Aquifer Protection:* Where present, the boundaries and label for each Water Systems Protection Area established in Article 28-3-6, Aquifer Protection (AP) Overlay District of the City of Concord Zoning Ordinance. The management provisions for the Aquifer Protection District shall be noted on the site plan for all applicable Aquifer Protection Areas.

(28) *Tabulations:* The following tabulations including:

(a) Gross acreage in square feet and acres;
(b) Square feet or acres devoted to the various land uses;

(c) Ground coverage of buildings and structures in square feet and percent;
(d) Ground coverage for parking and loading areas including aisles and internal landscaping in square feet and percent;
(e) Impervious surface coverage in square feet and percent;
(f) Useable land area calculations for residential development and net land area calculations for non-residential development;
(g) Total number of dwelling units, and total numbers of dwelling units by type and number of bedrooms;
(h) Dwelling unit density per useable acre, or where applicable, floor to area ratio;
(i) Square feet of floor area by type of use for all non-residential uses;
(j) Projected number of employees by shift if necessary for calculating required parking;
(k) Building occupancy or fixed seating if necessary for calculating required parking;
(l) Calculations of required parking and loading areas, including handicapped and compact spaces;
(m) Parking and loading areas provided, including handicapped and compact spaces;
(n) Interior parking lot landscaping in square foot and percent;
(o) Calculations of required trees to be provided on the landscape plan and number provided; and
(p) Residential buffer option selected, area of buffer yard required in square feet, and calculations of the buffer plantings required and provided.

15.05 ***Other Requirements***: The Board, or the TRC, as may be appropriate, may require additional information set forth in Section 16, Application Requirements for Major Site Plans.

SECTION 16 Application Requirements for Major Site Plans

16.01 ***Required Information*** The following information is required at a minimum for each major site plan application:

(1) All items set forth in Section 12, General Requirements for All Drawings;

(2) All items set forth in Section 13.01, General Requirements for Documentation, including those impact studies required by the Clerk or the Board per Section 13.01(8);

(3) All items set forth in Section 15, Application Requirements for Minor Site Plans;

(4) All items set forth in Section 16.02, Site Plan Requirements;

(5) Other information as may be required by the Planning Board in order to complete the review and act promptly act upon the site plan application.

16.02 Site Plan Requirements: The following shall govern the preparation of the site plan drawings:

(1) *Preparation*: The site plan drawings shall be prepared by a New Hampshire Licensed Land Surveyor, New Hampshire Licensed Professional Engineer, New Hampshire Licensed Landscape Architect or New Hampshire Licensed Architect as applicable, who shall sign the plan(s) and place their seal upon it as set forth in Section 12, General Requirements.

(2) *Copies*: Eight (8) copies of the site plan set shall be submitted with the application including the existing condition plan, site plan, grading and drainage plans, utility plans, landscaping plan, along with construction details, utility profiles, etc., as may be applicable.

(3) *Scale:* Site plans may be submitted at scale of 1″=10′, 1″=20′, 1″=30′, or 1″=40′ provided that the Clerk finds the scale to be appropriate for depicting the required information. The scale of the plan submittal may be required to be adjusted, or details provided at a larger scale, if in the opinion of the Clerk, the larger scale is needed to properly review all details of the site plan submittal. When necessary, the site plan shall be on several sheets, accompanied by an overall plan showing the entire area proposed for development, and sheet boundaries. The overall plan shall be at a suitable scale for review by abutters and display purposes.

(4) *Plan Size:* Plan drawings shall be no smaller than 22″x 34″ nor larger than 24″x 36″. Display graphics for presentation purposes may be submitted at larger size or varying scale. Colored copies or photo

reductions of the display graphics shall be provided at a scale of 11″ x 17″, or 24″ x 36″ for the record file.

(5) *Large Parcels*: In cases where only a small portion of a parcel is proposed to be modified, redeveloped or developed, the Clerk of the Board may authorize the applicant to submit all, or a portion, of the site plan plat at another engineering scale such as 1″= 50′, provided all pertinent information can be accurately and legibly portrayed.

(6) *Parcel Information*: City Tax Assessor's Map-Block-Lot number for each parcel involved in the development along with the name and address of all property owners, and the most current deed reference noting the book and page numbers from the Merrimack County Registry of Deeds shall be noted on the plan.

(7) *Addresses*: The address of each existing and proposed building and/or unit shall be noted on the plan as approved by the City Engineer.

(8) *Proposed Use*: Each plan shall include a description of the type of uses proposed on the site in addition to the tabulations of use and activity required herein.

(9) *Restrictions*: Each site plan shall contain notations of all covenants, easements, self-imposed restrictions, and any other restrictions or notations required by the Board.

(10) *Multiple Sheets*: In the event multiple sheets are required, match lines shall be established so that all individual buildings, proposed or existing, are entirely shown on a single sheet. Where a site plan is submitted on multiple sheets, an Overview Plan shall be submitted showing the entire site plan on a maximum sheet size of 24″ x 36″, suitable for presentation at a public meeting. Said plan shall also be provided in a digital format acceptable to the Clerk of the Board.

(11) *Phasing*: For phased developments the plan shall show the boundary of each phase and the improvements to be constructed in each phase.

(12) *Grading and Drainage Plan*: The following information shall be shown on a plan along with a drainage study indicating the proposed methods for collecting and disposing of storm water runoff resulting from the development of the site.

(a) All swales, drainage ditches, culverts, drain pipes, inlet and outlet structures, catch basins and manholes, easements, storm water treatment structures, and detention and retention ponds shall be shown on the plan including such elevations and cross-sections as may be necessary to determine the suitability and adequacy of the proposed system.

(b) A drainage study including ten (10) and twenty-five (25) year storm runoff estimates, including all calculations, shall be submitted providing an analysis of the pre-development and post-development drainage characteristics by phase, and in total.

(13) *Erosion Control:* An erosion control plan and planting plan shall be provided showing methods to control erosion and storm water runoff during construction and permanent methods to revegetate all disturbed areas.

(14) *Utility Plan*: At the same scale as the site plan, the following information shall be shown:

(a) A plan showing the location, size and invert elevations of existing and proposed sanitary sewers including manholes and the location of any pump stations, lift stations and force mains; the location and size of all existing and proposed water mains, including hydrants, gates, valves and meters; and the location size and type of any other appurtenant facilities or structures associated with the provision of potable water supply and sanitary waste disposal, including wells and on-site septic systems.

(b) Profiles of all municipal utilities shall be provided.

(c) The location and size and type of any other underground or overhead utilities including but not limited to gas lines, electric transmission lines, telecommunication lines, steam distribution mains, and fire and police alarm transmission lines. The location of all manholes, transformers, poles and other appurtenant facilities or structures shall be shown.

(d) The location, type, dimensions, setback and screening for any solid waste receptacles or dumpsters, including details for any pads, screening walls or fencing.

(15) *Landscape Plan:* A landscape plan prepared, signed, and stamped by a Licensed New Hampshire Landscape Architect shall be provided, and the plan shall contain both graphic and written specifications for the design, planting and maintenance of the proposed landscape features. The location of all required and proposed landscaping on the site shall be clearly shown, including a landscape table which lists the size, common name botanical name and number of proposed specimens to be planted.

(16) *Lighting Plan:* A lighting plan shall be provided that shows the light levels in footcandles for all site and exterior building lighting. The size, type of fixture and wattage shall be noted for all fixtures. Details of all fixtures including accent lighting shall be provided. The color, and height of all light poles to the top of the fixture, shall be noted on a detail of the poles.

(17) *Aquifer Protection:* Where present, the boundaries and label for each Water Systems Protection Area established in Article 28-3-6, Aquifer Protection (AP) Overlay District of the City of Concord Zoning Ordinance. The management provisions for the Aquifer Protection District shall be noted on the site plan for all applicable Aquifer Protection Areas.

(18) *Demolition Plan*: Where building, site improvement, or utility demolition is proposed, a demolition plan shall be provided. The demolition plan shall show the extent of removal of all building, structures, pavement, and landscaping, etc.; shall note the sequence of removal, and all measures for disposal and/or recycling of the demolition debris; and shall show and note all erosion and dust control measures to be implemented. The demolition plan shall note the specific structures, buildings, utilities and landscaping to be retained on site. Specific measures for the discontinuance, removal and/or mothballing of utilities shall be provided acceptable to each utility provider.

(19) *Traffic Control Plan*: Where work is required or proposed within or immediately adjacent to a travel way of a public street or common private drive, a traffic control plan shall be submitted to the satisfaction of the City Engineer.

(20) *Offsite Improvement Plan*: Where off-site improvements are required or proposed, an off-site improvement plan shall be submitted in compliance with the standards in the City of Concord Subdivision Regulations, unless waived by the Planning Board.

(21) *Other Improvements:* Plans drawn to scale for other improvements shall be required, where applicable, showing the location, type, materials, and dimensions of such improvements as fences, retaining or screen walls, outdoor recreational facilities, common mail box locations and associated parking, street furniture, trails, paths and sidewalks, docks, etc. The other improvements may be incorporated in the site plan drawing, if in the opinion of the Clerk, the information can be clearly and legibly portrayed.

(22) *Construction Details*: Construction details shall be provided for all utilities, driveways and parking areas, pavement markings, sidewalks and patios, drainage facilities and structures, informational, regulatory and directional signage, outdoor recreation facilities, common mailboxes, street furniture, solid waste receptacles, buffer walls and fences, retaining walls, landscaping, and site lighting. Unless specifically waived by the Planning Board, construction details shall be provided which conform to the City of Concord Construction Standards and Details.

(23) *Consolidated Plans*: The Clerk of the Board, after consultation with the City Engineer, may allow for all, or a portion of, the construction plans and details to be consolidated on one or more drawings sheets. The capability to clearly and legibly portray all the necessary information shall be the determining factor in the Clerk's decision to approve or disapprove any consolidation of plan sheets.

16.03 Architectural Plans and Elevations: The following shall govern the preparation of the architectural plans submitted for Architectural Design Review and approval:

(1) *Preparation*: Architectural elevations shall be signed or sealed by a New Hampshire Licensed Architect, or a New Hampshire Licensed Professional Engineer, as allowed by the State of New Hampshire professional licensing boards. The architectural elevations shall be prepared by a licensed architect, or licensed engineer as applicable, who shall sign the plan(s) and place their seal upon it as set forth in Section 12, General Requirements.

(2) *Copies*: Three (3) copies of the architectural elevations and floor plans shall be submitted with the application including any construction details for fences, sheds, dumpster screens and gates, mechanical equipment screens, and or other applicable appurtenances.

(3) *Scale and Plan Size*: Architectural elevations shall be prepared at a minimum scale of 1/8″ = 1′. Drawing sheets shall not exceed 24″ x 36″. A reduction of each elevation shall be provided on an 8 ½ "x 11″ sheet.

(4) *Elevations:* Architectural Elevations of all sides of all buildings shall be provided. Where modifications are proposed on only a portion of the exterior of an existing building, elevations shall be provided for those sides and areas proposed to be altered and the immediately adjacent existing facades and roof.

(5) *Windows, Doors and Roofs:* The type and pitch of roofs shall be noted on the elevations. The size and spacing of all windows and door openings shall be noted on the elevations.

(6) *Floor plans:* The submission of conceptual or general floor plans, while not required, is recommended to support the appropriateness of the proposed building elevations and overall design of the building, including the placement of doors and windows.

(7) *Colors and Materials*: The proposed colors and materials to be used for all siding, roofs, foundations, trim, doors, windows, mechanical equipment, and all other appurtenant features shall be noted on the architectural elevations.

(8) *Dimensions*: Horizontal and vertical dimensions shall be provided on the architectural elevations including the maximum height to the top of the roof, any mansard, roof top structure, mechanical equipment cupola, flag pole or other appurtenant structure. A vertical dimension from the average ground level on each side of the building to the top of each floor shall be provided.

(9) *Colored Rendering*: A colored rendering of each elevation shall be provided at a scale suitable for public display before the Architectural Design Review Committee and the Planning Board. The colored rendering shall accurately show the proposed colors and shall portray

any proposed landscaping at the time of initial planting and as expected five (5) years after planting.

(10) *Photographs:* Colored photographs of all existing facades, the existing site, and adjacent buildings and properties shall be provided. The photographs and, or photo simulations, shall be submitted to demonstrate the relationship between the proposed buildings with other structures in the vicinity in regard to massing, height, building form, colors and materials.

(11) *Signs:* The location, size and placement of affixed and free standing signage shall be noted on the site plan and the building elevations. It is recommended that the colors and copy of signs to be affixed to the buildings be shown on the architectural elevations. It is also recommended that a separate drawing be submitted showing the size, height, colors and copy of any proposed free standing signs. If tenancy is unknown at the time of site plan submittal, a Master Sign Plan or sign permits may be submitted for architectural design review prior to occupancy of the building or specific tenant space.

Site Plan Regulations

Chapter 4
Design Standards

SECTION 17 General Design Standards

SECTION 18 Parking Lot Design Standards

SECTION 19 Access and Driveway Standards

SECTION 20 Loading, Solid Waste and Disposal

SECTION 21 Sidewalks, Multi-use Paths, and Trails

SECTION 22 Storm water Management

SECTION 23 Water Supply

SECTION 24 Sanitary Sewage Disposal

SECTION 25 Non-Municipal Utilities

SECTION 26 Buffers and Screening

SECTION 27 Landscaping and Environmental Considerations

SECTION 28 Fire Protection

SECTION 29 Lighting

SECTION 30 Sustainable Development

SECTION 17 General Design Standards

17.01 Conformance to Applicable Laws, Rules, and Regulations: In addition to the requirements established herein, all site plan applications shall comply with the following laws, rules, regulations, and adopted plans:

(1) All applicable State statutes and Federal law and all rules and regulations promulgated in accordance with such statutes and laws;

(2) The Zoning and health Ordinances, Building and Housing Codes, and all other applicable ordinances and regulations of the City of Concord; and

(3) The Master Plan, Official Map, and CIP of the City.

17.02 Self-Imposed Restrictions: If the owner either voluntarily before the Planning Board or as a condition of approval, places on any of the land contained in the proposed site plan restrictions which are greater than those required by the Zoning Ordinance or by these regulations, such restrictions shall be noted or otherwise described on the plan and shall be formally established by one or both of the following:

(1) Easements to be conveyed to the City, or to other responsible parties as maybe required by the Planning Board, to be recorded at the Merrimack County Registry of Deeds in a form to be approved by the City Solicitor, Clerk of the Planning Board and the City Engineer; and/or

(2) A formal written agreement between the City and the applicant, binding the applicant and successors in title to said restrictions, to be recorded at the Merrimack County Registry of Deeds in a form to be approved by the Clerk of the Planning Board and City Solicitor.

17.03 Specification References:

(1) Reference to City standards shall mean the City of Concord Constructions Standards and Details, as most recently published.

(2) Reference to State specifications shall mean Standard Specifications for Road and Bridge Construction of the New Hampshire Department of Transportation, as most recently promulgated.

(3) Reference to MUTCD shall mean the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation, Federal Highway Administration, as most recently published.

(4) Reference to the construction standards and specifications of the NHDES shall mean the Construction Standards for Sanitary Sewer and Water Supply Systems of the New Hampshire Department of Environmental Services, as most recently adopted.

(5) Reference to the Architectural Barrier Free Code shall mean the Accessible and Useable Building and Facilities Code of the International Code Council, as most recently adopted by the City.

(6) Reference to the Alterations of Terrain standards shall mean the NH Department of Environmental Services Alteration of Terrain (AOT) (Chapter Env-Wq 1500).

(7) Reference to standards for Sewer Discharge Permits shall mean the NH Department of Environmental Services Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities (Chapter Env-Wq 700)

(8) Reference to standards for Septic Systems shall mean the NH Department of Environmental Services Subdivision and Individual Sewage Disposal System Design rules (Chapter Env-Wq 1000).

(9) Reference to standards for potable wells shall mean NH Water Well Board Standards for the Construction, Maintenance and Abandonment of Wells (Chapter Env-Wq 600).

(10) Reference to the Architectural Design Review Guidelines shall mean the guidelines adopted by the City of Concord, Planning Board as set forth herein, in Section 33.07, Architectural Design Guidelines.

17.04 Addressing: An address shall be provided for each building, rental space or condominium unit shown on the site plan. The applicant shall obtain the address of each building, or unit, from the City Engineering Division and add it to the site plan. Addresses shall conform to the City's addressing scheme and must be acceptable to the E-911 emergency system. If a new private street is proposed, the naming of the street and numbering scheme shall

conform to the requirements set forth in the City of Concord Subdivision Regulations.

SECTION 18 PARKING LOT DESIGN STANDARDS

18.01 Zoning Standards: Parking lots shall be designed in accordance with the standards for parking lot design, driveways and access aisles, stacking spaces, landscaping, loading, lighting, curbing and guardrails, and construction as set forth in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance, as well as the standards contained in these regulations.

18.02 Parking Lot Design Policy: Parking lots shall be designed as part of the overall plan for the site, and coordinated with building entrances, lighting and landscaping. Parking lots, driveways, drive-up facilities, and loading zones shall be designed for safe pedestrian and vehicle movement. Non-residential parking lots and loading areas shall be screened from view from abutting residential uses wherever possible. Parking areas shall be landscaped to improve the overall appearance of the community and to reduce heat island effects resulting from of large expanses of pavement. Parking and loading areas shall be designed to minimize as much as is possible off-site drainage by the use of pervious pavement, underground infiltration and retention ponds and swales. Water quality concerns shall be addressed in the design, construction and maintenance of drainage facilities. Parking shall be located wherever possible to the rear and side of the principal building(s) on a site.

***18.03 Required Parking*:** Parking spaces shall be provided in the amount and number as set forth in the Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance.

18.04 Design of Regular Parking Spaces: Each standard parking space shall contain a rectangular area of at least nineteen (19) feet in length and nine (9) feet in width, except where the spaces are located parallel to the travel aisles, the length shall be increased to twenty-two (22) feet.

18.05 Design of Compact Parking Spaces: Parking spaces for compact automobiles shall contain a rectangular area of at least fifteen (15) feet in length and eight (8) feet in width, except where the spaces are located parallel to the travel aisles, the length shall be increased to eighteen (18) feet. Compact parking spaces shall be signed as compact spaces with identification signs which are no larger than four (4) square feet. A sign for the first compact space is required, and a second sign is required at the end of the each row of compact

spaces. A compact parking sign shall be provided for each five spaces when the compact parking row is larger that nine (9) spaces.

18.06 ***Handicapped Accessible Spaces***: Parking spaces for passenger vehicles carrying handicapped individuals shall contain a rectangular area of at least nineteen (19) feet in length and eight (8) feet in width together with an access way of five (5) feet in width immediately adjacent to the parking space. Parking spaces for vans carrying handicapped individuals shall contain a rectangular area of at least nineteen (19) feet in length and eleven (11) feet in width together with an access aisle of five (5) feet in width immediately adjacent to the parking space. Two (2) adjacent parking spaces for the handicapped may share one (1) access aisle. All handicapped accessible parking shall be designated as such by a sign in accordance with the MUTCD bearing the symbol of accessibility, located such that it will not be obscured by a vehicle parked in the space. Van accessible spaces shall be so noted on the sign for that space or by an add-on plate.

18.07 ***Parking Lot Aisles***: Aisles in parking lots shall be at least twenty-four (24) feet in width for two-way traffic. Aisles shall be provided at the minimum widths shown in Table 18-1, Minimum Parking Lot Aisle Width, below for one-way traffic. Parking spaces at an angle of less than ninety (90) degrees shall provide for one way traffic flow. Maximum aisle widths shall not exceed 125% of the minimum widths. Safe access to parking spaces shall be provided at the end of dead end parking bays with sufficient room to turn maneuver out of each space and reverse direction without backing out of the parking bay.

Table 18-1 Minimum Parking Lot Aisle Widths

Angle to Aisle (Degrees)	Minimum Aisle Width
90	24 feet (two-way)
60	18 feet (one-way)
45	15 feet (one-way)
30	15 feet (one-way)
0	15 feet (one-way)

18.08 ***Design of Stacking Spaces***: A minimum of two (2) stacking spaces shall be provided for any drive-in or drive through lane, or facility, as measured from

the ordering window or station. A minimum of eleven (11) stacking spaces shall be provided for a drive-in restaurant. A minimum of five (5) stacking spaces shall be provided for a drive up banking facilities. A minimum eight (8) foot wide bypass lane shall be provided for each drive up facility. If the bypass lane is to be used for truck access or fire access the bypass lane shall be increased in width to fourteen (14) feet. Where a drive up facility has more than one order location for each drive-up dispensing location, the required stacking may be split between multiple stacking lanes. Stacking for drive up facilities shall not block on or off site circulation nor shall the stacking be located where it blocks pedestrian circulation to the main entrances to any building. Clearly marked pedestrian access to buildings shall be provided through any drive through lane.

18.09 ***Parking Lot Markings and Signage:*** Parking spaces, loading spaces, stacking lanes, entry and exit drives, direction of traffic flow, and pedestrian ways shall be appropriately demarcated with pavement markings and signs. Parking spaces shall be marked, at a minimum, with four (4) inch wide white lines. Stop bars, arrows, and cross walks, stall lines shall be painted white and the MUTCD standards for marking and signage shall be used as guidelines for the provisions of signage and pavement marking on-site. Any signage and/or markings to be placed on public streets shall conform to the standards contained in the MUCD and the City of Concord Construction Standards and Details.

18.10 ***Driveway Widths*****:** Driveways connecting parking lots to a street or other parking areas, either on-site or off-site, which are not used to directly access parking spaces shall be at least twenty (20) feet in width for two-way traffic flow and at least fourteen feet (14) feet in width for one-way traffic flow. No driveway shall exceed twenty-eight (28) feet in width except where the Planning Board requires a driveway of three (3) lanes or more as part of the approval of a site plan. Driveway radii at the public street shall be a minimum of ten (10) feet and a maximum of twenty five (25) feet at the intersecting street with the intention of limiting the width of driveway openings at sidewalks. The Planning Board may allow for large radii for driveways for industrial uses where the circumstances do not adversely impact pedestrian safety. Driveways shall be designed so that queues at the driveway shall not block circulation on abutting streets.

18.11 ***Perimeter Buffers***: Landscaping and screening in residential district buffers shall be provided as set in forth Article 28-4-2, Buffer Requirements for Residential District Boundaries of the City of Concord Zoning Ordinance. Landscaping buffers set forth in Article 28-4-2, shall also be provided for non-

residential uses to be developed in both residential and mixed use zoning districts. Landscape buffers set forth herein may be required by the Planning Board, in whole or part, to buffer existing residential uses in a non-residential district unless the use is an allowable accessory use to a non-residential use. In addition to conformance with the requirements of Article 28-4-2, Buffer Requirements for Residential District Boundaries of the City of Concord Zoning Ordinance., buffer plantings shall be provided in accordance with Section 26, Buffers and Screening herein, and Section 27, Landscaping and Erosion Control of these regulations.

18.12 ***Perimeter Landscaping***: No off-street parking, loading area, vehicular storage or display area shall be located within five (5) feet of any lot line except where parking lots are contiguous or interconnected. In nonresidential districts, no off-street parking shall occur within ten (10) feet of the front lot line where it abuts the edge of the right-of-way of a collector or an arterial street. The perimeter landscaped area shall be increased to ten (10) feet in width along the perimeter of a parking lot containing more than 375 parking spaces, and the landscaped area shall be increased to fifteen (15) feet in width along the perimeter of a parking lot containing more than 750 parking spaces. Perimeter parking lot landscaping shall be provided as set in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance, and Section 27, Landscaping and Erosion Control of these regulations.

18.13 ***Interior Parking Lot Landscaping***: Perimeter parking lot landscaping shall be provided as set in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance, and Section 27, Landscaping and Erosion Control. Where the provision of off-street parking for fifty (50) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking lot in the minimum amount of five (5) percent of the gross parking lot area. Where more than 375 parking spaces are required, landscaped open space shall be provided within the perimeter of the parking lot in the minimum amount of six (6) percent of the gross parking lot area. Where more than 750 parking spaces are required, landscaped open space shall be provided within the perimeter of the parking lot in the minimum amount of seven (7) percent of the gross parking lot area. Internal parking lot islands and permeable parking lot paving shall be considered as part of the overall parking lot area, while perimeter landscaping, sidewalks, patios, impervious vehicular storage areas for the sale and rental of vehicles and paved outside storage areas, where allowed, shall not be included in the area used to determine the amount of interior parking lot area required. Internal parking lot landscape islands shall be a minimum of nine (9) feet in width.

18.14 ***Medians and Traffic Separators***: Non-landscaped raised medians and traffic separators within parking lots and access drives shall be a minimum of three (3) feet wide, and a maximum of four (4) feet wide, and shall be hard surfaced with a minimum reveal of six inches. Medians and traffic separators wider than four (4) feet in width shall be appropriately landscaped.

18.15 ***Other Landscaped Areas:*** Landscape areas outside the parking lot, and not associated with either the required perimeter landscaping or required residential district buffers, shall be a minimum of four (4) feet wide, and a minimum of six (6) feet wide if trees are to be planted in the landscape area.

18.16 ***Restrictions in Required Landscape Areas:*** Parking, and the storage and display of vehicles, goods, and materials are prohibited within perimeter landscaping areas, residential district buffers, and interior parking lot landscaped areas. Internal parking lot islands shall either be grassed or planted with ground cover. Non-organic mulch, stone, or landscaped fabric is not allowed in required landscape areas.

18.17 ***Tree Plantings***: Tree plantings in and around parking areas shall be provided as set forth in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance, and Section 27, Landscaping and Erosion Control of these regulations. One tree shall be planted for each 1000 square feet of any proposed parking area including parking spaces, internal landscape islands, access aisles, driveways, fire lanes, and other vehicular circulation areas. Perimeter landscaping, sidewalks, patios, impervious vehicular storage areas for the sale and rental of vehicles, and paved outside storage areas, where allowed, shall not be included in the area used to determine the amount of tree planting required. Trees required shall be planted within the internal parking lot islands, around the perimeter of the parking area within twenty (20) feet or the parking lot, or in landscaped areas between buildings and the parking field. Existing trees preserved on the site may count on a one for one basis when located within twenty (20) feet of any parking lot, access aisle, vehicular sale or rental area, driveway or loading area.

18.18 ***Lighting***: Parking lot and canopy lighting is not required but where it is provided, it shall be designed as set in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance and Section 29, Lighting of these regulations.

18.19 ***Curbing and Guardrails***: Curbing and guard rails shall be installed as set in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance and the City of Concord Construction Standards and Details, as

most recently adopted. Curbing may be excluded from perimeter landscaping in loading areas in industrial zoning districts, or around the perimeter of paved outside material storage areas. Perimeter curbing or guardrails shall be provided around all vehicular sales and display area in the same manner as parking areas. Curbing or other barriers shall be installed around interior parking lot islands to prevent snow plow or vehicular encroachment. The Planning Board may specify the use of sloped curbing or guardrail near, or adjacent to, open space areas to allow for the movement of small animals through the site.

18.20 ***Construction Standards:*** Parking lots shall be constructed as set forth in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance and the City of Concord Construction Standards and Details as most recently adopted.

18.21 ***Snow Storage:*** Provisions shall be made for snow storage in the design of all parking areas and snow storage areas shall be shown on the site plan. Snow storage areas shall be functional and designed to avoid damage to landscaping, to not impede site drainage, to not block pedestrian ways, or hinder vehicular access or block site lines at intersections, either on or off site.

18.22 ***Grades:*** Slopes of parking spaces shall not exceed five (5%) percent in any direction.

18.23 ***Special Standards for Parking Garages:*** Aisles in parking garages may be reduced to twenty-two (22) feet in width. If a looped circulation pattern is not used a turnaround shall be provided at the end of each dead end parking bay.

18.24 ***Alternative Parking Arrangements:*** The Planning Board may establish appropriate design standards for parking lots and driveways when it issues a conditional use permit pursuant to Article 28-7-11, Alternative Parking Arrangements of the City of Concord Zoning Ordinance.

SECTION 19 ACCESS AND DRIVEWAY STANDARDS

19.01 ***Compliance with Zoning Regulations:*** All driveways and common private driveways shall be constructed as set forth in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance, and the City of Concord Construction Standards and Details, as most recently adopted.

19.02 ***Access Management Policy:*** It is the policy of these regulations to implement access management for all functional classified arterial and collector streets within the City of Concord. The function of access management is to reduce conflicting vehicular and pedestrian movements resulting from vehicles entering and exiting sites along the City's main streets and roads. The intent is to reduce the number and severity of accidents and to preserve the capacity of the City's main streets by limiting and controlling access to the street network, and by promoting interconnectivity between parcels along arterial and collector streets.

19.03 ***Residential Driveway and Access Standards:*** Except for single-family detached dwellings and two-family dwellings, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may enter and exit the parking area without backing within or into a street, and without inhibiting pedestrian safety. Parking spaces for each dwelling unit in a duplex or two-family dwelling shall be independently accessible. On corner lots at the intersection of a local street and an arterial or collector street, access to a residential development shall be exclusively from the local street. Residential driveway standards are contained in Table 19-1. The number and spacing of driveways may be modified by the Planning Board's issuance of a conditional use permit pursuant to Article 28-7-11(f) , Driveway Separation Alternatives of the City of Concord Zoning Ordinance.

19.04 ***Non-residential Driveway and Access Standards:*** On corner lots at the intersection of a local and arterial or collector street, the Board may limit access exclusively to the local street. Non-residential driveway standards are contained in Table 19-2. The number and spacing of driveways may be modified by the Planning Board's issuance of a conditional use permit pursuant to Article 28-7-11(f) , Driveway Separation Alternatives of the City of Concord Zoning Ordinance.

19.05 ***Interconnected Parking Lots:*** Where ever feasible, interconnections between parking areas shall be provided for non-residential or mixed use properties located along collector and arterial streets. The parking lot interconnections are to allow for traffic to move between non-residential uses without having to turn on to and off of the arterial or collector streets, preserving the capacity of said streets, and improving traffic safety along major travel corridors. Easements for future connections shall be provided to facilitate the interconnection of parking lots as properties along a corridor are redeveloped.

Table 19-1 Residential Driveway Spacing Requirements

Standard	One or Two Residential Units	Three to Eight Residential Units	Greater than Eight Residential Units
Minimum Driveway Width	10 feet	18 feet two-way 14 feet one-way	24 feet two-way 16 feet one-way
Maximum Driveway Width	22 feet two-way 14 feet one-way	22 feet	28 feet*
Separation From Adjacent Driveways	40 feet	40 feet	40 feet
Separation from Adjacent Intersection	40 feet	40 feet	40 feet
Number of Driveways	One two-way or two one-way drives	1 per 100 feet of frontage for a maximum of two	1 per 250 foot of frontage with a maximum of three

* Except where the Planning Board determines that traffic characteristics on the site warrant a driveway of three (3) lanes or more.

Table 19-2 Non-residential Driveway Spacing Requirements

Standard	Local Street	Collector Street	Arterial Street
Minimum Driveway Width	20 feet	20 feet two-way 14 feet one-way	22 feet two-way 16 feet one-way
Maximum Driveway Width	28 feet two-way 16 feet one-way	28 feet two-way* 16 feet one-way	28 feet two-way* 16 feet one-way
Separation From Adjacent Driveways	100 feet	200 feet	250 feet
Separation from Adjacent Intersection	125 feet	200 feet	250 feet
Number of Driveways	1 per 100 feet of frontage for a maximum of two	1 per each 350 feet of frontage	1 per 500 feet of frontage

* Except where the Planning Board determines that traffic characteristics on the site warrant a driveway of three (3) lanes or more.

19.06 ***Shared or Common Access:*** Shared or common driveways are encouraged along all arterial and collector roads and may be required by the Board where feasible to foster access management, safety and/or traffic circulation.

19.07 ***Medians***: All medians or traffic islands when used at access points shall be designed to provide entry access which shall accommodate an emergency vehicle with inside and outside turning paths of thirty (30) feet and fifty (50) feet respectively. Direction of response of such vehicles can be taken into consideration. Medians shall be a minimum of four feet (4) feet in width if curbed and shall be a minimum of twelve (12) feet if not curbed. The installation of the median shall conform to the City of Concord Construction Standards and Details, as most recently adopted.

19.08 ***Length of Residential Common Private Drives***: The length of a residential dead end, common private drive shall not exceed 1,000 feet. The length of the dead end, common drive shall be measured from the pavement edge of the nearest street with multiple means of access, to the end of the pavement at the end of the hammerhead turnaround, or the outside edge of pavement for cul-de-sacs, or the farthest edge of pavement for a looped drive. Where the public street that provides access to the common private drive is a cul-de-sac or dead end street, the length of the common drive plus the length along the cul-de-sac or dead end street shall not exceed a total of 1,000 feet as measured from the edge of the traveled way of the public street that provides access to the cul-de-sac or dead end street.

19.09 ***Terminus of Residential Common Private Drives***: Residential common private drives either shall be constructed with two or more connections to a public street or shall terminate in a turnaround based on the number of units served by the private drive. The terminus of common private drives shall be constructed as set forth in the City of Concord Subdivision Regulations, Section 21.10, Cul-de-sacs, or Section 21.12, Hammerhead or T-shaped Turnaround, as applicable. The required terminus shall be as specified below based on the number or residential dwelling units to be served by the drive:

(1) Two (2) residential dwelling units: A hammerhead turnaround in a T-shape or Y-shape is required at the end of the common drive where the driveways to the individual units diverge.

(2) Three (3) to eight (8) residential dwelling units: The common private drive may be terminated with either a T- shaped hammerhead or a cul-de-sac or a looped driveway.

(3) Nine (9) or more residential dwelling units: The common private drive shall be terminated with a cul-de-sac or looped driveway.

19.10 ***Terminus of Non-residential Common Private Drives:*** Non-residential common private drives either shall be provided with looped internal circulation or shall be provided with a cul-de-sac or a T- shaped hammerhead as set forth in the City of Concord Subdivision Regulations, Section 21.10, Cul-de-sacs, or Section 21.12, Hammerhead or T-shaped Turnaround.

19.11 ***Alignment:*** Individual driveways and access ways to public streets or common private drives shall be laid out so as to intersect as nearly as possible at right angles.

SECTION 20 LOADING, AND SOLID WASTE FACILITY STANDARDS

20.01 ***Solid Waste Facility Standards*****:** All areas where refuse or recycling containers are to be located as well as the area for the accommodation of vehicles which empty these containers, shall be provided as set forth in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance, and the City of Concord Construction Standards and Details, as most recently adopted, and in accordance with these as these regulations.

20.02 ***Loading Requirements***: Off-street loading areas shall be provided as required in Article 28-7, Access Circulation and Parking of the City of Concord Zoning Ordinance.

20.03 ***Design Standards for Loading Spaces***: Each loading space shall be of a minimum width of fourteen (14) feet, have a minimum height clearance of fourteen (14) feet above grade, and contain an area of not less than one thousand (1,000) square feet, including space for maneuvering. Loading areas and access driveways shall be surfaced with a durable and dustless paving material which shall be graded and drained so as to dispose of all surface water accumulation as set forth in the City of Concord Construction Standards and Details. Loading spaces shall be designed to allow an appropriate sized delivery vehicle to maneuver safely and conveniently to and from an adjacent street, and to complete the loading and unloading operation without obstructing or interfering with on-site fire lanes, parking spaces, or access aisles, and without any maneuvering, backing or standing on any street. Loading spaces shall be designed to minimize noise impacts on abutting properties.

20.04 ***Location of Loading Spaces:*** With the exception of loading spaces at warehousing and freight terminal uses, all loading spaces shall be located at the side or rear of the building intended to be served. The area for required loading spaces shall not be used to satisfy parking space requirements, and vice-versa. No loading space in a nonresidential district shall be located within fifty (50) feet of a residential district boundary or within fifty (50) feet of the lot line of an abutting residential use within a residential district. No loading space in any district shall be located within ten (10) feet of a property line.

20.05 ***Screening of Loading Areas:*** Loading areas shall be screened from view from abutting properties and abutting streets to the maximum extent possible. Where loading areas are located within or abutting a residential district, or are abutting an existing residential use in a mixed use or non-residential district, a solid opaque fence not less than six (6) feet nor more than ten (10) feet in height which shall be erected and maintained in good condition around the loading area, and a landscaped area with a minimum width of ten (10) feet containing trees and shrubs shall be planted between the fence and the abutting residential district or residential use. The design of the screening shall be compatible with the architecture of the proposed development.

20.06 ***Solid Waste Facility Screening:*** All solid waste disposal or waste recycling facilities, dumpsters, bins or other outside storage facilities or areas, shall be screened from view from abutting properties or from public ways by a solid opaque fence not less than six (6) feet nor more than eight (8) feet in height which shall be erected and maintained in good condition around the storage facility. A landscaped area with a minimum width of eight (8) feet containing trees and shrubs shall be planted between the fence and the abutting residential district or residential use. A solid waste disposal or recycling facility unless blocked from view from the public right-of-way and abutting properties by buildings or walls, shall be provided with solid opaque gates for the fenced enclosure.

20.07 ***Design of Solid Waste Disposal Areas:*** All solid waste recycling facilities, dumpsters, bins or other outside storage facilities or areas shall be constructed on a pad as set forth in the City of Concord Construction Standards and Details. All solid waste storage facilities shall be designed to minimize noise and odor impacts on abutting properties. The design of the screening shall be compatible with the architecture of the proposed development.

SECTION 21 SIDEWALKS, MULTI-USE PATHS, AND TRAILS

21.01 ***General Requirements***: Both on-site, and off-site, sidewalks and other pedestrian facilities shall be provided in locations which are functional and efficient and which enhance pedestrian safety. Proposed site plans shall provide for the continuation of sidewalks between adjacent properties for the convenient and safe movement of pedestrian traffic. Public sidewalks shall be provided where shown on the Sidewalk Plan contained within the adopted City of Concord Master Plan or CIP.

21.02 ***Sidewalks Required***: Sidewalks shall be required adjacent to the site along projects on city streets within the Urban Growth Boundary, and may be required by the Planning Board along arterial or collector roads beyond the Urban Growth Boundary as set forth in the City of Concord Master Plan or in the CIP. Sidewalks may be required to link a site to the existing or planned sidewalk network as set forth in the City of Concord Master Plan. The applicant may be required to improve existing sidewalks along a project's frontage if the Board finds the sidewalk to be substandard in design and construction. When an isolated section of sidewalks is proposed or required, the Board may require the applicant to set aside equivalent funds to be placed in a City escrow account to allow for the future construction of a sidewalk, instead of constructing an isolated section of sidewalk.

21.03 ***Connection to Public Sidewalks***: For non-residential and multifamily developments, sidewalk connections shall be made from a public street or sidewalk to building(s) on the site. The Board may allow the connection to be made from the public sidewalk to the parking lots serving the property provided that the pedestrian connection is not through a parking space. Access shall be both safe and convenient for pedestrians.

21.04 ***Accessibility***: Sidewalks shall be constructed, where ever possible, to be handicapped accessible including curb ramps along streets at driveways and at other locations on-site where traffic is expected. Curb ramps shall be provided on site in order to comply with the Architectural Barrier Free Design Code for the State of New Hampshire, and the ADA Standards for Accessible Design as most recently adopted.

21.05 ***Design Standards***: Sidewalks shall be constructed in conformity to the City of Concord Construction Standards and Details.

(1) *Public Sidewalks:* Public sidewalks and multi-use paths to be constructed in an existing and proposed public right-of-way shall be

constructed to the standards set forth in Section 22, Sidewalks, Multi-use Paths and Trails of the City of Concord Subdivision Regulations.

(2) *Width*: All sidewalks shall be a minimum of five (5) feet in width exclusive of curbing. Multi-purpose paths shall be a minimum width of ten (10) feet. The minimum required five (5) foot width for sidewalks shall be free and clear of any vehicular encroachment or overhang.

(3) *Sidewalks*: All sidewalks shall have a minimum transverse slope of two percent (2%) and a maximum slope of eight percent (8%).

(4) *Cross Country Easements*: Public sidewalk easements outside of a street right-of-way shall be at least twenty (20) feet in width.

21.06 Multi-use Paths: Multi-use paths for pedestrians and bicyclists located off the traveled way of a street or road shall be no less than ten (10) feet in width and shall conform to City of Concord Construction Standards and Details. Bicycle and multi-use paths shall be provided with pavement markings and appropriate signage per the MUTCD. Multi-use paths shall be provided with acceptable gates and bollards designed to prevent motorized vehicle use of the paths.

21.07 Trails: Hiking trails, internal pedestrian walking paths, bike paths, cross country ski trails, snowmobile trails shall be designed and constructed appropriately for the use(s) intended, shall be shown on the site plan and shall be subject to the approval of the Planning Board as to design. The Planning Board shall, wherever possible, preserve and enhance existing non-motorized recreational trails and snowmobile trails. If trails are intended to be part of a community wide system, the Board may require the trails to be set aside in perpetuity by easement.

SECTION 22 STORM WATER MANAGEMENT

22.01 General Requirements: All site plans shall make adequate provisions for the management of the quality and quantity of storm water runoff. For all major site plans, the volume of storm water runoff shall not exceed pre-development conditions. Where a major site plan involves the redevelopment of an existing property, the storm water management system shall be designed to reduce the quantity of storm water runoff and to improve the quality of the storm water runoff. Site plans shall provide for the passage of runoff from abutting

properties and rights-of-way, and the site shall not be graded to impound runoff from, or direct it to, abutting properties.

All reasonable efforts shall be made to incorporate low-impact, non-structural site design techniques to minimize runoff due to development such as maintaining natural buffers, minimizing site disturbance, minimizing impervious cover, using pervious pavement or grassed pavers, and minimizing soil compaction.

22.02 ***Construction Standards:*** All public and private storm water drainage facilities shall be constructed to the standards contained herein and the Construction Standards and Details of the City of Concord.

22.03 ***Municipal Storm Drainage System***: The applicant shall make reasonable efforts to infiltrate all or a portion of a site plan's drainage runoff to minimize impacts on downstream municipal and non-municipal drainage systems. Where a municipal storm water drainage system is available, the applicant shall be required to connect to the municipal storm drainage system in order to drain that portion of the run-off which cannot be retained on site. The Planning Board may approve alternative drainage systems in the following circumstances:

(1) *Existing Water Courses:* The applicant may continue to discharge the same quantity and quality of runoff into existing water courses as occurred prior to site development, provided the water course is not surcharged.

(2) *Infiltration:* Where soil conditions support the infiltration of all or a portion of the site drainage, a storm water infiltration system shall be incorporated into the drainage system for the development.

(3) *Over Capacity:* A municipal storm water drainage system may be at or already over its capacity or may become over capacity with the addition of the storm water runoff from the development. In these circumstances, the applicant shall develop and implement alternative drainage strategies to reduce the runoff from the site, so as to not further overtax the existing municipal storm drainage system.

(4) *Rural Development*: Proposed site plans located outside the Urban Growth Boundary are not required to connect to an existing municipal storm drainage system.

22.04 ***State and Federal Permits***: The applicant shall obtain State and Federal storm water permits where required. The applicant shall conform to the requirements and conditions of all State and Federal permits in addition to the requirements contained herein.

22.05 ***Maintenance and Operation Plan***: A maintenance and operation plan shall be provided for each private storm drainage system outlining the type and frequency of maintenance to be undertaken. Private systems, if commonly owned, shall be provided with a permanent means to assure maintenance acceptable to the Planning Board, and said systems shall be permanently maintained.

22.06 ***Storm Water Management Plan***: A New Hampshire Licensed Professional Engineer shall prepare a Storm Water Management Plan containing the following components for all major site plans and shall sign and seal the plan and associated drawings.

(1) Drainage study;
(2) Grading and drainage plan; and
(3) Erosion control plan;
(4) Storm water sedimentation and erosion control details;
(5) Storm water Construction Details.
(6) In cases where complex drainage systems are required, the applicant may be required to perform a hydrological analysis of all, or portion of, the impacted watershed.

22.07 ***Storm Water Design Standards for Site Plans with Significant Impact:*** Site plans creating 20,000 square feet or greater of site disturbed land area are deemed to have significant drainage impacts and for which the applicant shall prepare plans and provide improvements to address the following standards and requirements.

(1) *Storm Events:* Storm water drainage shall be calculated for pre- and post-construction for storms of twenty-four (24) hour duration with a minimum return frequency of once in two years (2-year storm), once in ten years (10 year storm), once in twenty-five years (25-year storm), and once in one hundred years (100-year storm) using the "Rational Method," Technical Release 20 (TR 20), or Technical Release 55 (TR 55), developed by the USDA, National Resources Conservation Service.

(2) *Storm Water Recharge:* Impervious surfaces from developments alter the natural hydrologic cycle by discharging storm water directly to

streams, or other water bodies, rather than allowing it to infiltrate through the soils and groundwater. New developments shall maintain existing recharge rates to preserve ground water levels and stream base flows. Existing developed areas shall maintain existing recharge rates and shall increase recharge rates as much as is feasible, as determined by the Board upon recommendation of the City Engineer. A minimum separation of four (4) feet shall be maintained between the bottom of an infiltration system and the groundwater.

(3) *Off-Site Flows*: For new development, the volume of off-site discharge after project development shall not exceed the volume of discharge before development for the 10-year storm event. The peak rate of discharge after project development shall not exceed the peak rate of discharge before development for the 2-year, 10-year, 25-year and 100-year storms. On-site retention or detention facilities shall be provided as necessary to manage the off-site flows, and to prevent the overloading of existing downstream facilities.

(4) *Pre-treatment*: To prevent premature failure, the design of storm water treatment devices relying on infiltration shall include a pre-treatment device or method that will trap sand and sediments, as well as oil and gas pollutants. Pre-treatment facilities must be designed to accommodate a minimum of one-year's worth of sediment and shall be located to be easily inspected and maintained.

(5) *Water Quality Standards*: The volume of water to be treated shall be the first one (1) inch of runoff from the total impervious surface area.

(6) *Design of Water Quality Treatment Facilities*: The design and construction of water quality treatment facilities shall conform to the NHDES Alteration of Permit (AOT) design standards, as most recently adopted.

22.08 Storm Water Design Standards for Minor Impact Site Plans: Site plans with impacts between 2,000 square feet and 20,000 square feet of disturbed land area are deemed to have minor drainage impacts and for which the applicant shall prepare plans and provide improvements to address the following standards and requirements. Calculations, plans and detail drawings may be consolidated into a single drainage plan and supplemental report.

(1) *Storm Events:* Storm water drainage shall be calculated for pre and post construction for storms of twenty-four (24) hour duration with a minimum return frequency of once in two years (2-year storm) and

once in ten years (10-year storm) using the "Rational Method," Technical Release 20 (TR 20), or Technical Release 55 (TR 55), developed by the USDA, National Resources Conservation Service.

(2) *Storm Water Recharge:* Impervious surfaces from developments alter the natural hydrologic cycle by discharging storm water directly to streams, or other water bodies, rather than allowing it to infiltrate through the soils and groundwater. New developments shall maintain existing recharge rates to preserve ground water levels and stream base flows. Existing developed areas shall maintain existing recharge rates and shall increase recharge rates as much as is feasible, as determined by the Board upon recommendation of the City Engineer.

(3) *Off-Site Flows*: For new development, the volume of off-site discharge after project development shall not exceed the volume of discharge before development for the 10-year storm event. The peak rate of discharge after project development shall not exceed the peak rate of discharge before development for the 2-year and 10-year storms. On-site retention or detention facilities shall be provided as necessary to manage the off-site flows, and to prevent the overloading of existing downstream facilities.

(4) *Pre-treatment*: To prevent premature failure, the design of storm water treatment devices relying on infiltration shall include a pre-treatment device or method that will trap sand and sediments, as well as oil and gas pollutants. Pre-treatment facilities must be designed to accommodate a minimum of one-year's worth of sediment and shall be located to be easily inspected and maintained.

(5) *Water Quality Volume*: The volume of water to be treated shall be the first one (1) inch of runoff from the total impervious surface area.

(6) *Design of Water Quality Treatment Facilities*: The design and construction of water quality treatment facilities shall conform to the NHDES Alteration of Permit (AOT) design standards, as most recently adopted.

22.09 ***Flood Hazard Areas***: No net encroachment shall be allowed in the one hundred (100) year flood plain, as defined in Article 28-3-2, Flood Hazard (FH) District of the City of Concord Zoning Ordinance, which will adversely affect water levels or alter the conveyance capacity of the waterway. The Planning Board may, when it deems necessary for the health, safety, or welfare of the present and future population of the area and necessary to the

conservation of water, drainage, and sanitary facilities, prohibit the development of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be reserved from any and all destruction or damage resulting from clearing, grading, filling, or dumping of waste material or stumps, except as determined to be necessary by the Board for a water dependent use and/or restoration of previously disturbed sites.

22.10 ***Existing Watercourses:*** Where a site proposed for development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse together with a vegetated or landscaped buffer and of such width and construction, or both, as will be adequate for the purpose. The Board may require the dedication, either in fee or by drainage and/or conservation easement, land on both sides of existing watercourses sufficient to allow for the protection and management of the watercourse or drainage channel including adequate vegetated buffers.

22.11 ***Drainage Easements:*** Drainage easements outside the right-of-way shall be perpetual, unobstructed easements at least twenty-five (25) feet in width. Said drainage easements shall be provided with satisfactory access so that maintenance and construction vehicles can travel from the a public street to reach the easement area. Drainage easements shall be extended to a natural watercourse or the other drainage facilities.

22.12 ***Accommodation of Upstream Drainage Areas***: A culvert, storm drainage pipe or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The storm drainage pipe or culvert shall be sized appropriately to allow for wildlife movement through the facility.

22.13 ***Areas of Poor Drainage***: The Planning Board may prohibit the development of any portion of the property identified as wetland and may require the preservation and dedication of such. In areas containing poorly drained soils, the Board may require that studies be prepared by a New Hampshire Licensed Professional Engineer relative to the impact of groundwater on the storm drainage system. Depending upon the nature and magnitude of the impacts so identified, the Board may prohibit or require the modification of the development of those portions of the property.

22.14 ***Erosion Control:*** Erosion control measures shall be undertaken as set forth in Section 27, Landscaping and Erosion Control of these regulations, and pursuant to all appropriate State and Federal regulations.

22.15 ***Hydraulic Grade Line:*** Hydraulic grade lines for open channels and swales shall be specifically delineated on all drainage plans.

22.16 ***Wetland Crossings:*** Stream and wetland crossings shall be avoided whenever possible. Where wetland or stream crossing are necessary for access to developable areas of a site the size and extent of crossings shall be minimized, and the crossings shall be designed to maintain stream flows and wildlife movement.

22.17 ***Aquifer Protection:*** The storm water drainage plan shall conform to the provisions of the Article 28-3-6, Aquifer Protection (AP) Overlay District of the City of Concord Zoning Ordinance. Management provisions for any Aquifer Protection Area shall be noted on the site plan and incorporated into the Maintenance and Operations Plan, as set forth in Section 22.05.

22.18 ***Maintenance:*** The improvements built and constructed as part of an approved site plan shall be maintained in perpetuity in accordance with all State and Federal rules and regulations, and the Maintenance and Operations Plan set forth in Section 22.05 of these regulations, as well as any manufacturer's specifications.

SECTION 23 WATER SUPPLY

23.01 ***General Requirements***: All site plans shall make adequate provision for a supply of potable water for domestic consumption and for water supply for fire protection purposes. Within the Urban Growth Boundary as adopted by the Planning Board in the Master Plan, the extension of the municipal water supply system shall be required to the land on which a proposed development is located, and connection(s) to the municipal water system shall be required. Outside the Urban Growth Boundary, municipal water supply is not planned, and potable water shall be provided by individual wells for each dwelling unit or non-residential principal use of a lot.

23.02 ***Municipal Water System***: For site plans within the Urban Growth Boundary as adopted by the Planning Board in the Master Plan, the municipal water system shall be required to be extended on parcels of land which are within fifteen hundred (1,500) feet of an existing municipal water main, provided

adequate pressure and fire flow are available as required in Section 23.05, below. Where a municipal water system is not available at the time of the application, but said water system will become available in the future because of inclusion in the City's Capital Improvement Program or because of inclusion in the master plan of the municipal water system, the applicant shall provide satisfactory financial guarantees for the installation of water mains, and design the development to be suitable for, and prepared for connection to the municipal water system at the time of its expansion. In that period prior to the availability of the municipal water system, the applicant shall provide individual wells for each dwelling unit or non-residential principal use of a lot.

23.03 ***Design Standards for Municipal Water Supply***: Where extensions of the municipal water supply system are required, the applicant shall install facilities for the supply and distribution of water, including fire protection capabilities, in a manner set forth in Section 24, Water Supply of the City of Concord Subdivision Regulations, and the City of Concord Construction Standards and Details, as most recently adopted.

23.04 ***Design Standards for Service Connections***: The following standards shall govern the design and construction of private service connections to the municipal water system.

(1) *Construction Standards*: The applicant shall install facilities for the supply and distribution of water including fire protection capabilities, in a manner prescribed by the City of Concord Construction Standards and Details or, as applicable, the Penacook and Boscawen Water Precinct Construction Standards, and standards promulgated by the NHDES.

(2) *Fire Hydrants*: Fire protection design shall conform to the guidelines provided by the Insurance Services Office (ISO) and the City of Concord Fire Department. Fire hydrants shall be provided at a maximum of 600 foot intervals along water mains, so that no building is further than 300 foot from a hydrant. Water mains shall be looped wherever feasible. If a water line cannot be looped and must be terminated at a dead end due to grade, ownership, or approved construction phasing, the water line shall terminate with a fire hydrant.

(3) *Cisterns*: Cisterns or standpipes from ponds, rivers, or streams are not allowed to provide required fire flows and pressure.

(4) *Valves:* All service connections shall be valved to facilitate the isolation of each use, tenant or section of pipeline between service connections on a site. Valves will be provided on any extensions of the municipal system as called for in Section 23, Water Supply of the City of Concord Subdivision Regulations.

(5) *Water System Network*: Water systems within Major Site Plans shall be designed to be part of a looped network of mains where possible, to better maintain pressure and volume within the development and throughout the municipal water system. The water system shall be extended to the perimeter of the area proposed for development if the Water System Master Plan shows a future service area beyond the site.

(6) *Substandard Connections*: The Board may require existing substandard service connections to be replaced or upgraded upon recommendation of the City Engineer or the Penacook and Boscawen Water Precinct, as applicable.

(7) *Easements*: Where cross country municipal water mains are required to serve an application, a standard municipal utility easement shall be provided with a minimum width of twenty-five (25) feet.

(8) *Piggy Back Service Connections*: Piggy back service connections are prohibited for multiple dwelling units or non-residential principal uses where more than one metered service are connected in series.

23.05 ***Pressure and Volume*:** The system shall be designed to maintain a minimum pressure of twenty (20) pounds per square inch (psi) at ground level (finished first floor) at all points in the distribution system under all conditions of flow. The minimum working pressure in the distribution system shall be thirty-five (35) psi. The normal working pressure in the distribution system should be approximately sixty (60) psi to eighty (80) psi. The following specific service elevations shown in Table 23-1 shall be used by the City Fire Department in determining compliance with these criteria.

23.06 ***Private Booster Pumps:*** Private booster pumps shall not be allowed for any individual residential service from the public water supply main unless a minimum pressure of twenty (20) psi residual pressure can be maintained and a thirty-five (35) psi static pressure can be maintained as outlined in Section 23.05 above. Community booster pump stations, inline pumps, and constant pressure stations are not allowed for residential development. Private fire and booster pumps for individual non-residential uses may be

required by the Board to provide the required fire flows and pressures based on recommendations of the City Engineer and Fire Department. These facilities shall be constructed in conformance with the standards contained herein, the City of Concord Construction Standards and Details, and the standards of the NHDES, as most recently adopted.

Table 23-1 Maximum Building Elevations for Water Service Connection

Water Service Area	Maximum First Floor Building Elevations (NAVD 88)
High Service Area	395 feet
Extra High Service Area West End Tank	525 feet
Extra High Service Area West End Tank	515 feet

23.07 ***Non-municipal Water Supply***: Where a municipal water system is not required under Section 23.02, Municipal Water System, water supply shall be provided through individual private wells which shall comply with all standards of the NHDES, and the construction of which shall comply with applicable standards of the NH Water Well Board. The location of each well along with the required NHDES wellhead protection radius shall be shown on the site plan. The wellhead protection radius shall be shown entirely on the lot or common open space within the development, unless a wellhead protection easement is provided on an abutting property acceptable to the Clerk, City Engineer and City Solicitor, and said easement is recorded in the Merrimack County Registry of Deeds. Community wells which serve more than a single lot, an individual dwelling unit, or a single non-residential principal use or lot are prohibited in the City of Concord. Each dwelling unit or each principal non-residential use shall be provided with its own individual well for potable water supply. All wells for non-residential uses which meet the criteria for either a non-transient, non-community water system or a transient non-community water system shall be registered with the NHDES as such and meet all of the applicable standards.

23.08 ***State and Federal Permits:*** The applicant shall obtain all State and Federal water system permits where required. The applicant shall conform to the requirements and conditions of all State and Federal permits in addition to the requirements of these regulations.

23.09 ***Requirements and Design Standards for Municipal Water Supply in Portions of Penacook:*** Within the area of the City served by the Penacook and Boscawen Water Precinct, the applicant shall submit plans prepared, signed and sealed by a New Hampshire Licensed Professional Engineer, of facilities for the supply and distribution of water, including fire protection capabilities, in a manner and to the standards prescribed by the Penacook and Boscawen Water Precinct and the State of NHDES, as maybe amended.

23.10 ***Aquifer Protection District:*** Best management practices as set forth in Article 28-3-6, Aquifer Protection District of the City of Concord Zoning Ordinance shall be followed for any site plan located in an Aquifer Protection Area. The location and amount of regulated substances to be stored on the lot will be noted on the site plan.

SECTION 24 SANITARY SEWAGE DISPOSAL

24.01 ***General Requirements***: All site plans shall make adequate provisions for sanitary sewage disposal facilities. Within the Urban Growth Boundary, the extension of the municipal sanitary sewer system shall be required to the land on which a proposed site plan is located and connection(s) to the municipal sanitary sewer system shall be required. Outside the Urban Growth Boundary municipal sanitary sewage service is not planned, and sanitary sewage disposal shall be accomplished by individual waste disposal systems.

24.02 ***Municipal Sanitary Sewers***: For developments within the Urban Growth Boundary municipal sanitary sewer system shall be required to be extended to parcels of land which are within fifteen hundred (1,500) feet of an existing municipal sanitary sewer main. Where a municipal sanitary sewer system is not available at the time of the application, but said system will become available in the future because of inclusion in the City's Capital Improvement Program, or because of inclusion in the master plan of the municipal sewer system, the applicant shall install, or provide satisfactory financial guarantees for the installation of, sewer mains which will be suitable for, and prepared for, connection to the municipal system at the time of its expansion. If sanitary sewers cannot be connected by gravity flow to the municipal system, sanitary sewage disposal shall be accomplished through the provision of

pumped systems acceptable to the City or through individual waste disposal systems.

24.03 ***Design Standards for Municipal Sanitary Sewers:*** Where extensions of the municipal sanitary sewers are required, said facilities shall be constructed in a manner set forth in Section 24, Sanitary Sewage Disposal of the City of Concord Subdivision Regulations and the City of Concord Construction Standards and Details. Where cross country sanitary sewer mains are required to serve an application, a standard municipal utility easement shall be provided with a minimum width of twenty-five (25) feet.

24.04 ***Design Standards for Service Connections***: Service connections to the municipal sanitary sewer system shall be constructed in accordance with the standards contained in the City of Concord Construction Standards and Details.

24.05 ***Substandard Connections:*** The Board may require existing substandard service connections to be replaced or upgraded upon recommendation of the City Engineer or the Penacook and Boscawen Water Precinct, if applicable.

24.06 ***Easements:*** Where cross country municipal water mains are required to serve an application, a standard municipal utility easement shall be provided with a minimum width of twenty-five (25) feet.

24.07 ***Gravity Collection and Sewer Pumps***: Wherever technically feasible, gravity sanitary sewer service shall be provided. However, due to conditions of topography, the inability to cross either private property, or to avoid disturbing sensitive environmental areas such as wetlands, a pumped system may be required. Unless specifically approved and accepted by the City Council into the municipal sanitary sewage system, said pump system and force mains shall be privately constructed and maintained. Said pump station and force main shall be constructed to the standards contained in the City of Concord Construction Standards. A license will be required from City Council to install any private force main in a municipally controlled right-of - way.

24.08 ***Non-Municipal Sanitary Sewage Disposal***: Where a municipal sanitary sewer system is not required under Section 24.02, Municipal Sanitary Sewers of these regulations, sanitary sewage disposal shall be provided by individual waste disposal systems the design and location of which shall meet the requirements of, and be approved by the NHDES. The required 4,000 square foot (4K) septic drain field area required by the NHDES shall be shown on the site plan,

along with test pit locations and corresponding test pit logs. Community sewerage systems which serve more than a single lot, an individual dwelling unit, or more than a single non-residential principal use are expressly forbidden in the City of Concord. Each dwelling unit or each principal non-residential use not served by the municipal sanitary sewer system shall be provided with its own individual waste disposal system.

24.09 ***State and Federal Permits***: The applicant shall obtain State and Federal sanitary sewer permits where required. The applicant shall conform to the requirements and conditions of all State and Federal permits, in addition to the requirements contained herein.

24.10 ***Aquifer Protection District:*** Best management practices as set forth in Article 28-3-6, Aquifer Protection District of the City of Concord Zoning Ordinance shall be followed for any site plan located in an Aquifer Protection Area. The location and amount of regulated substances to be stored on the lot will be noted on the site plan.

SECTION 25 NON-MUNICIPAL UTILITIES

25.01 ***General Requirements***: All site plans shall make adequate provision for non-municipal utilities as may be necessary and appropriate for the proposed development. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Board pursuant to these regulations.

25.02 ***Design Standards***: The following standards shall govern the design and construction of the non-municipal utilities for a site plan.

(1) *Underground Utilities*: Except in the Industrial (IN) Zoning District, all utility facilities including, but not limited to, gas, electric power, telephone, telecommunication, and CATV cables, shall be located underground throughout the proposed development. Whenever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground.

(2) *Service Connections:* Design Standards for Service Connections: Service connections to the non-municipal utilities shall be constructed to the standards contained in the City of Concord Construction Standards and

Details, and the standards established by the private utility company responsible for the service.

25.03 ***Utilities In Public Streets:*** Where private utility services need to be constructed within public street rights-of-way, they shall be constructed and located in accordance with the City of Concord Construction Standards and Details, and the City of Concord Subdivision Regulations. Where the location of existing utilities or other physical impediments, including sensitive environmental areas such as wetlands, preclude the placement of utilities as specified in the above referenced City regulations, the Planning Board may approve alternative utility layouts or placement based on the recommendations of the City Engineer.

SECTION 26 BUFFERS AND SCREENING

26.01 ***Residential District Boundaries***: Site plan applications shall provide buffer areas at residential district boundaries as set forth in City of Concord Zoning Ordinance, Article 28-4-2, Buffer Requirements for Residential District Boundaries. Solid opaque fencing at a minimum of six (6) feet high may be required by the Board where it is anticipated that lights and noise from parking lots, driveways, buildings and outdoor activities may adversely impact abutting residences. Landscaping required shall conform to the requirements of Article 28-4-2 and Section 27, Landscaping and Erosion control. The Board may approve other measures such as limiting hours of outdoor operations, restricting public address systems and restricting the placement of lights and signage to reduce or eliminate adverse impacts on abutting residential districts.

26.02 ***Mechanical Equipment:*** Roof top and ground mounted mechanical equipment shall be provided with full screening from both abutting properties and public rights of way. In the Industrial (IN) Zoning District, the Board may reduce or eliminate this requirement where the proposed equipment will not be readily viewed outside the IN District. Where grades or unusually large equipment is required and full screening is not possible, the Board shall require appropriate screening, baffling, cosmetic treatments or a combination of measures, to reduce the visual, glare and noise impacts of said equipment on abutting properties and the public right-of-way. Roof top mechanical equipment shall be provided with solid opaque or louvered screens which are designed to block views, glare and noise from abutting properties. Screens shall be as high as the tallest mechanical unit. Solar collectors shall be

mounted so that reflective glare off-site and into adjacent buildings is minimized.

26.03 ***Screening of Outside Storage***: Outside storage areas shall be screened as set forth in Article 28-5-37, Outside Storage of Materials and Inventory of the City of Concord Zoning Ordinance. Where grades make screening difficult, or unusually large material or equipment is stored, the Board shall require the best appropriate and feasible screening in order to reduce the visual impacts of said equipment or material from abutting properties and the public right of-way.

26.04 ***Non-residential Uses in Residential Areas***: Non-residential uses in residential areas shall be designed to be compatible in scale and harmonious in design with the surrounding residential neighborhood. The Planning Board may require buffers around all or a portion of a non-residential use proposed in a residential district as set forth in Article 28-4-2, Buffer Requirements for Residential District Boundaries of the City of Concord Zoning Ordinance. The Board shall consider the type of use and its propensity to create nuisance-type impacts, the proximity of existing residences and developable residential properties, and view of the site from abutting properties, public rights-of-way, lakes and rivers, and publicly accessible open space.

26.05 ***Residential Uses in Mixed Use or Non-residential Zones:*** Non-residential and multi-family residential uses in mixed residential areas shall be designed to be compatible in scale and harmonious in design with other existing uses within the mixed use neighborhood. The Planning Board may require buffers around all, or part of, a non-residential use proposed adjacent to a existing or proposed residential use in a non-residential or mixed use district as set forth in Article 28-4-2, Buffer Requirements for Residential District Boundaries of the City of Concord Zoning Ordinance. The Board shall consider the type of use and its propensity to create nuisance-type impacts, the proximity of existing residences and developable residential properties, and view of the site from abutting properties, public rights-of-way, lakes and rivers, and publicly accessible open space.

26.06 ***Maintenance:*** The applicant, successors and assigns, shall be required to maintain all buffers required in this ordinance while the approved development, site, building and uses is in operation including those changes of use allowed, or approved, to occur on the site where a buffer is required under the terms of these regulations and City of Concord Zoning Ordinance.

SECTION 27 Landscaping and Erosion Control

27.01 ***General***: The landscaping and erosion control standards are intended to ensure that site plan developments enhance the visual quality of Concord's streetscapes, provide effective screens and buffers, and better integrate the built and natural environment. Landscape plans shall be designed to preserve existing natural and cultural resources, maintain and enhance wildlife habitat, establish vegetative buffers, conserve water resources, and support on-site storm water control.

27.02 ***Zoning Compliance***: Site plan applications shall provide for buffer yards as set forth in Article 28-4-2, Buffer Requirements for Residential District Boundaries of the City of Concord Zoning Ordinance, and shall conform to standards for parking lot landscaping and perimeter buffer yards as set forth in Article 28-7-10, Parking Lot Landscaping Standards of the City of Concord Zoning Ordinance.

27.03 ***Landscape Plans***: A landscape plan shall be submitted with all site plan applications and when otherwise required by the Planning Board. The landscape plan for Major Site Plan applications shall be prepared by a New Hampshire Licensed Landscape Architect who shall stamp and seal the plans. All landscape plans shall identify the location of proposed plantings and other landscape improvements, and shall also contain a plant schedule identifying the scientific and common name, size, and quantity of proposed plant material, as well as planting and maintenance specifications. Construction details shall also be provided for other landscape improvements including but not limited to retaining walls, pavers, walkways, tree grates, benches, and fences.

27.04 ***Preservation of Existing Natural Features***: Existing vegetation, cultural and natural features which would add value to a residential, commercial or industrial development or to the city as a whole shall be preserved wherever possible. The Board may require a modification to the site plan to preserve these features. Existing natural features of special interest such as mature trees, existing tree groves, watercourses and falls, beaches, historic sites, vistas and similar unique assets shall be located on the landscape plan.

27.05 ***Preservation of Existing Trees:*** The methods for the preservation of existing trees shall be noted on the landscape plan and efforts shall be made to minimize the potential for serious damage due to wind, grade changes, and soil compaction. No construction materials, equipment, vehicles, or

temporary soil deposits shall be located within the dripline of trees that are to be preserved. Protective barriers such as silt fencing or construction fencing shall be installed around each plant and/or groups of plants that are to remain onsite. The applicant shall be responsible for replacing any trees proposed to be retained which have been damaged or destroyed by construction activities.

27.06 Placement of Landscape Material: Landscape improvements shall be placed to avoid interference with pedestrian and vehicular movement, underground and overhead utilities, and snow storage. Plant material shall be located to enhance the overall attractiveness of the site and to ensure long term viability of the plantings and other landscape improvements.

(1) *Distribution:* Plant material shall be reasonably distributed throughout the site, with careful attention to the road frontage and views from the public right-of-way, entrances to buildings, signs, required buffers/screens, and parking lot landscaping. Street trees shall be planted between twenty (20) feet and forty (40) feet apart, or as otherwise approved by the Planning Board.

(2) *Energy Conservation:* Trees shall be located to promote energy conservation. Deciduous trees should be planted on the south and west sides of buildings to provide shade during the summer and warmth during the winter. Evergreen trees should be planted or located to block prevailing winds.

(3) *Pedestrian and Vehicular Movement:* Plant material shall be located to avoid interference with vehicular sight distance at intersections and driveways. Plant material shall not project over sidewalks or paths below a height of eight (8) feet and shall have a structure and growth form which prevents them from obstructing sidewalks and walkways.

(4) *Overhead Utilities:* Trees to be planted underneath overhead utilities shall be selected to avoid interference with utility lines.

(5) *Underground Utilities:* No trees shall be planted within ten (10) feet of an existing or proposed underground utility line except for the following:

a. Site irrigation lines to sprinkler heads;
b. Electrical service lines to exterior lights, well pumps or other small fixtures and equipment;

c. Telecommunication service lines to exterior emergency phones or other similar communication equipment;
d. Other minor service lines which will not be damaged by tree roots, or can be repaired and replaced without damaging existing, or proposed trees on, or abutting, the site; and
e. Trees shall be permitted in the grass panel/strip within the City's right-of-way

27.07 ***Required Landscaping Improvements***: Landscaping shall be provided as required herein and as required in the City of Concord Zoning Ordinance. Landscaping shall be provided to supplement the natural features which are preserved within the site plan and to enhance those portions of the site plan in which natural features and vegetation are destroyed by construction. The following landscape improvements shall be required as applicable by the Planning Board.

(1) *Tree Plantings:* The majority of trees to be planted along the street or within parking lots shall be deciduous shade trees, appropriate for use in urban areas. Trees shall be salt and drought-tolerant, native or non-invasive species. Deciduous trees shall have a caliper no less than two and one-half (2 ½) to three (3) inches at the time of planting. The caliper of a tree is the diameter of the tree measured at six (6) inches from the ground for trees four (4) inches and under in caliper and measured at twelve (12) inches from the ground for trees measuring over four (4) inches in caliper. Evergreen trees shall be a minimum height of six (6) feet at the time of planting.

(2) *Landscape Bumpouts and Islands:* Landscape bumpouts and islands within parking lots shall contain a minimum of one (1) deciduous shade tree and shall be protected with curbing.

(3) *Groundcover:* All open space areas not covered with natural vegetation shall be covered with grass or other vegetative groundcovers, with the exception of planting beds which may be mulched.

(4) *Biodiversity:* Proposed trees shall be selected to encourage biological diversity. No more than twenty five (25%) percent of the trees to be planted in any development shall be of the same species. When more than 100 trees are to be planted, no single tree species shall consist of more than fifteen percent (15%) of the total planted. No more than twenty five percent (25%) of the trees to be planted shall be classified as

ornamental trees, and the balance of the required trees shall be deciduous shade trees.

(5) *Plant Material Standards*: All landscape material shall be standard nursery stock suitable for the climate, soil conditions, and hydrology of the site. Native species are encouraged and invasive species as listed by the State of New Hampshire shall be prohibited. The plant hardiness as defined by the most recent version of the USDA Plant Hardiness Zone Map must also be suitable for the Concord region.

(6) *Planting Specification*s: All plant materials shall be planted in accordance with the City of Concord's Construction Standards and Details. Organic mulch shall be used to retain soil moisture and moderate temperature, however, the thick application of mulch around the root collar of the tree will not be allowed.

(7) *Mulch*: Non-organic mulch, stone, or landscaped fabric is not allowed in required landscape areas. Non-organic mulch, stone or other ground covering is acceptable in other areas of the site, if landscape fabric is used it will be considered an impervious surface.

(8) *Maintenance*: The applicant or their successors shall be responsible for the regular maintenance of all plantings and other landscape features. Plant materials shall be maintained alive, healthy and free from pests and disease. Tree stakes and guys shall be removed after the first growing season.

(9) *Financial Guarantee*: The Planning Board may require a financial guarantee for up to two (2) years to ensure the viability and/or replacement of required landscaping.

(10) *Undesirable Growth and Debris:* Existing invasive species shall be removed from the developed area. All trash, construction material and debris shall be removed from each lot. Dead and dying trees which present a potential hazard to existing and proposed structures shall be removed.

(11) *Additional Landscaping*: Landscaping shall be required in accordance with the Zoning Ordinance and as otherwise deemed appropriate by the Planning Board.

27.08 ***Land Clearing Restriction***: Once an application to any Board or Committee of the City Concord, the State of New Hampshire, or Federal Government for any land development approval or permit, no trees shall be removed from any property, nor any change in grade of the land affected, until site plan approval has been granted by the Planning Board, or the Technical Review Committee, as applicable. Grading and clearing should be minimized so as to avoid creating undue erosion or interruption of natural drainage ways. Construction methods which cause the least possible disturbance to the environment shall be used, and only manageable portions of the property shall be disrupted. NH Department of Environmental Services Alteration of Terrain (AOT) standards per Chapter Env-Wq 1500 shall be used to by the City Engineer to define manageable portions of the property to be cleared in each phase.

27.09 ***Erosion Control*****:** Erosion control measures shall be installed and maintained to prevent sediment from leaving the site, entering the City or State storm drainage system, intermittent or perennial streams, wetlands, ponds and other surface waters. All disturbed areas shall be revegetated and all sediment shall be retained on site. Disturbed areas shall be restored pursuant to the City of Concord Construction Standards and Details, the State of New Hampshire Department of Environmental Protection (DES) regulations, and the US Environmental Protection Agency's NPDES (National Pollution Discharge Elimination System) requirements.

(1) *Erosion Control Plan:* Prior to any clearing of a site, an Erosion Control Plan shall be submitted and shall be reviewed and approved by the City Engineer.

(2) *Disturbed Areas*: Appropriate erosion and sedimentation control measures shall be installed prior to soil disturbance. The limits of disturbance shall be clearly marked with tape, signs, or orange construction fencing prior to the start of clearing of the site or phase of development. Wherever practical, natural vegetation shall be retained. The approved Erosion Control Plan shall specify the areas to disturbed, and disturbed areas shall be limited to those phases or portion of the site where active construction is occurring. Disturbed areas remaining idle for more than twenty one (21) days shall be stabilized, including soil stockpiles.

(3) *Site Restoration*: Grading shall be completed in accordance with the approved site plan. All disturbed land shall be recovered with loam with a minimum depth of six (6) inches. The loam shall be fertile, natural soil, typical of the locality, free from large stones, roots, sticks, clay, peat, weeds

and sod, and obtained from a naturally well drained area, nor contain toxic materials to plants. The loam shall not contain particles over two (2) inches in diameter. When possible, topsoil from the proposed development shall be redistributed so as to provide the required cover. All disturbed areas shall be seeded in accordance with the City of Concord Construction Standards and Details. The Planning Board may require the planting of trees and shrubs in areas to be restored.

(4) *Monitoring and Maintenance:* Sedimentation and erosion control measures shall be installed prior to the start of construction, and shall be monitored and maintained during construction, and removed after final site stabilization in accordance with City, NH DES and NPDES requirements.

(5) *Final Stabilization:* A site shall be deemed to be stabilized when it is in a condition in which the soils on the site will not erode under the conditions of a ten (10) year storm. Temporary sediment and erosion control devices shall not be removed until permanent stabilization is established for the entire site or phase of the development. All temporary erosion and sediment control measures shall be removed after the completion of construction.

27.10 ***Site Stabilization Guarantee:*** A site stabilization guarantee shall be provided to insure that sites are properly stabilized. The guarantee shall be in the form of a cash deposit or a letter of credit from a New Hampshire bank. The City Engineer may call said financial guarantee, and stabilize a disturbed site if, upon notice, the applicant has not stabilized or restored the site.

SECTION 28 FIRE PROTECTION

28.01 ***General Requirements***: All developments shall make adequate provision for fire apparatus to access buildings and structures to allow for effective emergency rescue and fire protection.

28.02 ***Fire Access***: Fire access shall be provided through an unobstructed fifteen (15) foot wide corridor from an accessible paved area to the main walk-in access point of any building or structure over 2,000 square feet in gross floor area.

28.03 ***Automatic Fire Suppression Systems:*** All uses proposed within a development shall be required to conform to the applicable standards for automatic fire suppression systems contained within the State Building Code as well as applicable NFPA requirements for fire suppression systems.

28.04 ***Fire Lanes***: Fire lanes shall be provided for any of the following structures which are not completely protected by an approved automatic fire suppression system:

(1) *Residential Structures:* All residential structures except for one and two-family structures.

(2) *Non-residential Structures:* All non-residential structures two (2) or more stories in height and all non-residential structures containing over 4,000 square feet of gross floor area.

28.05 ***Design Standards for Fire Lanes***: Fire lanes shall be at least twenty four (24) feet wide and be located along the side of the building or structure which has walk-in access to the interior of the structure.

(1) *Location:* Fire lanes shall be located along one longitudinal side of the structure for a minimum of two-thirds (2/3) of the building length. Required fire lanes shall be located parallel to the ridge line of the building, or eave line of a flat roof, so that the mid-point of the fire lane is perpendicular to the mid-point of the structure.

(2) *Construction Standards:* Fire lanes shall be capable of supporting axle loads of eighteen (18) tons and shall not exceed five (5) percent slopes.

(3) *Signage and Markings:* Fire lanes shall be posted with signs and/or pavement markings.

(4) *Parking Spaces:* Fire lanes, where separated from the building or structure by parking spaces, shall be provided with fifteen (15) foot corridors between parking spaces to each walk-in entrance to the building. At a minimum one (1) fire access through the parking shall be provided for each building and no less than one (1) fire access be provided for each eighty (80) feet of fire lane.

(5) *Required Setback from Building Wall:* Fire lanes shall be set back from the wall of the building or structure based on Table 28-1 below:

Table 28-1
Required Distance from Building Wall to Nearest Edge of Fire Lanes

Building Height in Stories	Minimum	Maximum
1	15	25
2	15	25
3	20	25
4 and above	25	25

28.06 ***Gated Access*****:** Where access to a proposed development is proposed through a gated driveway, access gates shall be constructed to standards for gates with preemption control established by the City of Concord Fire Department. A permanent means to assure maintenance acceptable to the Planning Board shall be created to maintain the gated access.

28.07 ***Gated Emergency Access:*** Where emergency access is proposed by way of a secondary gated driveway, an emergency access gate shall be constructed to standards for gates with preemption control established by the City of Concord Fire Department and shall be maintained in perpetuity. A permanent means to assure maintenance acceptable to the Planning Board shall be created to maintain the emergency access, including snow removal.

SECTION 29 LIGHTING

29.01 ***General Requirements***: All external building and site lighting shall be designed to minimize glare and spillover of on-site lighting as well as sky glow. External site lighting is not required, but where provided these standards shall govern the design and placement of lighting fixtures. Full cut-off fixtures are required for all parking lots, loading areas, and affixed building lighting.

29.02 ***Purpose and Intent*** It is the purpose and intent of this section to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night sky; to curtail and reverse any degradation of the nighttime visual environment and the night sky; to minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; to conserve energy and resources to

the greatest extent possible; and to help to protect the natural environment from the damaging effects of light pollution.

29.03 ***Parking Lot Lighting***: Lighting for parking areas and loading areas is not required, but where provided shall be installed per these regulations. Parking lot lighting shall conform to the standards for illumination in Article 28-7-7(j), Illumination of Parking Areas, and Article 28-7-13(g), Illumination of Loading Areas of the City of Concord Zoning Ordinance.

29.04 ***Building and Facade Lighting:*** All building and canopy lighting shall meet the standards contained in Article 28-7-7(j), Illumination of Parking Areas of the City of Concord Zoning Ordinance, and the standards established herein. Full cut off fixtures shall be provided for all wall mounted fixtures intended for site lighting. Building lighting shall not shine or glare directly on abutting properties or public rights-of-way. Light designed to illuminate the side of a building is discouraged. Floodlights and eave lights designed to wash a building with lighting are not permitted. Sconces may be used to highlight architectural features but at least seventy five (75) percent of the lighting shall be directed downward. Building lighting shall not cause sky glow, nor shall any direct or reflective glow intrude on any abutting property.

29.05 ***Canopy Lighting:*** All light fixtures mounted in canopies must be recessed or flush with the bottom surface of the canopy. Canopy lighting and shall not shine or glare directly on abutting properties or public rights-of-way. Light levels under canopies shall have a maximum illumination of twenty (20) footcandles, and shall be subject to a four (4) to one (1) uniformity ratio between average illumination and minimum illumination.

29.06 ***Nuisance and Glare:*** Any bright light shining onto adjacent property or streets which results in nuisance glare or disabling glare shall not be permitted. Light trespass beyond property boundaries greater than two-tenths (0.2) foot candles any where above the horizontal plane shall be considered non-compliant. All outdoor lighting fixtures shall be designed, installed, located and maintained such that glare onto adjacent properties or public rights of way shall be minimized and all direct illumination kept within the boundaries of the property on which the fixture is located.

29.07 ***Temporary Lighting:*** Temporary lighting shall be installed so that all direct illumination is kept within the boundaries of the construction site. Glare from temporary lights shall be minimized onto adjacent properties or public rights of way.

SECTION 30 SUSTAINABLE DEVELOPMENT

30.01 ***Policy:*** The Planning Board supports sustainable development and encourages the design and submission of site plans where water, land and energy conservation measures are integrated in the design of buildings and sites, where provisions for on-site power generation are incorporated, and where provisions for recycling of materials is included on the site plan.

30.02 ***Energy Conservation Design***: In order to protect community welfare and provide for more efficient use of community facilities, the Planning Board shall consider conservation of energy in the design of site plans.

30.03 ***Alternative Transportation Modes:*** Site plans shall incorporate sidewalks and bicycle lanes, trails and multi-use paths into the proposed development and along the fronting streets. Provisions for bicycle parking and storage facilities, kiosks and trail markings may be required by the Planning Board.

30.04 ***Heat Island Control*****:** The installation of large shade trees for landscaping, especially in parking lots, is encouraged to reduce heat island effects of large areas of pavement.

30.05 ***Solar Access*****:** Site plans shall provide for the orientation and design of dwellings and buildings for southerly solar access and minimum northerly exposure.

30.06 ***Green Roofs*****:** The use of green roofs is encouraged to reduce the amount and improve the quality of storm water runoff, to reduce amount of energy consumed for both the heating and cooling of buildings, and to improve the aesthetics of roof tops when viewed from adjacent buildings.

30.07 ***Renewable Energy Equipment*****:** The provision of solar, hydro, and wind power generation facilities is encouraged as part of site plan development.

30.08 **Lighting:** The provision of exterior lighting for the site and building shall be at the minimum levels necessary to provide for the safety of the public and the use of exterior building lighting to accentuate a building design or for advertizing is discouraged.

30.09 **Recycling:** Provisions for the recycling of materials used on site shall be included on the site plan and the recycling of any demolition debris is strongly encouraged.

30.10 **Permeable Pavement:** The use of permeable pavement is encouraged where soil and water table conditions allow, in order to reduce the quantity and improve the quality of storm water runoff.

30.11 **Other:** Other measures identified by the Board to conserve energy or produce sustainable energy are encouraged in site plan development.

Site Plan Regulations

Chapter 5
Administration and Enforcement

SECTION 31 Special Investigative Studies – Third party Review

SECTION 32 Traffic Impacts and Traffic Studies

SECTION 33 Architectural Design Review

SECTION 34 Conditional Use Permits

SECTION 35 Technical Review Committee

SECTION 36 Administration and Enforcement

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SECTION 31 SPECIAL INVESTIGATIVE STUDIES – THIRD PARTY REVIEW

31.01 ***General Requirements***: The Planning Board is empowered under RSA 676:4, I(g) and RSA 673.16, II to request special investigative studies and to impose reasonable fees to cover its administrative expenses and the costs of third party review of impact and investigative studies, the review of documents, site and construction plan drawings, and the review of other matters which may be required by a particular site plan application.

31.02 ***Types of Studies***: Traffic studies and water system evaluations are the most common special investigative studies for site plan applications. Other types of studies may be required including, but not limited to, sanitary sewer study, flood hazard study, noise study, nuisance lighting study, parking study, radio frequency (RF) study, wildlife study and habitat evaluation, hydrological study, fiscal impact study, historic resource study, and school impact study.

31.03 ***Review Fees*****:** All special studies and third party reviews shall be performed at the applicant's expense. The scope of services shall be approved by the Clerk of the Planning Board prior to the commencement of any special study or third party review. If an independent consultant is hired by the City to perform a special study or to review all or part of an application, the Clerk shall approve the scope and cost estimate for the proposed services. No work may commence until the applicant has deposited with the City, in a special account for this purpose, funding in the amount equal to 125% of the estimated cost of services. Any funds not expended for the special study or third party review shall be returned to the applicant or successor in title.

31.04 ***Additional Fees:*** Additional fees shall be assessed upon reaching the upper limit of the consultant's estimate. Additional expenses may be justified for the following reasons: the applicant or the Board expands the scope of services; the applicant substantially amends the application; additional meetings involving the consultant(s) are requested by the applicant; the consultant's appearance is requested at meetings of the Planning Board, City Council, Conservation Commission, or Zoning Board of Adjustment beyond what was initially anticipated; or, the consultant's attendance is required at meetings with regional, State, or Federal agencies or boards, which were not anticipated in the earlier scope of services.

SECTION 32 Traffic Impacts and traffic Studies

32.01 ***Thresholds:*** Site plans that are expected to generate greater than 200 vehicle trip ends per day or greater than twenty (20) peak hour trip ends shall be required to prepare a traffic study, unless the Clerk of the Board finds that the development is in an area or corridor recently studied or the traffic study will not provide any new information that will be relevant for consideration of the proposed site plan application. In such instances, the Clerk shall document his/her findings to the Board at the time the Board considers the application. The Board may require a traffic study for a smaller site plan application if concerns exist by the Board about the level and extent of impact of the development on the roadway system, about the suitability and safety of the proposed access to the site, and about impacts of increased traffic on the quality of life for residents on streets impacted by the application. An applicant may request to prepare and have independent review of a traffic study for a site plan with projected traffic levels below the threshold.

32.02 ***Trip Generation Report:*** A trip generation report may be required by the Clerk in order to establish existing or proposed trip generation characteristics for uses not included in Table 3 - Transportation Facilities Impact Fee per Variable Unit of the City of Concord's Impact Fee Ordinance, Chapter 29.2, Public Capital Facilities Impact Fees Ordinance of the City of Concord Code of Ordinances.

32.03 ***Review Fees and Process:*** All traffic studies or trip generation reports shall be processed and reviewed pursuant to Section 31, Special Investigative Studies – Third Party Review of these regulations, except that the traffic study may be performed by the City's Traffic Engineer, a New Hampshire Licensed Professional Engineer, and the cost estimate for his services shall be submitted to the Clerk by the City Engineer.

32.04 ***Future Streets*****:** Where the Master Plan, Official Map or the adopted Capital Improvements Plan (CIP), indicate plans for realignment or widening a road that would require use of some of the land within the site plan, the Board may require the applicant to dedicate such areas for widening or realignment of such roads.

32.05 ***Traffic Impacts:*** The intent of the study will be to address peak hour traffic and safety impacts on intersections, site driveways, and road way corridors applicable to the use and locations proposed and the impact of increased traffic in residential areas, as well as identifying mitigation measures to address any adverse impacts of a proposed development on the City's transportation system and residential neighborhoods. The Board may require

that alternative transportation modes such as pedestrian, bicycle, or transit be addressed as part of a traffic study, may require a travel speed study, or may require the traffic study to address the impact of increased traffic on the quality of life in residential areas. The Board, after review and comment by the Clerk and City Engineer, shall specify the extent of the required traffic improvements to mitigate the traffic, quality of life, and safety impacts of the increased traffic from the proposed application.

32.06 ***Impact Fees***: The Board shall assign impact fee credits for required off-site improvements, consistent with Article 29.2, Public Capital Facilities Impact Fees Ordinance of the City of Concord Code of Ordinances, provided that the required improvement is in both the City's Capital Improvement Program (CIP) and is located along a collector or arterial road so identified in the Master Plan. Credit shall not be given by the Board for site related access improvements against traffic impact fees, as set forth in Article 29.2, Public Capital Facilities Impact Fees Ordinance.

32.07 ***Project Scoping Session:*** Prior to the start of the traffic study or the submittal of a site plan application, the applicant shall participate in a scoping session to identify the street and driveway intersections to be studied and the street corridors to be evaluated in the traffic study. The scoping session allows the opportunity for preliminary discussions related to trip generation, trip distribution, diversion and pass-by assumptions, and background growth rate assumptions. A project scoping meeting will be scheduled by the Clerk with the applicant's traffic engineer and the City's traffic engineer or traffic engineering consultant as applicable, each of whom shall be a New Hampshire Licensed Professional Engineer, as well as representatives from the City's Planning and Engineering Divisions. The scoping session shall discuss the following:

(1) The type and extent of the proposed development;
(2) Proposed access and design elements;
(3) Area of influence, intersections, driveways, and street corridor segments to be evaluated;
(4) The location and time frame for automatic traffic recorder counts;
(5) The location and timing of the manual turning movement counts, and the peak hour periods to be counted;
(6) Periods of analysis;
(7) Analysis scenarios;
(8) Trip generation and distribution;
(9) Trip capture and diversion assumptions;
(10) Trip distribution assumptions;

(11) Background growth rate assumptions;
(12) Other planned developments;
(13) Planned highway or other transportation improvements; and
(14) Review fees.

32.08 ***Elements of a Traffic Study***: The following items shall be considered the minimum information required to be provided to the Board to accurately assess the traffic, safety, and quality of life impacts on residential streets. Elements of the study may be modified by the Clerk as agreed to at the scoping session. The Planning Board may require additional information as deemed necessary to address the potential impacts of the site plan on the roadway, network, pedestrian, bicycle, and transit system requirements and impacts of traffic on affected residential neighborhoods and streets.

(1) Location map showing study area, the site proposed for development, and the locations of ATR and manual turning movement counts;
(2) Site plan with site access shown;
(3) Trip generation including average daily trips, AM peak hour trips (where appropriate), PM peak hour trips, weekend peak hour trips (where appropriate), and other peak periods which may be unique to the use or location;
(4) Capture or diverted link trip assumptions, if any;
(5) Trip distribution based on existing traffic flow patterns, marketing study or other approved methodology;
(6) A field survey of existing conditions including roadway width, lane widths, lane usage, traffic control, signing, sight distance, lighting, road conditions, and adjacent uses with driveway locations including those across the street from the proposed development site;
(7) Identification of planned or approved development in the vicinity of the proposed development;
(8) Identification of planned roadway or other transportation improvements in the vicinity of the development;
(9) Automatic traffic recorder counts on adjacent roadway network;
(10) Peak hour manual turning movement counts including AM peak hour (where appropriate), PM peak hour, weekend peak hour trips (where appropriate), and other peak periods which may be unique to the use or location;
(11) Background growth information, including growth rates and assumptions used;
(12) Seasonal traffic count adjustment factors, including background counts and assumptions;

(13) Accident data for the study area locations over the latest three year period and an evaluation of the frequency and safety issues observed;

(14) Capacity analyses for each intersection for each scenario to be analyzed including existing conditions, opening year without the development, opening year with the development, opening year plus ten (10) years without the development, and opening year plus ten (10) years with the development;

(15) Comparative analysis to determine impact of the proposed development for the opening year and opening year plus ten (10) year scenarios;

(16) Queuing analysis, traffic signal warrant studies, gap analysis, left and right turn lane warrant studies, turn lane analysis, minimum site distance analysis, parking analysis, or any other analysis deemed applicable to the specific use or location;

(17) Identification of increased daily travel volumes and percent on each roadway segment in the vicinity for each scenario being analyzed;

(18) A speed study, if applicable, to determine the 85th percentile travel speed;

(19) Identification of physical improvements or traffic control modifications necessary to provide acceptable operating conditions (level of service D or better) at the study locations;

(20) Identification of physical improvements or traffic control modifications, necessary to improve or provide safe operating conditions at the study locations; and

(21) Identification of physical improvements or traffic control modifications, necessary to improve traffic safety or address neighborhood traffic issues, especially measures to slow or eliminate cut through traffic in residential areas.

SECTION 33 ARCHITECTURAL DESIGN REVIEW

33.01 ***Process and Procedures:*** All site plans, and all applications for Architectural Design Review, shall be reviewed and considered by the Planning Board pursuant to the provisions of Article 28-9-4(f), Architectural Design Review of the City of Concord Code of Ordinances.

33.02 ***Purpose:*** The goal of the architectural design review process is to maintain high quality standards of design and appearance, where applicable, and to improve the overall quality of design and community appearance consistent with the location and use proposed.

33.03 ***General Review Criteria:*** All applications for Architectural Design Review shall be evaluated as follows:

(1) Conformity with the Architectural Design Review Guidelines, as they have been adopted and may be amended;
(2) Harmony and compatibility with existing architectural character of the site, district or location proposed;
(3) Integration of signage into the design of the site and buildings;
(4) The integration into site design of significant natural features on site and abutting properties.; and
(5) The integration of landscaping, parking and site features into the overall design of the project.

33.04 ***Goal:*** The goal of the architectural design review process is to maintain high quality standards of design and appearance, where applicable, and to improve the overall quality of design and community appearance consistent with the location and use proposed.

33.05 ***Architectural Design Review Committee:*** An Architectural Design Review Committee (ADRC) was formally included in the Site Plan Review Regulations by the Planning Board on August 29, 1990, to provide advice on matters of architectural design and the appearance of buildings, site design, and signage. The Planning Board first voted to create the ADRC in 1978 as a special committee of design professionals who would advise the Board on applications that were subject to design review under the provisions of the City of Concord Code of Ordinances.

33.06 ***Membership:*** The Architectural Design Review Committee shall consist of not less than five (5), and no more than seven (7) members, who are Concord Residents, with training and/or experience in architectural design, landscape architecture, historic preservation, or graphic design. The members shall be appointed by the Planning Board to staggered three (3) year terms. The Clerk shall submit nominees for the ADRC when vacancies arise.

33.07 ***Architectural Design Guidelines:*** The Planning Board first adopted Architectural Design Guidelines on August 29, 1990, with amendments made on April 14, 2001. The Board may from time to time update, amend, or expand upon said guidelines.

33.08 ***Inspection of Improvements***: The Clerk or his/her designee shall inspect the exterior appearance of sites to determine if modifications to the exterior of a building, site, and signage are in conformity to the Architectural Design

Review approval granted by the Planning Board. No certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval. The Clerk of the Board may approve minor design modifications to approved architectural plans provided that the design is consistent with the Board's approval, and does not adversely impact the appearance of the site, building or sign. The Clerk may ask the advice of the Architectural Design Review Committee as to the appropriateness of the design modifications. The Clerk shall file a report of those minor modifications which he has approved at the next regular meeting of the Board following the approval of the minor modifications.

33.09 ***Wireless Communication Towers***: Where wireless telecommunication towers maybe permitted by variance which cannot be inconspicuous, or are greater than twenty (20) feet above the surrounding tree canopy in an RO Zoning District, pursuant to Article 28-5-23, Wireless Telecommunication Equipment of the City of Concord Code of Ordinances, the applicant shall submit a high quality design which will be acceptable in appearance to the Planning Board.

SECTION 34 CONDITIONAL USE PERMITS

34.01 ***General:*** All applications for Conditional Use Permits (CUPs) shall be reviewed and considered by the Planning Board, pursuant to the provisions of Article 28-9-4(b), Conditional Use Permits of the City of Concord Code of Ordinances.

34.02 ***Minimum Information:*** All applications for a Conditional Use Permit shall include an appropriate fee, application form, and narrative addressing the specific criteria set forth in the Zoning Ordinance for the Conditional Use Permit(s) requested, and the general criteria for the issuance of Conditional Use Permits as set forth in Article 28-9-4(b), Conditional Use Permits of the City of Concord Code of Ordinances.

34.03 ***Concurrent with Site Plan or Subdivision***: Where other development approvals including subdivision or site plan approval by the Planning Board are required for the use for which a Conditional Use Permit is sought, the application and review procedure for a Conditional Use Permit shall be made concurrently with the application for subdivision or site plan approval, and in accordance with the procedures specified in the Subdivision Regulations or Site Plan Regulations, as applicable to the particular development.

34.04 Independent Application: Where no subdivision or site plan approval would otherwise be required for the use for which a conditional use permit is sought, the application and review procedure for conditional use permits shall be in accordance with the requirements of the Site Plan Regulations for a minor site plan application with respect to the requirements for the submittal of abutters notices, public notice, determination of completeness, public hearings and timing of decisions by the Planning Board.

34.05 Application Requirements: A complete application for a Conditional Use Permit shall contain the following:

(1) Minimum information as set forth in Section 34.02, Minimum Information of these regulations;
(2) Complete Site Plan or Subdivision Application, if a concurrent application is being made;
(3) A statement and/or supporting documentation in regard to compliance with each standard established in the Zoning Ordinance for each type of CUP requested;
(4) For applications without a companion site plan application, requirements contained in Section 14.02, Design Review Phase of these regulations shall be used to determine if a Conditional Use Permit application is complete. The Clerk of the Board may determine that certain requirements may not be relevant for the particular circumstances of the site or proposed use, for which a Conditional Use Permit requested;
(5) A wetland delineation and topographic survey as set forth in Section 16, Major Site Plan Requirements of these regulations, involving disturbances to wetland buffers, disturbances to Shoreland Protection District buffers, and disturbances to buffers, bluffs and their setbacks, as set forth in the City of Concord Zoning Ordinance; and
(6) Other information, plans or special studies that may be required by ordinance or regulation, or as may be required by the Board.

34.06 Conditions of Approval: In granting a Conditional Use Permit, the Planning Board may attach reasonable conditions to its approval including, but not limited to, the phasing of the site plan or subdivision where such conditions are determined by the Board to be necessary to further the objectives of the Zoning Ordinance, the Master Plan, or these regulations. Representations made at a public hearing or in material submitted to the Planning Board by an applicant in order to obtain a Conditional Use Permit shall be deemed to be conditions of the issuance of the permit.

34.07 ***Inspection of Improvements***: The Planning Division shall inspect sites as they are developed, altered or used to determine conformity to approved Conditional Use Permit. No certificate of occupancy or use permit may be issued prior to a determination by the Clerk that the proposed use is consistent with the Board's approval.

34.08 ***Appeals to Superior Court:*** Any persons aggrieved by a decision of the Planning Board in regard to a Conditional Use Permit may appeal the Planning Board's decision to the Merrimack County Superior Court in the manner provided by RSA 677:15, Court Review. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment in accordance with RSA 676:5, III, Appeals to the Board of Adjustment.

34.09 ***Applications for Wireless Telecommunication Equipment:*** For all CUP applications submitted pursuant to Article 28-5-23, Wireless Telecommunication Equipment of the City of Concord Code of Ordinances, a third party, independent, special investigative study shall be required. The study shall include a review of the CUP application and all materials submitted therewith, a radio frequency coverage analysis, an evaluation of the proposed site and design of the proposed tower and equipment, and an identification and evaluation of alternatives to the proposed site and design that will minimize the visual impacts of the proposed tower and equipment while fulfilling a service coverage need as substantiated by the study. The expert who prepares the study shall attend the public hearing at which the Board considers the CUP application, and shall provide testimony to the Board with regard to the findings of the study and any recommendations contained therein.

SECTION 35 TECHNICAL REVIEW COMMITTEE

35.01 ***Establishment:*** A Technical Review Committee is hereby established, consisting of five (5) members and up to three (3) alternate members in accordance with the provisions of RSA 674:43, Power To Review Site Plans, and the authorization of Article 28-9-4, Decisions of the Planning Board of the City of Concord Code of Ordinances. The members and alternates shall be comprised of the following members of the professional staff of the Community Development Department: the City Planner, Assistant City Planner, a staff planner, the Code Administrator, the Zoning Administrator, the City Engineer, an Associate Engineer and an Engineering Division project

manager. A quorum shall consist of three (3) members, one of whom must be from the Planning Division.

35.02 Delegation to Review Minor Site Plans: The Technical Review Committee (TRC) is hereby authorized to review and approve, review and approve with conditions, or disapprove applications for minor site plans in accordance with the review thresholds established in Article 28-9-4, Decisions of the Planning Board of the City of Concord Code of Ordinances. The Technical Review Committee is not authorized to issue waivers from the Site Plan Review Regulations pursuant to Section 36.08 of these regulations, or grant a Conditional Use Permit (CUP) for a minor site plan.

35.03 Actions by the Technical Review Committee: The rules and procedures for administration for the TRC shall be those set forth for the Planning Board in Section 36, Administration and Enforcement of these regulations. The TRC may approve, approve with conditions, or deny a minor site plan application, or transfer an application to the Planning Board for consideration. An action of the TRC to approve, approve with conditions, or deny a minor site plan application shall require an affirmative vote of three (3) members of the committee. A simple majority of those present at a committee meeting may act to forward a minor site plan application to the Planning Board for consideration.

35.04 Transfer of Review to Planning Board: The review of a minor site plan may be transferred to the Planning Board under the following circumstances:

(1) The applicant may request the TRC to transfer the review and consideration of the application to the Planning Board;
(2) An abutter may, upon receipt of notice of consideration of a minor site plan by the TRC, request in accordance with that notice, the TRC transfer the review and consideration of the application to the Planning Board, in which case the application shall be transferred to Planning Board;
(3) The TRC may elect to transfer the consideration of any application to the Planning Board;
(4) The Clerk of the Board shall transfer consideration of an application to the Board if a waiver to the site plan review regulations is requested for, or deemed necessary to the application;
(5) The Clerk of the Board shall transfer consideration of an application to the Board if a Conditional Use Permit is requested or deemed necessary;

(6) The Clerk shall transfer consideration to the Board if a development may be deemed a Development of Regional Impact; and

(7) The Clerk may set the minor site plan for the Planning Board's consideration instead of the TRC's consideration, if the Clerk finds the application may have neighborhood and community impacts that should be reviewed and considered by the Planning Board.

35.05 ***Appeals to the Planning Board***: Any appeal from a decision of the Technical Review Committee (TRC) must be made to the Planning Board in writing within twenty (20) days of the decision of the TRC. The Planning Board shall schedule consideration of the appealed site plan at the next regular meeting of Board where public notice can be provided.

35.06 ***Appeals to Superior Court:*** Any persons aggrieved by a decision of the Planning Board, on an appeal from a decision of the Technical Review Committee (TRC), may in turn appeal the Planning Board's decision to the Merrimack County Superior Court in the manner provided by RSA 677:15, Court Review.

SECTION 36 ADMINISTRATION AND ENFORCEMENT

36.01 ***Amendments*****:** For the purpose of providing for the public health, safety, and general welfare, the Planning Board may from time to time amend, change, alter, add, or rescind the provisions imposed by these site plan regulations. Notification, public hearings, publications, and certification of all proposed amendments shall be accomplished by the Planning Board in accordance with applicable chapters of the New Hampshire Revised Statutes Annotated.

36.02 ***Conditions*****:** Regulation of site plan development and the attachment of reasonable conditions to the development and use of land, building and structures, is a valid exercise of the police powers delegated by the State to municipalities. The applicant has the duty of comply with the approved site plan and any reasonable conditions set forth by the Planning Board for design, dedication, improvement, and restrictive use of the land, so as to conform to the physical and economical development of the City and to the safety and general welfare of the future owners and tenants of the property proposed for development and of the community at large.

36.03 ***Interpretation*****:** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

36.04 ***Conflict with other Public Provisions*****:** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of those regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

36.05 ***Conflict with Private Provisions*****:** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provision of the easement, covenant, or private agreement or restriction imposes duties and obligations more restrictive or imposes higher standards than the requirements of these regulations, or the determination of the Planning Board in approving a subdivision or in enforcing these regulations and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determinations made there under.

36.06 ***Separability*****:** If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portions thereof, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

36.07 ***Saving Provision*****:** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing site plan regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

36.08 ***Waivers*****:** Where the Planning Board finds that unnecessary hardship may result from strict compliance with these regulations, or that specific circumstances relative to the site plan, or conditions of the in such site plan, indicate that the spirit and intent these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these site plan regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the spirit and intent these regulations and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

(2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

(4) Specific circumstances relative to the site plan or conditions of the land where a site plan is proposed indicate that the waiver will properly carry out, or not be contrary to, the spirit and intent of these regulations; and

(5) The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.

36.09 ***Waiver Conditions***: In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. The basis of any waiver granted by the Planning Board shall be recorded in the minutes of the Board.

36.10 ***Waiver Petition*****:** A petition for any such waiver shall be submitted in writing by the applicant at the time when the site plan is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. A petition for a

waiver shall be considered together with the application at the requisite public hearing pursuant to Section 36.12, Public Hearing.

36.11 ***Fees*****:** Fees for the processing and review of the site plan application shall be borne entirely by the applicant. The site plan application fees adopted by the Planning Board are included in Appendix A. Fees.

36.12 ***Public Hearing*****:** All site plans shall have a public hearing prior to consideration by the Planning Board. The process for a hearing shall conform to the requirements of NH RSA 672, 673, 674, 675, and 676 as applicable and as may be amended, and the following provisions:

(1) The applicant, all abutters, all holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor, landscape architect, or soil scientist whose seal appears on the plans shall be notified of the hearing by certified mail, not less than ten (10) days before the hearing date. The date of the hearing and the date the notices are mailed are not included in the ten (10) day notification period.

(2) The notice shall give a general description of the proposal which is subject to the application and shall identify the applicant and the location of the proposed site plan. Said notice shall state time and place of the public hearing.

(3) Notices of the public hearing shall be posted in two (2) locations.

(4) At the public hearing, any applicant, abutter, holder of conservation, preservation, or agricultural restriction, or any person, or their agent, with a direct interest may testify in person or in writing. Testimony from persons without direct interest may be restricted by the Board, if the Board finds that the testimony is redundant, not pertinent, or intended to delay consideration of the application by the Board. The Planning Board's adopted rules shall govern the proceedings at public hearings.

36.13 ***Planning Board Rules*****:** The Planning Board's adopted rules shall govern the actions of the Board, the duties of the Clerk and the Acting Clerk of the Board, the procedures for testimony by the public and applicants at public hearings, and the conduct of public meetings.

***36.14 Actions by the Planning Board*:**

(1) *Determination of Completeness:* The next available published application deadline date shall constitute the official submittal date of the site plan application from which the statutory period for determination of completeness shall be calculated, as set forth in NH RSA 676:4. Plats received prior to the deadline date shall be considered for completeness at the next scheduled regular meeting of the Planning Board after the deadline date. Continued Planning Board meetings and special meetings are not considered regular meetings of the Planning Board where an application can be determined complete. The Planning Board shall determine if a completed application has been submitted and shall set the application for hearing. A completed application shall contain all required information for each stage of the application process; shall be legible and properly prepared; shall accurately portray existing conditions; shall be accompanied by copies of special investigative studies; and shall contain sufficient information and detail for a full review and action by the Board.

(2) *Action on Completed Application*: Within sixty-five (65) days of the required public hearing being closed, the Board shall approve, approve with conditions, or disapprove the application, unless the time for action has been extended by consent of the applicant or by obtaining relief from the time restrictions set forth in RSA 676:4. If the Board fails to act within the required time frame the applicant may seek relief afforded by RSA 676:4.

(3) *Approvals*: The Planning Board may approve a site plan with or without conditions. All conditions shall be part of the record. Conditions which must be addressed prior to the issuance of a certificate of approval shall be completed to the satisfaction of the Clerk, prior to the issuance of permits for development to occur, or prior to any change of the use of the site or building(s).

(4) *Denials*: The Planning Board shall state the reasons for the denial which shall be included as part of the record of the meeting of the Board at which the Board made the decision.

***36.15 Compliance with Regulations*:** No site construction, or change of use of land, shall occur in violation of these regulations and the City of Concord Zoning Ordinance. No building permits may be issued for any building, structure,

site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Clerk shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to be in compliance with the approved site plan and the conditions of Planning Board approval.

36.16 ***Appeals*****:** Any person aggrieved by an official action of the Board may appeal a decision of the Board to the Superior Court, as provided by RSA 677:15 within thirty (30) days of the vote of the Planning Board.

36.17 ***Minor and Major Amendments:*** The Clerk of the Board may approve minor amendments to a site plan previously approved by the Planning Board, or the Technical Review Committee (TRC) as applicable, if the amendments are not substantive in nature and are fully in compliance with the standards contained in these regulations and the City of Concord Zoning Regulations, and are consistent with any condition imposed by the Board or TRC. The Clerk shall file a report with the Board of those minor amendments which have been approved at the next regular meeting of the Board following the approval of the minor amendments. Other changes to a site plan shall be considered by the Planning Board at the next regular meeting as a further consideration item with appropriate abutter notice. A major change to a previously approved plat shall require a new public hearing before the Board as required for a new application. Major changes include:

(1) Any increase in floor area of more than two (2) percent or 1,000 square feet, whatever is greater;
(2) Any increase in impervious surface area by two (2) percent or 2,000 square feet, whatever is greater;
(3) A modification to a previously approved Conditional Use Permit or a change requiring a new Conditional Use Permit;
(4) Any significant change to any proposed public or private improvement;
(5) A change which requires a waiver from these regulations;
(6) A request by the applicant to modify any condition of approval; and
(7) Any other substantive change which may, in the opinion of the Clerk, impact any abutter or the public interest.

36.18 ***Winter Certificate of Occupancies:*** A temporary certificate of occupancy may be issued during winter conditions whereby certain weather dependent items may be deferred until the spring, when the final work shall be completed. Winter conditions may prevent the full installation of certain site

improvements such as landscaping, final paving, final pavement markings and walkways. The temporary Certificates of Occupancy may be issued subject to the following requirements:

(1) *Eligible Items:* The following site improvements may be deferred until spring: landscaping, final paving, final pavement markings, landscaped features such as benches, pools, sidewalks and paths, lighting, walls and fences, except for required buffer fences or screens.

(2) *Required Items:* The following site related improvements are required to be substantially complete prior to issuing a temporary certificate of occupancy:

(a) Base pavement for parking and access with temporary pavement marking and signage installed;
(b) Permanent, or acceptable temporary, hard surfaced walkways for ingress and egress to the buildings;
(c) Accessible parking spaces and signs, handicapped accessible walkways and ramps;
(d) Completion of exterior building elevations;
(e) Site stabilization measures to prevent both water borne or wind borne soil erosion;
(f) Storm water detention and retention facilities;
(g) Required screens and buffers; and
(h) Any other items deemed essential for safe use and access by the Clerk or City Engineer.

(3) *Financial Guarantee*: To insure the completion of the deferred improvements a financial guarantee shall be provided by the applicant to the City. The applicant shall submit a detailed estimate of the items to be deferred which will be reviewed by the City Engineering and Planning Divisions. Once the amount of the financial guarantee is approved by the City Engineer and the Clerk of the Board, a guarantee meeting the requirements of the Section 30, Financial Guarantees of the City of Concord Subdivision Regulations shall be provided before a temporary certificate of occupancy is issued.

***36.19 Enforcement*:** It shall be the duty of the Clerk of the Board to enforce these regulations and to bring any violations or lack of compliance herewith, to the attention of the City Solicitor and Code Administrator.

***36.20 Violations and Penalties*:** No building permit shall be issued for the construction of any building or structure located on a site proposed for development in violation of the provisions of these regulations.

(1) *Fines & Penalties*: Any person, firm, or corporation who violates any provision of these regulations shall be subject to a civil penalty not to exceed $275.00 per day or the maximum fee as set forth in RSA 676:17 as it exists or may be amended. Each day that a violation continues shall be a separate offense.

(2) *Civil Enforcement*: Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above. In any legal action brought by the City, the City may recover its cost and reasonable attorney's fees expended in pursuing the legal action if the City is the prevailing party. Recoverable costs shall include all out-of-pocket expenses, including but not limited to inspection fees, expert fees, and investigatory expenses as set forth in RSA 676:17.

***36.21 Exemption From Subsequent Amendments to the Site Plan Review Regulations and Zoning Ordinances*:** Approved site plans are not required to be recorded in the Merrimack County Registry of Deeds. An approved site plan shall be exempt from compliance with further amendments to these regulations and amendments to the Zoning Ordinance for a period of up to five (5) years after the date of final resolution pursuant to NH RSA 674:39, as long as active and substantial development, as defined herein, has occurred within twenty four (24) months of the date of approval, the development remains in full compliance with public health regulations and ordinances, and the site plan conformed to the Site Plan Review Regulations and Zoning Ordinance in effect at the time of approval and recording of the plat. If substantial completion of improvements shown on the site plan has occurred in compliance with the approved site plan, then the approved site plan shall be deemed to be vested against any subsequent changes to these regulations and amendments to the Zoning Ordinance. Only those portions of a phased site plan where substantial construction has occurred shall be vested. Future revisions to the site plan shall be submitted in conformity to the Site Plan Review Regulations and Zoning in effect at the time of application or modification of the site, buildings or establishment of the proposed new use(s). No proposed site plan regulation or zoning amendment shall affect an

application under consideration by the Board which has been subject to notice by the Board pursuant to RSA 676:4, I(d) so long as said application was subject to notice prior to the first legal notice of said change or amendment.

36.22 ***Scattered or Premature Development*:** An application for approval of a site plan may be deemed scattered or premature by the Board where either of the following conditions are found to exist:

(1) The proposed site plan will occur in a location where municipal services or facilities are overburdened or will become overburdened by the placement of additional demand thereon; or

(2) The proposed site plan is located where adequate municipal services are not available, and are not as yet included in the municipal plans of the City.

Where the Board finds the proposed site plan to be scattered or premature, the Board may require that the proposed site plan be altered, reduced, phased, or deferred until the condition which causes it to be judged premature is corrected, removed, or otherwise no longer exists.

36.23 ***Permission to Visit and Inspect Property***: In order for the City to properly review site plan applications, the City's Staff, Planning Board members, and designees of the Planning Board must have the ability to enter the property that is the subject of the application. Submittal to the Planning Division of an application for site plan approval or any and all types of review either by the Planning Board or for administrative approval shall be deemed as granting of permission for the City's staff, Planning Board members, and/or their designees to enter onto the property for purposes of review.

Permission to visit the property extends from the date an application is submitted to the Planning Division until the application is formally denied or construction of an approved application is complete, a Certificate of Occupancy has been issued, and the final financial guarantee, where applicable, has been returned to the applicant.

Due to the number of projects under review, it is not possible to notify property owners in advance of the specific time of each intended visit. If the applicant wishes to place limitations upon access, then the limitations need to be requested in writing at the time the application is submitted. Any such request should include the reasons for the limitations, and the Board shall use

its reasonable judgment in determining the extent to which the request is to be granted.

36.24 ***Inspections***: The Community Development Department shall be responsible for inspecting the site plan improvements for conformity with the approved plans and conditions of Planning Board approval. The City may assess the applicant for all or a portion of the cost, including overhead, of the necessary inspections. No Certificate of Occupancy (CO), or other use permit, shall be issued until the development has been completed according to the approved plans. A temporary certificate of occupancy may be issued pursuant to Section 36.18, Winter Certificate of Occupancies due to winter conditions or for stocking or the installation of fixtures or equipment, prior to the opening of a business or use. Where a temporary CO has been issued by the Code Administrator for the installation of equipment and fixtures within a building, safe and sufficient access to the site, parking and buildings must be maintained during construction for employees and deliveries. The building(s) or site shall not be opened to the general public, nor shall regular business operations commence on the portions of the site subject to the temporary Certificate of Occupancy for stocking or the installation of equipment and fixtures within a building.

36.25 ***As-Built Plans***: The applicant's engineer or surveyor shall submit to the City Engineer a detailed "as-built" survey of all major site plans showing the location of buildings, structures, utilities, parking and loading areas, driveways and access, as well as for any public improvement constructed indicating location, dimensions, materials, and other information required by the City Engineer. The as-built survey shall also be submitted in digital format and media conforming to the City Engineering Division's as-built checklist.

36.26 ***Public Improvement Guarantees*****:** Where a municipal or State public facility, utility, or other improvement is to be constructed, a financial guarantee shall be provided and the procedures for these assurances shall be those set forth for public improvements in Section 30, Financial Guarantees of the City of Concord Subdivision Regulations.

36.27 ***Release of Financial Guarantees***: A release of any financial guarantee assurance shall not be undertaken until the Clerk of the Planning Board and the City Engineer have ascertained that all site related improvements, or required public improvements, have been constructed in conformance with the approved plans and specifications.

36.28 ***Wetland Buffer Markings***: Wetland buffers shall be clearly and permanently marked before, during, and after construction on the land within the approved site plan. Buffers need not be marked in areas where disturbance is unlikely, as determined by the Clerk of the Board upon advice of the Conservation Commission. Building permits shall not be issued until the wetland buffers are marked.

Glossary

Word Usage: For the purpose of this ordinance, certain terms and words shall have the meaning given here. Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended" or "offered" to be used or occupied; the words "building", "structure", "lot", "land" or "premise" shall be construed as though followed by the words "or any portion thereof"; the word "may" is permissive; and the word "shall" is always mandatory and not merely directory.

Words and phrases not defined in this section but defined in other Codes and Ordinances of the City or by State statute will have meanings as defined by those codes and ordinances or statutes unless a contrary intention clearly appears.

Words not otherwise defined shall have their common meaning.

***Definitions*:** Certain terms or words shall be defined and interpreted as follows:

Abutter: Abutter means any person whose property adjoins or is directly across the street or stream from the land under consideration by the Planning Board or such person as defined by NH RSA 672:3 and N.H. RSA 676:4. Abutters do not include property owners across a great pond as defined by the State of New Hampshire, the Merrimack River, Contoocook River or Soucook River, or the interstate highway rights-of-way for I-93, I-89, and I-393.

Active and Substantial Development: For the purpose of vesting pursuant to NH RSA 674:39, active and substantial development does not include any surveying, planning, engineering, or architectural fees and services, nor does it include land clearing, grading, or site preparation. Substantial development must include the construction of parking lots and driveways to base pavement and the installation of the site utilities and drainage facilities for each phase of the development, or as otherwise may be defined by the Planning Board at the time of site plan approval. If active and substantial development has not occurred, no vesting may occur pursuant to NH RSA 674:39 and subsequent phases of the subdivision are also no longer vested.

Applicant: The owner or designated agent of the owner of land proposed to be subdivided who seeks Planning Board approval as specified in these regulations.

As-built Plan: A survey carried out during or immediately following a construction project to establish a record of the same, to facilitate the evaluation of completion of work, to allow for the release of a financial guarantee, or to allow for the issuance of a Certificate of Occupancy. The as-built plans reflect all changes made to the site plan during the construction process and show the exact dimensions, geometry, and location of all elements of the work completed. As-built plans shall be provided in a format as may be established by the City Engineer from time to time. Also called as-built drawings or as-builts.

Block: A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, boundary lines of municipalities, or other topographic features.

Building: Any structure used or intended for supporting or sheltering any use of occupancy. The word "building" shall include the word "structure" unless the context unequivocally indicates otherwise. "Building" shall also mean any three-dimensional enclosure by any building materials of any space for use or occupancy, temporary or permanent, and shall include foundations in the ground, and all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls. Any structure which is defined in Chapter 29, Building Code, of the Code of Ordinances, City of Concord.

Buildable Land Area:

(a) ***Non-residential Principal Uses***. Where the principal use of a lot is for non-residential purposes, buildable land area shall include all land area within the lot exclusive of the following:

(1) Land in the floodway within the Flood Hazard (FH) District;
(2) Wetlands;
(3) Surface waters;
(4) Bluffs and ravines;
(5) Land which is subject to easements, covenants, or other recorded legal instruments that prohibit development or disallow the construction or placement of buildings or structures on said land; and

(6) Land within the natural vegetative buffer prescribed by the Shoreland Protection (SP) District.

(b) ***Residential Principal Uses***. Where the principal use of a lot is for residential purposes, buildable land area shall include all land area within the lot exclusive of the following:

(1) Land in the floodway and the one hundred (100) year floodplain within the Flood Hazard (FH) District;
(2) Wetlands;
(3) Surface waters;
(4) Bluffs, ravines, and land having gradients greater than fifteen (15) percent;
(5) Land which is subject to easements, covenants, or other recorded legal instruments that prohibit development or disallow the construction or placement of buildings or structures on said land; and
(6) Land within the natural vegetative buffer prescribed by the Shoreland Protection (SP) District.

Capital Improvement Program (CIP): A ten (10) year financial plan prepared by the City Manager and submitted to the City Council for approval. The first year of the said period plan is included in the City budget for the current year and an additional year's planning is projected each year as provided in Title I, Chapter 2 of the Code of Ordinances. The final year of the ten year plan contains projects which are proposed beyond the life of the plan.

Change of Use: Where a new or additional use is proposed on a site, building or structure which falls into a different use category in the Table of Uses, Article 28-2-4, Allowable Principal Uses and Accessory Uses in Zoning Districts, City of Concord Code of Ordinances.

Certified Wetland Scientist: A person qualified to identify and delineate jurisdictional wetlands that is certified and licensed under applicable laws of the State of New Hampshire.

Clerk: The City Planner is the Clerk of the Planning Board, and the Assistant City Planner is authorized to perform all duties of the City Planner and Clerk in his/her absence.

Cluster Development: A single family residential subdivision either on lots or part of a condominium, which is allowed pursuant to Article 28-4-7, Cluster

Development, Zoning Ordinance, Code of Ordinances, Concord, New Hampshire.

Common Private Drive: A shared, privately owned means of access from a public street to lots or condominium units having the required frontage on a public street. Includes private streets and private driveways serving multiple non-residential uses.

Community Water System: A water system designed and constructed to serve a specific subdivision where water is supplied from a community well within the subdivision.

Community Sewer System: A centralized wastewater treatment facility designed to serve more than one residential dwelling or non-residential occupancy within the subdivision.

Compact Car: Any compact car that does not exceed 15' in length, bumper to bumper, and five (5) feet, nine (9) inches in width.

Construction Plan: The maps or drawings accompanying a site plan showing the specific location and design of improvements to be installed on the site including but not limited to landscape plans, grading and drainage plans, utility plans, erosion control plans, and construction detail sheets including any off-site improvement plans, in accordance with the requirements of the these regulations, and as approved by the Planning Board.

Date of Final Approval or Final Resolution: The date when the Planning Board, Technical Review Committee, as applicable, either approves, approves with conditions, or disapproves a site plan.

Disturbed Area: All land areas proposed on-site and off-site where the ground surface is to be or has been disturbed by grading, filling, or excavation to support development activity, including all areas where building, paving and other construction activity will occur or has occurred, and areas where construction materials may be stored, as well as where construction activity may be or has been staged or supported.

Dwelling Units: Any room or suite of rooms forming a habitable unit for one family with its own cooking and food storage equipment, its own bathing and toilet facilities, and living, sleeping, and eating areas wholly within such room or suite of rooms, as defined in Article 28, Zoning Ordinance, Code of Ordinances, Concord, New Hampshire.

Driveway: A private way providing access for vehicles from a parking space, a garage, or other structure on a lot to a public or private street. The term includes the words drive, access way, private drive, common drive, or any combination of the above words.

Easement: Authorization by a property owner for the use by another for a specified purpose of any designated part of his property.

Escrow: A deposit of cash with the municipality to insure the completion of a public or private improvement.

Façade: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Financial Guarantee: An acceptable form of security consisting of a cash deposit, surety bond, letter of credit, or other form of guarantee as may be deemed acceptable to the City Solicitor. Financial guarantee includes the terms assurance, bond, performance guarantee, or surety.

Flood Hazard: The area subject to a flood as defined in Chapter 28, Zoning Ordinance, of the Code of Ordinances of the City of Concord.

Frontage: A line dividing a lot from a street from which access is legally available and which is not a limited access highway. Lot frontage shall be a continuous line between side lot lines measured along the edge of the street right-of-way.

Grade: The slope of a road, street, or other public way specified in percentage (%) terms.

Ground Cover: Grasses, plants, and landscaping grown to keep soil from being blown or washed away.

Governmental Land Use: A use of land by a governmental agency, as defined in NH RSA 674:54.

Historic Preservation: The protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archaeology, or culture.

Impervious Surface: Surfaces within a lot which do not absorb water, consisting of all buildings, structures, parking areas, driveways, roads, sidewalks, and any area paved with concrete, brick, asphalt, or other similar material, including gravel or stone dust parking lots or driveways.

Improvements:

(a) ***Capital Improvement:*** As defined in the Code of Ordinances, Title I, Chapter 2.13, Article 2 or any physical public betterment or improvement and any preliminary studies and surveys relative thereto; the acquisition of property of a permanent nature; or the purchase of equipment for any public betterment or improvement when first erected or acquired.

(b) ***Public Improvement:*** Any drainage ditch, roadway, park, sidewalk, multi-use or bicycle path, trail, tree, off-street parking lot, lot improvement, or other facility for which the City of Concord may ultimately assume the responsibility for maintenance and operation or for which the City's responsibility is already established.

(c) ***Common Private Improvement*:** Any common facility required to provide access, utility services, or other essential services or as required herein within a proposed site plan of development.

(d) ***Temporary Improvement:*** An improvement built and maintained by an applicant during construction of the approved site plan and prior to the issuance of a Certificate of Occupancy.

Individual Sewage Disposal System: A septic tank, seepage tile disposal system, or any other approved sewage treatment device approved by the New Hampshire Department of Environmental Services.

Invasive Specie: Includes those plant species listed on the "New Hampshire Prohibited Plant Species" list promulgated by the New Hampshire Department of Environmental Services.

Licensed Architect: An architect properly licensed by the State of New Hampshire.

Licensed Professional Engineer: An engineer properly licensed by the State of New Hampshire.

Licensed Landscape Architect: A landscape architect properly licensed by the State of New Hampshire.

Licensed Land Surveyor: A land surveyor properly licensed by the State of New Hampshire.

Limited Access Highway: A public right-of-way laid out or accepted by the City of Concord or by the State of New Hampshire within the corporate limits of the City, primarily used or intended to be used for passage or travel by motor vehicles and from which access can not legally be obtained to serve lots which are adjacent to said public right-of-way. Limited access highways are generally characterized by high volumes of traffic, no on-street parking, access only via interchanges, and two to six travel lanes which are often separated by a median.

Lot: The whole area of a single parcel of land with ascertainable boundaries in single or joint ownership, undivided by a street, established by deed(s) of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plat duly approved and recorded pursuant to the City of Concord's Subdivision Regulations and the provisions of RSA 674:35 through 674:42, Regulation of Subdivision of Land.

Lot Area: The land wholly within a lot exclusive of land within a street and exclusive of land below the high waterline of any body of water contained therein.

Lot, Corner : A lot situated at the intersection of two streets.

Lot Line, Front. A line dividing a lot from a street from which access is legally available and which is not a limited access highway. Lot frontage shall be a continuous line between side lot lines measured along the edge of the street right-of-way.

Lot Line, Rear: Except for triangular lots, corner lots, and such other lots which have no rear lot lines, the lot line opposite the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Master Plan: The Master Plan of the City of Concord, prepared pursuant to RSA 674:2, Master Plan Purpose and Description and RSA 674:3, Master Plan Preparation and adopted by the Planning Board pursuant to RSA 674:4,

Master Plan Adoption and Amendment, inclusive of all officially adopted supplements and amendments.

Mitigation: Methods used to alleviate or lessen the impact of development. Also referred to as mitigating impacts or impact mitigation.

Mulch: A layer of wood chips, mulch or other organic material placed on the surface of the soil around plants to retain moisture, and to prevent weeds from growing, to hold soil in place, and to aid in plant growing.

Municipal Government: For the purposes of these regulations, the City of Concord, New Hampshire.

Official Map: The map established by the City of Concord pursuant to N.H. RSA 674:9-11 and Title I, Chapter 14 of the Code of Ordinances showing the streets, highways, parks and drainage systems and set-back lines thereto fore laid out, adopted, and established by law and any amendments or additions thereto adopted by the City of Concord or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

Open Space: An area of a lot unoccupied by buildings, structures, or impervious surfaces, intended for environmental, scenic, or recreational purposes.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations.

Person: Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, trustee, receiver, assignee, or other similar representative thereof.

Principal Use: The primary purpose for which a lot or structure is used.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Site-related improvements: All off-site and on-site improvements or land dedications which the City may legally request an applicant to construct or

dedicate to the City as a condition of the issuance of a land use permit or approval, including without limitation:

(a) New access roads leading to the new development;
(b) Driveways and roads within the new development;
(c) Acceleration and deceleration lanes, right and left turn lanes, intersection improvements, and other improvements to city roads leading to the roads and driveways referred to in (a) and (b) that are necessitated by the new development;
(d) Traffic control measures for the roads and driveways referred to in (a) and (b);
(e) Sidewalks, curbing, drainage improvements, walls and fences, landscaping buffers, and berms on-site or within the new development's frontage and existing public or private streets; and
(f) All other facilities that are necessitated by the new development to the maximum extent that applicable law allows the cost or construction of such facilities to be imposed on or assessed against the applicant.

Site Stabilization Guarantee: A financial guarantee collected to insure that once a site is disturbed by construction, the ground surface can be revegetated to prevent erosion by wind or water. A site restoration security is to insure that where construction on a site has been terminated or abandoned and the developer cannot or will not restore the site, the City can act to control erosion, prevent surface water pollution, or address nuisance impacts on nearby properties.

Stabilized: A state in which the soils on the site will not erode under the conditions of a 10-year storm.

Street Furniture: Constructed or installed above ground objects, such as outdoor seating, bicycle racks, bus shelters, sculpture or art exhibits, trash receptacles, fountains, informational signs and historic markers, and decorative lighting, that have the potential for enlivening and enhancing streets, sidewalks, plazas, and other outdoor public areas.

Street Tree: A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Structure: A combination of material assembled at a fixed location to give support or shelter such as a building, tower, framework, platform, bin, or the like.

Street, Classification: For the purpose of providing for the development of the streets, highways, roads, and rights-of-way in the City, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road and right-of-way and those located on approved and filed plats, have been designated on the Official Map of the City of Concord and classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the Master Plan. The required improvements shall be as set forth for each street classification on the Official Map. The following classifications are:

(a) *Interstate Highways:* These are controlled access, divided highways with at least four (4) travel lanes, and all intersections are grade-separated interchanges with on and off ramps. Average daily traffic volumes (ADT) may exceed 70,000 trips per day. Posted speed limits are generally between 55 and 65 miles per hour. No access is allowed from abutting property, and existing and proposed developments cannot use these highways as their required frontage. In Concord, I-93, I-89, and I-393 are interstate highways.

(b) *Major Arterials:* A major arterial generally will have a minimum of four (4) travel lanes with traffic volumes ranging from 16,000 to 30,000 ADT. Posted speed limits should range between 35 and 50 mph. The principal function of a major arterial is to carry cross town and regional traffic. Access to abutting properties should be strictly controlled and on-street parking should be prohibited.

(c) *Minor Arterials:* Minor arterials generally carry traffic volumes between 8,000 and 16,000 ADT at operating speeds of 30 to 50 mph. They will usually consist of two (2) travel lanes that may be increased to three (3) or four (4) lanes to handle locally heavy traffic. Their principal purpose is to provide intra-city connections between neighborhoods and commercial areas, and to provide access to the regional traffic network. Access to these streets is controlled to maintain adequate levels of service and safe operating conditions. On-street parking should be allowed only in limited circumstances in older urban areas without adequate off-street parking.

(d) *Major Collectors:* Major collectors typically carry between 2,500 to 12,000 ADT on two (2) lanes of travel way. The purpose of the major collectors is to provide access from significant areas of residential, commercial, and industrial activity to the arterial network. Access to these streets should be controlled to maintain adequate levels of service and safe operating conditions. On-street parking should be discouraged.

(e) *Minor Collectors*: These are two (2) lane roads similar in nature to urban and rural collectors. However, these roads generally carry more traffic than would be expected for rural collectors, but trip lengths are generally longer than found on the typical urban collector. These roads generally carry a higher percentage of inter-city and cross town trips than would normally be expected on a roadway of this type and volume. On-street parking should be discouraged.

(f) *Urban Collectors*: These are two (2) lane roads designed to move traffic through and out of dense residential, commercial, or industrial areas. ADT volumes should not exceed 2,500 vehicles in residential areas and 10,000 vehicles in commercial or industrial areas. The design and location of driveways should be regulated in order to ensure safe operating conditions. Posted speed limits on these streets range from 25 to 35 mph.

(g) *Rural Collectors*: These streets are designed to serve as feeder roads to large areas of existing and proposed low density agricultural and residential development. Average daily traffic volumes should range between 1,500 to 2,500 vehicles on two (2) travel lanes. The design and the location of driveways should be regulated in order to ensure safe operating conditions. Posted speed limits will usually range between 45 and 50 mph.

(h) *Local Streets:* These streets should carry fewer than 1,500 vehicles per day. The purpose of these streets is to provide access to abutting land uses at operating speeds of 30 mph or less in urban areas and 45 mph or less in rural areas.

(i) *Cul-de-Sac:* A local or minor street intended as a permanent dead end with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movements.

(j) *Common Private Drive:* A private way serving the purpose of providing vehicle and pedestrian access to multiple lots or condominium land units and serving a comparable function to a local or cul-de-sac street.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Methods for identifying and mapping wetlands shall utilize the procedures outlined in the Army Corp of Engineers Wetlands Delineations Manual 1987 and the Regional Field Indicators for Identifying Hydric Soils in New England 1995. A certified wetland scientist shall perform the wetland delineation. Wetlands generally include, but are not limited to, lakes, rivers, streams, ponds, swamps, marshes, bogs, vernal pools, and similar areas.

Yard: An open space on the same lot with a main building unoccupied and unobstructed by any structure or portion of a structure provided that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A space between a street line and a line parallel thereto extending between side lot lines drawn through the nearest point of a structure.

Yard, Side: A yard extending from the front yard, or front lot line where there is no front yard, to the rear yard.

Yard, Rear: A yard extending between side lot lines across the rear of the lot.

Zoning: The Zoning Ordinance of the City of Concord, NH, as provided in the Code of Ordinances, Article 28.

Appendices

Appendix A: Fees – effective April 18, 2013.

Please note that more than one fee may apply to each Planning Board application

Type of Application	Fee
Subdivisions	
Lot Line Adjustment (Subdivision with no new lots created)	• $300.00 Application fee • Abutter notification fee • Recording fee and other fees and surcharges as charged by the Merrimack County Registry of Deeds (check made payable to the MCRD and due at the time of recording)
Minor Subdivision (three lots or fewer with no new road)	• $300.00 Application fee • $100.00 for each new lot • Abutter notification fee • Recording fee and other fees and surcharges as charged by the Merrimack County Registry of Deeds (check made payable to the MCRD and due at the time of recording)
Major Subdivision – Design Review Phase	• $300.00 Application fee • Abutter notification fee
Major Subdivision	• $300.00 Application fee OR $1000 if no Design Review Phase review and approval • $150.00 for each new lot • Abutter notification fee • Recording fee and other fees and surcharges as charged by the Merrimack County Registry of Deeds (check made payable to the MCRD and due at the time of recording)

Site Plans	
Minor Site Plan Review	• $300.00 Application fee • $100.00 for each new or redeveloped dwelling unit • $100.00 for each new or redeveloped 1,000 sq ft of non-residential gross floor area or part thereof • Abutter notification fee
Major Site Plan – Design Review Phase	• $300 Application fee • Abutter notification fee
Major Site Plan	• No Application fee OR $300 if no Design Review Phase review and approval • $150.00 for each new or redeveloped dwelling unit • $150.00 for each new or redeveloped 1,000 sq ft of non-residential gross floor area or part thereof • Abutter notification fee
Condominium Declarations	
Condominium Declaration, Condominium Conversion of an Existing Development	• $300.00 Application fee • $100.00 for each new dwelling unit • $300 for each new land unit • $100.00 for each 1,000 square feet of gross non-residential floor area or part thereof • Abutter notification fee • Recording fee and other fees and surcharges as charged by the Merrimack County Registry of Deeds (check made payable to the MCRD and due at the time of recording)

Architectural Design Review	
Where Site Plan Review is not otherwise required	• $25.00 Application Fee for Each Sign • $150.00 Application Fee for Façade Changes to structures less than 5,000 sq ft • $300.00 Application Fee for Façade Changes to structures 5,000 sq ft or more
Conditional Use Permits	
Wireless telecommunication equipment	• $750.00 Application fee • Abutter notification fee (including regional notification pursuant to RSA 12-K:7)
Disturbance to buffers to wetlands, bluffs, Shoreland Protection District and encroachments in the Floodway and F2 District	• $250.00 Application fee • Abutter notification fee, if no concurrent Site Plan Review • $50.00 up to 100 sq. ft. of disturbance • $150.00 101 to 1,000 sq. ft. of disturbance • $300.00 greater than 1,000 sq. ft. of disturbance
All other CUPs	• $250.00 Application fee per Conditional Use Permit application • Abutter notification fee, if no concurrent Site Plan Review
Miscellaneous Fees	
Abutter Notification Fee	• $5.00 per public hearing notice, for each abutter, owner, agent and all professionals involved in the preparation of the plan This fee is charged for each separate date of a determination of completeness and/or public hearing for an application. If an application is is postponed at the request of the applicant after abutter notifications have been sent, an additional Abutter Notification Fee shall be required.
Request to re-schedule a public hearing on an application already set for public hearing	• $300.00 • Abutter notification fee

Request for an Amendment to an Approved Subdivision or Site Plan	• $300.00 Major Site Plan OR $200.00 Minor Site Plan • Abutter notification fee
Request for an Extension to an Approved Subdivision or Site Plan	• $300.00 • Abutter notification fee
Inspection Fee for Temporary Certificate of Occupancy	• $300.00
Recording of corrected or additional plats or documents subsequent to an initial recording	• $50.00 per document • $50.00 per plan sheet • Recording fee and other fees and surcharges as charged by the Merrimack County Registry of Deeds (check made payable to the MCRD and due at the time of recording)
Request for a Determination of Completeness by the Board where an application has been previously determined incomplete	• $250.00 for each discrete consideration of the application by the Board • Abutter notification fee
Voluntary Merger	• $75.00 • Recording fee and other fees and surcharges as charged by the Merrimack County Registry of Deeds (check made payable to the MCRD), except for the notice of lot consolidation.
Traffic Impact Review Fee	• A Traffic Impact Review Fee is required for projects which are expected to generate at least 200 vehicle trips per day or 20 vehicle trip ends per hour. • The traffic impact review fee shall be as specified by the City Engineer based on an estimate of the time for the City's Traffic Engineer to conduct a review. • This fee shall be separate and distinct from any additional fee for a third party review or special investigative study which the Planning Board may require.

Special Investigations: The Planning Board, at its discretion, may either request an applicant to prepare special studies of public facilities and utilities, natural resources, environmental quality issues, or fiscal and economic impacts at the applicant's expense or contract with a consultant to perform these studies at the applicant's expense.

Review of Applications: In the review of applications, the Planning Board may contract with consultants to review all or portions of any application, an environmental impact statement, or any special study requested by the Planning Board. This review shall be at the applicant's expense.

Appendices

Appendix B: Easements and Legal Documents

The following easement documents and agreements are provided for applicant use on the City of Concord Planning Division website. Any applicant proposing a site plan shall use all or a portion of these sample easements as necessary to prepare the necessary conveyances, agreement, or financial guarantee.

Standard Street Public Right-of-Way Easement
Standard Public Drainage (Storm Water) Easement
Standard Utility Easement
Standard Sanitary Sewer Easement
Standard Slope Easement
Agreement to Convey an Easement
Sample Letter of Credit

Sample Conservation Easements are provided for applicant use on the City of Concord Planning Division website. All conservation easements are subject to review and approval by the Planning Board, after consultation with the Conservation Commission and shall be accepted by the City Council.

Appendix C

Appendix C: Certification.

The Planning Board's certification of adoption is incorporated herein as Appendix C.

City of Concord, NH

CERTIFICATION

This version of the City of Concord Site Plan Review Regulations was adopted on November 16, 2011, at a meeting of the City Planning Board, after a duly notified Public Hearing and consideration of testimony received. Nine members of the Board were present and voted 9-0 in favor of adopting these regulations which shall take effect on November 30, 2011 and upon the filling with the City Clerk.

Attest:

City Planning Board
City of Concord
New Hampshire

Gerald L. Drypolcher, Chair

Susanne Smith Meyer, Member

John F. Swope, Vice-Chair

Matthew Hicks, Member

Richard Lavers, Member

John Regan, Member

Martin Gross, Ex-Officio Member

Carol R. Foss, Member

Chiara Dolcino, Alternate Member

Frank E. Kenison
Alternate Member

Councilor Stephen Shurtleff
City Council Member

Councilor Jan Mohre
Alternate City Council Member