TOWN OF WARNER, NH

SITE PLAN REVIEW REGULATIONS

Adopted August 7, 1982

Amended:

September 17, 1990
February 6, 1995
May 5, 2003
November 8, 2006
June 17, 2013
September 14, 2015

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Section I Authority

Pursuant to the authority vested in the Town of Warner Planning Board voted on at the March, 10, 1982 and March 9, 1983 Town Meetings in accordance with the provisions of Chapter 36, section 19-a, New Hampshire Revised Statutes Annotated, 1965 as amended, the Town of Warner Planning Board adopts the following regulations governing the review of non-residential site plans and multi-family development in excess of two (2) units, pursuant to RSA 674:43, whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be entitled "Site Plan Review Regulations, Town of Warner, New Hampshire."

Effective Date

The effective date of these regulations shall be September 14, 2015

Planning Board Members

Certified by Judith A. Newman-Rogers - Town Clerk

Oct 19, 2015
Date

Section II Definitions

For the purpose of these regulations, certain words used herein are defined as follows:

Abutter: Any person whose property is located in New Hampshire and (1) adjoins or is directly across a street or stream from, or (2) has a boundary which is within two hundred (200) feet of any boundary of the land under consideration by the Planning Board, or (3) has frontage on a pond on which the land under consideration by the Planning Board also has frontage. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Planning Board of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. [RSA 672:3]

Access: a way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

Access Management: the process of providing and managing access to land development while preserving local and regional flow of traffic in terms of safety, capacity, and speed.

Active and Substantial building or development: "Active and substantial building or development" shall be deemed to have occurred when building foundations have been installed, inspected and approved by the Building Inspector; basic infrastructure roads and/or access drives are constructed to a gravel base; erosion control measures as specified on the approved plan for the area of disturbance must be installed; drainage systems and swales are completed; utilities have been extended to the site; a certified plot plan of the foundation if required has been submitted; and if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the Town at the time of commencement of such development; and there is continuous productive work on the building structures.

Alternative Tower Structure: innovative siting techniques such as artificial trees, clock towers, bell towers, steeples, light poles and similar design mounting structures that camouflage or conceal the presence of antennas or towers.

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

Applicant: any individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity commencing proceedings under these Regulations to effect a non-residential site plan or multi-family development hereunder for him/herself or for another.

Approval: recognition by the Planning Board (certified by written endorsement on the site plan map), that the Final Site Plan submission meets the requirements of these regulations and all other applicable ordinances and regulations.

Building: means any combination of materials constructed for the shelter of persons, animals or property and is not temporary in nature.

Board: Planning Board of the Town of Warner.

Change of Use: (See in Section V).

Compliance Officer: Town official appointed by the Selectmen who among other duties inspects projects for compliance with Planning Board approved Site Plans as outlined in these Regulations.

Corner Clearance: the distance from the intersection of a public or private roadway to the nearest access, measured from the closest edge of pavement of the intersecting road to the closest edge of the pavement of the access along the traveled way.

Cross Access: a service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system to access other sites.

Deed: a legal document conveying real property.

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

Essential Services: services provided by public utility or government agencies through erection, construction or maintenance of underground or overhead gas, electrical, steam or water transmission and distribution systems, and collection, communications, supply or disposal systems. Facilities necessary for the provision of essential services including poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith.

Final Site Plan Map: the final site plan map of a proposed site development which is presented to the Planning Board for final approval, which complies with these regulations and which, if approved, shall be filed with the Land Use Office.

Flood Plain or Flood Prone Area: (see the definition in the Warner Flood Plain Development Ordinance)

Frontage Road: a public or private drive that generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street; also known as service roads.

Ground Cover: a low growing plant, other than turf or grass, which forms a dense, continuous cover over the ground surface.

Guy Wire: a cable used to secure and steady a tower.

Height: means the vertical distance between the average finished grade within 5 feet of the building and the highest point of the building.

Joint / Shared Access: a driveway connecting two or more contiguous sites to the public street system.

Land Use Secretary: Town appointed secretary or Selectmen's designee for the Land Use Office including the handling of Planning and Zoning Boards related administrative duties.

Lot Frontage: the portion of a lot extending along a street right-of-way line.

Lot, Reverse Frontage: any lot that has, or will have, frontage on two or more roadways.

Monopole: any tower consisting of a single pole, constructed without guy wires or ground anchors.

Multi-Use Building: a building which has two (2) or more businesses with more than one use located within the same building.

Occupant: A person, family, tenant, business, owner, absentee owner, group, or organization; anything that consumes space in a building, on a lot, or on the premises; one who is in actual possession of a building or lot; someone with legal rights to the premises; the Occupant could be the Applicant.

Pre-existing Towers and Antennas: any tower or antenna lawfully constructed or permitted prior to the adoption of the Wireless Telecommunication Facilities Ordinance as well as the replacement of any such towers and antennas.

Project: logical method of performing work; something that is contemplated, devised, or planned; a plan; a scheme.

Qualitative: describing the quality of something in size, appearance, value, etc.

Quantitative: relating to, measuring or measured by the quantity rather than quality.

Secondary Use: a use of land or of a building or portion thereof, which is unrelated to the principal use of the land or building.

Selectmen: the Board of Selectmen.

Sight Distance: the length of the roadway or driveway ahead visible to the driver. The sight distance is based on numerous factors, as adopted by the American Association of State Highway and Transportation Officials (AASHTO). Sight distance is determined by many factors including but not limited to the design of alignment and profile of a road or driveway, pavement conditions, and other elements and standards.

Site Plan or Site Development Plan: documents depicting the applicant's project.

Street: relates to and includes any street, right-of-way, avenue, road, boulevard, lane, alley, viaduct, highway, freeway, and other public ways. Street shall include the entire right-of-way.

Structure: means that which is built or constructed.

Subdivision: means the division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

Substantial Completion: Substantial completion of the project shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved site plan shall have been issued by the Building Department, and all other on-site and/or off-site improvements have been determined by the Town of Warner or its agent to be in compliance with the approved site plan or satisfactory financial guarantees remain on deposit with the Town to insure completion of such improvements.

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

Tower Height: the distance measured from ground level to the highest point on the tower or other structure, including antennas.

Town Agent: Person employed by the Town or retained by the Town's Planning Board. At the discretion of the Planning Board this could be the Public Works Director, Compliance Officer, licensed professional engineer, or other agent retained for the project.

Wireless Telecommunication Facilities: any structure, antenna, tower, or other device that provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communication (SMR), and personal communications services (PCS), and common carrier wireless exchange access services.

Section III Purpose

The purpose of the Site Plan Review Regulations and the site review procedure for nonresidential and multi-family development within the town and its environs as stated in RSA 674:44 is to:

A. Provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
   1. Inadequate drainage or conditions conducive to flooding of the property or that of another;
   2. Inadequate protection for the quality of groundwater;
   3. Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
   4. Inadequate provision for fire safety, prevention, and control.

B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs;

C. Provide for open spaces and green spaces of adequate proportions;

D. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;

E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;

F. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;

G. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;

H. Implement the goals and objectives of the Master Plan, as periodically updated;

I. Encourage design and construction of nonresidential structures that help to preserve and promote Warner's unique rural character;

J. Manage access to land while preserving the maximum flow of traffic in relation to safety, capacity, and speed;

K. Protect the functional use and improve the level of service of major local, regional, and state roadways;

L. Minimize the amount of public investment necessary to expand roadway capacity as necessitated by new growth;

M. Encourage the creation of walkable communities; and

N. Strengthen the local tax base.

Section IV Applicability

A. General

These regulations apply to any of the following actions, regardless of whether the action includes a subdivision or re-subdivision of the site:

(1) Any new nonresidential or multi-family development of land (including but not limited to: the construction of any building, any addition to a building, any other structure or parking areas).

(2) Any Change of Use as described in these regulations.

(3) Any expansion of the physical size of an existing land use.

(4) Projects for the construction or alteration of wireless telecommunications facilities are directed to comply with the "TOWN OF WARNER, NH, WIRELESS TELECOMMUNCATIONS FACILITIES ORDINANCE" and the WIRELESS TELECOMMUNICATION FACILITIES section of these regulations.

Section V Scope of Review

A. Whenever any development or change or expansion of use of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing site plan as previously approved by the Planning Board; and before any construction, land clearing, building development or change is begun; and before any permit for the erection of any building or authorization for development on such site shall be granted, the owner of the property or his authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this Regulation.

B. The Planning Board or their designee has the responsibility for making the determination for requiring Site Plan Review. The threshold at which Site Plan Review is required is determined using the follows guidelines:

1. Threshold for Activities that require Site Plan Review

a) New construction of non-residential or multi-family development, or

b) Any change or expansion in use of a site or structure when such change is materially or substantially different from the previous use such that there is a significant effect on the quantitative or qualitative requirements of these Regulations or the Zoning Ordinance, or

c) Exterior projects that entail the development, change, or expansion of (200) or more gross square feet of buildings, structures, or parking area, or

d) Internal building modifications to a non-residential use that affect the scale or impact or activity level of the existing use, or

e) Modifications to previously approved site plans, or

f) A change in the site configuration that generates or increases the potential for adverse impacts to drainage systems, surface waters, groundwater, wetlands, floodplains, or

g) Development that proposes changes to the landscaping, screening, lighting, driveways, parking lots, architectural appearance or visual appearance of an existing structure or site, or

h) Expansion of use that impacts traffic flow and lighting as it relates to pedestrian safety, or that will result in an increase in vehicular traffic entering or leaving the site by more than 50 vehicles during peak hour or 100 vehicles per day based on the most recent edition of the ITE Trip Generation Manual, or

i) Vacancies of space within a single use building or a multi-use building will be considered abandonment of use or considered a non-use if they are vacant for more than 3 years, or

j) When determining if there will be a change of use in an existing multi-use building, the entire building and its current and proposed occupant may be taken into consideration, not just the proposed new occupant, or

k) When applying for a change of use for a project with a previously approved site plan for which construction has not been completed, all previously approved waivers of regulations shall be resubmitted for approval, or

l) Request by the applicant/Owner subject to the limits of the Planning Board's statutory jurisdiction.

2. Site Plan Review is not required for a project if all the following are met:

a) Proposed project complies with the Zoning Ordinance, and

b) Exterior projects of less than (200) gross square feet of buildings, structures, or parking area from the date of the previously approved Site Plan (*) unless it affects the scale, impact or activity level of the existing use, and

c) Projects that involve a Change in Use for a property that has a previously approved Site Plan (*) by the Planning Board provided the Change of Use does not affect the scale, impact or activity level of the existing use, and

d) Internal building modifications to a non-residential use that do not affect the scale, impact or activity level of the existing use, and

e) Any proposed construction on the exterior and/or site of existing buildings if it complies with the approved site plan and it is minimal in nature, maintains the existing appearance and/or function of the building and/or site, and

f) The overall primary use of an existing multi-use building having multiple occupants does not change such that it would affect the scale or impact or activity level of the existing overall use, and

g) An approved project which has changed Ownership without a Change of Use.

(*) – Existing uses/buildings prior to March 1982 are not required to have had a previous approved Site Plan.

C. If the project appears to not require Site Plan Review per above guidelines, the project Owner or designee shall meet with the Land Use Secretary to review the project. The "Application for Determination of Site Plan Review" form (form is available at the Land Use Office) shall be completed to help define the project's scope. The Land Use Office shall determine if Site Plan Review is required and if not, the project will be handled in the same manner as a building permit application. In the absence of the Land Use Secretary during regular business hours, the Town Administrator may make the determination. If it is determined that Site Plan Review is required, the applicant shall follow the procedures of this document.

Section VI Zoning

1. All applicants must comply with the Town's Zoning Ordinance before acceptance of Formal Application for Site Plan Review.

2. Special Exceptions & Variances: for projects covered by these Regulations that require Special Exceptions or Variances, application must be made to the Zoning Board of Adjustment. It is suggested the applicant first have a conceptual meeting with the Planning Board as other issues requiring Zoning Board action may be present, and the Planning Board may be able to suggest changes to alleviate the Zoning Ordinance issues. Having secured a Special Exception or Variance the applicant must then obtain Planning Board Approval of the Site Plan.

Section VII Conceptual and Design Review Procedures

A. Conceptual Consultation and Design Review meetings are optional, but are encouraged, and may be requested to discuss project proposals with the Planning Board in the early stages of consideration and design. Such reviews and statements made are not binding by either the applicant or the Planning Board. Submit documents a minimum of 15 days prior to the meeting.

1. Conceptual; A discussion in conceptual form and general terms only. Consultation may include desirability of types of development and proposals under the Master Plan. The meeting must be scheduled on the Planning Board's meeting agenda, but it is not necessary to make formal notice to abutters and other applicable individuals. Refer to RSA 676:4 II(a).

2. Design Review: A discussion that includes a more specific design proposal and may include the use of preliminary design plans (lot line, roads, etc). The meeting must be scheduled on the Planning Board's meeting agenda, and it is necessary to give formal notice to abutters and other applicable individuals. At a public meeting, the Planning Board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination. Refer to RSA 676:4 II(b) and 676:12 VI.

B. Neither conceptual or design review takes the place of filing a formal application to the Planning Board if the project proceeds. These options are made available by the Planning Board to attempt to save the applicant unnecessary expenses and changes later in the process.

C. The Applicant is encouraged to meet with the Land Use Office and other appropriate Department Heads to obtain available information and guidance under Town Ordinances and Regulations. There may be preliminary questions as well as additional questions arising during formulation of the plan.

D. Applications for either Conceptual or Design Review are to be submitted to, and are considered received at the time they are physically received at the Land Use Office during regular business hours. (application form is available at the Land Use Office).

E. Upon receipt of a completed application, the Land Use Office shall set a date, time and place for the Conceptual or Design Review meeting, public posting shall occur and all necessary notifications (Design Review only) by certified mail shall occur. The applicant shall bear all costs of notifications as required by the RSA's and the Town.

F. If the individual signing the application is not the owner, the agent(s) (surveyor, attorney, engineer, etc) representing the applicant must have written authorization from the owner submitted as part of the application. If the ownership is other than an individual (a corporation or trustee, etc) the application shall indicate ownership interest and furnish an authorization letter. The Land Use Office is directed not to accept a Site Plan Review application that does not include written permission from the owner of the property.

G. The Planning Board may review testimony during these meetings in person or in writing from the applicant, any abutter or any other person as permitted by the Planning Board.

Section VIII Site Plan Application Procedures

A. A formal Application shall be filed with the Land Use Office at least a minimum of 15 days prior to the next regular monthly Planning Board meeting. The Land Use Office shall review the application to make an initial determination of whether or not the application meets the submission requirements as defined in these Regulations.

B. Notice of the submission of an application shall be given by the Planning Board to the abutters by certified mail, at least ten (10) days prior to the hearing, and to the public at the same time by posting in at least two public places in the Town. The notice shall give the date, time and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Planning Board, and shall include a general description of the proposal which is the subject of the application, or of the item to be considered and shall identify the applicant and location of the proposed site plan. Additional notice shall be given to all affected municipalities for developments with regional impact and publication in a newspaper of general circulation in Warner at the discretion of the Planning Board. For those proposals in which any structure or proposed building site will be within 500 feet of the top of the bank of any lake, pond, river, or stream, include the notification to the department of environmental services by first class mail at the same time that notice is provided to abutters. [RSA 676:4 I.d.]

C. The Land Use Office shall send a copy of the application form to the Highway Department, Police Department, Fire Department, Conservation Commission, and (if applicable) Warner Village Water District seeking their input.

D. Fees:
   1. Application and notice fees will be established by the Planning Board. A completed application, in such form as the Planning Board requires, will be accompanied by the appropriate filing fee. The applicant is also responsible for the Merrimack County Recording fee, if applicable.
   2. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant prior to the Planning Board's acceptance of the application.
   3. It shall be the responsibility of the applicant, if the Planning Board deems it necessary, to pay reasonable fees for special studies or analysis, environmental assessments, legal review of documents, administrative expenses, and other matters necessary to make an informed decision. Escrow accounts shall be established for these fees. Failure to pay such fees shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

E. The application may be accepted by the Planning Board only at a regularly scheduled public meeting after due notification to applicant, abutters and the general public.

F. Per RSA 676:4: The Planning Board shall at the next regular meeting or within 30 days following delivery of the application, for which notice can be given in accordance with the requirements of RSA 676:4, determine if a submitted application is complete according to the Planning Board's regulation and shall vote upon its acceptance.

G. Applications may be refused for acceptance by the Planning Board without a public hearing on grounds of:
   1. Failure of the applicant to supply information required by these regulations,
   2. Additional or revised items submitted after the filing period including at the meeting.
   3. Failure to pay fees.
   4. If the individual signing the application is not the owner, the agent(s) (surveyor, attorney, engineer, etc) representing the applicant must have written authorization from the owner submitted as part of the application. If the ownership is other than an individual (a corporation or trustee, etc) the application shall indicate ownership interest and furnish an authorization letter. The Land Use Office is directed

not to accept a Site Plan Review application that does not include written permission from the owner of the property.

Upon determination by the Planning Board that a submitted application is incomplete according to the Planning Board's Regulations, the Planning Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.

H. The Planning Board or its designated agent(s) may visit the site in order to thoroughly and knowledgably review the proposal.

I. The Planning Board shall act to approve or disapprove the completed application (including the final plat) within sixty-five (65) days of its formal acceptance, subject to extension or waiver as provided below. The Planning Board shall provide the applicant with a written decision including conditions of approval or reasons for denial.

J. The Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove an application. The Applicant may waive the requirement for Planning Board action within the above time periods and consent to such extension as may be mutually agreeable.

K. If the Planning Board has not obtained an extension, and has not taken action to approve or disapprove the completed application within sixty-five (65) days of its acceptance, the applicant may request the Selectmen issue an order directing the Planning Board to act on the application within thirty (30) days. Failure of the Selectmen to issue an order, or of the Planning Board to act upon such order of the Selectmen, shall give the applicant certain rights as provided in RSA 676:4, I(c).

L. Public Hearings

1. A Public Hearing is not required when the Planning Board rejects an incomplete application.
2. Abutters and other interested parties shall be given the opportunity to speak at the Public Hearing.
3. Public correspondence related to the application shall be read into the record at the public hearing.
4. Whenever the Planning Board conditionally approves a site plan, placing a condition or conditions precedent or subsequent on the approval, all conditions shall be met within a specific period of time, or, if not specified within twelve (12) months from the date of approval, at which time a noticed hearing may be required to provide abutters an opportunity to review and comment on the full compliance with the conditions. If the conditions are administrative in nature and do not involve discretionary judgment on the part of the Planning Board, no compliance hearing shall be required and compliance shall be determined by the Planning Board.
5. A Site Plan may not be approved without a Public Hearing.

M. On-Site and Off-Site Improvements:

1. As a condition to approval of a Site Plan, the Planning Board may require the construction, installation, or improvement, on-site or off-site, including but not limited to the following: streets, sidewalks, landscaping, curbing, drainage, signals, water, sewer and other mains, piping, connections of other facilities, and other related systems, which the Planning Board deems reasonably necessary to accommodate the development. All improvements shall comply with all town, state and federal regulations. A Site Plan may be conditionally approved subject to the completion of such improvements and installations, pursuant to RSA 674:21, V(j).

2. In lieu of completion of such improvements and installations prior to the final approval of a Site Plan, the applicant may be required to provide performance security in accordance with Section XXVI Performance Guarantees, to secure its obligations to complete such improvements or installations, pursuant to RSA 674:44.

N. The Decision Content:

The Planning Board shall forward the Notice of Decision to the applicant within 5 working days. The Notice of Decision may include but is not limited to only the following:

a. Description of the Site
b. Description of the Project
c. Name of Applicant and Owner
d. List of plans & documents which were the basis for the decision (reference document name and date).
e. Statement of any Variance(s) or Special Exception(s)
f. List of approved Waivers to these Site Plan Regulations
g. Conditions to be met prior to start of construction
h. Requirement for additional submittals or approved permits to be submitted to the Planning Board.
i. If the Decision is to deny the project, in addition to appropriate items list above, there shall be a summary of the reason(s) for the Planning Board's decision to deny the project.

O. Approved Site Plan

a. Three (3) paper copies of the Site Plan shall be submitted to the Land Use Office. If the plans will be recorded at the Registry of Deeds, also include one (1) Mylar with the three (3) paper copies. These shall be the approved plan(s) with all items changed or added as directed by the Conditions of Approval. Site Plans/Mylar shall then be certified by means of the Chairman signing and dating the documents. The Certified plans shall be on file at the Land Use Office prior to the issuance of a building permit or start of any construction activity. Notice of Decisions shall be recorded at the Registry of Deeds by the Land Use Office.
b. If a survey of the property has been required under the provisions of these regulations, then the approved Plat must be recorded with the Registry of Deeds. A copy of the recorded documents, with proof thereon of recordation must be filed with the Land Use Office.
c. In addition, when the project involves easements, covenants, deed restrictions, etc., the applicant shall be responsible for the recording fee(s) for the Merrimack County Registry of Deeds.
d. When the Site Plan Review process creates easements, they shall be indicated with metes and bounds on the site plan or on a plat recorded with the Merrimack County Registrar of Deeds. The Applicant is responsible for the recording fee(s). The Land Use Office shall record the plat with proof of the recording filed in the Land Use Office.

Section IX ***Site Plan Application Requirements***

A. Projects: All projects are required to provide the following as part of the complete application at the time of the initial filing of the formal application with the Land Use Office.

1. Items submitted with the completed application form;

a. Completed Site Plan Review application form (form is available at the Land Use Office)
b. Completed Site Plan Review Checklist (Appendix A);
c. Plot plans (see requirements in #2 below);
d. Provide a separate list including names, addresses of the abutters, applicant's agent; holders of conservation, preservation restrictions, agriculture preservation restrictions; and every engineer, architect, land surveyor, or soil scientist whose professional seal appears or will appear on the documents; and information required for submission to assist in notification; [Section II - Definitions, and RSA 676:4 I.(b)];
e. Fees as set by the Planning Board;

f. Copy of deed, easements or right-of-ways; previously approved Site Plan & decision if applicable
g. A colored elevation view or photograph of all buildings indicating their height, width and surface treatment demonstrating compliance with Section XXII requirements;
h. Information on specific materials anticipated to be used and stored on site using Title 49 Code Federal Regulations as a standard for hazardous materials;
i. Submit additional set of plans if the project has Regional Impact (Section XI);
j. Description of special site preparation such as excavation and blasting, as well as extent of hauling materials to and from the site. Reference the Warner Excavation Regulations where applicable;
k. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review including but not limited to any state, federal, or local requirements and permits (driveways, drainage, flood plan, DES, traffic studies, etc.), special studies or analysis, environmental assessments, and legal review of documents.

2. Plot plan requirements:

a. Provide six (6) prints of each plan sheet (blue or black ink) 22”x34” and eleven (11) copies 11”x17”. Provide one 22”x34” colored-in site plan which highlights regions (landscaped, roads, buildings, drainage, utility systems, etc) to assist in illustrating the project scope.
b. Scale: not less than 1" = 100'; Match lines when needed;
c. Date, title, scale, north arrow, location map, legend, signature block for Planning Board Chairman;
d. Name and address of developer, owner(s) of record and designer/engineer;
e. All existing and proposed easements and right-of-ways;
f. List any approved or required Variances and Special Exceptions;
g. Indicate Zoning Ordinance items: proposed type of use, minimum lot size, minimum frontage, buildable area, impervious area, and other pertinent items. If applicable indicate building separation, shared driveway, cross lot traffic provisions;
h. The zoning districts and boundaries for the site and within 1,000 feet of the site;
i. Current names and addresses of all abutters, use of abutting properties, and location of the structures thereon including access roads, keyed on the plan;
j. Drawing of site showing boundaries, existing natural features including watercourses and water bodies, wetlands, trees and other vegetation, topographical features, any other features including existing structure that should be considered in the site design process;
k. Any existing hazardous and contaminated materials;
l. Existing and proposed contours and finished grade elevations – all contours shall be a minimum of 2-foot intervals;
m. Surveyed property lines showing their angles, bearings, distances, radius, lengths of arcs, control angles, along property lines and monument locations;
n. Right-of-way lines of all existing adjoining streets;
o. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained, as described within these Regulations (Section VXII);
p. The location, elevation and layout of catch basins and other surface and underground drainage features, storm-water drainage system, applicable permits (Section XVIII);
q. Erosion and sedimentation control plan (Section XVIII);
r. Location of off-street parking and loading spaces with a layout of the parking indicated (Section XIX);
s. Snow storage locations (Section XIX);
t. If a subdivision, the lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public use shall be indicated and all Subdivision Regulations shall apply;

u. Driveway, road, parking, pavement marking, and exterior storage areas including construction details (Section XIX and XX);
v. If a road is planned with the anticipation of its acceptance by the Town as a Town road, the construction design and details shall be shown per the requirements in the Warner Subdivision Regulations;
w. Traffic control signs location and details; traffic circulation plan (Section XX);
x. The location, width, curbing and type of access ways and egress ways (driveways), plus streets and sidewalks within and around site; (See Subdivision Regulations if applicable)
y. The location, type and lumens of lighting for all outdoor facilities, including direction and area of illumination provide model number and details of lighting , pole and base; (Section XXI) ;
z. Plan of all buildings with their type, height, floor area, location (setbacks) and elevation of first floor indicated: (assume a permanent onsite elevation);
aa. The size and proposed location of water supply and sewage facilities. Indicate the distance from the proposed facilities to all existing water and sewage facilities (on site and abutters) within 200 feet (or greater if required by DES) of each of these proposed facilities (Section XXII);
bb. The type and location of solid waste disposal facilities, including enclosures and screening; and all other support services (Section XXIII); renewable energy systems
cc. The size and location of all public utility service connections – gas, power, telephone, fire alarm, (overhead or underground);
dd. The location, size and design of proposed signs and other advertising or instructional devices (Section XXIV);
ee. One hundred year flood elevation line, where applicable; construction consideration for Flood Hazard Area (Section XXV);
ff. Wireless Telecommunication Facility related requirements indicated in Section XXVI;
gg. Any other information or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review.

Section X ***Waiver of Site Plan Review Regulations***

A. General

The Planning Board may waive any of the requirements of this regulation (RSA 674:44 III (e)). The basis for any waiver granted by the Planning Board shall be stated in the minutes. The Planning Board may only grant a waiver if it finds, by majority vote, that:

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

B. Conditions for Granting of Waivers

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

C. Procedures

The applicant shall submit a request for a waiver in writing with the application for Planning Board Review. The request shall state fully the grounds for the waiver and all of the facts relied on by the applicant. The Planning Board has the discretion to deny any request for waiver which is not in writing.

Section XI Developments Having Regional Impacts

A. A development shall be considered to have regional impact if it can reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

1. Relative size or number of dwelling units as compared with existing stock.
2. Proximity to the borders of a neighboring community.
3. Transportation networks.
4. Anticipated emission such as light, noise, smoke, odors or particles.
5. Proximity to aquifers or surface waters which transcend municipal boundaries.
6. Shared facilities such as schools and solid waste disposal facilities.
7. Other factors which, in the sole discretion of the Planning Board, are reasonably likely to have a substantial effect on another municipality.

B. If the application is found to have regional impact, refer to RSA 36:54 through 36:58 for proper procedures and notifications.

Section XII Compliance

A. Projects must be built and maintained in accordance with the approved Site Plan. The Compliance Officer shall periodically inspect during and at completion of the project. A report shall be written after each inspection and sent to the Planning Board. A copy of the final report shall also be sent to the Planning Board to be placed in the project's file.

B. Modifications or Alterations to Approved Site Plans prior to completion of a project:

1. If the site plan being constructed requires revision due to plan changes or site conditions encountered, the applicant shall report this to the Planning Board. If the revisions are incidental and consistent with the approved Site Plan, the Planning Board may approve the revision at a public meeting without a public hearing.
2. Where appropriate, the applicant shall submit information only for the modified or altered portion(s) of the project as required in the Site Plan Application Requirements Section.
3. The applicant shall resubmit for State and Federal permits where applicable.
4. Where substantial differences are proposed, the Planning Board has the option to go through the Site Plan review process again.
5. The Planning Board at its discretion may require an as-built if multiple changes are made during the course of construction. Upon determination by the Planning Board that construction complies with the approved revised plan, it shall be endorsed by the Chair.

C. Site Plan Approval <u>expires</u> if:

1. A Site Plan is conditionally approved and within the specified period of time, or if not specified, within three (3) months, the applicant fails to meet any of the conditions that the Planning Board determines must be met <u>prior to signing</u> of the plan by the Planning Board Chair. If an extension is required, the Planning Board may grant up to three (3) additional three (3) month extensions, normally not to exceed a total of 12 months from the original date of approval.

2. "Active and substantial building or development" has not been achieved within twenty-four (24) months from the date the site plan was approved by the Planning Board.

3. The above deadlines or others imposed conditionally by the Planning Board are not met resulting in automatic expiration of the Planning Board approval.

D. Extension of Approval

1. A project with approved site plans which has not reached "active and substantial building or development" may, for reasonable cause, have their expiration date extended by the Planning Board for a period normally not to exceed twelve (12) months, providing there is receipt of a written request for extension at least thirty (30) days prior to the expiration date of the site plan approval. The Planning Board shall have a public meeting to review the request.

E. Exemption from Changed Requirements

1. Five Year Exemption: Every site plan approved by the Planning Board shall be exempt from all subsequent changes in Site Plan Review Regulations, Subdivision Regulations and Zoning Ordinances adopted by the Town, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of five years after the date of approval, provided, however, "Active and substantial development or building" has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the Town at the time of commencement of such development; that once substantial completion of the improvements as shown on the site plan have occurred in compliance with the approved site plan, or the terms of said approval, the rights of the owner or his successor in interest shall vest and no subsequent changes in the Site Plan Review Regulations, Subdivision Regulations, or Zoning Ordinance shall operate to affect such improvements. Refer to RSA 674:39 for additional guidance.
2. In approving any Site Plan, the Planning Board may specify the threshold level of work which constitutes "active and substantial development or building"; or
3. In the absence of a specific finding by the Planning Board, "Active and substantial building or development" shall be deemed to have occurred when building foundations have been installed, inspected and approved by the Building Inspector; basic infrastructure roads and\or drives are constructed to a gravel base; erosion control measures as specified on the approved plan for the area of disturbance must be installed; drainage systems and swales are completed; utilities have been extended to the site; a certified plot plan of the foundation if required has been submitted; and if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the Town at the time of commencement of such development; and there is continuous productive work on the building structures.

F. Substantial Completion:

1. Period to Complete Site Improvements: The applicant shall construct and complete all required building and site improvements to a level of Substantial Completion before a Certificate of Occupancy Permit can be issued. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved Site Plan or the terms of said approval or unless otherwise stipulated by the Planning Board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.
2. Unless the Planning Board determines that a site plan is permanently vested pursuant to RSA 674:39, the Planning Board may review any approved site plan that is more than 5 years old before building permits or other locally-required permits for a development to proceed will be issued by the Town. In such cases, an application must be filed with the Planning Board to amend the approved site plan. The Planning Board may review the approval for consistency with current zoning and other land use regulations, and may modify any conditions of the original approval, including exaction formulas.

G. Final Completions:

1. Final Completion of the project shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved site plan shall have been issued by the Building Department, and all on-site and/or off-site improvements, and other work have been determined by the Compliance Officer to be fully completed in accordance to and compliances with compliance with the approved site plan documents.

Section XIII Performance Guarantees

A. Application

1. The Planning Board may require the posting of an improvement guarantee (refer to RSA 674:44) in such amount and form as specified below, as is reasonably necessary to ensure the proper installation of all on and off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
2. Upon substantial completion of all required improvements, the developer shall notify the Planning Board of the completion or substantial completion of improvements, and shall send a copy of such notice to the Board of Selectmen. The Board of Selectmen, along with other appropriate town officials, shall inspect all improvements and shall file a report with the Planning Board recommending approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
3. The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the town officials.
4. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved, at the discretion of the Planning Board.

B. Form of Guarantee

Performance guarantees may be provided by a variety of means that shall be approved as to form and enforceability by the Planning Board and Town Attorney. Acceptable forms of performance guarantees may include, at the Board's discretion:

1. Security Bond: The applicant may obtain a security bond from a surety bonding company authorized to do business in the State of NH and is acceptable to the Town of Warner.
2. Escrow Account: The applicant may deposit cash or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank

Section XIV Enforcement

A. These regulations shall be enforced by the Board of Selectmen, its duly authorized agent or as otherwise set forth in statue or zoning ordinance.

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

1. The notice of violation shall:
   a) Specify the actions or conditions that violate the requirements of this regulation or plans approved under this regulation;
   b) Identify what needs to be done to correct the violation(s);
   c) Specify a reasonable time frame within which the violation will be corrected; and

d) Be provided to the property owner with a copy to be kept in the official records of the Planning Board and the Board of Selectmen.

C. Enforcement action may include, *Cease and Desist Orders*, in accordance with RSA 676:17-a. *Local Land se Citations*, RSA 676:17-b, or other legal remedies available to the Town of Warner.

Section XV Penalties

Any person who violates any provision of the ordinance shall be subject to penalties in accordance with RSA 676:17.

Section XVI Town Agent

The Town Agent designated by the Planning Board and acceptable to the applicant, shall inspect all site improvements. The developer shall pay the Town for said Agent and the cost of any inspection(s) and test(s) deemed necessary by the Planning Board. A letter certifying to the developer's concurrence to the employment of said Town Agent shall be filed with the Planning Board as part of the Site Plan Review.

Section XVII Landscaping Standards

A. Landscape Design:

The overall site design shall incorporate the following landscaping standards.

1. Landscape plans shall be designed to provide projects with an enhanced visual appearance, insure privacy, establish vegetative buffers, and support on-site storm water controls.
2. Landscaping is the treatment of lot areas with a diverse selection of trees, shrubs, plants, mulch, berms, boulders, grass/lawn, and other visual improvements. Integrating desirable existing trees, plants, rock, land formations, views, etc is encouraged.
3. Landscaping shall be provided which is in keeping with the character of the area where the lot is located, the purpose of the development, and the locations of buildings and improvements.
4. Landscape plantings and improvements shall be located to avoid interference with pedestrian and vehicular movement, underground and overhead utilities, and snow storage when the plantings have matured.
5. The selections of native species and flowering species are encouraged. Trees shall be salt and drought-tolerant. Plantings which are classified as an invasive species shall not be allowed.
6. Landscaping strategically located shall assist in minimizing the visual mass of larger buildings and screening the less attractive portions of buildings.

B. General Landscaping Standards

1. Stripped topsoil shall be stockpiled and reused on the site where needed. Topsoil shall be a minimum of 4 inches deep (measured when consolidated). Topsoil shall be treated if needed to promote healthy grass when seeded. Scarify and repeat seeding as necessary.
2. Site preparation is to be conducted with minimal disturbance to existing vegetation which will remain. Construction materials, equipment, vehicles or temporary soil deposits shall not be located within the drip-line of trees that are to be preserved.

3. Existing trees which remain shall be pruned and thinned if appropriate per UNH Cooperative Extension recommendations to maintain healthy appearances.
4. All open space areas not covered with plantings shall be covered with grass or other vegetative groundcovers, with the exception of planting beds which may be mulched.
5. In areas where suitable vegetative buffers exist and are maintained, or where existing specimen trees are maintained, the Planning Board may not require the planting of additional vegetation in those areas.
6. Screening for adjacent residential districts shall be evergreen trees a minimum of 10 foot tall at time of planting, planted in a staggered pattern which will close gaps as the trees mature. Earth berms are also encouraged to assist in screening.
7. Berms and fences may be required by the Planning Board to insure a dense buffer in certain densely populated areas. A detailed plan shall be provided for Planning Board review and approval.
8. Indicate snow storage locations on plans. The accessible portions of landscaped open areas may be used for snow storage if the snow storage does not conflict with other site design parameters such as drainage control and visibility.
9. Where slopes of 33% or greater are created or disturbed, they shall be covered or planted with deep rooted species to prevent erosion. If the slope is too steep, rip-rap, retaining walls, or other appropriate means shall be use to retain earth.
10. Deciduous trees planted on the south and west sides of buildings to provide summer shade and allow solar warming in the winter is encouraged. Evergreen trees should be used to block prevailing winds where appropriate.
11. All dead, dying, or diseased vegetation shall be promptly replaced, based on seasonal planting practices, with healthy living plants in all required landscape areas.
12. Provide a maintenance escrow account to ensure that any planted materials will be replaced in the event they are damaged or die within one year after final completion of the project.

C. **Yard Landscaping Standards:**

1. The front yard landscape area shall be a minimum of (10) feet wide running parallel with the entire frontage of the parcel.
2. The side and rear yard Landscaping shall be an average of (7) feet wide running parallel to boundaries. Coordinate the need and extent with adjacent lot's landscaping or anticipated landscaping potential. Locate trees anticipating mature tree size as it relates to the adjacent lot. Parking and roads shall not be allowed within (10) feet of adjacent lots.
3. The landscaped area adjacent to buildings shall be an average of (5) feet wide and run parallel with all sides of the proposed buildings that will be visible from abutting streets and or residential properties.
4. In the B-1 Business District, the buffers may be reduced in appropriate areas at the discretion of the Planning Board provided that sufficient landscaping is provided.
5. Landscape shall include a diverse and visually interesting combination of the following:
    a. A minimum of one shade tree and (5) shrubs per 900 square feet of each landscape area type. A minimum of one tree per each building side is required. Deciduous trees shall be 2-1/2" to 3" caliper and a height of 12 feet at time of planting;
    b. Evergreen Trees at 8' tall at time of planting (10' if for screening);
    c. Evergreen or deciduous shrubs a minimum of 2 feet in height at time of planting;
    d. Loam, seed, and mulch in conjunction with trees and plantings;
    e. Planting beds of perennial flowerbeds, ground cover and other landscaping material;

f. Mulch, stone, and other landscaping materials but not as the primary design element;

g. Berms, fences and stone walls that do not pose safety concerns.

D. **Landscaping and Screening of Accessory Structures and Unsightly Features:**

Refuse, dumpsters, compactors, and stock piled materials shall be located so as to be out of view from any abutting property and from the public right-of-way throughout the year. At a minimum, all such areas shall be concealed with fencing that is at least as tall as the items to be stockpiled, and landscaped with plant materials.

E. **Parking Lot Medians:**

Landscaped median areas shall include other plantings and landscape features that will increase the attractiveness of the site and be designed to provide a safe haven for pedestrians if needed. Medians shall be incorporated into parking lot designs according to the following standards:

1. A minimum of one 2-1/2" caliper deciduous tree shall be provided for every (20) parking spaces and every (60) feet of access roads. Provide trees at the perimeter of parking areas, in medians, and islands;
2. Each parking island shall contain at least one (1) shade tree. Coordinate extent of islands and island locations with snow removal strategies;
3. A minimum of ten (10) percent of the interior of parking lots shall be set aside for landscaping areas, exclusive of paved pedestrian areas;
4. The C-1 Commercial district requires additional landscaped open green space area intermixed with buildings, roads and parking for lots with multiple buildings and larger buildings (see Zoning Ordinance). The intent is to enhance the natural setting and reduce/breakup contiguous impervious surfaces. These green space areas are encouraged to be designed for pedestrian walking area, but may also be part of the site storm drainage system and snow storage areas. At a minimum, these areas shall be loamed and seeded and shall have (1) each 2-1/2" to 3" caliper deciduous trees per 2,000 square feet of this additional open green space landscape area.

F. **Landscape Plan:**

A separate Landscaping Plan shall be included which indicates the following:

1. Address the interaction of landscaping as it relates to the designs of parking lots, buildings, general site design, topography, and snow storage;
2. Existing location of trees, shrubs, and planting beds, including method to preserve existing items;
3. Proposed locations of all planting, materials, improvements, and other features;
4. A planting schedule with the plant's botanical and common names, the size, quantity, and description of all plants;
5. The height and caliper of trees and shrubs at the time of planting and maturity;
6. Information on a soil management program detailing treatment of new and existing topsoil. Provide information for raking, fertilizing, seeding, installing sod, mulching, and maintenance.

Section XVIII Erosion/ Sedimentation and Storm-Water Control

A. The erosion/sedimentation and storm-water drainage plans shall include as a minimum:

1. Design, drawings and specifications indicating all proposed erosion/sediment control measures, storm-water drainage structures (catch basins, drain main holes, etc), and storm-water drainage systems. These shall be in accordance with Town, NH Department of Environmental Services (DES) Stormwater Manual (latest addition) recommendations and specifications, and other applicable State or Federal requirements; and
2. A design by a qualified firm or individual; and

3. State and federal permits submitted as part of the application; and
4. Indicate provisions to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Sediment, litter, and other contaminants in the run-off water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized; and
5. Indicate elevations, grades and/or contours at intervals of not greater than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, treatment swales, and bodies of water.

B. The stripping of vegetation, regrading or other development shall be conducted in such a way that erosion of soil will be minimized. Temporary seeding and/or mulching may be required to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

C. The development of the site shall not result in increased runoff or velocity of surface runoff onto adjacent properties or surface water bodies.

D. Attention must be given to the quality of storm-water and melt water leaving the site. Use treatment systems such as wet detention basins, constructed wetlands and/or grassy swales, oil/gas traps in catch basins, and other storm-water treatment systems.

E. Reference the Warner Subdivision Regulations for Town required designs where applicable.

F. Diversions, sediment retention basins, and other such devices employed during site development, shall be constructed and functional prior to any on-site grading or disturbance of existing surface material.

G. All temporary and permanent systems shall be maintained and repaired promptly for the duration of the project. Remove temporary systems when no longer needed and permanent systems are fully functioning.

H. Permanent systems shall be continuously maintained, not limited to removal of sediment, litter, branches, and other contaminates as necessary. Replace soil wash-outs and reseed, and repair or replace damaged drainage systems promptly.

I. For Low Impact Development (LID) use non-structured NHDES Best Management Practices for on-site treatment/infiltration.

Section XIX ***Access, Parking, Loading and Pedestrian Safety Standards***

A. General

2. There shall be adequate access to and from Town and State roads/streets and highways to insure the safety of vehicles pedestrians, and bicycles. All access shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the town, including the Town of Warner Zoning Ordnance, Subdivision Regulation, Road Standards, as adopted and amended.
3. The access/egress to a parking facility shall be clearly marked and signed and said marking signs maintained year around. One-way entrances shall be a minimum of 13 feet wide, two-way entrances a minimum of 24 feet wide. All access points on the site must be paved; however, the Planning Board will entertain the use of permeable pavement if sufficient information is submitted to document the effectiveness of such pavement, such as climatic conditions and any other conditions that may affect the overall performance of the pavement.
4. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties.
5. Handicapped parking is required and shall conform to the most current State and Federal law in place at the time of the application. Adequate provisions shall be made for handicapped parking and safe accessibility for the handicapped from the parking spaces to the proposed building(s)/use(s).

6. Buildings, structures, parking lots, and landscaping shall be arranged so that access and egress by emergency vehicles will not be inhibited, and so as to promote safe internal circulation on the property.
7. Sufficient off-street loading and/or unloading space must be provided including off-street areas for maneuvering of anticipated trucks or other vehicles which shall be designed to ensure the safety of vehicles and pedestrians on the site. Maneuvers for parking and/or loading or unloading spaces must not take place on a public street.
8. Access, parking and loading areas are to be constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental effect on abutting or neighboring properties and public rights-of-way and shall be designed to ensure the safety of vehicles and pedestrians.
9. Parking spaces shall not be used as temporary/permanent storage, nor will they be considered loading areas. No activities will be permitted except for those for which the use of the spaces was intended.
10. All site plans presented to the Planning Board for approval shall identify an area or areas of sufficient size and composition to allow for safe and convenient storage of snow volumes anticipated to be generated by winter site maintenance, or include a note indicating that snow is to be removed from the site.
11. Snow storage areas shall not be specified at locations where: accumulated volumes of snow will produce a visual nuisance on-site or to abutters; inevitable snow melt will result in the flow of water onto a public street. Snow shall not be stored in areas of jurisdictional wetland, wetland buffers or in parking spaces, aisles, fire lanes, access drives nor other areas of a site where accumulated snow volumes would prevent proper use of a site in terms of these Regulations or in the judgment of the Planning Board.
12. Through traffic on fronting roads/streets shall not be impeded or endangered by vehicles entering or leaving the site.
13. Include consideration of bicycle access within the site and bicycle storage area near building entrance.
14. It is the responsibility of the applicant to maintain the parking area in a safe manner for pedestrians and bicyclists, as well as vehicles. This also includes replacing signs, line-striping, etc. that have been damaged or become missing.

B. Table of Off-Street Parking Guidelines:

In addition to these guidelines, the Planning Board will consider the use of innovative parking techniques allowing for a reduction in the amount of parking for multi-use developments**.**

Accessory Attached Apartment	1 space per dwelling unit
Agricultural Road Stand	7 spaces per customer service employee
Auto/Truck Sales (only)	5 minimum plus 1 space per 10 vehicles
Bank	12 spaces per 1,000 SF
Child Care Facility	1 space per 3 children plus 1 per employee
Elderly Housing	1 space per dwelling unit
Emergency Services	1 space per 200 SF of gross floor area
Funeral Home	1 space for each 4 patron seats in the largest assembly area
Gas Service Station, Automotive Repair Garage	1 space per employee plus 2 spaces per service bay or 1 space per 200 SF
Gas Station with or without	minimum 1 space per pump plus 1 space per 200 SF

Mini-Mart	
Hair Salon, Nails, Tanning	2 spaces per chair/table
Hospital, Nursing/ Convalescent Home	1 per 3 beds plus 1 per 3 employees on dayshift
Hotel, Motel, Lodging House or B & B	1.1 spaces per rental unit; and 1 space per 5 seats in ancillary restaurant; and 1 space per 100 SF floor area for function room and other such uses.
Industrial (light volume)	1 space per employee plus 1 space per 2,000 SF
Industrial (heavy volume)	1 space per 2 employees plus 1 space per 2,000 SF
Lounge	1 space per 2 seats
Medical and Dental Offices, Medical Office Buildings, Clinics	3 spaces per Doctor plus 1 space per employee
Multi-Family Housing	not less than 2.5 spaces per dwelling unit
Office (high volume) – Including but not limited to health aid services, attorneys, insurance, real estate	1 space per 100 SF
Office (low volume) – Including but not limited to construction, remodelers	1 space per 200 SF
Place of Assembly: Churches, Theaters, Etc.	1 space per 3 seats; and 1 space per 55 inches of permanent bleacher or bench seating space; and 1 space per 150 SF of area without permanent seating that is devoted to regular public assembly; and 1space per employee
Private Club or Lodge	1 space per 4 members
Residential Single Family and Two-Family Dwellings	2 spaces per dwelling unit
Restaurants: carry out or drive through (no beverages or food consumed on premises)	1 space per 50 SF of gross floor area
Restaurants: sit-down, eat in	1 space per 3 seats plus 1 per employee
Restaurants: Sit-down and carry out and/or drive through	Parking shall be the combination of the standards for sit down and carry-out restaurants, above.
Retail (high volume) including but not limited to drug, food, specialty bakery & ice cream stores	1 space per 150 SF

Retail (medium volume) including but not limited to clothing, shoes, general merchandise, lawn and garden supplies, service industries, video store, etc.	1 space per 250 SF
Retail (low volume) including but not limited to construction, remodeling services and materials	1 space per 400 SF

C. Special Consideration Guidelines:

1. **Sidewalks,** a minimum of five (5) feet wide, shall be provided for pedestrian traffic to provide connection between the main entrances to businesses, housing, or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provisions shall be made for sidewalks running from the street line to the establishments. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways, shall be at least six (6) inches above grade and protected by curbing. Comply with applicable ADA requirements.
2. **Sight distance** is crucial to ensure safe ingress and egress from a site. For all access points, adequate sight distance standards in accordance with acceptable engineering practices and State or Federal standards (whichever is stricter) shall apply.
3. **Driveway approaches**, widths, and throat lengths must be adequately designed to accommodate the volume of traffic entering and exiting the site. This design must also take into consideration the safety of pedestrians, bicyclists, and other motorists.
4. **Driveways** shall be aligned with those curb cuts directly across the street from the site unless a safer and more effective configuration is presented that will facilitate better traffic circulation in the area.
5. **Off-Site Improvements** - Where traffic from a proposed development will adversely impact an adjacent street or intersection, provision shall be made for the mitigation of said impacts. Such improvements may include, but are not limited to: medians, traffic signage, drainage improvements, sidewalks or other pedestrian infrastructure or modifications to existing infrastructure, traffic signals, and curbing.

Section XX Parking Lot, Driveways, and Shared Access Performance Standards

A. Parking and driveway configuration plans shall include the following submittal requirements:

1. Location of access points on both sides of road including distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property; and
2. Number and direction of driveway lane(s) to be constructed, with striping and signage plans; and
3. All planned transportation features (emergency/fire lanes, frontage roads, common access drives, signals, etc.); and
4. Trip generation data and traffic studies; and
5. Parking and internal circulation plans; and
6. Coordinate layout of parking islands and medians with the Landscape design; and

7. Coordinate the location of proper drainage and storm-water control facilities. Include catch basins, retention ponds, vegetated swales, drywells, grid separators, or other appropriate systems; and

8. For drive-through businesses, vehicle stacking spaces for drive-up window(s) service shall be located on the same lot as the principal use, and shall not interfere with ingress to the lot from a public street, other required parking spaces, or access aisles to said parking spaces.

B. Design

1. Surface Materials:

   a. All parking, driveways, loading and entrances are required to be paved. Pavement shall consist of an asphalt binder and wear course. In loading areas, additional pavement thickness or concrete may be required due to weight of delivery vehicles. See Subdivision Regulations for recommended design standards. At seasonal agricultural use locations, paving is optional.

   b. Applicants are encouraged to use alternative impervious surface materials other than asphalt and concrete at areas such as sidewalks and customer drop-offs. Encouraged materials include brick pavers, concrete pavers, stamped concrete, cobblestone, and other similar materials.

   c. The Planning Board will entertain the use of permeable pavement if sufficient information is submitted to document the effectiveness of using such pavement in light of climatic conditions and any other conditions that may affect the overall performance of the paving.

   d. Where a road is expected to be become a Town road, construction shall as a minimum meet the requirements in the Warner Subdivision Regulations.

C. Connectivity with adjacent parcels / parking areas

The Planning Board may require the use of cross access drives, and other access management techniques to reduce the number of access points on to public roadways. A system of joint use driveways shall be established wherever feasible, along all state roads, and roads with minor collector classification or higher. The location, width, and pavement treatment of all driveways and access points within 200 feet of the site shall be shown on the site plan. The applicant is encouraged to discuss with the Planning Board their plans to minimize access points and provide for joint use driveways and cross easements prior to submitting a formal site plan application.

Where cross access arrangements are proposed or requested by the Planning Board, the site plan design shall incorporate the following:

1. A least one (1) cross-easement or right-of-way to each abutting parcel, whether developed or not. Said easement or right-of-way shall be recorded with the deed of each parcel allowing for shared or cross access to and from other properties by the joint use driveways and/or access drives;
2. Connecting drives shall be constructed with a design speed of 15 mph and sufficient cart way width of at least 22 feet to accommodate two-way travel;
3. The applicant will record an agreement with the deed that remaining access rights along the roadway providing frontage to the development will be dedicated to the Town and pre-existing driveways will be closed and eliminated after the construction of the joint-use driveway; and
4. All agreements will be recorded with the deed, including but not limited to maintenance agreements and shall be review and approved by the Town Attorney. Cost of legal review of all documentation will be borne by the Applicant. All costs shall be paid by the applicant prior to the signing of the final plat.

D. Driveway Spacing / Location

The following shall serve as the acceptable standard for determining the location and spacing of driveway/access points in a development, or as these standards are amended they shall hereby be incorporated by reference.

Driveway Spacing		
Roadway Classification	Minimum Spacing (feet)	Desired Spacing (feet)
Arterial	300	500
Collector	100	300
Local	100	300

- Arterial – is a road whose primary function is to mobility, moving people and goods over long distances quickly & efficiently (such as Route #103, #127, #114).
- Collector – is a road connection arterial roads to local locals, whose function is divided between providing mobility and access.
- Local Road – is a road whose primary function is to provide access to adjacent development.
- Refer to NHDES Innovative Land Use Planning Techniques October 2008 chapter 3.3 for illustrations.
- Coordinate with Warner Subdivision Regulation requirements when applicable.

Section XXI Exterior Lighting Standards

A. The purpose of the exterior lighting standards is:

1. To balance the goals of the Master Plan to maintain a small village, rural atmosphere, with the need to provide for public safety and at the same time enhance the appeal of buildings and landscaping while avoiding excessive lighting.
2. To regulate the type of light fixtures, lamps and standards, and to assure that exterior lights shall be shielded so that they do not cast direct light beyond the property line.
3. To protect residential zones from the ill effects associated with non-residential and multi-family exterior lighting;

B. Lighting Definitions

1. **"Uniformity ratio"** shall mean the average illumination to minimum illumination, presented as a ratio example 4:1.
2. **"Lux"** shall mean a unit of illumination equal to the direct illumination on a surface that is everywhere one meter from a uniform point source of one candle intensity or equal to one lumen per square meter.
3. **"Lumen"** shall mean a unit of luminous lux equal to the light emitted in a unit solid angle by a uniform point source of one-candle intensity.
4. **"Foot-candle"** shall mean a unit of illumination on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

C. Applicability and Exceptions

1. The Planning Board shall review and approve the lighting design as part of the site plan process.
2. These regulations do not apply to individual dwelling unit lots, with the exception of common areas, which shall be reviewed by the Planning Board during the site plan or subdivision process. Examples of common areas include, but are not limited to pathways, clubhouses, shared driveways, and parking lots and play areas.
3. These regulations do not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the community.
4. Flags of the United States, the State of New Hampshire and other patriotic flags may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.
5. Holiday lighting shall be considered temporary and as such be regulated by the Board of Selectmen.

D. Lighting Requirements

The following performance standards shall apply to exterior lighting designs:

1. Design:

   a. Exterior lighting shall be designed to coordinate with the building architecture and landscaping, and should contribute to the character of the property, neighborhood, and street.

   b. The style of lighting fixtures used shall be uniform for the entire site.

   c. A qualified lighting engineer acceptable to the applicant shall review exterior lighting designs. The developer shall pay said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Planning Board or the engineer. A letter certifying to the developer's concurrence to the employment of said engineer shall be filed with the Planning Board as part of the site plan review.

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

   e. All light fixtures mounted in canopies must be recessed or flush with the bottom surface on the canopy. Canopy lighting shall not shine or glare directly on abutting properties. Light levels under canopies shall have a maximum illumination of twenty foot-candles and shall be subject to a four (4) to one (1) uniformity ratio.

   f. Parking lot lighting shall provide a minimum of two (2) foot-candles of light at ground level. Parking lot entrances and intersections shall provide a minimum of five (5) foot-candles of light at ground level. Parking lot and security lighting shall not exceed a maximum of fifteen (15) feet in height, including lamp, pole, and base.

   g. All parking lighting shall be subject to a four to one (4:1) uniformity ratio.

   h. Any sign lighting shall be external illumination per the Zoning Ordinance.

   i. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development.

   j. Public spaces and sidewalks shall provide a minimum average of one (1) foot-candle of light at ground level.

   k. Where practical, exterior lighting installations shall include timers, dimmers, motion sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed eliminate unneeded lighting.

   l. Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.

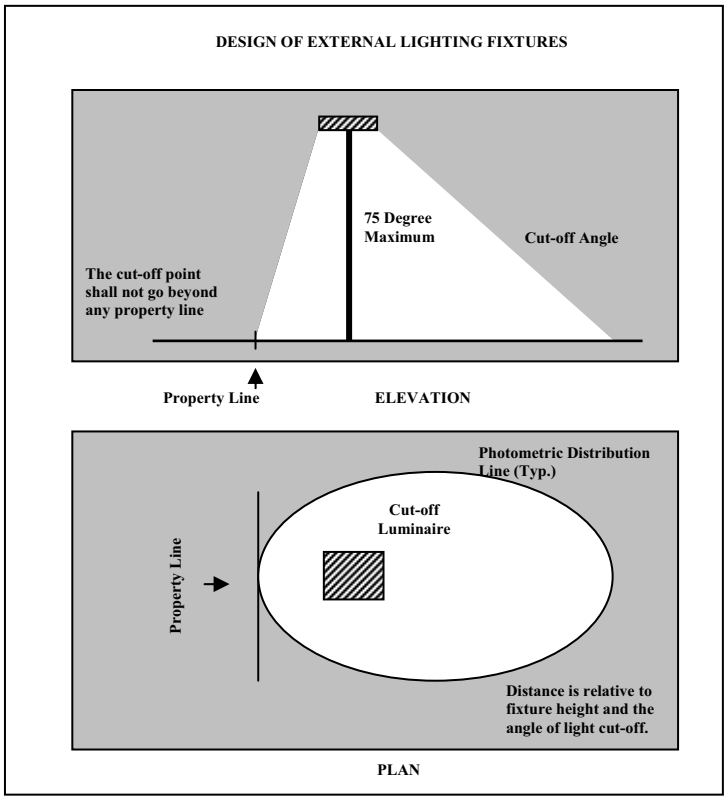
2. Control of Glare:

   a. Lighting fixtures shall be positioned to prevent undesirable incidental illumination of abutting properties, the street, and the nighttime sky. Glare, directions, and light level should be considered in design of illumination plans.
   b. Security, parking lot, and sign lighting shall be shielded or otherwise designed to ensure the light is directed downward.
   c. To prevent light pollution and impacts on abutting properties, the total cutoff of light should occur within the property lines of the lot to be developed.
   d. The maximum illumination at the edge of the property line adjacent to a residential use or residential zoning district shall be two tenths (0.2) foot-candle.

e. The maximum illumination at the edge of the property line adjacent to nonresidential zoning districts or uses shall be two tenths (0.2) foot-candles. Exceptions may be considered where lots are interconnected.

3. Temporary Lighting: Temporary construction lighting shall be installed so that all direct illumination is kept within the boundaries of the construction site.
4. Maintenance:
   a. Fixtures and lighting systems used for safety and security shall be in good working order, and shall be maintained in a manner that serves the original design intent of the system.
   b. Vegetation and landscaping shall be maintained so that they do not obstruct security lighting.

E. **Exterior Lighting Plan Requirements -** Whenever outside lighting is proposed it shall be accompanied by a lighting plan that shall show:
1. The location and type of any outdoor lighting luminaries, including the height of the luminaries, and base design;
2. The luminaries' manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
3. The type of lamp such as: metal halide, high pressure sodium, LED, compact fluorescent, etc; and
4. A photometric plan showing the intensity of illumination at ground level, expressed in foot candles, and documenting that the cut-off point for each fixture shall not spill on to any street or abutting lot using the proposed luminaries.



Section XXII Exterior Building Façade Performance Standards

The following performance standards shall apply to the construction of all new nonresidential, mixed use, or multifamily structures. Existing developments shall use these standards where appropriate for renovations and expansions.

A. Overview:

1. The goal is to provide an appearance consistent with the location and proposed use.
2. Appropriate exterior building materials, colors, and design shall be chosen which provide visual interest, reduce massive aesthetic effects, and harmonize with the appropriate and orderly development of the surrounding area while also meeting the provisions of the Zoning Ordinance, and goals and recommendations of the Master Plan.
3. The presence of any existing development in a surrounding area that does not conform to these standards for aesthetic character shall not exempt the applicant from complying with the standards.
4. In the B-1 Business District, building design and cladding shall be sensitive to and in keeping with the character of the community with the use of traditional wood clapboard, brick, and similar trim.

B. Submittal Requirements:

1. Provide colored building elevation plans depicting all sides shall be submitted with application. Colored perspective and more detailed drawings are encouraged where they may be helpful in illustrating the design.
2. Provide color/sample for finishes planned to be used on the building exterior.

C. Building Orientation and Layout

1. The proposed building shall respect the orientation and location of surrounding buildings, pedestrian paths, sidewalks, streets, and any anticipated future development in the area.
2. All entrances shall be clearly identifiable and directly accessible from a sidewalk.

D. Surface Materials / Building Cladding

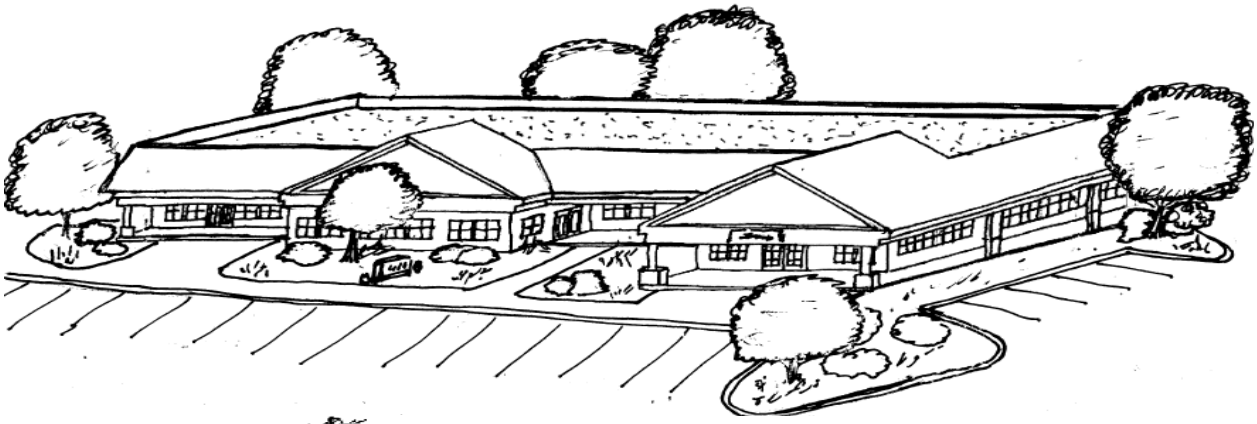
1. Building exterior surfaces visible from a public right-of-way or abutting residential property shall be constructed of face brick, stone, stucco, architectural precast concrete, decorative masonry block, glass, clapboards, shingles, shakes, vinyl siding, or a combination thereof. Metal siding may be used only in the C-1 Commercial and INT Intervale Overlay districts.
2. Asphalt, slate shingle, shakes, and metal may be used for roofing on pitched roofs.
3. Exterior Colors:
    a. Paint colors shall relate to natural material colors found on buildings such as brick, stucco, stone, and wood, and to traditional colors.
    b. Colors and materials shall be selected to minimize visual aggressiveness. Subtle tones or earth tones with semi-gloss or less sheen are encouraged.
    c. Provide complementary colors on architectural details, such as cupolas, roofs, awnings, and other similar items.
    d. Changing the color of the building in the future requires the submittal of the “Application for Determination of Site Plan Review” to the Land Use Office.

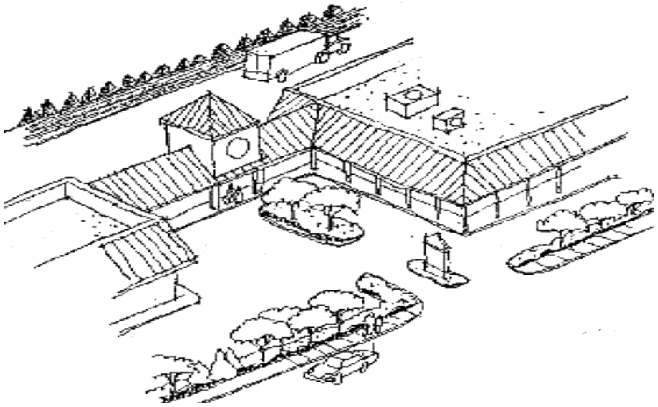
E. Building Details for Visual Interest

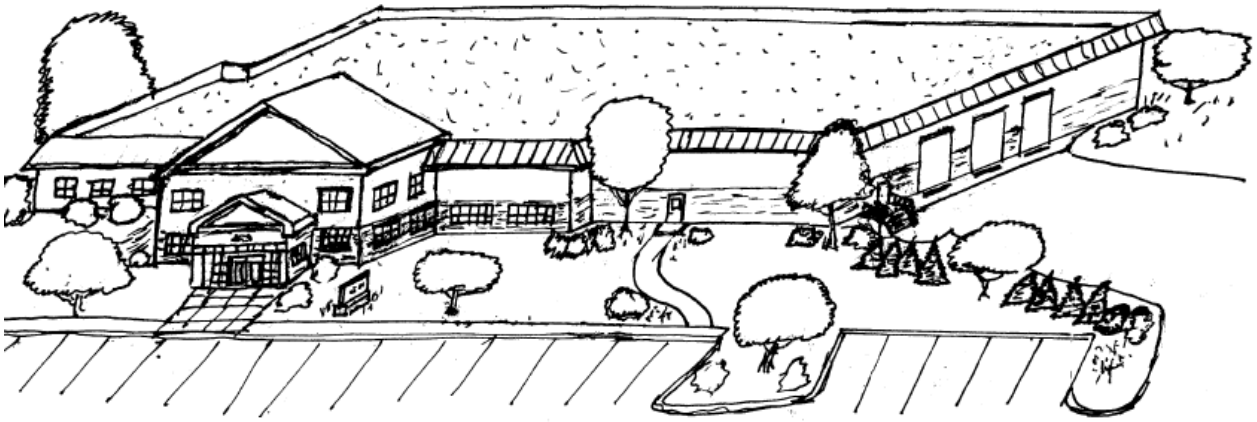
1. Incorporate the use of visually interesting buildings with features compatible with Warner's character. Provide sufficient variety in exterior design so as to avoid monotony in appearance. Standards include:
    a. Prominent three-dimensional details to create shadow lines such as wall line offsets, thick trim, sills, projected eaves and rakes, cornices, decorative column, and openings.
    b. Multiple types and textures of materials.
    c. Varied roof heights and roof forms shall be incorporated into all new buildings or additions to existing structures.
    d. Provide a pitched roof(s) with a minimum 6/12 roof pitch with the gable ends oriented to the street whenever possible.
    e. A pitched roof shall be provided for all buildings of 5,000 SF or less. The roof shall have a minimum 6/12 roof pitch.
2. Additional requirements for larger buildings - over fifty (50) lineal feet wall length:
    a. The maximum uninterrupted façade length shall not exceed fifty (50) feet or thirty-five (35) percent of the total façade. The façade shall incorporate wall plane projections or recesses a minimum width of thirty (30) percent of the wall's total length. Each projection or recess shall be a minimum depth of three (3) percent of the wall's total length.
    b. Provide multiple roof lines, wall alignments, and sight lines to help minimize the perception of mass and bulk. Strategically located trees, grade changes, and other landscape features are encouraged to help facilitate these requirements.
    c. For large buildings where pitching the entire roof is not practical, the use of mansard roofs shall be used to imitate pitched roofs to vary the horizontal lines or create the appearance of multiple attached buildings.
3. Entryways shall be a distinct feature of any building. The building(s) shall provide for clearly defined, highly visible entries.
4. Weather protection overhangs are encouraged that extend beyond the main roofline, and create a covered walking environment. The overhang may be a permanent extension of the roofline, an awning, or other element that serves to protect pedestrians.
5. All mechanical equipment shall be screened from view with either building walls or roof forms. Screening materials shall be the same material as used for building cladding or a different aesthetically complementary material.

(continued on next page)

6. Some illustrations of Façade and Roof; however, applicants shall conform to all requirements.







Section XXIII Support Services

A. Water Supply and Sewage Disposal Systems:

1. Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control and/or the Town Subdivision Regulations.
2. In areas not currently served by public water and sewer, it shall be the responsibility of the applicant to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of water and sewage systems.
3. The applicant shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.
4. Follow regulations as set forth in the Warner Subdivision Regulation for shared facilities.
5. For locations served by the Warner Village Water District water and sewer system, design and construct as directed by the Warner Village Water District.
6. Adequate provisions must be made for fire safety, prevention, and control.

B. Utilities: All nonresidential structures and sites shall be serviced by underground utilities

1. Electrical.
2. CATV, internet, phone, Fire Alarm.
3. Water and sewage.
4. Underground storage tanks – indicate location and type
5. Propane tanks – may be above ground at the discretion of the Planning Board if screening is provided.
6. Others not listed.

C. Renewable Energy:

1. Solar panels require certain available sun exposure to function efficiently. The following is a preferred guide line for installation location; however each lot and building will have its own characteristics so the Planning Board shall allow flexibility with a goal of minimizing visual impact from adjacent streets and abutters:

   a) Attempt to keep solar panels from the front yard or on the face of a building or structure facing a street unless integrated with the ordinary construction of the building or structure.

   b) Attempt to use flush-mount or integrate solar panels on sloped roofs and building wall surfaces. Where not feasible and for other roof design situations, keep any top of panels to within five (5) feet above the building high point.

   c) For ground-mounted solar panels, where possible locate panels in a side or rear yard with the top height less than 8 feet above the adjacent ground. Provide screening from adjacent properties with fencing, or a combination of evergreen and deciduous plantings. The integrating of sloping panels with topography is encouraged.

2. Small Wind Energy Systems defined as 100KW and under shall comply with State RSA 674:62 through 674:66.

D. Refuse Storage Area: All exterior solid waste disposal or recycling facilities shall be screened on each side. Screening shall be one of the following:

1. Stockade fence with gate with landscaping, or
2. Enclosure using the same or complementary materials as used on the main building, or
3. Other method acceptable to the Planning Board.

E. Outside Display or Storage: Any outside areas used for the display or storage of merchandise or materials used in the business shall not conflict with sidewalks, parking, drainage, landscaping, open space requirements, sight distance, and intersections. Indicate the area, location, and type of use on the plan. Depending on the location or type of use, the Planning Board may require an enclosure, fencing or screening from all or particular perspectives.

Section XXIV Signage Design Standards

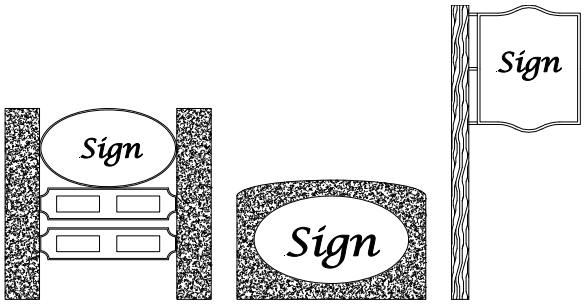
All signs shall be designed to fit the architectural characteristics of the building and take into account: letter size and style of text, sign support methods, sign area configuration, sign shape and proportion, and construction materials (text and background surfaces).

A. General:

1. All signage shall be in compliance with the provisions of the Warner Zoning Ordinance.
2. Wall signs above the eave line are discouraged.
3. No internally illuminated signs shall be permitted.
4. Signs shall not be directly painted on a building.
5. The letter area as it relates to the overall sign background area shall be proportional, and the letters shall not occupy more than seventy-five percent (75%) of the sign panel area.

B. Freestanding Signs

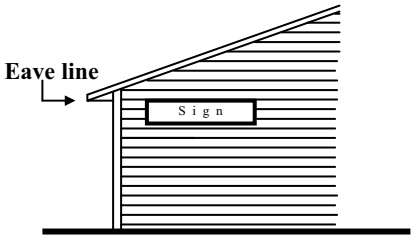
1. Freestanding signs should be either monument or directory type signs.
2. Freestanding signs shall be placed perpendicular to approaching vehicular traffic.
3. Freestanding signs may include only the following information: the identification of the business or center as a whole, the major tenant(s) and the street address range included within the center.
4. The use of carved or painted wood, stone, or other masonry products is encouraged.
5. A Signage Landscape Strip shall be constructed to re-establish ground cover where disturbed by sign installation and to screen the foundation of monument or pedestal signs without blocking the view of signage information.
6. Suggested General Forms for Freestanding Signs:



Directory Type **Monument Type** **Pole Mounted**

C. Wall and Eave-Line Signs

1. Wall and eave-line signs shall be designed to be compatible with the predominant visual elements of the building and emphasize architectural elements of the building's facade.
2. Signs shall establish a visual continuity with adjacent building facades.
3. Signs shall be oriented to emphasize visibility to pedestrians walking and motorists traveling along the street, with emphasis on not making the sign too large to distract from the other visual aspects of the building or surrounding area.
4. Preferred Location for Wall and Eave Line Signs:



Section XXV Flood Hazard Areas

Site plans for both non-residential development and multi-family units will be reviewed to determine whether such proposals will meet the Floodplain Development Ordinance. If such a proposal is determined to be in a flood prone area, such proposals will be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage within the flood prone area;
2. All new construction or substantial improvements of non-residential and multi-family structures with the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
   a) be flood-proofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
   b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
   c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
3. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
4. Septic systems, if required, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters; and
5. Such plan complies with the Town of Warner Floodplain Development Ordinance.

Section XXVI Wireless Telecommunication Facilities

A. Telecommunication Facility Site Requirements

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

1. Height of proposed tower or other structure;
2. Proximity of tower to residential development or zones and schools;
3. Nature of use on adjacent and nearby properties;
4. Impact on identified historic resources;
5. Surrounding tree cover and foliage;
6. Identification of flight corridors, public and private;
7. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
8. Proposed ingress and egress to the site;
9. Availability of suitable existing towers and other structures as discussed in Section 1003.02 of the Wireless Telecommunications Facilities Ordinance;
10. Visual impacts on view shed, ridge lines, open fields and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures; and
11. Feasibility of alternative tower structures and alternative filing locations.

B. Submission Requirements for Telecommunication Facilities

Each applicant requesting Site Plan review and approval for telecommunication facility shall submit an application and site plan in accordance with the requirements of the Wireless Telecommunications Facilities Ordinance and Site Plan Review Regulations. In addition, the applicant shall submit the following prior to any approval by the Planning Board:

1. Additional site plan information: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, access drives, parking, fencing, landscaping and adjacent uses (up to 200 feet away).
2. Written proof that the proposed use/facility complies with Federal Communications Commission regulation on radio frequency (RF) exposure guidelines.
3. Written proof that an evaluation has taken place as well as the results of such evaluation satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable Federal Communications Commission (FCC) rules.
4. An inventory of existing towers that are within the jurisdiction of the Town and those within seven (7) miles of the border of the Town including specific information about the location height and design of each tower as well as economic and technological feasibility for co-location on the inventoried towers.
5. Written evidence demonstrating that no existing structure can accommodate the applicants' proposed antenna if the applicant is proposing to build a new tower. This evidence can consist of an analysis of the location, height, strength, potential interference, signal coverage and co-location costs that would make co-location impractical.

6. A written agreement with the Town specifying that the applicant agrees to provide for maximum shared use of the facility with other telecommunication providers and with governmental agencies at industry standard lease rates. The applicant shall also provide notice to all commercial carriers in the region that a new facility is to be erected and that an opportunity for co-location exists.

7. A view shed analysis to include at minimum a test balloon moored at the site for the purpose of indicating the visibility of the proposed structure from all abutting streets and other key locations within Town boundaries. The Planning Board shall be contacted at least 15 days prior to a balloon test so the public can be notified.

8. Engineering information detailing the size and coverage required for the facility location. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4(g).

C. Construction Performance Requirements

The guidelines in this section shall govern the location of all towers and the installation of all antennas. The Planning Board may waive these requirements in accordance "Waivers of Site Plan Review Regulations" only if it determines that the goals of the Wireless Telecommunications Facilities Ordinance are served. These requirements shall supersede any and all other applicable standards found elsewhere in Town regulations that are less strict.

D. Aesthetics and Lighting

1. Towers and dish antennas shall maintain a neutral non-reflective color so as to reduce visual obtrusiveness, such as medium or shadow gray.

2. The design of the buildings and related structures at a tower site and antennas and supporting equipment on structures other than a tower shall use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and build environment.

3. Towers shall not be artificially lighted; the Town or other applicable authority may require a navigational beacon.

4. Towers shall not contain permanent or temporary signs, writing, symbols or any graphic representation of any kind other than safety related signs.

E. Security Fencing

Towers shall be enclosed by decay-resistant security facing not less shall eight (8) feet in height and where appropriate also be equipped with an appropriate anti-climbing device or other similar device to prevent tower access.

F. Landscaping

1. Towers may be required to be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip of at least ten (10) feet wide outside the perimeter of the compound.

2. Natural vegetation is preferred, and existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

3. In locations where visual impact of the tower would be minimal or where natural growth provides a sufficient buffer the landscaping requirement may be reduced or waived entirely.

Section XXVII Joint Hearings

Pursuant to RSA 676:2, and in accordance with adopted Rules of Procedure, the Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a proposal. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that the Zoning Board of Adjustment holds a hearing for a special exception or variance for the project.

Section XXVIII Amendments

Amendments to these Site Plan Review Regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, as may be amended from time to time.

Section XXIX Separability

If any provision herein shall be held to be invalid for any reason by a court, such holding shall not invalidate in any manner, any other provision contained herein.

This checklist refers only to the required submittals necessary to begin Planning Board review of a project.

Instructions:

1. Review and follow Warner's Zoning Ordinance and Site Plan Review Regulations prior to completing.
2. Place a checkmark adjacent to all items included with the application & plan.
3. In cases where all items on the line are not applicable to the project, indicate N/A.
4. Where some items are applicable, write "some" and circle & strike a line through items N/A.
5. If requesting a Waiver as outlined in Section X, indicate 'Waiver" and provide formal written request.

A1. *ITEMS SUBMITED WITH APPLICATION* (indicated Sections refer to these Regulations)

_____a. Completed Site Plan Review application;

_____b. Completed Site Plan Review checklist Appendix A;

_____*c.* Plot plan (see requirements in #A2 below);

_____d. Provide a separate list including names, addresses of the abutters, applicant's agent; holders of conservation, preservation restrictions, agriculture preservation restrictions; and every engineer, architect, land surveyor, or soil scientist whose professional seal appears or will appear on the documents; and information required for submission to assist in notification; (Section II - Definitions, and RSA 676:4.I.b)

_____e. Fees as set by the Planning Board;

_____f. Copy of deed, easements or right-of-way; previously approved Site Plan & decision if applicable

_____g. A colored elevation view or photograph of all buildings indicating height, width and surface treatment demonstrating compliance with Section XXII requirements;

_____h. Information on specific materials anticipated to be used and stored on site using title 49 Code Federal Regulations as a standard for hazardous materials;

_____i. Submit additional set of plans if the project has Regional Impact (Section XI);

_____j. Description of special site preparation such as excavation and blasting, as well as extent of hauling materials to and from the site;

_____k. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the propose development for Site Review including but not limited to any state, federal or local requirements and permits (driveways, drainage, flood plan, DES, traffic studies, etc), special studies or analysis environmental assessments and legal review of documents.

A2. *PLOT PLAN REQUIREMENTS* (indicated Sections refer to these Regulations)

_____a. Provide six (6) prints of each plan sheet (blue or black ink) 22"x34" and eleven (11) copies 11"x17". Provide one 22"x34" colored-in site plan which highlights regions (landscaped, roads, buildings, drainage, utility systems, etc) to assist in illustrating the project scope.

_____b. Scale: not less than 1" = 100'; Match lines when needed;

_____c. Date, title, scale, north arrow, location map, legend, signature block for Planning Board Chairman;;

_____d. Name and address of developer, owner(s) of record and designer(s)/engineer(s);

_____e. All existing and proposed easements and right-of-ways;

_____f. List any approved or required Variances and Special Exceptions;

_____g. Indicate Zoning Ordinance items: proposed type of use, minimum lot size, minimum frontage, buildable area, impervious area, and other pertinent items. If applicable indicate building separation, shared driveway, cross lot traffic provisions;

_____h. The Zoning Districts and boundaries for the site and within 1,000 feet of the site;

_____i. Current names and addresses of all abutters, use of abutting properties, and location of the structures thereon including access roads, keyed on the plan;

_____j. Drawing of site showing boundaries, existing natural features including watercourses and water bodies, wetlands, trees and other vegetation, topographical features, any other features including existing structure that should be considered in the site design process;

_____k. Any existing hazardous and contaminated materials;

_____l. Existing and propose contours and finished grade elevations - all contours shall be a minimum of 2-foot intervals;

_____m. Surveyed property lines showing their angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations;

_____n. Right-of-way lines of all existing adjoining streets;

_____o. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained (Section VXII);

_____p. The location, elevation and layout of catch basins, and other surface and underground drainage features, storm-water drainage system, applicable permits (Section XVIII);;

_____q. Erosion and sedimentation control plan (Section XVIII);

_____r. Location of off-street parking and loading spaces with a layout of the parking indicated. (Section XIX)

_____s. Snow storage locations (Section XIX);

_____t. If a subdivision, the lines and names of all proposed streets, lanes, ways or easements intended to be dedicated for public use shall be indicated and all Subdivision Regulations shall apply;

_____u. Driveway, road, parking, pavement marking and exterior storage areas including construction details (Section XIX and XX);

_____v. If a road is planned with the anticipation of its acceptance by the Town as a Town road, the construction design and details shall be shown per the requirements in the Warner Subdivision Regulations;

_____w. Traffic control signs, locations and details; traffic circulation plan (Section XX);

_____x. The location, width, curbing and type of access ways and egress ways (driveways) plus streets and sidewalks within and around site; (see Subdivision Regulation if applicable)

_____y. The location, type, and lumens of lighting for all outdoor facilities, including direction and area of illumination; provide model number and details of lighting , pole and base; (Section XXI):

_____z. Plan of all buildings with their type, height, floor area, location (setbacks) and elevation of first floor indicated;

_____aa. The size and proposed location of water supply and sewage facilities. Indicate the distances from the proposed facilities to all existing water and sewage facilities (on site and abutters) within 200 feet (or greater if required by DES) of each of these proposed facilities (Section XXIII);

_____bb. The type and location of solid waste disposal facilities, including enclosures and screening; and all other support services (Section XXIII); renewable energy systems;

_____cc. The size and location of all public utility service connections - gas, power, telephone, fire alarm (indicate where overhead or underground) (Section XXIII);

_____dd. The location, size and design of proposed signs and other advertising or instructional devices (Section XXIV);

_____ee. Indicate one hundred year flood elevation line, where applicable; construction consideration for Flood Hazard Area (Section XXV);

_____ff. Wireless Telecommunication Facility related requirements. (Section XXVI);

_____gg. Any other information or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review;

To the best of my knowledge, the information provided herein is accurate and is in accordance with the Town of Warner Zoning Ordinance and other land use regulations of the Town including but not limited to the Site Plan Regulations, and other applicable state and federal regulations which may apply.

Printed Signature Name: _____

Authorized Signature: _____ Date: _____