

**SITE PLAN REVIEW REGULATIONS
AND
DESIGN REVIEW STANDARDS**

**FOR THE
TOWN OF WARNER, NH**

MERRIMACK COUNTY



PREPARED BY THE WARNER PLANNING BOARD
WITH THE ASSISTANCE OF THE
CENTRAL NEW HAMPSHIRE
REGIONAL PLANNING COMMISSION

SITE PLAN REVIEW REGULATIONS

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, 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."

To see if the Town will vote to authorize the Planning Board, in addition to the powers previously granted to it, to review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structure containing more than two dwelling units, Pursuant to RSA 674:43. Further, it shall be the duty of the Town Clerk to file with the Merrimack County Registry of Deeds a certificate of notice indicating that the Planning Board has been so authorized and stating the date of such authorization.

Amended March 10, 1992

EFFECTIVE DATE

ADOPTED ON August 7, 1982
FOLLOWING A PUBLIC HEARING ON August 7, 1982

REVISED ON September 17, 1990
FOLLOWING A PUBLIC HEARING ON September 17, 1990

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FOLLOWING A PUBLIC HEARING ON February 6, 1995

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FOLLOWING A PUBLIC HEARING ON February 5, 2003

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FOLLOWING A PUBLIC HEARING ON November 6, 2006

Original signed by

Judith A. Rogers, Town Clerk

November 8, 2006
Date

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I PURPOSE

The purpose of the Site Plan Review Regulations and the site review procedure 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. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity;
- I. Implement the goals and objectives of the Master Plan, as periodically updated;
- J. Encourage design and construction of nonresidential structures that help to preserve and promote Warner's unique rural character;
- K. Manage access to land while preserving the maximum flow of traffic in relation to safety, capacity, and speed;

- L. Protect the functional use of major local, regional, and state roadways;
- M. Reduce the amount of public investment necessary to expand roadway capacity as necessitated by new growth;
- N. Maintain and improve the level of service of major local, regional and state roadways;
- O. Encourage the creation of walkable communities; and
- P. Strengthen the local tax base.

II PROCEDURES

Site Plan Review shall be conducted in accordance with the procedural requirements contained in REVIEW PROCEDURES, of these regulations including the notice to abutters and a public hearing and in accordance with RSA 674:44 as from time to time amended.

A. General

Site plan review by the Planning Board is required for all proposed industrial, commercial or multi-family developments; for the change or expansion of use of all industrial, commercial or multi-family uses, and for the conversion of an existing building, in whole or in part, from a residential use to a nonresidential use or a mixed use, whether or not a subdivision is planned, before any building permit may be issued. These regulations are not intended to apply to minor structural repairs or updates. These regulations are also not intended to require noncompliant structures or uses to suddenly become compliant because of needed repair or restoration of a minor element. Projects for the construction or alteration of wireless telecommunications facilities are directed to comply with the "TOWN OF WARNER, NH, WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE", and the WIRELESS TELECOMMUNICATION FACILITIES section of these regulations.

B. Special Exceptions

For developments covered by these regulations that require special exceptions, application must first be made to the Zoning Board of Adjustment. Having secured a special exception, if required, the applicant must then obtain Planning Board Approval of the site plan and, if necessary, of the subdivision plan. Requirements for latter are described in the subdivision regulations.

C. Preliminary Site Plan Review

In order to expedite such review, **the applicant is encouraged to consult informally with the Planning Board as soon as possible** in order to acquaint the Board with the plans and to obtain preliminary guidance and to retain a licensed engineer or architect to prepare a site development plan.

D. Site Plan Review

On formal submission of the site development plan, the owner or his authorized agent shall submit the proposed site plan maps and supporting data to the Planning Board in accordance with APPLICATION REQUIREMENTS section below, as appropriate.

E. General points:

- 1. The applicant shall check the list of all abutters with records at the County Registry of Deeds and not rely on those obtained from the local tax rolls, as ownership may have changed since town records were last updated.
- 2. The applicant shall bear all the costs of review, including the costs of notifying abutters, the Board's administrative expenses, the costs of special investigations, the review of documents by the Central New Hampshire Regional Planning Commission, and other costs required by particular applications (see RSA 674:44 V).
- 3. The Site Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.
- 4. If the site plan meets the evaluation criteria and is approved by the Planning Board, then the applicant may apply for a building permit. No building permit will be issued until approval of the site plan by the Planning board is granted. The applicant will be notified by mail of approval or disapproval of site plans.

III APPLICATION REQUIREMENTS

A. Projects not requiring additional buildings or changes to the exterior dimensions of existing buildings shall submit the following:

- 1. Completed Application for Site Plan Review;
- 2. List of current names and addresses of all abutters, and use of abutting properties, identified with location of the structures thereon including access roads;
- 3. Fees as set by the Planning Board;
- 4. Site Plan:
 - a. Sheet size: 22" x 34" maximum;
 - b. Scale: not less than 1" = 100';
 - c. Match lines when needed;
 - d. Three (3) prints of each plan sheet (blue or black line);

- e. Date, title, scale, north arrow, location map, legend;
- f. Name and address of developer, designer/engineer if required, and owner(s) of record;
- g. All existing and proposed easements.
- h. Drawing of site showing boundaries, existing natural features including watercourses and water bodies, trees and other vegetation, topographical features, any other features that should be considered in the site design process;
- i. Plan of all buildings with their type, size and location (set backs);
- j. Location of off-street parking and loading spaces with a layout of the parking indicated;
- k. The location, width, curbing and type of access ways and egress ways (driveways), plus streets and sidewalks within and around site;
- l. The type and location of solid waste disposal facilities;
- m. The location, size and design of proposed signs and other advertising or instructional devices;
- n. The location and type of lighting for all outdoor facilities, including direction and area of illumination;
- o. Right-of-way lines of all existing adjoining streets;
- p. Water supply and sewage disposal facilities;
- q. The zoning districts and boundaries for the site and within 1,000 feet of the site; and
- r. One hundred year flood elevation line, where applicable.

5. An elevation view or photograph of all buildings indicating their height, width and surface treatment;
6. Landscaping plan showing required details described within these regulations;
7. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review.

B. All other projects requiring site review shall submit the following items in addition to those required in Section A (above):

1. Reproducible mylar, to be retained by the Planning Board at its option;
2. Plan of all buildings with their type, size, location (setbacks) and elevation of first floor indicated: (assume permanent onsite elevation);
3. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
4. The location, elevation and layout of catch basins and other surface drainage features;
5. Existing and proposed contours and finished grade elevations – all contours shall be a minimum of 2-foot intervals;

6. 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;
7. The size and location of all public service connections – gas, power, telephone, fire alarm, (overhead or underground);
8. Surveyed property lines showing their angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;
9. 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; and
10. Erosion and sedimentation control plan.

IV TOWN ENGINEER

The town engineer, or in the absence of a town engineer, a registered engineer designated by the Planning Board and acceptable to the applicant, shall inspect all site improvements. The developer shall pay said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the engineer. A letter certifying to the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the site plan review.

V REVIEW PROCEDURES

A completed application shall fulfill all requirements of these regulations. Provided an application is received at least 15 days before a regular Planning Board meeting, determination as to its completeness shall be made at the meeting.

A completed application shall consist of the following:

1. Completed application form
2. Three (3) copies of plans which include all information contained in the APPLICATION REQUIREMENTS section above.
3. Appropriate filing fee.
4. Complete and accurate abutters list.
5. If the applicant signs the form rather than the owner, certification that the applicant is agent for the owner.

If any items listed in this subsection are missing or incomplete as of the noted deadline, the application shall not be placed on the agenda for the next Planning Board meeting.

The Planning Board shall provide a receipt for the application. The Board shall begin formal consideration of the application within 30 days after submission of the completed application. The Board shall act to approve, conditionally approve, or disapprove within 65 days after submission, provided that the Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove. The applicant may waive the requirement for Planning Board action within the time periods specified and consent to such extension as may be mutually agreeable.

The Board may grant conditional approval of an Application, which shall become a final approval without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the Applicant of satisfactory compliance with the conditions imposed. Final, approval may occur in this manner only when the conditions are:

1. minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
2. conditions which are in themselves administrative and which involve no discretionary judgments on the part of the Board; or
3. conditions with regard to the Applicant's possession of permits and approvals granted by other boards or agencies

All other conditions shall require a public hearing after notice in accordance with procedures contained herein. The Board's approval of a Site Plan shall lapse if all conditions of approval have not been met within 90 days of the date of the conditional approval. Upon request, and where it can be shown to the satisfaction of the Board that circumstances exist that preclude compliance within the 90-day deadline, an Applicant may be granted a reasonable extension of this time period.

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the selectmen shall, upon request of the Applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order the selectmen shall certify on the Applicant's application that the plat is approved pursuant to RSA 676:4, I, (c) and this paragraph, unless within those 40 days the selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the applicant does not comply. Such certification, citing RSA 675:4, I, (c) and this paragraph shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18 and court review under RSA 677:15.

Failure of the selectmen to issue an order or certify approval shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.

The Planning Board may approve or disapprove the plan. In case of disapproval of any proposed site plan submitted, the grounds for such disapproval shall be adequately stated on the records of the Planning Board and the applicant notified by certified mail.

Before taking action on a site plan, the Planning Board shall hold a public hearing thereon. The applicant and abutters shall be notified of the public hearing by certified or registered mail, return receipt requested, not less than 10 days before the date fixed for the hearing. In addition, notice of the public hearing shall be given to the general public by posting at the town hall.

Upon approval, the Chairman shall sign and date the Site Plan as approved. **Approved plats and any documents affecting covenants, deed restrictions, etc., shall be recorded, when appropriate, with the Merrimack County Registry of Deeds.** All conditions of approval as imposed by the Planning Board shall appear on the face of the final plat to be recorded. Recording of the plats and associated documents shall be the applicant's responsibility. Within 10 days of such approval, the plats must be recorded at the Merrimack County Registrar of Deeds. A copy of the recorded plat and associated documents certified by the Merrimack County Registrar of Deeds shall be submitted to the Town prior to issuance of building permits or start of any construction activity.

Pre-Occupancy Review: Before the final building inspection is considered complete and the building(s) approved for occupancy, the Planning Board shall have the opportunity to inspect the site for compliance with the approved site plan. Any material deficiencies between the approved plan and the site as developed shall be remedied before the site shall be approved for occupancy. The Planning Board may, at its discretion, retain the town engineer or other qualified professional acceptable to the applicant, to perform this review. All associated expenses shall be borne by the applicant.

VI LANDSCAPING STANDARDS

The overall site design shall incorporate the following landscaping standards to enhance the attractiveness of the site and facilitate the integration of the natural and man-made features of the site. Appropriate landscape buffers and screening must be provided and maintained to insure privacy and reduce the potential of negative environmental issues, including but not limited to noise, visual impacts, and air pollution to adjacent land uses, with additional care taken to protect residential uses in the vicinity of the site. The site shall be adequately landscaped.

Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed areas.

Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward, or across abutting properties, unless the written consent of the abutting owner is obtained, and is to be conducted in accordance with the provisions of RSA 485-A:17, written proof of which may be required.

A landscaping plan shall be filed with all site plan applications. Said landscaping plans shall address landscaping associated with parking lot design, building design, and general site design.

Planting shall be selected which will enhance the attractiveness of the site and yet create a safe environment for the general public.

A. Landscape Plan Submittal Requirements

All site plan applications shall include a separate Landscaping Plan, which shall include the following:

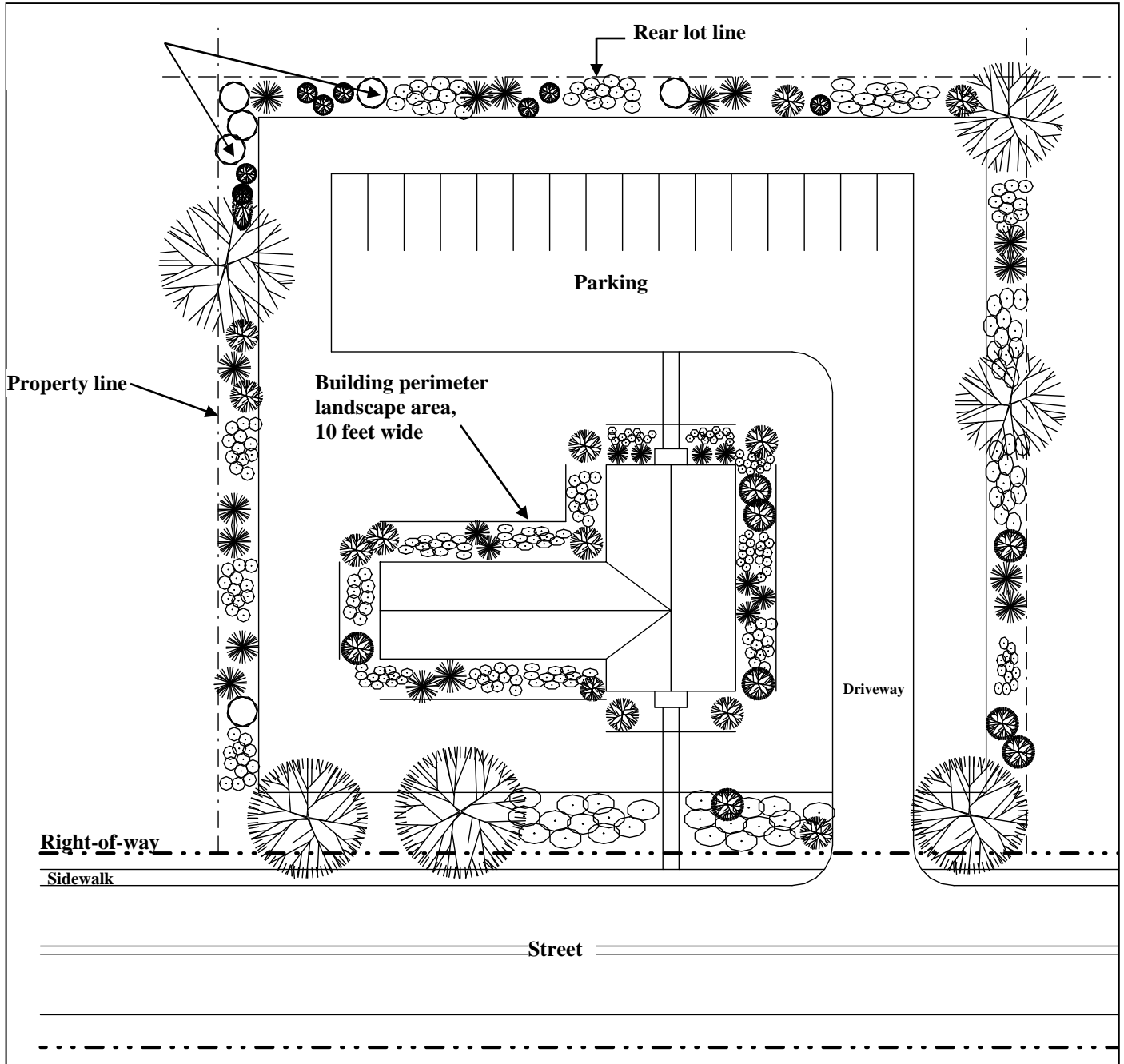
1. Existing and proposed landscape features;
2. Proposed locations of all plants and materials;
3. A planting schedule;
4. The botanical and common names of all proposed plant species;
5. The size, quantity, and description of all plants;
6. The location of existing trees, shrubs, and planting beds;
7. The height and caliper of trees and shrubs at the time of planting and maturity;
8. A maintenance surety to ensure that any planted materials will be replaced in the event they are damaged or die within one year; and
9. Soil management detailing what will happen to disturbed topsoil and subsoil.

B. General Landscaping Standards

1. All dead, dying, or diseased vegetation shall be promptly replaced, based on seasonal planting practices, with healthy living plants in all required landscape areas. All planting areas should be landscaped with a combination of climate tolerant plant material and protective ground cover. Bare soil is not permitted.
2. No loam shall be removed from the site except in compliance with the approved soil management plan. All loam shall be stockpiled on the site and stabilized for redistribution.
3. The use of native species and flowering species is encouraged.
4. Side slopes shall not exceed thirty-three (33) percent (3:1 slope) and should be stabilized with loam and seed, hydro-seed, sod, ground cover, or mulching materials.
5. Existing trees and other vegetation shall be as much as possible incorporated into the site design. The Board may request that certain vegetation, including trees, be left on the site, and adequate protection is provided to the root structure, including but not limited to restricting pavement areas. Precautions must be taken during the site development process to limit the amount of surface area subject to compaction by heavy equipment and other methods. Compaction of the soils may and can impede drainage and proper root development and growth. The Planning Board may restrict the use of equipment in the areas underlying mature trees and other vegetative features of the site to lessen the negative impact of soil compaction on the plant species.
6. In areas where suitable vegetative buffers exist and are maintained, the Planning Board may not require the planting of additional vegetation.

C. Front, Side, and Rear Yard Landscaping Standards

Front, side, and rear landscape strips are defined in the following graphic:



A detailed drawing showing the overall design and the materials to be used shall be submitted to the Planning Board for review and approval.

D. Front Yard Landscaping Standards

The front yard landscape area shall be a minimum of 15 feet wide and shall run parallel with the entire frontage of the parcel. It shall include the following elements:

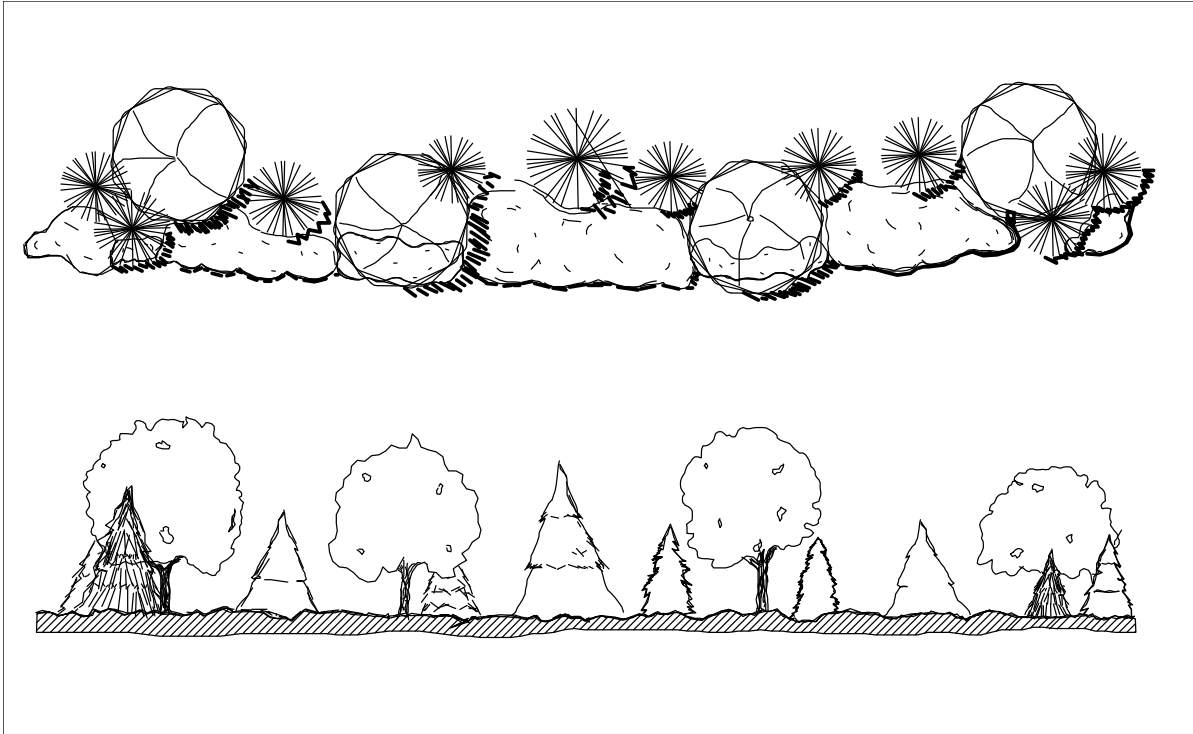
1. Street Trees: Drought and salt tolerant shade trees at 2-1/2" to 3" caliper and a height of 12 feet at time of planting. Evergreen trees shall not be used in front yard landscape strip unless such trees are pre-existing and permitted by the Planning Board;
2. Shrubs: Thirty (30) percent of shrubs in front yard landscape area shall be evergreen. Evergreen shrubs shall be a minimum of 2-1/2 feet in height at time of planting and shall be full and well branched. Deciduous, or flowering shrubs should be 3-1/2 feet in height at time of planting and shall also be full and well branched;
3. Planting Beds: Planting beds shall be provided and shall include perennial flowerbeds, ground cover and other landscaping material that will enhance the attractiveness of the site. Trees or shrubs may be located in the planting. The use of mulch, stone, and other landscaping materials is permitted; however, they shall not be the primary element in the design;
4. Fences and Stone Walls: These items may be incorporated into the front yard landscape area provided they do not interfere with sight distance, pose safety concerns for the general public, or in any way create a visual nuisance to the general public.

E. Side and Rear Yard Landscaping Standards

Side and rear yard landscape areas shall be a minimum of 10 feet wide and run parallel with all side and rear lot lines. They shall include the following landscaping elements:

1. Shade and Buffer Trees: Shade trees shall be deciduous, hardy, drought and salt tolerant species at 2-1/2" to 3" caliper, and 12 feet in height at time of planting. Evergreen trees should be hardy, full, and well branched, with a minimum height of 6 feet at time of planting. Evergreen trees shall be planted in groups, diagonally spaced according to species requirements;
2. Shrubs: Evergreen shrubs shall be a minimum of 2-1/2 feet in height at time of planting, full and well branched. Deciduous or flowering shrubs should be 3-1/2 feet in height at time of planting, full and well branched;
3. Planting Beds: Beds may include perennial flowerbeds, groundcover, and other landscaping material that will enhance the attractiveness of the site. Trees and shrubs may be located in planting beds. The use of mulch, stone and other landscaping materials is permitted; however, they shall not be the primary element in the design;
4. Berms and Fences: Berms and fences may be required by the Planning Board to insure a dense buffer. A detailed drawing shall be provided for Planning Board review and approval;

- Existing Vegetation: Upon approval by the Planning Board, existing vegetation may be used for side and rear landscape areas when it is of sufficient vigor and density to form an effective buffer. All such vegetation must be protected as necessary during construction to avoid damage. Damaged material will be replaced with the appropriate landscaping element.



Buffer Planting: Plan view and Elevation

F. Building Perimeter Landscaping Standards

The landscaped area adjacent to the building shall be a minimum of 10 feet wide and run parallel with the sides of the proposed buildings that will be visible from abutting streets and or residential properties. It shall include:

- Shade and Buffer Trees:** Trees may be planted in clusters in order to accommodate building design elements. Shade trees shall be hardy, drought and salt resistant species at 2-1/2" to 3" caliper and at least 12 feet high at time of planting. Evergreen trees should be hardy with a minimum height of 6 feet at time of planting, full and well branched.
- Shrubs:** Evergreen shrubs shall be a minimum of 2-1/2 feet in height at time of planting, full and well branched, unless otherwise specified by the Planning Board or these regulations. Deciduous or flowering shrubs should be 3-1/2 feet in height at time of planting, full and well branched.
- Planting Beds:** Bed may include perennial flowerbeds, groundcover, and other landscaping material, which will enhance the attractiveness of the site. Trees and shrubs may be located in

planting beds. The use of mulch, stone and other landscaping materials is permitted; however, they shall not be the primary element in the design

G. Open Space Landscaping Standards

All areas that are required to be landscaped and planted shall be clearly shown on the landscape plan. Other green space and open space may be provided on the site, and shall be labeled on the plan. These areas shall be covered with a minimum of four (4) inches of screened loam and seeded

H. Landscaping and Screening of Accessory Structures and Unsightly Features

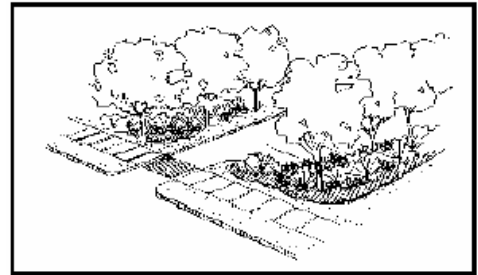
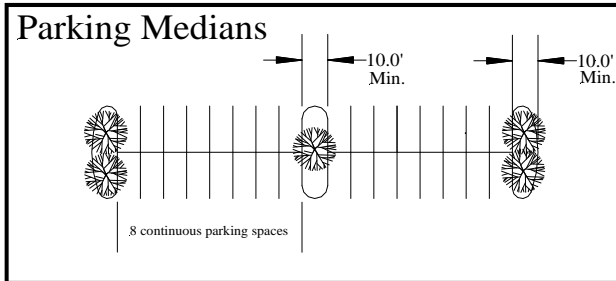
Refuse, dumpsters, compactors, and stock piled materials shall be located so as to be out of view from any abutting property and from the public right-of-way throughout the year. These items shall be properly located within a secured area that has been effectively screened. At a minimum, all such areas shall be concealed with fencing that is at least as tall as the items to be stockpiled, and landscaped with plant materials. All fencing and screening material shall be shown on the plan.

I. Parking Lot Landscaping Standards

Well executed parking lot landscaping can provide many benefits, including mitigation of environmental complications created by large expansions of paved areas, stormwater mitigation, visual screening of automobiles, summer shading of paved areas, wind buffering, pedestrian walkways, and separation from vehicular travel ways. All parking lots shall employ the following landscaping performance standards:

1. **Parking Lot Medians:** Landscaped median areas shall be designed to accept and retain stormwater infiltration. This can be accomplished by using porous curbing, wheel stops, or other elements to permit free flow of water. The intrusion of vehicles into medians should be prevented. The landscape median shall also 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:
 - a. A minimum of ten (10) percent of the interior of parking lots shall be set aside for landscaping areas, exclusive of paved pedestrian areas;
 - b. The landscaped area shall be calculated as ten (10) percent of all paved drives, parking areas, and drive islands;
 - c. Each landscape island shall contain at least one (1) shade tree;
 - d. One shade tree per forty (40) feet of parking shall be installed in landscape medians. Please see graphic below;

- e. A minimum of two (2) shade trees per 1,600 square feet of paved area (or every 5 parking spaces) shall be provided.
- f. One shrub per two hundred (200) square feet of parking paved area (or 1.6 shrubs per parking space) shall be provided. Perennial plantings may be use in place of shrubs.
- g. A maximum of eight (8) contiguous parking spaces shall be permitted. A minimum ten- (10) foot wide landscape island shall be provided between each area of contiguous parking spaces and shall be incorporated into each parking design. Please see graphic below.



Parking lot screening

- 2. **Parking Lot Perimeter:** The parking perimeter is defined as that area directly adjacent to the parking area. A landscape screening of parking areas from all abutting streets and properties shall be provided to increase the attractiveness of the parking area, to provide shade, and to provide visual buffering. Exceptions may be made by the Planning Board to foster connectivity between adjacent, off-street parking areas. Perimeter landscaping shall contain the following elements:
 - a. Drought and salt tolerant shade trees, at least 12 feet high at 2-1/2" to 3" caliper at time of planting;
 - b. Shrubs 2-1/2 to 3 feet high at time of planting. Perennial plantings may be use in place of shrubs.

Buffer requirements can be combined with perimeter landscaping requirements when the areas overlap.

VII EROSION AND SEDIMENTATION CONTROL PLAN

The erosion and sedimentation plan shall:

Show those provisions made 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;

Show control measures to be used during construction and any permanent controls to remain after construction;

Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies;

Identify, and relatively locate, proposed erosion and sediment control measures and structures during and after development;

Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with the town and the Merrimack County Conservation District standards; and

Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.

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

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

VIII ACCESS, PARKING, LOADING AND PEDESTRIAN SAFETY STANDARDS

A. Access to Public Streets

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 Subdivision Regulation Road Standards, as adopted and amended.

B. Access Point Pavement

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. All access points must be constructed to minimize dust, erosion, and run-off conditions that could 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.

C. Driveway Access

All development shall provide for safe and satisfactory access from a public street. Where driveway access would be from a state road, or any street that has been functionally classified as a minor collector road or higher, the Board may require that such lot be served by a combined access drive serving several lots in order to limit possible traffic hazard on such street; or the Board may require a deceleration – acceleration lane to facilitate traffic movement.

D. Reconfiguration of Access Points

If an existing site is redeveloped as a result of change of use or expansion, any access points that are not in compliance with existing standards outlined in these regulations shall be brought into compliance. This may include reconfiguration of the access points to facilitate better and safer access to and from the site due to trip generation changes that occur as a result of the new use.

E. Emergency Access

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.

F. Sidewalks

Sidewalks, a minimum of four (4) 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.

G. Loading and Unloading

Loading and unloading space must be provided off-street. The site must be designed to adequately provide for the maneuvering of delivery trucks or other vehicles that may use the site, including employees, customers, and delivery of goods. Maneuvers for parking and loading or unloading spaces must not take place from a public street, and should not interfere with other traffic flow into or within the site.

H. Site Distance

Site 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 National standards (whichever is stricter) shall apply.

I. Driveway Approaches

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. The standards applied must not be so excessive so as to pose safety hazards to pedestrian, bicyclists, or other motorists.

J. Driveway Alignment

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.

K. 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.

IX PARKING LOT DESIGN, DRIVEWAYS, AND SHARED ACCESS PERFORMANCE STANDARDS

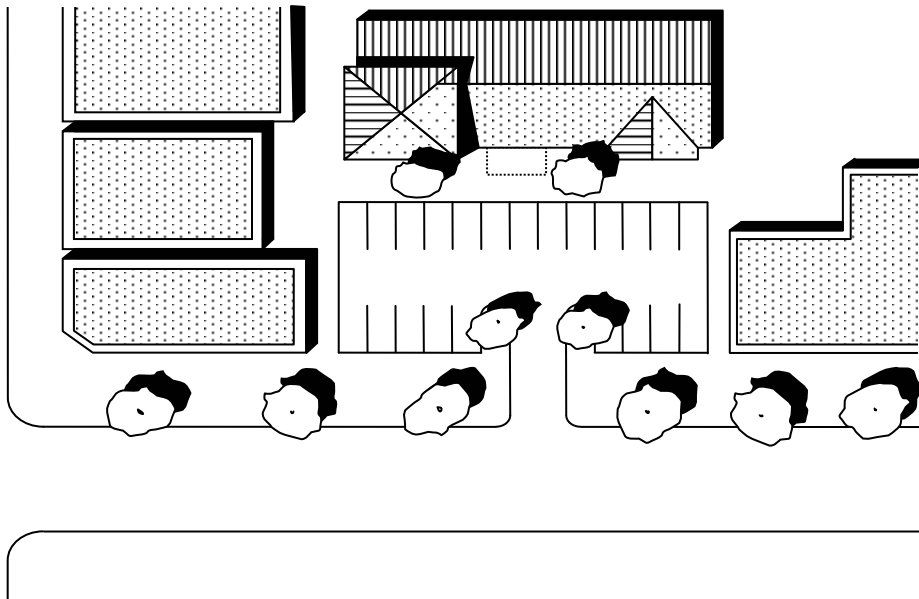
A. Parking Lot Design Submittal Requirements

Parking design and configuration plans shall include the following submittal requirements:

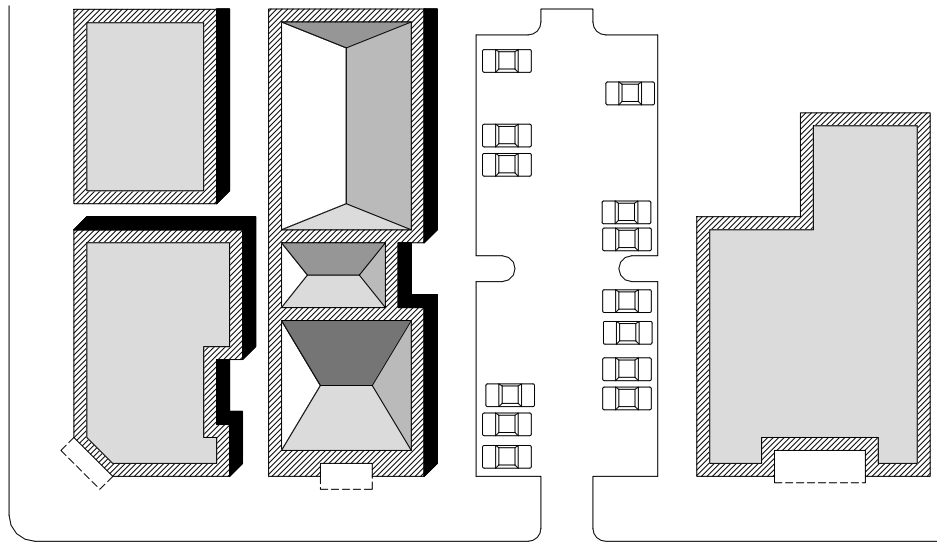
1. Location of access points on both sides of road including distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
2. Number and direction of driveway lane(s) to be constructed, with striping and signage plans;
3. All planned transportation features (emergency/fire lanes, frontage roads, common access drives, signals, etc.);
4. Trip generation data and traffic studies;
5. Parking and internal circulation plans; and; AND
6. Plat map showing property lines, setbacks, rights-of-way, and ownership of abutting parcels.

B. Parking Lot Design Requirements

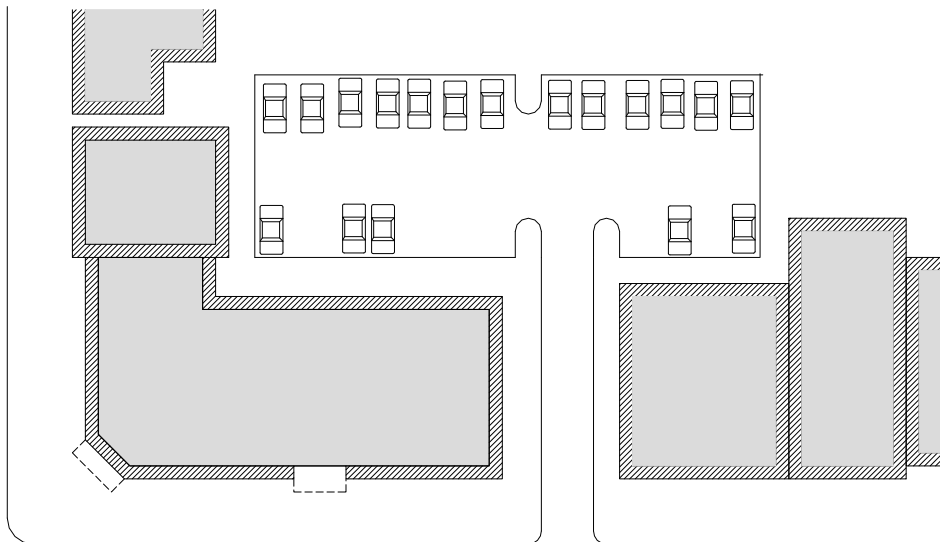
1. Location: Parking lots should be located to the side and rear of proposed structures. See graphics below:



Not desirable – the full length of parking lot is located along the street in front of the building



Better – length of parking lot along the street front is limited.



Preferred – parking lot is located behind buildings.

2. Surface Materials:

- a. Uses in operation for 6 months or more of the year are required to pave all parking and loading areas. Pavement shall consist of a binder and wear course. In loading areas, additional pavement may be required due to weight of delivery vehicles. Applicants are encouraged to use alternative impervious surface materials other than asphalt and concrete. 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. Encouraged materials include brick, concrete pavers, stamped concrete, cobblestone, and other similar materials.
- b. Seasonal properties open for business for six months or less annually may use alternative surface materials such as crushed stone or gravel. Sites without paved parking areas shall be required to construct a paved driveway apron at least 30' in length to protect town / state roadways.

3. Drainage and Stormwater Control

Proper drainage and stormwater control facilities shall be incorporated to prevent floating and suspended debris in stormwater, snowmelt, or other runoff from exiting the site. Such features may include catch basins, retention ponds, vegetated swales, drywells, grid separators, or other facilities approved by the Planning Board.

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.

Posted Highway Speed Limit	Driveway Spacing (Feet)
35 MPH or Less	150'
40 MPH	185'
45 MPH	230'
50 MPH	275'

Source: "Access Management for Streets and Highways", Federal Highway Administration, 1982 or as amended

These driveway spacing requirements shall be required unless specifically waived by the Board:

X 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 the safe movement of vehicles and people in all districts;
2. To avoid excessive lighting in order to promote the country and rural atmosphere of the surrounding area and communities;
3. To regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting;
4. To protect the public safety and at the same time enhance the appeal of buildings and landscaping to protect the desired atmosphere of the community;
5. To regulate the type of light fixtures, lamps and standards;
6. To protect low and low moderate density residential zones from the ill effects associated with non-residential and multi-family exterior lighting;
7. To create a safe environment during hours of darkness;
8. To assure that exterior lights shall be shielded so that they do not cast direct light beyond the property line.
9. To regulate the spill over of light and glare on operators of motor vehicles, pedestrians, and land uses near light sources. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein.

B. Definitions

"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.

"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.

"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.

"Uniformity ratio" shall mean the average illumination to minimum illumination, presented as a ratio example 4:1

C. Applicability and Exceptions

1. The Planning Board shall review and approve the lighting design as part of the site plan process for new development and redevelopment proposals.
2. These regulations do not apply to individual dwelling units, 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 Public Right of Way and shall not conflict with any applicable Town standards or regulations.
4. 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.
5. 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.

D. Lighting Requirements

Lighting is an important component of site development. Excessive lighting can produce glare and adversely impact abutting properties, as well as contribute to light pollution. The following performance standards shall apply to exterior lighting designs for all site plans:

1. Design

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.

- a. The style of lighting fixtures used shall be uniform for the entire site.
- b. 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 Board or the engineer. A letter certifying to the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the site plan review.
- c. Parking lot and security lighting shall not exceed a maximum of fifteen (15) feet in height, including lamp, pole, and base. 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.

- d. External illumination should be used on signs advertising goods or services offered on the premises.
- e. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development.
- f. Fixtures should be mounted to provide surface illumination.
- g. Public spaces and sidewalks shall provide a minimum average of one (1) foot-candle of light at ground level.
- h. 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, to reduce overall energy consumption and eliminate unneeded lighting.
- i. 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 parcel to be developed
- d. Site lighting trespass onto adjacent residential uses or zoning districts shall be minimized.
- e. Site lighting shall minimize light spill into the dark night sky.
- f. The maximum illumination at the edge of the property line adjacent to a residential use or residential zoning district shall be ½ foot-candle.
- g. The maximum illumination at the edge of the property line adjacent to nonresidential zoning districts or uses shall be five (5) foot-candles.

3. Maintenance

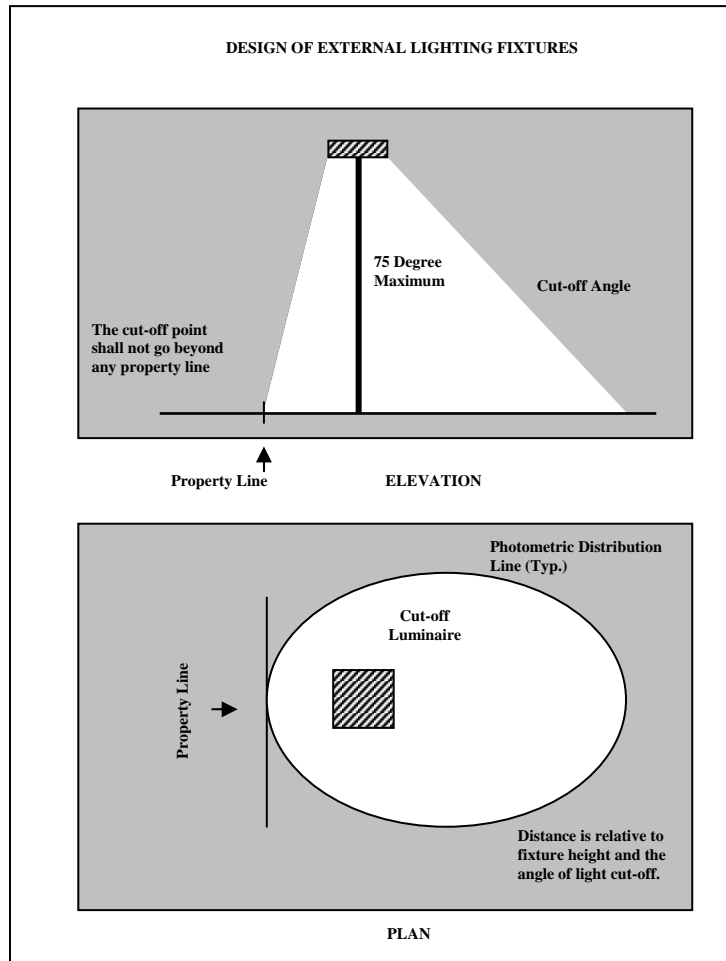
- a. Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.

- b. Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.

E. Exterior Lighting Plan Requirements

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

1. The location and type of any outdoor lighting luminaires, including the height of the luminaire;
2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
3. The type of lamp such as: metal halide, 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 luminaires.



F. Façade Lighting

Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building façade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs 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.

XI EXTERIOR BUILDING FAÇADE PERFORMANCE STANDARDS

The following performance standards shall apply to the construction of all new nonresidential, mixed use, or multifamily structures.

A. Submittal Requirements

Color building elevation plans depicting all four sides shall be submitted with each application.

B. Building Orientation

1. The proposed building orientation should respect the orientation of surrounding buildings, existing pedestrian paths and sidewalks, and the orientation of surrounding streets.
2. Buildings should be sited to maximize public comfort by providing shaded public outdoors areas, minimizing glare, and facilitating breezes.
3. Buildings shall be oriented so that entrances are clearly identifiable and directly accessible from a sidewalk.
4. Building shall be located toward the front of the lot to diminish the impact of large expanses of pavement.

C. Surface Materials / Building Cladding

No exterior building surface visible from a public right-of-way or abutting residential property shall be constructed of any material except face brick, stone, stucco, architecturally treated concrete, cast in place or pre-cast panels, decorative block, glass, clapboards, shingles, shakes, vinyl siding, or a combination thereof. Metal may be used for roofing and on a maximum of ten percent (10%) of the visible exterior building surface.

D. Exterior Colors

Subtle, neutral colors shall be used on larger, plain buildings, such as warehouse style or “big box retail centers”. Paint colors shall relate to natural material colors found on buildings such as brick, stucco, stone, and existing elements such as signs or awnings. Complementary colors on architectural details, such as cupolas, mansard roofs, awnings, and other similar items are required.

E. Building Details for Visual Interest

To create unique and visually interesting nonresidential structures compatible with Warner's character, new developments should incorporate the use of strong vertical / horizontal reveals. Offsets and three-dimensional details between surface planes should be used to create shadow lines to break up facades. Façade and exterior walls should incorporate a minimum of three (3) percent wall plane projections / recesses. The maximum uninterrupted façade length should not exceed thirty-five (35) percent of the total façade.

F. Entryways

Entryways should be a distinct feature of any structure. The building(s) should provide for clearly defined, highly visible entries with a minimum of three (3) of the following details:

1. Arcades
2. Arches with detail (tile work or moldings) integrated with building
3. Canopies
4. Display windows
5. Integral planters
6. Outdoor patios
7. Overhangs
8. Porticos
9. Raised cornice parapets over doors
10. Recesses or projections
11. Wing walls or planters with seating

G. Weather Protection Overhang

Weather protection overhangs that extend beyond the main roofline, and create a covered walking environment for shoppers are encouraged. The overhang may be a permanent extension of the roofline, an awning, or other element that serves to protect pedestrians.

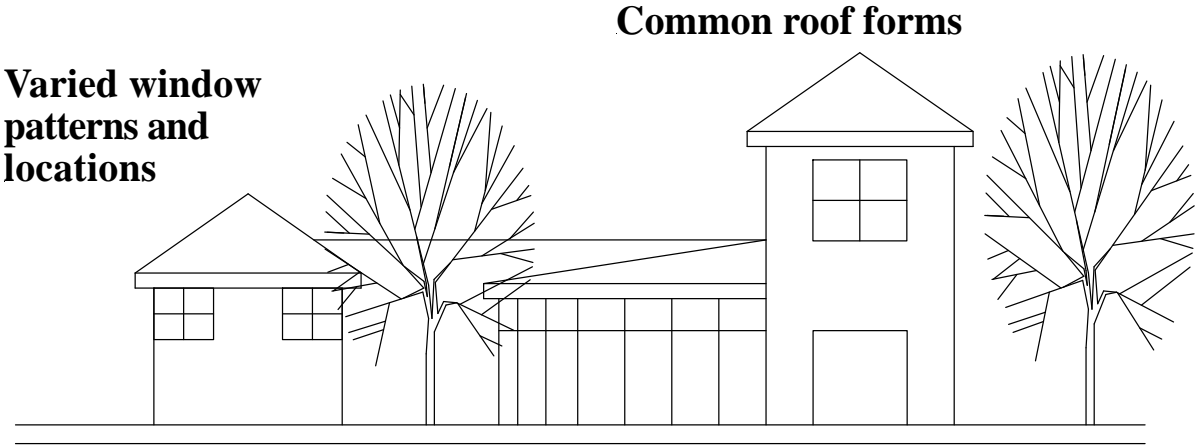
H. Offsets / Window Placement

To ensure the development of nonresidential structures that are consistent with, and improve the architectural character of Warner, recesses or projections, varied window placements, as well as varied roof heights and roof forms shall be incorporated into all new structures, or additions to existing structures. Please refer to figure below for more details.

I. Roof Form

Roof form is an important visual element and can have a significant impact on a building’s form and silhouette. The following design requirements are required for rooflines for all nonresidential structures:

- 1. New roofs shall relate to the roof forms of adjacent structures where appropriate by duplicating the shape, pitch, and materials;
- 2. Long, unbroken expanses of roof shall be avoided by incorporating changes in ridgeline, dormers, or chimneys;
- 3. A peaked roof form with a minimum 6:12 roof pitch and gable ends oriented to the street whenever possible;
- 4. Roofs lines should enhance the overall design;
- 5. Roll roofing, tar, gravel, plastic, or fiberglass panel roofing materials are not permitted; and
- 6. Common roof forms shall be duplicated on the primary structure whenever possible, as noted in figure below.



J. Rooftop Mechanical Equipment

All mechanical equipment shall be screened from view with either building walls or roof forms. All sides visible to the public and abutters shall have screen materials. Screening materials shall be the same material as used for building cladding.

XII 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. Prohibited Signs

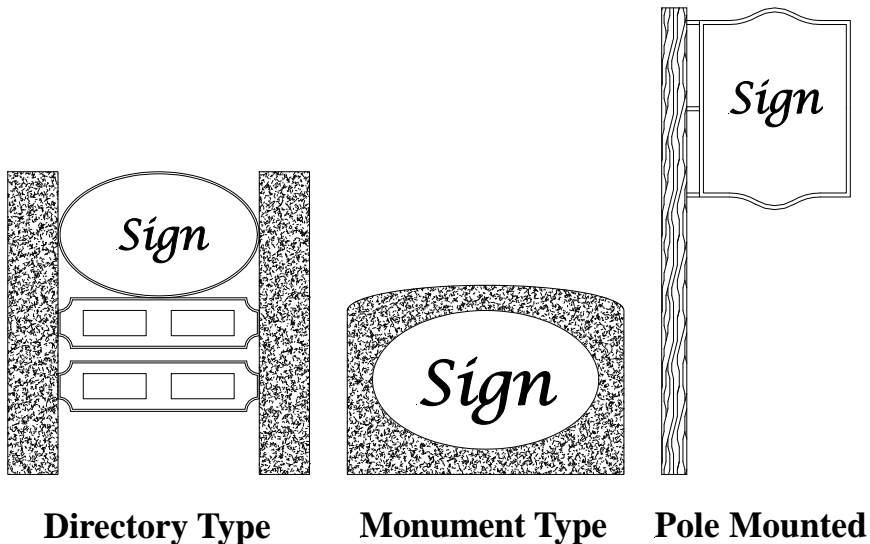
All signs shall be in compliance with the provisions of the Warner Zoning Ordinance.

Wall signs above the eave line are discouraged.

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. No internally illuminated signs shall be permitted by the Planning Board.
6. 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.

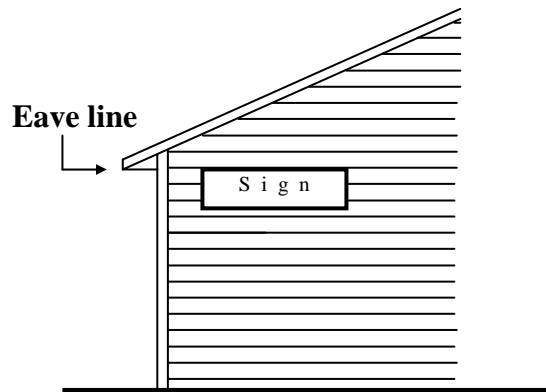
Suggested General Forms for Freestanding Signs



Wall and Eave-Line Signs (Except for Signs Directly Painted to Structures)

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 pedestrian walking and motorist traveling along the street, with emphasis to not making the sign too large to distract from the other visual aspects of the building or surrounding area.
4. 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.

Preferred Location for Wall and Eave Line Signs



XIII 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 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 Zoning 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 Zoning Ordinance and site plan regulations. In addition, the applicant shall submit the following prior to any approval by the 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.
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 Regulations" only if it determines that the goals of this ordinance are served. These requirements shall supersede any and all other applicable standards found elsewhere in Town ordinances or 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 than 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.

XIV WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

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. In areas not currently served by public sewers, it shall be the responsibility of the developer or his agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The developer 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.

XV FLOOD HAZARD AREAS

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

- all such proposals are consistent with the need to minimize flood damage within the flood prone area;
- all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
- 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;
- the lowest floor (including the basement) is elevated or flood proofed to or above the base flood level; and
- such plan complies with the Town of Warner Floodplain Development Ordinance.

XVI REFUSE STORAGE AREAS

All waste material shall be kept in an enclosed building or properly enclosed building or properly contained in a closed container designed for such purposes. The owner shall be responsible for keeping such land free of refuse. All exterior trash containers shall be screened on each side and shall not be visible from any street. Screening shall be in accordance with the provisions of this document.

XVII UTILITIES

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

XVIII WAIVERS OF SITE PLAN REVIEW REGULATIONS

A. General

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

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare, or be injurious to other property, and will promote the public interest.
2. The waiver will not in any manner conflict with the provisions of the Town's Zoning Ordinance and Master Plan.
3. The waiver will substantially secure the objectives, standards, and requirements of these regulations.

B. Conditions for Granting of Waivers

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

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. Failure to submit the request in writing shall require an automatic denial of the waiver.

XIX PERFORMANCE GUARANTEES

A. Application

The Planning board may require the posting of an improvement guarantee 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.

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 indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the town officials.

If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved, at the discretion of the Board of Selectmen.

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.
2. **Letter of Credit:** The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
3. **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. Any such account shall require Town approval for withdrawal and shall stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

XX RECORDING

If a survey of the property has been required under the provisions of these regulations, then the approved Site Plan Map must be recorded with the Registry of Deeds. A copy of the recorded documents, with proof thereon of recordation must be filed with the Planning Board. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well with reference made to such recording on the face of the map.

XXI 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 special exception for the project.

XXII 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.

XXIII 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.

XXIV PENALTIES

Any person who violates any provision of the ordinance shall be subject to penalties in accordance with RSA 676:17. (2006)

XXV ENFORCEMENT

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

Written Notice of Violation

A written notice of violation shall be issued to the property owner by registered mail from the Board of Selectmen or their 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.

The notice of violation shall:

1. Specify the actions or conditions that violate the requirements of this regulation or plans approved under this regulation;
2. Identify what needs to be done to correct the violation(s);
3. Specify a reasonable time frame within which the violation will be corrected; and
4. 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.

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

XXVI EFFECTIVE DATE

The effective date of these regulations shall be _____

Planning Board Members

_____	_____
_____	_____
_____	_____
_____	_____

Town Clark

Date

DEFINITIONS

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

Abutter: Any person who owns land which adjoins or is directly across the street or stream from the land under consideration and whose property is located in New Hampshire. 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 land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board 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.

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.

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: any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons (animals, equipment, etc).

Board: the Planning Board of the Town of Warner.

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

Cross Access: a service drive providing vehicular access between two or more contiguous sites so the drive 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 Registry of Deeds of Merrimack County.

Flood Prone Area: an area of land that would be covered with water during a flood, as mapped by the National Flood Insurance Program.

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

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

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.

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

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 Selectmen of the Town of Warner.

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 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 as discussed in the AASHTO manual.

Site Plan or Site Development Plan: refer to Section III.

Street: means 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.

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.

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.

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.

CHECKLIST - SITE PLAN REVIEW

In cases where not all items are applicable, draw a line through the items that are not applicable.

ALL APPLICATIONS

- ___ 1. Three copies of the completed application and checklist (III A 1)
- ___ 2. List of names and addresses of abutters and use of abutting properties, identified with location of the structures and access roads (III A 2)
- ___ 3. The appropriate fee (III A 3)
- ___ 4. Site plan: 22" by 34" sheet size maximum, scale not less than 1" = 100', match lines where needed, date, title, graphic scale, north arrow, location map, legend, name & address of developer/applicant, designer/engineer, and owner of record (III A 4)
- ___ 5. All existing and proposed easements (III A 4)
- ___ 6. Site plan showing boundaries, water courses & bodies, trees & other vegetation, topographical features, and other pertinent features (III A 4)
- ___ 7. Plan of all buildings depicting their type, size, and location (setbacks) III A 4)
- ___ 8. Location of off-street parking and loading spaces with a layout or the parking indicated (III A 4)
- ___ 9. The location, width, curbing and tpe of access ways and egress ways, plus streets and sidewalks within and around site (III A 4)
- ___ 10. An elevation view or photo of all buildings (III D 7)
- ___ 11. Location, size, and design of proposed signs and advertising or instructional devices (III A 4)
- ___ 12. Location and type of lighting for all outdoor facilities, including direction and area of illumination (III A 4)
- ___ 13. Right-of-way lines of all existing adjoining streets (III A 4)
- ___ 14. Water supply & sewage disposal facilities (III A 4)
- ___ 15. Zoning districts and boundaries for site and within 1000 feet of site (III A 4)
- ___ 16. The 100 year flood elevation line, where applicable (III A 4)
- ___ 17An elevation view or photograph of all buildings indicating their height, width and surface treatment (IIIA 5)
- ___ 18. Landscaping plan showing required details described within these regulations (III A 6, see also IV)
- ___ 19. Other required exhibits or data (III A 7)

PROJECTS REQUIRING ADDITIONAL BUILDINGS OR CHANGES TO THE EXTERIOR DIMENSIONS OF EXISTING

- ___ 1. Reproducible mylar, to be retained by the Planning Board at its option (III B 1)
- ___ 2. Plan of all buildings with their type, size, location (setbacks) and elevation of first floor indicated: (assume permanent onsite elevation) (III B 2)
- ___ 3. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet (III B 3)
- ___ 4. The location, elevation and layout of catch basins and other surface drainage features (III B 4)
- ___ 5. Existing and proposed contours and finished grade elevations – all contours shall be a minimum of 2-foot intervals (III B 5)
- ___ 6. 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 (III B 6)
- ___ 7. The size and location of all public service connections – gas, power, telephone, fire alarm, (overhead or underground) (III B 7)
- ___ 8. Surveyed property lines showing their angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters (III B 8)
- ___ 9. 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 (III B 9)
- ___ 10. Erosion and sedimentation control plan (III B 10, see also VII)