

ALTON, NH SITE PLAN REGULATIONS



**As Amended
Through
January 4, 2010**

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SITE PLAN REVIEW REGULATIONS

SECTION 1 GENERAL PROVISIONS

1.01 - PURPOSE:

The general purpose of this regulation is to guide the character of non-residential and multi-family development, and re-development, in order to implement the policies of the Master Plan, providing for the public health, safety, convenience, prosperity, and general welfare.

Throughout this regulation, the Board seeks to balance the process of growth, development, and change with the need to preserve and enhance those qualities, which make Alton a safe and desirable place to live, work, and visit. In keeping with this general purpose, the following are specific objectives:

- (A) Promote the harmonious and aesthetically pleasing development of the Town, ensuring visual harmony of the sites with their surrounding neighborhoods, establishing site designs consistent with and/or complimentary to traditional New England designs, providing adequate green space and open space, providing for proper building location to ensure adequate sunlight and air circulation, and protecting the natural beauty of the Town.
- (B) Enhance the downtown village area and waterfront by providing an appropriate mix of uses, improving appearance, maintaining traditional New England character, and enhancing pedestrian orientation.
- (C) Protect the public from undue hazards, disturbances, and nuisances.
- (D) Promote commercial development, including opportunity for home-based work, to broaden the tax base and employ residents.
- (E) Protect environmental quality by means such as controlling erosion and site run-off.
- (F) Ensure that land is of sufficient character to be used for building purposes without danger to health, and additionally ensuring that development does not exceed the capability of the land to safely provide on-site water supply and sewage disposal in areas not served by municipal water and sewer systems.
- (G) Guard against such conditions as would involve danger or injury to health, safety, or prosperity; by reason anyone or more of the following:
 - 1. Inadequate drainage
 - 2. Conditions conducive to flooding
 - 3. Inadequate protection for the quality of groundwater
 - 4. 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 and neighboring properties.
 - 5. Inadequate provision of fire safety, prevention, and control

(H) Facilitate adequate provision of public facilities, utilities, and services.

(I) Provide for adequate transportation by requiring appropriate provision and arrangement of roads, driveways, sidewalks, traffic aisles, parking, loading areas, bicycle facilities, emergency vehicle accesses, transit amenities, and off-site connections.

1.02 - AUTHORITY AND TITLE:

Pursuant to the authority vested in the Planning Board by the voters of the Town of Alton, and in accordance with the New Hampshire Revised Statutes Annotated, Chapter 674:43-44, as amended, the Planning Board hereby adopts the following regulations governing the review of site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as structures containing more than two dwelling units, whether or not such development includes a subdivision or resubdivision of the site. These regulations shall be entitled: Site Plan Review Regulations, Town of Alton, NH.

1.03 - CONFLICTING PROVISIONS AND VALIDITY:

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

If any section, clause, provision, portion, or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of these regulations.

1.04 - DEFINITIONS:

(A) **ABUTTER** - Any person whose property is located in New Hampshire and adjoins or is directly across the street, river or stream within 200 feet from the land under consideration by the Planning Board. 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/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification 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, as may be amended also, see section 2.11.

(B) **APPLICANT**: Means the owner(s) of record or the duly authorized agent of the owner(s) of record of any land, which is proposed to be subdivided.

(C) **ALTON PLANNING BOARD** - Meaning the Planning Board of the Town of Alton, New Hampshire.

(D) **CERTIFIED SOILS SCIENTIST** - A person qualified in soil classification and mapping, who is certified by the State of New Hampshire Board of Natural Scientists.

(E) **CERTIFIED WETLAND SCIENTIST:** Means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, as amended, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the State of New Hampshire.

(F) **COMPLETED APPLICATION** - Means a final Site Plan plat and application form submitted with all other information and materials required by the Planning Board.

(G) **CONDOMINIUM:** Means real property and interest therein, where the undivided interests in the common area are vested in the unit owners or in cooperative or corporate association consisting of the unit owners. It includes, but is not limited to multifamily, group, clustered or single family housing wherein units are individually owned but wherein open space and other facilities are held in common ownership. Condominiums shall be considered a subdivision plan as outlined in RSA 356:B, as amended and reviewed accordingly.

(H) **DRIVEWAY** - Driveway: shall be defined as any path of access used by motor vehicles to gain entry upon private property from a public right-of-way. This includes: parking pads, private roads and any other means of access to public property from a public highway.

(I) **DWELLING UNIT:** Means one room, or rooms connected together, constituting a separate and dependent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.

(J) **EASEMENT:** Means an acquired privilege which one party may have in the land of another.

(K) **LOT:** A lot means a parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and open spaces.

(L) **LOT SIZE:** Means the total square footage of land area within the boundaries of a lot.

(M) **MASTER PLAN:** Means the Master Plan adopted by the Town of Alton Planning Board pursuant to RSA 674:2, as amended.

(N) **PLANNING BOARD AGENT** - The planning consultant, official, or other person(s) assigned by the Planning Board to perform plan review and other such duties.

(O) **PLANS:** Engineering drawings, cross sections, profiles, architectural drawings, etc

(Q) **PRE-APPLICATION REVIEW:** Means the two optional steps, Conceptual Consultation and Design Review that an applicant may follow prior to filing a completed application.

(R) ROAD OR STREET - A State highway, boulevard, avenue, land, or road which lawfully exists in the Town of Alton for vehicular travel. Roads or streets shall also include the entire right-of-way and private roads that are built to Town standards.

(S) SITE PLAN - An accurately scaled diagram showing boundaries of land under consideration and to include natural features and the outline of existing or proposed structures on the site.

(T) WETLANDS: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to swamps, marshes, bogs and similar areas.

1.05 - JURISDICTION:

(A) The provisions of these regulations shall apply to all land within the boundaries of the Town of Alton.

(B) Any person proposing a Site Plan in the Town of Alton must apply to the Planning Board for approval of such activity.

(C) A Site Plan Review application must be made and approved before any offer to sell, rent, or lease a proposed area or part thereof; before any construction, land clearing, or building development is begun; before any permit for the erection of any building may be granted, and before a Site Plan plat may be filed with the County Register of Deeds.

(D) No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved Site Plan plat has been presented or forwarded to the Building Inspector/Code Enforcement Officer.

SECTION 2 APPLICATION PROCESS

2.01 - APPLICABILITY:

There are three possible applications of these Regulations to the development or change of a non-residential or multi-family site: the Regulation is NOT APPLICABLE; the Planning Board provides a MINOR SITE PLAN REVIEW; or the Planning Board provides a MAJOR SITE PLAN REVIEW. The following criteria specify the level of review necessary:

(A) NOT APPLICABLE. These regulations are not applicable for the following:

1. Temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site, as determined by the Code Enforcement Officer.
2. Special Events approved by the Selectmen.

(B) MINOR SITE PLAN REVIEW. A Minor Site Plan Review by the Planning Board shall be required for the following:

1. Change of use of a non-residential site which maintains or decreases the intensity of use on the site with respect to parking demand and traffic generation, and for which no changes to the exterior of the building are proposed (excluding sign changes and facade improvements).
2. Expansion of non-residential with no more than 25% of the gross floor area up to a maximum of 500 square feet of floor area, with no change of use.
3. Addition of site improvements on a multi-family property.
4. Establishment of a Bed and Breakfast.
 - a. The term “bed and breakfast” is defined as: an owner occupied building also used by owner for the rental of eight or fewer rooms to transient guests, with meals provided only to such transient guests and the owner and owner’s family. “Transient Guest” in this instance shall mean persons renting rooms for no more than two consecutive weeks and no more than a total of six weeks per year.
5. be compatible with residential uses;
6. be limited in extent;
7. not detract from the residential character of the neighborhood;
8. not require a variance or special exception (site plans requiring a variance or special exception must be reviewed before the Planning Board).

This regulation delineates and defines those types of home occupations which shall be allowed to come before the Minor Site Plan Review Committee for approval. Any home occupation which does not fall within these regulations will be subject to the full procedure of Site Plan Review approval as administered by the Planning Board.

(C) MAJOR SITE PLAN REVIEW. A Major Site Plan Review by the Planning Board shall be required for the following:

1. Establishment of non-residential uses where no non-residential use currently exists.
2. Establishment of multi-family use where no multi-family use currently exists.
3. Any other development, redevelopment, change of use, or expansion of a multi-family or Non-residential site and not addressed in Section 2.01 (A) or (B).
4. Establishment of PERSONAL WIRELESS SERVICE Facilities.

2.02 - PRELIMINARY CONCEPTUAL CONSULTATION:

This meeting shall be directed at a review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. The Board and applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. The presentation to the Board of new surveys, engineering plans, or similar materials is not allowed under this process, so the Chairman must be careful to keep these discussions at a general level. Typically, maps from the Master Plan, tax maps, county soil survey maps, and the like are acceptable levels of generality upon which to base these discussions. Such consultation shall not bind either the applicant or the Board and statements made by Board members shall not

be the basis for disqualifying said members or invalidating any action taken. Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board. Preliminary conceptual consultation meetings are strictly optional to the applicant.

2.03 - DESIGN REVIEW:

The Board and applicant may engage in nonbinding discussions beyond conceptual and general discussions, addressing more specific design, planning and engineering details, provided that the design review may proceed only after formal public notice is provided. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in Section 2.06 (B) and shall provide all required materials for public notice as per Sections 2.10 and 2.11. Design Review meetings are strictly optional to the applicant, but such meetings can be helpful in identifying and resolving problems in an application, prior to major design investments, by the applicant.

2.04 - MINOR SITE PLAN REVIEW:

The application for a Minor Site Plan Review shall be made to the Board and shall follow the process specified in Sections 2.06 through 2.19 of these Regulations. Approved Minor Site Plan Review applications shall not be recorded at the Belknap County Registry of Deeds. The following shall be provided to the Board:

(A) Completed application, which shall contain the following:

1. Correctly completed application form, signed by the owner.
2. Abutters' list with: correct abutters, dated within five (5) days of submittal and signed by preparer, with accompanying adhesive mailing labels.
3. Payment of fees for administration and public notice.
4. Written request for determination of compliance with the Zoning Ordinance.
5. One copy of a boundary survey which meets the requirements of Section 3.01(A)(1) & (2). The abutters shall be revised by the applicant if abutters are not shown on the plan, or if they have changed since the survey was originally prepared.
6. Twenty copies of a Site Sketch which complies with the following standards:
 - a. Drawn to scale at 1" equals 20'.
 - b. Shows key elements of the site, including buildings, setback lines, parking spaces, driveways, traffic aisles, pedestrian, bicycle and wheelchair facilities, drainage facilities, surface waters, wells, septic systems, and other relevant information as shown on the site plan application checklist. (See Alton Driveway Regulation).
 - c. Clearly depicts the changes proposed, including necessary changes to the site improvements.
 - d. If applicable, provide a photograph of any existing signage and a sketch of any proposed signage.

7. Documentation that the following applications and correspondence have been submitted:
 - a. Approval letters from the appropriate Town officials regarding local permits and reviews, for issues including, but not limited to driveways, water and sewer systems, and safety review.
 - b. Copies of applications for State permits including, but not limited to wetlands, septic, driveway, site specific and underground storage tank.
8. List uses on the site, along with data about the amount of each activity (floor area, seating capacity, etc.).

(B) The Board will generally use the Checklist (provided with the application) to ensure completeness prior to accepting the application. The applicant is encouraged to use this checklist to ensure that the application is complete prior to submittal.

(C) Time and budget permitting, the Board will generally have a written review of the applicant prepared by the Town Planner or Planning Board's designated agent. Where possible, this written review should be prepared and available one week prior to the meeting at which application acceptance will be considered. The review will address both application completeness and compliance with applicable laws, regulations, and ordinances. Additional reviews may be prepared in the case of applications which take more than one meeting. Applicants may pick up a copy of the written review from the Planning Board Office as soon as it is available to the Board.

(D) Board members should visit the site prior to the meeting to familiarize themselves with the site, although individual Board members should not discuss the application with the applicant except at the Board's meeting. The Board may, by motion, require a site visit prior to application approval.

2.05 - MAJOR SITE PLAN REVIEW:

Applications for a Major Review for establishments as defined in Section 2.01 (C) (1-3) shall be made to the Board and shall follow the process specified in Sections 2.06 through 2.19 of these Regulations. Applications for a Major Review for establishments as defined in Section 2.01 (C) (4) shall be made to the Board and shall follow the process specified in Sections 2.06 through 2.19 of these Regulations and in addition to the information required for site plans elsewhere in these regulations, development applications for Personal Wireless Service Facilities shall include information required by Section 6 – Personal Wireless Service. Approved Major Site Plan Review applications shall be signed and recorded at the Belknap County Registry of Deeds. The following shall be provided to the Board:

(A) Completed application, which shall contain the following:

1. Correctly completed application form, signed by the owner.
2. Abutters' list with: correct abutters, dated within five (5) days of submittal and signed by preparer, with accompanying adhesive mailing labels.
3. Payment of fees for administration and public notice.
4. Written request for determination of compliance with the Zoning Ordinance.
5. Five paper copies of all plans, complying with all requirements in Section 3.
6. Documentation that the following applications and correspondence have been

submitted:

- a. Letters to the appropriate Town officials regarding local permits and reviews, for issues including, but not limited to driveways, water and sewer systems, and safety review.
- b. Copies of applications for State permits including, but not limited to wetlands, septic, driveway, site specific and underground storage tank.

(B) The Board will generally use the Checklist (provided with the application) to ensure completeness prior to accepting the application. The applicant is encouraged to use this checklist to ensure that the application is complete prior to submittal.

(C) Time and budget permitting, the Board will generally have a written review of the applicant prepared by the Town Planner or Planning Board's designated agent. Where possible, this written review should be prepared and available one week prior to the meeting at which application acceptance will be considered. The review will address both application completeness and compliance with applicable laws, regulations, and ordinances. Additional reviews may be prepared in the case of applications which take more than one meeting. Applicants may pick up a copy of the written review from the Planning Board Office as soon as it is available to the Board.

(D) Board members should visit the site prior to the meeting to familiarize themselves with the site, although individual Board members should not discuss the application with the applicant except at the Board's meeting. The Board may, by motion, require a site visit prior to application approval.

2.06 - FEES:

In accordance with RSA 676:4,I(g) and RSA 674:44,V, the applicant shall pay the following fees to compensate the Town for its' expenses in processing, noticing, and reviewing each application:

(A) Administration:

1. Minor Review: \$60.00
2. Major Review: \$150.00 per 1500 sq ft or fraction thereof or change of use

(B) Public Notice:

1. \$75.00 minimum or cost per newspaper notice; plus
2. \$6.00 per abutter or other party notified.

(C) Preliminary Discussion: \$25.00 each (Fee paid for Preliminary will be applied toward the cost of application if filed within 6 months).

(D) Design Review: \$50.00 plus public notice fees.

(E) Other costs incurred by the Board in reviewing the application may be passed through to the applicant by the Board.

2.07 – COMPLETED APPLICATION:

The applicant must provide a completed application in order for the Board to have authority to approve the application, per RSA 676:4,I(b). Specific requirements are listed in Sections 2.04 and 2.05. In addition to the information, which the applicant provides, an application shall not be considered complete without a written review from the Code Enforcement Officer detailing compliance on issues with regard to the Zoning Ordinance.

2.08 – SUBMITTAL OF APPLICATION MATERIALS:

All materials submitted to the Board for consideration shall be submitted prior to the meeting so that the Board members, the public, and staff may have sufficient opportunity to review the application without unnecessarily rushing the review and/or delaying the proceedings of the meeting. The following shall apply:

(A) Application Acceptance – All materials required to constitute a complete application shall be submitted to the Board at least 21 business days prior to the meeting at which it will be considered for application acceptance.

(B) Other Public Hearings – New materials shall be submitted to the Board at least 21 business days prior to a meeting when a new public hearing is required.

(C) Continued Meetings - When consideration of an application is continued and new information is required, the Board should specify the deadline for filing this new information in the motion to continue the meeting. Lacking such direction by the Board, all submittals should be provided not less than 5 days prior to the meeting.

2.09 - APPLICATION FOR OTHER PERMITS / APPROVALS:

The Board shall not grant a final approval to an application until all other government permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior local approval. Applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining final Town approval.

2.10 - PUBLIC NOTICE:

Public notice pursuant to RSA 676:4, I(d) shall be required for all applications. The Public notice shall identify the property owner, the location, and a general description of the scope and purpose of the proposal.

(A) Public notice shall be required for the following:

1. Design Review Meetings
2. Meetings at which an application is considered for acceptance
3. Meetings at which a Public Hearing is conducted

(B) Public notice shall be mailed to the applicant, the applicant's authorized representative, any professional whose stamp appears on the plat (including surveyors, soil scientists, engineers, etc.), and each abutter at least 10 days prior to the meeting for which the notice is required. Such notification shall be mailed by certified mail.

1. Using the Abutters List form provided with the Application, the applicant shall prepare a list of abutters using Town records no sooner than 5 days prior to the submittal of the application.
2. The applicant shall provide one (1) adhesive mailing label for each party on the abutters' list, including the applicant and any/all authorized representative(s).

(C) Public notice shall be posted by the Planning Board at the Town Office, Alton Post Office, and the Planning Board Office at least 10 days prior to the meeting.

(D) Public notice for all applications shall be published in a newspaper of general circulation. This notice shall be published in the newspaper at least 10 days prior to the meeting.

(E) Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior meeting or hearing, the Board shall state the location, date, and time at which the continued session shall resume per RSA 676:4, I(d). The deadline for the applicant's submittal of new or updated materials should also be specified.

2.11 - REGIONAL NOTICE:

In accordance with RSA 36:54-58, applications which might have a regional impact shall require additional public notices.

(A) Determination of potential regional impact shall be found only for applications, which qualify for Major Site Plan Review and which also meet any of the following criteria:

1. Any portion of the property is located within 500 feet of the border of the Town of Alton.
2. The application involves 10,000 square feet or more of new non-residential floor space.
3. The proposal involves 20 or more residential units.
4. Other, as the Board may reasonably determine.

(B) Notice shall be sent by certified mail 14 days in advance of the scheduled Public Hearing to the Lakes Region Planning Commission and to each Town reasonably likely to be affected, with each governmental entity to be considered an abutter for purposes of listing on the Abutters List, offering testimony and computing public notice fees.

2.12 - APPLICATION ACCEPTANCE:

Before an application is reviewed by the Board, it must be accepted by a formal vote of the Board. The applicant shall attend this meeting to ensure that questions can be answered and issues clarified as necessary. Per RSA 676:4,I(b), the Board shall vote to accept the application only upon determination that the application is complete, per these Regulations and such decision must occur within 30 days of application submittal, per RSA 676:4,I(c). Upon

acceptance, review of the application may proceed. If an application is not accepted, the Board may proceed with Design Review discussions, per Section 2.03. The Design Review meeting may be continued to another date and time for Application Acceptance without further public notice.

2.13 - APPLICANT'S PRESENTATION:

Following application acceptance, the applicant shall make a brief, general presentation to the Board and audience. This presentation should include a brief description of the proposed project and a general description of the design, layout, etc. to ensure general familiarity with the application. The applicant should also identify specific issues, which they would like to discuss in more detail during deliberation. The applicant is solely responsible for bringing any audiovisual materials or equipment needed. The Chairman shall have sole authority to limit the time taken for this presentation to keep the meeting moving.

2.14 - PUBLIC HEARING:

The Board shall open a public hearing following application acceptance and the applicant's presentation. The purpose shall be to solicit public input, comments, questions, and concerns. The Chairman may temporarily suspend public comment during the public hearing so that the Board may deliberate, vote on waivers, etc. Before acting on intermediate issues such as waivers, the Board should solicit public input specific to the action beforehand to ensure that the Board has received all relevant information. The public hearing may be continued if additional meetings are necessary, provided that the Board follows the continuation procedures specified in Section 2.10(E). Only when all pertinent, new public input is complete, shall the Chairman close the public hearing. The applicant shall be responsible for attending the public hearing, including all continuations, to ensure that questions can be answered and issues clarified as needed.

2.15 - DELIBERATION:

The Board shall deliberate as necessary to make its decisions. The deliberation does not necessarily follow the public hearing and will likely be interspersed with the public hearing. This is the appropriate forum for the applicant and the Board to discuss specific issues.

2.16 - DECISION:

Pursuant to RSA 676:4,I(c), the Board shall issue a decision within 90 days of application acceptance, subject to time extensions, as per RSA 676:4,I(f). Applications, which are not accepted, require no decision. The Board must approve, conditionally approve, or disapprove the application as follows:

(A) Approval - The Board shall grant approval to an application when the application fully complies with the standards and processes of these Regulations and other applicable laws.

(B) Conditional Approval - The Board may grant conditional approval to an application when minor additional action by the applicant will bring the application into full compliance for approval. This may include payment of fees, minor changes in design, and other matters, subject to the requirements per RSA 676:4,I(i):

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.
2. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board.
3. Conditions with regard to the applicant's possession of permits and approvals granted by other governmental units.
4. Conditional Approvals shall be valid for a period of not more than one year. If the conditions of the approval have not been satisfied within this time, the conditional approval shall automatically lapse. The Planning Board may grant for good reason, an extension prior to the expiration date to accommodate unusual circumstances. Otherwise, the applicant shall be required to submit a new application at his/her own expense. The decision to grant an extension shall be made at a regular public meeting of the Board, but the public shall not be required.
5. It is the sole responsibility of the applicant to be aware of approval expiration dates and contact the Planning Department to submit a request for any extension that may be needed.

(C) Disapproval - The Board shall disapprove an application when it fails to comply with the standards and/or procedures of these Regulations, for failure to meet reasonable deadlines established by the Board or for failure to pay fees.

1. If the Board includes the phrase, "without prejudice" in the motion to disapprove, it signifies that the application was denied solely for procedural reasons and that it may be resubmitted to the Board at a later date without design changes, but shall be subject to the codes in effect at the time of the new application. Applications disapproved without this stipulation shall not be considered again by the Board unless the applicant demonstrates that there have been design changes or changes in regulations affecting the application.

2.17 - NOTICE OF DECISION:

As required by RSA 676:3, the Board shall issue a Notice of Decision which states the final decision reached by the Board regarding the application.

(A) In the case of a conditional approval, the Notice of Decision shall state all conditions to be met for final approval.

1. In the event that the conditions are satisfied, the Board shall issue a supplemental Notice of Decision, stating that the application is approved since all conditions have been satisfied and shall sign and record the plat(s) if applicable.
2. In the event that the conditions are not satisfied, the Board shall issue a supplemental Notice of Decision, stating that the application is denied for failure to comply with the conditions of approval in a timely manner.
3. In the case of a disapproval, the Notice of Decision shall state the reasons for denial, as require by RSA 676:4,I(h) and RSA 676:3,I.

2.18 - APPEALS:

Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal as follows:

(A) Decisions by the Planning Board based solely upon interpretation of the Zoning Ordinance may be appealed to the Zoning Board of Adjustment (ZBA) or Belknap County Superior Court, as determined by the provisions of RSA 676:5,III. Appeals to the ZBA must be filed within 30 days after the filing of the Notice of Decision at the Planning Board Office and Town Office. Appeals made to the Superior Court must be filed as specified in Section 2.18(B).

(B) All other decisions by the Planning Board may be appealed to Belknap County Superior Court, per the provisions of RSA 677:15. The appeal shall be presented to the Court within 30 days after the filing of the Notice of Decision at the Planning Board Office and Town Office.

2.19 - REVOCATION OF APPROVAL:

The Board may act to revoke an approval, per the requirements of RSA 676:4-a.

SECTION 3 PLAT STANDARDS

3.01 - SPECIFIC PLAN REQUIREMENTS:

(A) The Plan must be presented to the Planning Board in the following format:

1. Sheet size shall not exceed 22"x 34".
2. Abutters must be indicated on any plan submitted, showing their location in relation to the proposed site plan. Abutters indicated should be from a list obtained from the Assessor's records not more than five days prior to the submission of the application.
3. Scale should not be smaller than one inch equals 100 feet (1"=100').
4. Proposed site plan name or identifying title.
5. Correct current names of owner(s) of record (and applicant, if different).
6. Date, north arrow and location (locus map).
7. Name, license number, signature(s) and seal of the New Hampshire Licensed Land Surveyor and New Hampshire Licensed Professional Engineer, if applicable.
8. Endorsement block for Planning Board Approval.
9. All benchmarks shall be placed in reference to a permanent USGS point location.
10. Tax map reference including map and lot or parcel number.

(B) The final plan(s) shall include sufficient data acceptable to the Planning Board and/or its designated agent to determine readily the location, bearing and length of the existing street and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed a ratio of 1 to 10,000. The final plan(s) shall show the

boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed site plan, as well as Match lines when needed.

3.02 - SURVEYED PLAN:

The surveyed plan shall include the following information:

(A) Location of property lines and their dimensions and bearings, boundary extensions, existing buildings, existing and proposed easements, alleys, parks, public open spaces, watercourses, flood plains, ponds or standing water, wetlands, rock ledges, and other essential features. Abutting parcel names and similar facts regarding abutting property shall be included. The location and size of existing and proposed underground and overhead non-municipality utilities.

(B) Location, name and widths of existing and proposed streets, roads, and rights-of-ways (ROW's) with their grades and profiles and their centerlines. (See Alton Roadway Regulations)

(C) Plans shall show all existing or planned burial site(s) and easements.

(D) Locations of access to existing Town roads, as stated in RSA 236:13, Town of Alton Roadway Regulations and copies of permits for the access.

(E) Existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.

(F) Where the topography is such as to make difficult the inclusion of any facilities mentioned in Section 3.02(E) above, within the public area so laid out, the plan shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than ten (10) feet in width and shall have satisfactory access to existing or proposed public way(s).

3.03 - TOPOGRAPHIC PLAN:

The general topography of the proposed site shall be shown by means of elevations of sufficient points on the property to establish and show contour lines at vertical increments of not more than two (2) feet for the entire area proposed to be considered for Site Plan approval.

3.04 - EROSION AND SEDIMENT CONTROL PLAN:

Any erosion and sediment control plan, if required, shall be submitted as specified in Section 4.03 (Storm Water Drainage and Erosion Control) of these regulations and all State requirements. A copy shall be sent to the Conservation Commission.

3.05 - LEGAL DOCUMENTS:

Where applicable to a specific site, the following are required in a form approved by Town Counsel:

- (A) Agreement to convey to the Town of Alton, land to be used for streets or other public purpose, with transfer of Title.
- (B) Easements and Rights-of-Way over property to remain in private ownership, including drainage easements.
- (C) Performance security.
- (D) Agreements to convey Easements

3.06 - WATER AREA SYSTEM SITING REQUIREMENTS:

If an applicant intends to utilize Town of Alton water service, or private community water system, he/she should make an appointment with the Alton Water Works Department to determine proper requirements and procedures. Plans must be submitted by review, if required. Written approval for allocation and hookup is required prior to Planning Board approval.

3.07 - NON-SEWERED AREA SYSTEM SITING REQUIREMENTS:

- (A) In areas not served by Public sewage disposal systems at the time of development, it shall be incumbent upon the applicant or his/her agent to adequately demonstrate that the lots will meet all current State and local septic system disposal standards. No site plan of land will be approved which cannot meet these standards.
- (B) The applicant or his/her agent shall be required to submit all site information, including but not limited to, percolation tests, test pits, soil, slope, and minimum distance data as may be required by the Planning Board to determine the suitability of the lot(s) for on-site sewage disposal.
- (C) In no case shall the Planning Board grant final approval of a proposed site plan until all State and Federal approvals, if necessary, have been received. These may include, but are not limited to: New Hampshire Department of Environmental Services (NHDES) - Water Supply and Pollution Control Division Subdivision Approval, DES Subsurface Disposal, DES Site Specific (Alteration of Terrain), DES Wetlands Board - Dredge and Fill Permit, DES Water Supply Approval, and US Army Corps of Engineers 404 Permit.
- (D) The location of and pertinent data on sufficient test pits and percolation tests to show that the regulations can be met on the lot(s). Information shall include at least the following: the location of test pits, percolation test data, the certification of the test pit inspector witnessing the perc tests and an outline of the areas reserved for leach fields

which corresponds to test locations. The location of reserve leach field areas if available shall also be shown. Septic approval must be obtained from the NH Water Supply and Pollution Control Division prior to approval.

(E) The bottom of the proposed leach field, trench system or dry well shall be a minimum of four (4) feet above any seasonal high water table and eight (8) feet above any impermeable substratum (six feet with municipal or NH Water Supply and Pollution Control Division approved community water supply). Impermeable substratum is defined as any soil with a percolation rate of less than one (1) inch per 60 minutes. Clay and hardpan layers will be assumed impermeable unless shown to be permeable by a properly conducted percolation test. Bedrock, shale, and rotten ledge are considered impermeable (RSA 149-E).

(F) Where there is less than five (5) feet of natural soil over ledge, or other impermeable substratum, the disposal system must be designed by a licensed civil or sanitary engineer registered in the State of New Hampshire and having a valid NH Septic Designers License. This does not, however, guarantee that the lot will be approved (RSA 194-E).

(G) Any soil with a seasonal high water table less than eighteen (18) inches from the surface shall not be used for the disposal of septic tank effluent.

(H) All new on-site waste disposal systems are to be located so as to avoid impairment to them or contamination from them during flooding.

(I) All on-site waste disposal systems must be located at least seventy-five (75) feet from the location of a private well, two hundred (200) feet from a community well, and four hundred (400) feet from a public well.

(J) Any land area having a natural slope of fifteen percent (15%) or greater shall not be altered or used for the disposal of septic take effluent.

(K) The lot(s) shall contain an area of land sufficient in size and site characteristics to be used as an auxiliary septic system absorption field. Said area shall be reserved for this use and must be capable of meeting the pertinent minimum standards as set forth above. The location of the auxiliary absorption field area shall be indicated on the subdivision plan and at final sighting of system.

(L) Planning Board approval is subject to all State, Federal, and local septic requirements.

3.08 - INSPECTIONS:

(A) Periodic inspections of the work by an engineer designated by the Board are required during construction or alternation of all roads. Inspections are required:

1. After clearing and grubbing and removal of topsoil has been completed, but before grading has been started.
2. After the addition of required fill and setting of culverts, but before gravel base has been laid.

3. After gravel base has been laid and compacted, but before surfacing has been placed.
4. During surfacing.
5. At such other times as may be found necessary by the Board.

(B) It shall be the responsibility of the applicant to notify the designated engineer of all required inspections at least 48 hours in advance, Saturdays, Sundays, and Holidays excluded, and to turn over funds in advance to the Alton Planning Board to be placed in escrow for the payment of the inspection service at customary rates (fees for which may include travel time and reasonable mileage charges).

3.09 - PERFORMANCE AND MAINTENANCE SECURITY:

(A) Security shall be in a form and amount and with surety and other conditions all satisfactory to the Board and Town Counsel to insure for the Town of Alton, the construction and installation of such improvements within a period of time not to exceed two (2) years. The time limit of four years for completion from the date of final approval shall be expressed in the security. The security shall remain valid and available until drawn upon by the Town or released in accordance with Section 3.09 (F).

(B) Further to the above, the security shall be one of the following:

1. Certified check or bank check properly endorsed to the Town of Alton. The security shall be deposited into an interest bearing account by the Town Treasurer.
2. Irrevocable Letter of Credit submitted on the standard form approved by the Town. (If other than the Town's approved form, the performance agreement' shall be reviewed and approved by the Board of Selectmen and Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the applicant.
3. A bond.

(C) The applicant shall file with the Board a detailed estimate of all costs of required street improvement, drainage structures, utilities, other improvements, or third party inspections and reports. The Board may have the estimate reviewed by a professional consultant, if deemed necessary. The cost of this review, third party inspection or reports shall be borne by the applicant. The Board, after considering the estimate and other pertinent information, shall determine the amount of the performance security required.

(D) The Board may further extend the time of two (2) years for completion when the reasons for delay were unforeseeable and beyond the reasonable control of the applicant. Any such extension shall be in writing and signed by a majority of the Board, signifying their concurrence and shall only be granted after ensuring the validity and availability of the security for such extension. Any such extension shall be solely at the discretion of the Planning Board.

(E) The performance security shall not be released until the Board has certified after inspection that the required improvements have been completed in accordance with the approved plan. A fee, payable by the applicant, may be charged to cover the cost of

professional consultation selected by the Board to assist in determining completion of all required work to the construction standards of the Town.

(F) A final inspection on improvements shall be constructed for all Site Plan requiring security. This final inspection is in addition to all other required inspections. At the completion of the final inspection, the engineer representing the Town, and/or Road Agent, and/or Planning Board Chairman (or his/her designee), shall provide the applicant with notification (punch list) of items needed for completion of the project. At the time that those items have been completed to the satisfaction of the engineer representing the Town, and/or Road Agent, and/or Planning Board Chairman (or his/her designee), the project shall be deemed substantially complete.

SECTION 4 DESIGN STANDARDS

4.01 - GENERAL STANDARDS:

In review of any Site Plan Review Applications conducted under these regulations, the Planning Board will require that adequate provisions be made by the owner or his agent for:

(A) Sites for non-residential and multi-family development shall be reviewed so as to minimize traffic congestion, traffic hazards, unsightliness, annoyance to other nearby land uses, erosion, and other effects detrimental to the abutters, the area, and the environment of the Town of Alton.

(B) Appropriate buffers shall be installed and maintained to screen the use from neighboring properties. The Planning Board encourages naturally vegetated buffers using native vegetation whenever possible. Fences may be used, if appropriate.

(C) Sufficient off-street parking shall be provided for the anticipated use, in accordance with standards as set forth by the Parking Generation, Institute of Transportation and Engineers, 2nd Edition, 1987, as may be amended and the Town of Alton's Zoning Ordinance.

(D) Sufficient off-street loading space shall be provided, including off-street areas for maneuvering the anticipated trucks or other vehicles, in accordance with standards as set forth by the Institute of Transportation and Engineers and the Town of Alton's Zoning Ordinance.

(E) Access, parking, and loading areas shall be constructed so as to minimize dust, erosion, and runoff conditions that would have a detrimental effect on abutting or neighboring properties. The Planning Board may require paving if appropriate or necessary.

(F) Grading, paving, and storm drainage systems shall not result in erosion, sedimentation of streams, or damage to abutting properties and roads.

(G) Light, glare, odors, noise, and vibration shall not be discernible off the premises except for indirect lighting on signs or security lighting. Such lighting shall not glare on abutting properties or public highways or streets. The Board may desire additional

information regarding the layout and intensity of site lighting to ensure that adjacent properties and the character of the area are not adversely affected by lighting on a site. The applicant may be required to provide an illumination plan.

(H) Access to public streets shall meet the standards of the New Hampshire Department of Public Works and Highways and/or the Town of Alton's Roadway Standards, as adopted and as may be amended.

(I) Water Supply, sewage, and disposal facilities shall be sized to adequately meet the needs of the proposed use as specified under the regulations of the New Hampshire Water Supply and Pollution Control Division and regulations of the Town of Alton.

(J) Traffic circulation and access including adequacy of entrances and exits, traffic flow, sight distances, access to State highways, and Town roads, turning lanes and any required traffic signalization.

(K) Pedestrian and bicycle safety and access when needed.

(L) Storm water drainage and ground water recharge.

(M) Water supply, wastewater and septage disposal and solid waste disposal.

(N) Adequate fire safety, prevention and control, including suitably located and coordinated travel ways, of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access to buildings for fire fighting apparatus and other emergency equipment.

(O) Conformance with all existing regulations and ordinances.

(P) Demonstration that the proposal is generally consistent with the Town's Master Plan.

(Q) The minimization of encroachment on neighboring land uses.

(R) Adequate green areas, open spaces, conservation easements, slope and drainage easements as may be necessary and/or applicable.

(S) Sidewalks, when required, shall be installed and constructed in accordance with the specifications of the Town of Alton.

4.02 - GENERAL REQUIREMENTS FOR SITE PLAN REVIEW:

The applicant shall observe the following general requirements and principals of Site Plan Review:

(A) Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, impermeable soil, or other menace shall not be platted for building, nor for such other uses as may increase danger to health,

life, or property, or aggravate the flood or sewage hazard, until appropriate measures have been taken by the owner or his agent to eliminate such hazards. .

(B) All public or private utilities, sewerage, and drainage facilities, curbs, and sidewalks, when required, shall be installed and constructed in accordance with the specifications spelled out in the Town of Alton's Subdivision Regulations and Roadway Standards.

(C) A layout indicating how the site will be served by electric, telephone, and any other public utility must be provided. If the utility company(s) requires an easement to provide service, no final approval shall be granted by the Alton Planning Board until such easements are secured. If no easements are required, a letter of intent to provide service from the utility company(s) must accompany the application.

(D) The Board may require special improvements, which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular site plan. Any such special requirements shall be stated in writing in the Minutes of the Board and/or other agreement with the reasons therefore.

(E) The development of the site shall not change the topography of the land to be developed by the removal of trees, shrubs, soil, and rocks, except that which is necessary for the building of structures, driveways, parking areas, and sidewalks.

4.03 - STORM WATER DRAINAGE AND EROSION CONTROL:

(A) An adequate surface storm water drainage system for the entire area shall be provided. Plans for storm water drainage shall be completed by a NH Licensed Professional Engineer. Storm drainage shall be carried to existing water courses or connect to existing storm drains. No new drainage ways shall be created unless necessary easements are obtained. Such easements shall be duly recorded on the plat and the property deeds involved. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines of the parcel upon which such development occurs, unless it is within an approved public storm drainage system. Storm drains and other drainage facilities shall be based upon a design flow to accommodate a 25-year/24-hour storm. All watercourses shall be designed so as not to create erosive velocities. Calculations of runoff used to determine storm water system design shall be submitted for Planning Board review.

(B) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Sediments in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins, and other erosion/sedimentation control structures shall be constructed prior to any on-site grading or disturbance of existing surface material.

(C) A storm water system shall be constructed in accordance with the following requirements:

1. The storm water system shall include an adequate number of appropriately sized catch basins and/or drop inlets and shall be fully designed to handle all computed or reasonably anticipated storm water drainage. The minimum size,

slope, and location of the pipe shall be determined by a qualified engineer and installed under his/her supervision.

2. No storm water pipe, catch basin, drainage inlet, or other pipe floor drain proposed to drain surface water shall be connected to any sanitary sewer system, pipe, or other part of said system. All storm water pipe shall be inspected and approved by an engineer before being covered.
3. Water shall not drain from the site onto abutting properties, into roads, or into waterways in amounts exceeding existing pre-development levels unless a drainage easement can be obtained from the abutter.

4.04 - TRAFFIC IMPACT ANALYSIS:

(A) All commercial, industrial, or residential development proposed to be located on or having an affect on a Town-maintained road or street shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide a traffic impact analysis when deemed necessary by the Board due to size, location, or traffic generating characteristic of the development.

(B) Traffic impact analyses shall address each of the following:

1. Traffic circulation and access, including adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization. The Planning Board may require accident statistics. The Board, as policy, recommends access to the site be combined with access to another site, through a shared driveway or parking lots connected by access roads wherever possible.
2. Pedestrian safety and access.
3. Off-street parking and loading.
4. Emergency vehicle access.
5. Off-site improvements necessitated and to be constructed by the developer.

(C) The Planning Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require that the developer place the funds for the estimated cost for this review with the Town of Alton in escrow. No plan shall be approved until such fees, if applicable, are paid in full.

4.05 - STREETS AND ROADS:

All public and private streets, roads, driveways, sidewalks, pedestrian ways, and bikeways shall be submitted as specified in the Town of Alton Roadway Standards.

4.06 - PARKING:

Provisions of on-site parking are an important component of the site design. The amount of parking provided must be enough that it prevents excessive demands for on-street parking, but not so much that it wastes land and unnecessarily detracts from the aesthetics of the site and neighborhood. The arrangement must be safe and convenient for users.

(A) Number of Spaces:

1. In all Zoning Districts except Residential/Commercial, each site shall provide at least the minimum number of parking spaces for the site, determined as the sum of the following for each use on the site:
 - a. Residential: 2 spaces per unit; except 1 ½ spaces per unit for elderly housing.
 - b. Retail: 1 space per 300 square feet of gross floor space/5 employees.
 - c. Office/Business Service: 1 space per 300 square feet of gross floor space/ 5 employees.
 - d. Marina: 1 space per wet or dry storage unit plus 1 space per employee
 - e. Restaurant: 1 space per 3 seats.
 - f. Private Club: 1 space per 200 sq. ft. gfa
 - g. Lodging: 1 space per room available plus 2 spaces.
 - h. Meeting Rooms/ Auditorium/Church/ Funeral Parlor/ Convention Center: 1 space per 6 seats (bench space plus 1 seat/20”) or 50 sq. ft of assembly room area..
 - i. Industrial/ Warehouse: 2 spaces plus 1 space /2 employees.
 - j. Automotive Service Station: 5 spaces plus 3 per service bay.
 - k. Hospital/Nursing Home: 1 space per 8 beds plus 2 additional spaces.
 - l. School: 1 space per 35 square feet of assembly area.
 - m. Laundries: 1 space per 200 sq. ft. gfa plus 1 space/5 employees
 - n. Medical Center/Laboratory: 1 space per 100 sq. ft. gfa.
 - o. Drive-in Restaurant: 1 space per 50 sq. ft gfa plus 1 space/ 5 employees
 - p. Motel/Hotel: 1 space per unit plus 2 additional spaces plus 1 space/ 5 employees.
 - q. Kindergarten- Day Nursery: 1 space/staff member plus 1 space/ 10 children.
 - r. Governmental Building: 1 space/200 sq. ft. gfa.

NOTE: If use not listed, the Planning Board shall use a reasonable, similar use to determine parking requirements.

2. The following standards, among others, may be suitable for substitution for the standards given in Section 4.01 (C): Parking Generation (Institute of Transportation Engineers, 2nd Edition, 1987); and Parking (Robert Weant and Herbert Levinson, ENO Foundation for Transportation, Westport, CT, 1990). Such substitutions shall be submitted in writing and may be subject to outside professional review at the applicant's cost.
3. In the Residential/Commercial zone, parking shall be evaluated in a different manner. Typically, on-site parking is insufficient or is lacking completely. However, the downtown currently functions and people do find parking, so rather than establishing a number of spaces Required, it is hereby determined that the amount of on-site parking is a base from which to analyze changes in parking demand. New or changing uses shall be evaluated from the perspective of changes in the demand for on-site parking. Proposed changes

which decrease demand shall be permitted. Proposed changes, which increase demand, shall be permitted only upon provision of additional parking spaces in an amount equal to the increase in parking demand. Such spaces may be provided by one or more of the following means:

- a. Additional on-site parking spaces shall be provided.
 - b. Off-site parking spaces, located within 500' of the site shall be provided. The Board may increase this distance to 1,000' where the parking is intended for employees rather than customers.
 - c. If the Town establishes the required mechanism, the applicant can contribute to a Town fund for the maintenance and possible future development of additional downtown parking. A fixed dollar amount per parking space shall be established by the Town. This fund shall be a dedicated fund to be solely for the purposes of creating and maintaining downtown public parking.
4. Handicap Parking Spaces. All sites which provide on-site parking shall provide handicap parking spaces and accompanying access aisles in accordance with Federal law, in particular 23 CFR Part 36, Appendix A, Section 4.1.2(5) (see: Federal Register, Volume 56, #144, July 26, 1991).
- a. For the convenience of readers, the smaller size parking lot standards are summarized below:

<u>Total Parking Spaces:</u>	<u>Minimum Which are Accessible:</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

- b. One in every eight-handicap spaces, but not less than one, shall be designated as "van accessible" and shall be served by an 8' access aisle.
 - c. Each handicap space shall be identified with pavement marking and a sign. Van accessible spaces shall require an additional sign to indicate that it is van accessible. Signs shall be mounted such that they are not obscured by other parked vehicles.
5. On-Street Parking. The applicant may be granted permission to utilize nearby on street or other public parking for part or all of the required parking for the site. A parking study must be prepared for the Board to document the suitability of such allowance. The publication entitled Parking, referenced in Section 4.06(A)(2), may be a suitable reference.

4.07 - SIGNS:

(A) General Provisions

It is the objective of this section to provide for the regulation and restriction of signs, which are confusing, distracting or impair visibility and to protect scenic views, residential and rural areas. It shall apply to all districts unless the requirements of a district are specifically stated.

- A. Each new commercial sign must receive a permit from the Building Inspector. Signs erected prior to March 1984 shall be exempted from the provisions of this ordinance, provided they are properly maintained.
- B. The owner of any sign that is, or becomes, in disrepair in the opinion of the Building Inspector shall be notified. Such sign, if not repaired or removed within thirty (30) days of notice, shall be removed upon order of the Building Inspector.
- C. Signs which are animated, flashing or with scrolling intermittent illumination are expressly prohibited. Included are technological signs that give the impression of flashing, or contain traveling lights, display video images like TV or plasma screens, digital flat screens, LED screens, holographs and liquid display signs or fiber optic signs. This includes prohibition on neon tubes or neon like illumination. Illuminated signs shall be shielded so as to produce no glare, undue distraction, confusion or hazard to pedestrian or vehicular traffic or to the surrounding area. Time and temperature signs should abide by the above rules, and have letters and numbers in only one color with lighting with the sign shielded. The size of the overall sign size, and the numbers should not exceed 25% of the overall sign size, and the numbers should remain static until responding to change in the time or temperature at a regular and relevant interval.

Temporary signs used for the express purpose of public safety and or traffic control are exempt.

(Amended March 11, 2008)

- D. The overall height of any free-standing sign shall not exceed sixteen (16) feet and shall be set back a minimum of five (5) feet from any lot line.
- E. Each business on an individual lot in the Residential-Commercial and Recreation Service Zones shall be allowed two (2) signs on the lot where the business is located, and each sign not to exceed twenty-four (24) square feet.
- F. Parked vehicles: Any vehicle or other holding device but that is allowed to remain on site both during and after business hours and upon which advertising is placed shall be considered a sign and conform to the provisions of this ordinance. Such signs shall not be allowed in addition to the signs herein permitted. Decals, magnetic signs or signs painted upon the body of motor vehicles actively used in the transportation of workers, goods, or equipment during the normal course of business are exempt from these provisions.
- G. Where two (2) or more businesses are in one building or on one lot, the following provisions must be met:
 - 1. Two (2) separate signs may be erected jointly on the property and no one sign shall exceed twenty-four (24) square feet;
 - 2. In addition, each business may erect a sign not to exceed ten (10) square feet on a building structure. For public safety, no privately owned sign

shall extend more than (2) two feet from the building and shall be a minimum of (7) seven feet over the public way.

- H. Permits may be granted for directional signs located off the site and such signs shall:
 - 1. Indicate name, trademark, logo and direction to a business, institution or other activity and the general type of business and contain no other advertising matter.
 - 2. Be limited to two (2) signs per business, institution or other activity and not to exceed sixteen (16) square feet per sign.

- I. Temporary signs of the portable type may be used in conjunction with a business for the purpose of advertising a special sale or function in accordance with the following provisions:
 - 1. Such signs shall be allowed temporarily for a period not to exceed 5 days at any one time.
 - 2. Not more than one (1) such sign shall be allowed during any period, and such period shall not occur more than 6 times in any calendar year.
 - 3. The sign shall not be located within any public right-of-way, and shall be setback a minimum of five (5) feet from any lot line.
 - 4. The illumination of such a sign shall be internal only, with no flashing lights or moving parts.

- J. Temporary signs advertising special events conducted for educational, charitable or non-profit purposes, in the form of banners, placards and the like, shall be permitted for no more than 21 days in any calendar year and shall not require any fee.

- K. Real estate for sale or lease; temporary signs shall comply with the following provisions:
 - 1. Shall not exceed 6 square feet in area, advertising the premises for sale or rent.
 - 2. No off premises signs for the sale or rental of property, including directional signs, shall be allowed within any right-of-way of the Town of Alton, without express permission of the Building Inspector, and permit for location of said sign is issued.
 - 3. All such signs shall be limited to one (1) sign for each road and/or lake frontage and shall be removed upon closing of any escrow.

- L. Temporary signs for advertisement used by contractors at a job site, shall be allowed for the duration of any building permit issued.
- M. All political signs, including posters, are considered to be temporary and shall be removed within seven (7) days of any general, state, and/or local elections and shall not require any permit. The candidate, candidates, or group whose name appears on any such sign shall be responsible for their removal.
- N. It shall be unlawful for any person to erect or install a sign (including painting on rocks or the use of other natural or man-made features as a sign), for commercial advertisement purposes upon any public right-of-way without the expressed written permission of the Board of Selectmen. This section shall not apply to any political advertising or residential posters, which are placed in a manner so as not to violate any other applicable State Law.
- O. Unless otherwise noted all temporary signs shall require a permit. The fee for such permit shall be set by the Selectmen.
- P. Any sign not in conformance with the requirements of this section shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such sign the full cost of removal and disposal of such sign.
- Q. Signs for private, non-commercial, residential activities, such as a one-day yard sale, or other public notices, shall be exempt from regulations under this ordinance.
- R. Enforcement, Notification and Removal. It shall be the duty of the Code Enforcement Officer to notify the violator and/or building owner of any violation in writing and if condition or violation is not corrected in five (5) business days from the date of notification, the Code Officer is authorized to impose a fine as specified by the Board of Selectmen.

4.08 - LANDSCAPING:

(A) Landscaping throughout shall be designed to further the quality and natural features of the setting. Landscaping shall be used to:

1. Screen and soften the parking area, or other expanses of paving.
2. Provide a setting for the building.
3. Buffer and merge the various uses.

(B) Minimum landscape coverage will be:

1. 25% on lots of three acres or less.
2. 35% on lots over three acres.

Note: Undisturbed wooded areas may be included in the calculation.

(C) Minimum street side landscaping shall be 25 feet from the property line.

(D) Screened Parking - All parking areas shall be screened to a minimum height of three feet from the edge of the road by landscaping, mounding, decorative fences or wall, or a combination thereof.

(E) Within parking lots, large-scale trees shall be planted in landscaped strips, or raised islands, along the ROW. With landscaped raised islands at the ends of each row. This will prevent drivers from driving erratically across ROW's.

Note: The landscaping requirements are set forth as strong guidelines from which the Planning Board may grant some deviation if it can be demonstrated that the modification will result in an improved plan overall.

4.09 – LIGHTING: (*Amended January 4, 2010*)

(A) GENERAL:

1. Appropriate outdoor lighting increases safety, enhances the Town's nighttime character and helps provide security. Excessive light creates glare and sky glow, and increases energy cost. Light trespass reduces privacy.

2. This Site Plan Regulation is intended to minimize or eliminate the problems associated with light trespass, glare and sky glow.

(B) DEFINITIONS:

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

2. **Dark Sky Specification** - Specification of the International Dark-Sky Association, 3225 N. First Ave., Tucson AZ 85719, <http://www.darksky.org>, intended to control sky-glow.

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

4. **Flood or Spot Light** - Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

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

6. **Height of Luminaire** - The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

7. **Indirect Light** - Direct light that has been reflected or has been scattered off other surfaces.

8. **LED** - Light emitting diodes are diodes (electronic components that let electricity pass in only one direction) that emit visible light when electricity is applied, much like a light bulb. Light-emitting diodes produce more light per watt than incandescent bulbs

9. **Lamp** - The component of a luminaire that produces the actual light.

10. **Light Source** - Light source includes any reflector, refractor or globe as well as the lamp.

11. **Light Trespass** - The shining of light produced by a luminaire or luminaires beyond the boundaries of the property on which it is located.

12. **Lumen** - A unit of luminous flux. One-foot candle is one lumen per square foot. For the purposes of this Regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

13. **Luminaire** - This is the complete lighting system, and includes a lamp or lamps, lenses and a fixture.

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

15. **Shielding** - Opaque attachment to a lighting fixture to prevent direct light from shining in a particular direction.

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

(C) **REGULATIONS** - All outdoor lighting installed in the Town of Alton shall be in conformance with the requirements established by this Regulation.

1. **EXTERIOR LIGHTING:**

a. Lighting Plan: A lighting plan shall be prepared indicating fixture specifications, placement, and area lighting intensities on the ground. This plan shall be submitted as part of the plat for site plan review.

1. Fixture specification and placement will follow the concept that all light must shine in a generally downward direction.
2. No direct light shall shine beyond the applicant's property boundaries.
3. Although correct placement and specification should give desired distribution, shielding may be added to further control light distribution.
4. Height of luminaire shall be limited to 25 feet unless waived by the Planning Board for specific applications.

b. Boundary Light Intensity: All Lighting fixtures shall be specified, placed and directed so that total illumination intensities at all property boundaries does not exceed 1.0 foot candle.

c. Glare: No operation or activity shall be conducted so as to cause or create unnecessary glare. Any operation or activity producing irremediable glare shall be conducted so that total illumination intensity does not exceed 1.0 foot candle at the property boundaries.

d. Appropriate Intensity for the Need: Outdoor lighting illumination intensities shall be the minimum required to meet operational and safety standards. It is recommended that parking area and other non-secure area lighting be reduced or extinguished outside of business hours.

e. Entrance and Exit Lighting: When building entrances and exits need to be lighted, minimum power fixtures that carry the dark sky specification shall be used. If these fixtures raise the property boundary illumination intensity above 1.0 foot candle, shielding shall be added.

2. RECOMMENDATIONS:

a. Fixture Type: It is recommended that high-pressure sodium lighting *not* be used.

b. Reflective Surfaces: Consideration should be given to utilizing material that reflects the minimum amount of light while meeting the surfacing needs of the particular area.

3. EXCEPTIONS:

- a. Lighting of the United States Flag.
- b. Customary holiday lighting.
- c. Emergency lighting required by a public agency in the performance of its duties.

4. EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LIGHTING:

a. This regulation shall take effect immediately upon majority vote of the Planning Board members and shall supersede and replace all previous regulations pertaining to outdoor lighting.

b. All lighting lawfully in place prior to the date of the regulation shall be grandfathered. A grand fathered fixture may be replaced with a similar fixture, but if the fixture is moved or relocated the requirements of this regulation must be applied.

5. AUTHORIZATION FOR INSTALLATION OF PUBLIC AREA AND ROADWAY LIGHTING - Installation of any new public-area and roadway lighting fixtures, other than for traffic control, shall be specifically approved by the Board of Selectmen.

6. **NOTIFICATION REQUIREMENTS** - The Town of Alton site plan application shall include a statement asking whether the planned project will include any outdoor lighting. A copy of this regulation shall be attached to all electrical permits for this purpose.

7. VIOLATIONS, LEGAL ACTIONS AND PENALTIES:

- a. Violations and legal actions: If, after investigation the Code Enforcement Officer finds that any provision of the Regulation is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, legal and/or equitable, to enjoin, restrain, or abate any violations of the Regulation and to collect the penalties and legal costs for such violations.
- b. Penalties: A violation of this Regulation, or any provision thereof, shall be punishable by a civil penalty of one hundred dollars (\$100) and each day of violation after the expiration of the thirty-day period provided in Paragraph 1 shall constitute a separate offense for the purpose of calculating the civil penalty.

4.10 - PROTECTION OF NATURAL AND HISTORIC FEATURES:

- (A) Each significant natural feature within the site, including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features, shall be shown on the plan. Planning Board approval shall be obtained before removal of such features.
- (B) Each existing building or man-made structure, including stone fences, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features shall not be altered, destroyed, or removed without Planning Board approval.

4.11 - SPECIAL FLOOD PROTECTION PROVISIONS:

- (A) If any portion of the property undergoing Site Plan Review is within the 100-year floodplain, the limit of the 100-year floodplain shall be depicted on the plan. If no portion of the property is within the 100-year floodplain, a note shall be placed on the plan stating that no portion of the property is within the 100-year floodplain.
- (B) All site plan proposals within the 100-year floodplain shall minimize potential flood damage, public utilities and facilities shall be constructed so as to minimize flood damage and adequate drainage shall be provided.

4.12 - STORMWATER MANAGEMENT AND EROSION CONTROL REGULATION:

- (A) GENERAL

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

(B) DEFINITIONS

1. Best Management Practice (BMP): A proven or accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of stormwater runoff.
2. Critical Areas: Disturbed areas of any size within 50 feet of a stream, bog, water body, or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.
3. Development: Any construction or land construction or grading activities other than for agricultural and silvicultural practices.
4. Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil, or vegetation has been covered.
5. Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
6. Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than
or equal to 0.43 in any layer as found in Table 3-1 of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."
7. Project Area: The area within the subdivision or site plan boundaries.
8. Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
9. Stabilized: When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass or a good covering of hay or straw mulch (2 tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.
10. Stormwater Runoff: The water from precipitation that is not absorbed, evaporated, or otherwise stored within the contributing drainage area.
11. Stream: Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

(C) APPLICABILITY

1. The applicant shall submit a stormwater management and erosion control plan to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:
 - a. A cumulative disturbed area exceeding 20,000 square feet.
 - b. Construction or reconstruction of a street or road.

- c. A subdivision of more than three building lots.
- d. Disturbed critical areas.

(D) MINIMUM REQUIREMENTS [NOTE: Subdivision and site plan review regulations may already include a section detailing plan requirements. Any additional requirements listed here should be included in the existing section of the regulations for clarity.]

1. The Planning Board may waive the requirement for all or part of a stormwater management and erosion control plan if it determines that a plan is unnecessary because of the size, character, or natural conditions of a site.
2. All requests for waivers and action thereon shall be made in writing by the applicant with supporting technical documentation to demonstrate minimal environmental impact.
3. The following minimum requirements apply to all projects, regardless of size:
 - a. Site drawing of existing and proposed conditions:
 - (a) Locus map showing property boundaries
 - (b) North arrow, scale, date
 - (c) Property lines
 - (d) Easements
 - (e) Structures, utilities, roads and other paved areas
 - (f) Topographic contours
 - (g) Critical areas
 - (h) Surface water and wetlands, drainage patterns, and watershed boundaries
 - (i) Vegetation
 - (j) Soils information for design purposes or for determining highly erodible soils shall be determined from a National Cooperative Soil Survey (NCSS) soil series map. A High Intensity Soil Map of the site, prepared in accordance with SSSNNE Special Publication No. 1, can only be used for design purposes and not for determining highly erodible soils.
 - (k) Temporary and permanent stormwater management and erosion and sediment control BMP's
 - (l) Areas and timing of soil disturbance
 - (m) A schedule for the inspection and maintenance of all BMP's
 - b. Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

(E) DESIGN STANDARDS

1. The following standards shall be applied in planning for stormwater management and erosion control:
 - a. All measures in the plan shall meet as a minimum the Best Management Practices set forth in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire".
 - b. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation shall be done in a manner

- that minimizes soil erosion.
- c. Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.
 - d. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.
 - e. Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.
 - f. Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.
 - g. Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 25-year, 24-hour storm event and for additional storm event frequencies as specified in the design criteria of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."
 - h. Priority should be given to preserving natural drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area.
 - i. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days unless conditions dictate otherwise.

(F) COMPLETED APPLICATION REQUIREMENTS:

[NOTE: Subdivision and site plan review regulations may already include a section detailing application requirements. Any additional requirements listed here should be included in the existing section of the regulations for clarity.]

1. The Planning Board shall require each of the following in the final plan unless the project is deemed of sufficiently minimal impact to qualify for the minimum requirements specified in Section 4 of this regulation.
 - a. Construction drawings
 - (a) Existing and proposed conditions:
 - (1) Locus map showing property boundaries
 - (2) North arrow, scale, date
 - (3) Property lines
 - (4) Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal
 - (5) Topographic contours at two-foot intervals
 - (6) Critical areas, stockpile and staging areas
 - (7) Within the project area and within 400 feet of project boundary surface waters, wetlands, and drainage patterns and watershed boundaries
 - (8) Vegetation
 - (9) Extent of 100-year flood plain boundaries if published

or determined

(10) Soils information for design purposes from a National Cooperative Soil Survey (NCSS) soil series map or a High Intensity Soil Map of the site, prepared in accordance with SSSNNE Special Publication No. 1. Highly erodible soils shall be determined by soil series.

(11) Easements

(12) Areas of soil disturbance

(13) Areas of cut and fill

(14) Areas of poorly or very poorly drained soils including any portion to be disturbed or filled

(15) Location of all structural, non-structural, and vegetative

stormwater management and erosion control BMP's

(16) Identification of all permanent control BMP's

(17) Tabulated sequence of construction

(b) Other plan requirements:

(1) Construction schedule

(2) Earth movement schedule

(3) A proposed schedule for the inspection and maintenance of all BMP's

(4) Description of temporary and permanent vegetative BMP's including seeding specifications

(5) Description of all structural and non-structural BMP's with detailed drawings of each as appropriate

b. Report section including:

(a) Design calculations for all temporary and permanent structural control BMP measures

(b) A proposed schedule for the inspection and maintenance of all BMP's

(c) Identification of all permanent control measures and responsibility for continued maintenance

(d) Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff

(e) When detention structures are planned to reduce future condition peak discharge the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design will conform to the criteria outlined for those types of structures given in the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire".

(G) RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION

1. The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all stormwater management and erosion control

measures required by the provisions of this regulation.

2. The Planning Board may require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or the surety.
3. Site development shall not begin before the stormwater management and erosion control plan receives conditional approval. Best Management Practices shall be installed as designed and scheduled as a condition of final approval of the plan.

(H) PLAN APPROVAL AND REVIEW

1. The Planning Board shall indicate approval of the stormwater management and erosion control plan, as filed, if it complies with the requirements and objectives of this regulation. Such approval shall be a component of site plan approval. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.
2. Technical review of any stormwater management and erosion control plan prepared under this regulation shall be reviewed by the Town's reviewing engineer or other qualified professional consultant, as determined to be appropriate by the Planning Board, at the expense of the applicant.

(I) MAINTENANCE AND INSPECTION

1. A narrative description of on-going maintenance requirements for water quality measures required by stormwater management and erosion and sediment control plans after final Planning Board approval shall be recorded on the deed to the property on which such measures are located. The description so prepared shall comply with the requirements of RSA 478:4-a.
2. The purpose of this article is to enact locally the administrative and enforcement procedures set forth in RSA 676 of the existing planning and land use statutes.
3. RSA 676 authorizes the following penalties and remedies for enforcement of the provisions of this regulation:
 - a. Injunctive relief in accordance with RSA 676:15;
 - b. Fines and penalties in accordance with RSA 676:17;
 - c. Issuance of a cease and desist order in accordance with RSA 676:17-a;
 - d. Pleas by mail for local land use citations in accordance with RSA 676:17-b.
4. The Planning Board may require routine inspections to verify on-going maintenance of water quality protection measures. Such inspections shall be performed by the designated agent at reasonable times to the landowner.
5. If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.
6. The selectmen may require a fee for routine inspections of water quality protection measures. The fee shall be paid by the owner of the property. A fee schedule shall be established by the Board of Selectmen which represents the cost of performing an inspection on various types of water quality protection measures. The procedure for adoption of the fee schedule shall be as provided

for in RSA 41- 9:a.

(J) ENFORCEMENT

1. Any violation of the requirements of this regulation shall be subject to the enforcement procedures detailed in RSA 676. The designated agent shall be responsible for enforcement of the provisions of this regulation.
2. Written Notice of Violation. A written notice of violation shall be issued to the property owner by registered mail from the designated agent if the agent determines 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:
 - a. Specify the actions or conditions which 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;
 - d. Be provided to the property owner with a copy to be kept in the official records of the (Local Land Use Board or Local Administrator).
3. Cease and Desist Order. A cease and desist order may be issued to the property owner by the designated agent if the agent determines that conditions at the site are in violation of any of the requirements of this regulation and the violation is either:
 - a. An immediate threat to public health and safety; or
 - b. The property owner has failed to take corrective action(s) identified in a written notice of violation issued under Section 10.2 of this regulation within the time frame specified therein.

SECTION 5 ADMINISTRATION AND ENFORCEMENT

5.01 - GENERAL:

(A) These regulations shall be administered by the Planning Board with the assistance of the Building Inspector, Town Planner and other persons as the Board shall designate. It shall be the duty of the Board of Selectmen to enforce Site Plan Review Regulations. The Selectmen in enforcing these Regulations shall act upon complaint or information from the Planning Board, Building Inspector/Code Enforcement Officer, or other designated agent and shall, whenever practicable, take such action as the Planning Board or such other officer requests.

(B) The Building Inspector/Code Enforcement Officer or other agent so designated by the Planning Board shall be charged with the responsibility of inspecting the sites for compliance with the Site Plan Review Regulations.

5.02 - APPEALS:

Any person aggrieved by any decision of the Planning Board concerning a Site Plan Review may appeal said decision in accordance with the provisions of RSA 677:15, as may be amended.

5.03 - WAIVER PROCEDURE:

(A) When a proposed site plan plat is submitted for approval, the applicant may request in writing to waive specific requirements of these Regulations as they pertain to the site plan. The applicant shall present the reasons in writing why the waiver is needed.

(B) The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the affect of nullifying the intent and purpose of these Regulations; and further provided that the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented in each specific case.

5.04 - AMENDMENTS:

The Planning Board may from time to time review and amend these regulations. Amendments to the Site Plan Review Regulations shall be in accordance with RSA 675:6, as may be amended.

5.05 - FINES AND PENALTIES:

Any person who violates any of the provision of this title shall be subject to all fines and penalties as allowed under RSA 676:17, as may be amended.

5.06 - SEVERABILITY:

If any part or provision of these Regulations or application thereof to any person or circumstances is judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations, or the application thereof to other persons or circumstances.

SECTION 6 PERSONAL WIRELESS SERVICE

6.01 – GENERAL REQUIREMENTS:

(A) Purpose - It is the goal of the Town of Alton to protect the public health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses. The purposes of these regulations are to:

1. Facilitate wireless communication services to the residents and businesses of the Town of Alton.

2. Minimize adverse visual impacts of wireless communications facilities through design and siting standards.
3. Encourage the location of facilities in non-residential areas.
4. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
5. Discourage proliferation of antenna support structures through sharing requirements.
6. Minimize the detrimental economic impacts on adjacent property values.
7. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

(B) District Regulations:

Location - Personal wireless service facilities shall be permitted in all Zoning Districts, except as restricted by this Ordinance. Applicants seeking approval for personal wireless service facilities shall first evaluate existing structures for the siting of personal wireless service facilities. Only after finding that there are no suitable existing structures pursuant to Section 4.3 herein, shall a provider propose a new ground mounted facility. An applicant shall demonstrate to the Planning Board that the facility's effect has been minimized on the viewshed containing the facility, and that the facility will not visually dominate any viewshed in the Town. The applicant shall demonstrate visual impact of the proposed facility by using a crane test or a balloon test as directed and witnessed by the Board, said test to be open and made known to the public. For a proposed facility to be acceptable such tests shall demonstrate that views are not adversely impacted by the facility. In addition, an applicant proposing a facility shall notify other towns and cities within 20 miles of the site and the Lakes Region Planning Commission of the proposal; these parties may contribute comments which shall be referenced by the Board in its decision.

Existing Structures: Policy - Personal wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

Existing Structures: Burden of Proof - The applicant shall have the burden of proving that there are no existing structures which are suitable to locate its personal wireless service facility and/or transmit or receive radio signals. To meet that burden, the applicant shall take all the following actions to the extent applicable:

- A. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a personal wireless service facility. If the Planning Board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.
- B. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the U.S. Post office shall be provided for each owner of existing structures who was contacted.
- C. If the applicant claims that a structure is not capable of physically supporting a personal wireless service facility, this claim must be certified by a licensed professional civil engineer. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support

the personal wireless service facility without unreasonable costs. The estimated cost shall be provided to the Planning Board.

Ground Mounted Facilities: Policy - If the applicant demonstrates that it is not feasible to locate on an existing structure, ground mounted personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping, and placement within trees.

Locations for Ground Mounted Facilities – Ground mounted personal wireless service facilities shall be prohibited:

- a. In the Mount Major State Park
- b. Within 50 feet of the shore of public waters.

(C) Use Regulations:

A personal wireless service facility shall require a building permit in all cases and may be permitted as follows:

- A. Existing Tower Structures: Subject to the issuance of a building permit that includes review by the Planning Board, which review shall be limited to issues relating to access, bonding, and security for removal, structural integrity and appropriate camouflage of such siting, carriers may locate a personal wireless service facility on any guyed tower, lattice tower, mast, or monopole in existence prior to the adoption of this Ordinance, or on any personal wireless service facility previously approved under the provisions of this Ordinance so long as the co-location complies with the approved site plan. All the Performance Standards from this Ordinance shall be met. This provision shall apply only so long as the height of the mount is not increased, a security barrier already exists, and the area of the security barrier is not increased. Otherwise, site plan review is required.
- B. Reconstruction of Existing Tower Structures: An existing guyed tower, lattice tower, monopole, or mast in existence prior to the adoption of this Ordinance may be reconstructed with a maximum fifteen (15) foot increase in height so long as the standards of this Ordinance are met and so long as this fifteen (15) foot increase in height does not cause a facility previously existing at less than one hundred fifty (150) feet to exceed one hundred fifty (150) feet in height. The mount shall be replaced with a mount of similar mass that does not increase the visual impact on the community. Site plan review is required.
- C. Existing Structures: Subject to the provisions of this Ordinance and site plan review under RSA 674:43:III and except as otherwise permitted under Section 5 (A), a carrier may locate a personal wireless service facility on an existing structure, building, utility tower or pole, or water tower. For the purpose of this section, new structures that are conforming to all other district zoning requirements shall be considered as existing structures.
- D. Ground Mounted Facility: A personal wireless service facility involving construction of a ground mount shall require site plan review and be subject to the provisions of this Ordinance.

(D) Process:

In addition to the information required for site plans elsewhere in these regulations, development applications for wireless communications facilities shall include the following information:

1. A report from a qualified professional engineer which:
 - a. Specifies the facility's height and design including a cross section and elevation;
 - b. Documents the height above grade for all potential mounting positions for co-located antennas, and the minimum separation distances between antennas;
 - c. Describes the antenna support structure's capacity, including the number and type of antennas that it can accommodate;
 - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - e. Documents that the site analysis included at least two (2) other sites and the reasons the sites were not adequate for the wireless communications facility. The analysis should also demonstrate that the proposed location is beneficial to both the Town of Alton, and the applicant.
 - f. Includes an engineer's stamp and registration number.
2. For all wireless communication service towers, a letter of intent committing the owner and his or her successors an interest to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. The following items shall be submitted as part of any application (at the Planning Board's option they may be submitted as part of precedent conditions on any approval, prior to issuance of a building permit):
 - a. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);
 - b. Proof of compliance with applicable Federal Communications Commission Regulations;
 - c. A report from a qualified professional engineer which demonstrates the facility's compliance with Alton's structural and electrical standards (to be submitted to the Code Enforcement Officer); and
 - d. An agreement between the facility owner, property owner, and the Town of Alton the abandonment procedures as stated in the Zoning Ordinance.
4. The following supplemental information:
 - a. Locations, uses, and approximate size and height of all buildings and structures within five hundred (500) feet of the proposed wireless communication facility;
 - b. Elevations of all facades, indicating exterior materials and color of the facility; and
 - c. Plans shall be drawn at the scale of one (1) inch equals fifty (50) feet.
5. Independent Evaluation. The Planning Board requires, at the expense of the applicant, an independent evaluation of any wireless communications facility proposals, by a qualified licensed professional engineer selected by the ' Planning Board.

(E) Design - The following design standards apply:

Visibility

Visual impacts are measured on the basis of:

1. Change in community scale, as exhibited in relative height, mass or proportion of the personal wireless service facility within its proposed surroundings.
2. New visible elements proposed on a contrasting background.
3. Different colors and textures proposed against a contrasting background.
4. Use of materials that are foreign to the existing environment.

Enhancements are measured on the basis of:

1. Conservation of opportunities to maintain community scale, e.g. buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.
2. Amount and type of landscaping and/or natural vegetation.
3. Preservation of view corridors, vistas, and viewsheds.
4. Continuation of existing colors, textures, and materials.

Visibility focuses on:

1. Eliminating or mitigating visual impact.
2. Protecting, continuing, and enhancing the existing environment.

Camouflage for Facilities on Existing Buildings or Structures – Roof Mounts:

When a personal wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

Camouflage for Facilities on Existing Buildings or Structures – Side Mounts:

Personal wireless service facilities which are side mounted shall blend with the existing building's architecture and the panels shall be painted or shielded with material consistent with the design features and materials of the building. All surfaces shall be non-reflective.

Camouflage for Ground Mounted Facilities:

All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred and fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions. These trees must be existing on the subject property, planted on site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one hundred and fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property. If removed for this reason, they must be replaced unless Nature has provided a buffer.

Color:

To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings. All surfaces shall be non-reflective. Branches shall conform to the shape and direction of those on existing natural

trees and extend below the canopy.

Equipment Shelters :

Equipment shelters for personal wireless service facilities shall be designed consistent with one of the following design standards:

- A. Equipment shelters shall be located in underground vaults; or
- B. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the personal wireless service facility; or
- C. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
- D. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.

Lighting, Signage, and Security:

- A. Lighting: The mounts of personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles.
- B. Signage: Signs, not larger than 8”x12”, shall be limited to those needed to identify the property and the owner and warn of any danger. PWSF’s, including existing towers at the time of adoption of this ordinance, shall not contain any permanent or temporary signs, writing, symbols or any other graphic representation of any kind.
- C. Security Barrier: The Planning Board shall have final authority on whether a ground mounted personal wireless service facilities should be surrounded by a security barrier.

Historic Buildings and Districts:

- A. Any personal wireless service facility located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
- B. Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.
- C. Personal wireless service facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.

Scenic Landscapes and Vistas:

Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, or abutting properties unless these PWSF are hidden or disguised in such a way so as to blend in with their surroundings. For example, the Planning Board may find a PWSF disguised as a flagpole to be acceptable. The Planning Board shall be empowered to make these decisions. All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth as per Section 7.1 (F).

Access way:

If available, existing entrances and driveways to serve a personal wireless service facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact. New driveways to serve a personal wireless service facility shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is encouraged.

Antenna Types:

Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a larger antenna array are negligible.

Ground and Roof Mounts:

All ground mounts shall be of a mast or monopole type mount. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section 5 (B).

Hazardous Waste:

No hazardous waste shall be discharged on the site of any personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.

Noise:

Personal wireless service facilities shall not generate noise in excess of 68 decibels, as measured at the security boundary, during the day and 58 decibels during the night. For the purpose of this Ordinance, "day" shall be defined as 7:00 A.M. to 10:00 P.M., Sundays through Thursdays, and 7:00 A.M. to 11:00 P.M. on Fridays and Saturdays. "Night" shall be from 10:00 P.M. to 7:00 A.M. Sundays through Thursdays, and 11:00 P.M. to 7:00 A.M. on Fridays and Saturdays.

Radio Frequency Radiation (RFR) Standards – Written proof shall be provided that all equipment proposed for a personal wireless service facility shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation (FCC Guidelines), under *Report and Order*, FCC 96-326, published on August 1, 1996, and all subsequent amendments.

(F) Verification, Monitoring and Maintenance:

Verification - The Planning Board, at its discretion, may hire an expert of its choice to review applications. Such experts may include, but not be limited to Planning Experts, Technical Experts, Engineering Experts, Legal Experts, and Surveying Experts. All such expenses incurred shall be borne by the applicant.

Maintenance - The owner of the facility shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, maintenance of the buffer areas, landscaping, and camouflage materials. The Planning Board may direct the owner to perform maintenance that it determines to be required.

Monitoring - As part of the issuance of the site plan approval or building permit, the property owner and the owner of the PWSF shall agree that the Town and its appointed representative(s) may enter the subject property to obtain RFR measurements, noise measurements, and to perform maintenance inspections at the expense of the carrier. In the case of taking RFR and or noise measurements, the

Town may enter without any advance notice to either the PWSF owner or the property owner. In all other cases the Town shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the Town representatives when the inspections are conducted.

(G) Abandonment or Discontinuation of Use:

Notification - Beginning 12 months after Planning Board approval and continuing on an annual basis thereafter, the owner of a PWSF shall provide the Planning Board with written, signed certification that the PWSF is being used to provide the citizens of the Town with Personal Wireless Services as defined. Failure to comply with this requirement shall constitute an admission that the PWSF is not in use and has been abandoned.

At such time that the owner plans to abandon or discontinue operation of a personal wireless service facility, the owner will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that the owner fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.

Removal - Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the personal wireless service facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

- A. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
- B. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- C. Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

Failure to Remove - If the owner of the facility does not remove the facility upon the Planning Board's order, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.

Failure to Maintain - If the owner of the facility fails to maintain the facility in accordance with the directions of the Planning Board pursuant to Section 8.2, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.

Security for Removal - Security shall be provided in a form and amount that is acceptable to Town Counsel.

(H) Timing of Operation:

Timing of Operation - Operation of a PWSF shall commence no later than nine (9) months from the date the application was approved. If the PWSF is not

operating and providing the citizens of the Town with Personal Wireless Services, as defined, within this time period the Planning Board, at its discretion, may revoke its approval.

If Planning Board approval is revoked and construction has begun, the PWSF shall be considered to be abandoned.

(I) Savings Clause:

Where any provision of this regulation is found to be unenforceable it shall be considered savable and shall not be construed to invalidate the remainder of the regulation.

**SECTION 7
EFFECTIVE DATE**

These Site Plan Regulations were adopted on May 14, 1984 by majority vote of the Planning Board and amended September 01, 2009 and adopted as such on December 17, 2009, by majority vote.

Signed by the Planning Board.

Planning Board Chair

Planning Board Vice-Chair

Planning Board Clerk

Planning Board Member

Planning Board Member

Planning Board Member