

TOWN OF NEWBURY  
REGULATIONS FOR  
SITE PLAN REVIEW

Revised: August 18, 2020



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## ARTICLE I. AUTHORITY AND PURPOSE

- 1.1 Authority:** The Newbury Planning Board hereby adopts Site Plan Review Regulations in accordance with the provisions of Chapter 674 New Hampshire Revised Statutes Annotated 1955 as amended and pursuant to authorization from the Town of Newbury by Town Meeting action on March 11, 1987 and March 14, 1989.
- 1.2 Purpose:** The purpose of these site plan review regulations is to:
- 1.2.1 Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of: inadequate drainage or conditions conducive to flooding of the property or that of another; inadequate protection for the quality of groundwater; undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, light, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and inadequate provision for fire safety, prevention, and control; and the inadequacy of vehicle and pedestrian safety;
  - 1.2.2 Provide for open, harmonious and aesthetically pleasing development of the subject site, the municipality and its environs;
  - 1.2.3 Provide for open spaces and green spaces of adequate proportions;
  - 1.2.4 Require the proper arrangement and coordination of streets within the site and in relation to other existing or planned streets;
  - 1.2.5 Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
  - 1.2.6 Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
  - 1.2.7 Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health, safety or welfare;
  - 1.2.8 Include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity;
  - 1.2.9 Enhance the rural character of the town by improving the appearance of the business district areas and maintaining a traditional New England atmosphere;
  - 1.2.10 To protect the health, safety, and welfare of citizens and the community through a review and analysis of the location on the site of buildings, roads, access, parking, sidewalks, improvements and landscaping and of the interaction of the site with neighboring lots, town and state highways and sidewalks;
  - 1.2.11 To assist the Planning Board in carrying out the objectives of the Town's Master Plan; and

- 1.2.12 To provide for the timely installation of off-site and on-site improvements necessitated by the development and for the payment of such improvement costs.

## ARTICLE II. DEFINITIONS

- 2.1 Zoning Ordinance Definitions:** For the purposes of these Site Plan Review Regulations, the meaning of terms or words used herein shall conform to the definitions found in the Newbury Zoning Ordinance or Subdivision Regulations, with the provision that if there is a contradiction in meaning, the more stringent of the two shall apply. The word Board shall mean the Newbury Planning Board.
- 2.2 Abutter:** Any person whose property adjoins or is directly across the street or stream from the land under consideration. A property owner cannot be his/her own abutter for the purpose of notification. For the 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. For the purposes of receiving testimony only, and not for the 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. The names of all abutters shall be obtained from the Town Tax List as it exists in the Town Offices not more than five (5) days before the day of filing an application. Alternatively, names of abutters may be obtained from the Assessor's Assessing & Mapping Database found on the Assessor Department page of the Town web site, within the same time period. Properties shall be selected according to the criteria stated above and the information transmitted on the Planning Board's abutter form.
- 2.3 Fully Shielded (full cutoff) Luminaire:** A luminaire emitting no light above the horizontal plane.
- 2.4 Glare:** Intense and blinding light. Causes visual discomfort or disability.
- 2.5 Landscaped Open Space:** That portion of the lot not covered by impervious surfaces such as buildings, paving, walkways, and driveways. Landscaping shall consist of any of the following or combination thereof: material such as grass, ground covers, shrubs, vines, annuals, perennials, hedges or trees; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls, fences, but excluding paving and artificial plant materials.
- 2.6 Luminaire (light fixture):** A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.
- 2.7 Obtrusive Light:** Spill light that causes glare, annoyance, discomfort, or loss of visual ability. Light Pollution.
- 2.8 Spill Light:** Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

### ARTICLE III. WHEN SITE PLAN REVIEW IS REQUIRED

- 3.1 Applicability: Site Plan Review is required when any development is proposed of land for nonresidential use or multi-family dwelling units. This includes new or expanded building or change or expansion of the use of land as outlined to follow. Site plan approval is required before any development is begun including construction, land clearing, building development or change and before any permits are granted. The Planning Board has final authority for interpreting whether or not a Site Plan Review is required for a particular development, change of use, change in site layout or change in other condition.**

**The following outlines what projects are subject to a Major Site Plan Review, a Minor Site Plan Review and projects that are not subject to any Site Plan Review.**

**A Site Plan is required for both Major and Minor Site Plan Review projects. New Major Site Plan Review projects require a Site Plan that complies with Section 6.7 – Site Plan. New Minor Site Plan Review projects require a Site Plan that complies with section 7.7 -Site Plan. Major and Minor Site Plan Review projects may use a Site Plan previously approved by the Planning Board and on file in Town Records as the base for a new site plan. Prior to meeting with the Planning Board, the Applicant should determine the status of a Site Plan for the property.**

**3.2 When a Major Site Plan Review is Required**

- 3.2.1 The use of property for new nonresidential uses and all new nonresidential principal and accessory buildings and structures.
- 3.2.2 The use of property for new or expanded multi-family dwelling units, which are defined as any structures containing more than two (2) dwelling units whether or not such development includes a subdivision or re-subdivision of the site. No Site Plan Review shall be required for one-family or two-family dwelling units and their accessory uses or structures.
- 3.2.3 An expansion of a principal or accessory building or structure 500 square feet or greater.
- 3.2.4 An expansion of use.
- 3.2.5 Uses subject to Site Plan Review as contained in Zoning Ordinance and listed below:
  - 3.9 Spreading of Municipal Sewage Sludge
  - 4.2 Business District – Uses Permitted
  - 4.3 Business District – Uses permitted by Special Exception
  - 5.3 Residential District – Uses Permitted
  - 5.4 Residential District – Uses permitted by Special Exception
  - 6.4 Blodgett Landing – Uses Permitted
  - 6.5 Blodgett Landing – Uses permitted by Special Exception
  - 11.3 Mt. Sunapee – Uses Permitted



11.4 Mt. Sunapee – Uses permitted by Special Exception

13.1 Recreation Camping Park

17 Personal Wireless Service Facilities

- 3.2.6 A use not permitted by the Zoning Ordinance, but a use permitted by variance by Zoning Board of Adjustment approval.
- 3.2.7 An increase in the number of nonresidential permitted uses and/or area within an existing nonresidential property.
- 3.2.8 Land Application of Municipal Sewage Sludge. (See Article X for submittal requirements).

### **3.3 When a Minor Site Plan Review is Required**

- 3.3.1 The proposal is a change to a Site Plan approved by the Planning Board, which is on file in Town records.
- 3.3.2 The proposal involves an expansion of less than 500 square feet of an existing approved principal or accessory building or structure.
- 3.3.3 The proposal involves a change to the exterior appearance of an existing approved principal or accessory building, or structure used for nonresidential uses or for multi-family dwelling units.
- 3.3.4 The proposal involves minor changes in site layout including but not limited to parking, access, and any increase in total paved area and exterior lighting previously approved by the Planning Board.
- 3.3.5 Request for change of use from one permitted use to another permitted use in the same zoning district. The owner shall meet with the Planning Board to discuss the change in use plans prior to opening for business and for the Planning Board to determine if a Site Plan Review is required and to communicate any particular conditions that may apply to that site from a previous site plan approval or town regulations that apply to the site or its use. If the change in use does not result in any exterior changes to the site or the building, Site Plan Review is typically not required.
- 3.3.6 Cottage Industry

### **3.4 Site Plan Review is NOT required for the following**

- 3.4.1 For a new tenant of a multi-tenant building where the new tenant's business use does not deviate from the current permitted use of the tenant's space in the building.
- 3.4.2 Internal building modifications to a nonresidential building where the building footprint of the existing structure is unchanged, and the building modifications does not affect scale, impact or activity level of the current permitted use.
- 3.4.3 When there is a change in ownership or tenancy of a property that is used for nonresidential uses without a change of use.

- 3.4.4 Home Occupations are not subject to Site Plan Review as per Sections 4.2.3, 5.3.4 and 6.4.2 of the Zoning Ordinance.
- 3.4.5 Pursuant to the provisions of NH RSA 674:21, the Conditional Use Permit authorized in Section 17.2.3 of the Personal Wireless Service Facility **ARTICLE** in the Zoning Ordinance replaces the need for an applicant to secure Site Plan Review approval from the Planning Board as specified in **ARTICLE III** of the Site Plan Review Regulations. The Conditional Use Permit addresses site elements and issues.

#### ARTICLE IV. INFORMATION FOR DEVELOPERS

- 4.1 Concurrent Hearing:** When both Subdivision and Site Plan approvals are required on a proposed development, the Board may hold the Site Plan Review at the same time as the hearing required for the final plan by the Subdivision Regulations.
- 4.2 Compliance with Other Regulations:** The Site Plan Review procedure shall be used in conjunction with the Newbury Master Plan and shall not relieve an applicant from compliance with all State and Newbury Regulations. No Site Plan shall be approved unless the plan complies with all applicable local ordinances and regulations. It is especially important for developers to review and comply with Article XXI (Stormwater Management) in the Zoning Ordinance.
- 4.3 Conflict with Other Regulations:** Whenever the regulations governing site plan review differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern, to the extent not contrary to state law.
- 4.4 Development Before Approval:** Prior to the approval of any proposal that is subject to the requirements of ARTICLE III:
  - 4.4.1 no building permit shall be granted;
  - 4.4.2 no land clearing or site preparation shall be started;
  - 4.4.3 no building construction or modification shall be started.
- 4.5 Certificate of Occupancy:** No development may be occupied, and no site may be used unless and until a Certificate of Use and Occupancy has been issued by the Board of Selectmen in accordance with Section 3.10 of the Zoning Ordinance.
- 4.6 Fees and Notification Costs:** The application fees established by the Board as outlined on the fee schedule shall be paid by the applicant in advance of the public notice and the hearing at which the application will be considered. Failure to pay such fees shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plan without a public hearing.
  - 4.6.1 Additional fees as outlined in Section 5.3.7 may be imposed by the Board during the review process to cover fees and costs of professional reviewers of the Board including engineers, surveyors, lawyers and planning consultants.

- 4.7 Changes and Alterations in an Approved Site Plan:** No changes or alterations shall be made in an approved Site Plan without the consent of the Board. The Board may grant such consent for good cause upon request of the applicant and upon such notice and hearing as may be required.
- 4.8 Five-year Exemption:** The purpose of the exemption is to protect the developer from changes in the regulations while the property is being developed. However, this protection is subject to certain requirements and conditions as spelled out below and in RSA 674:39.
- 4.8.1 Every site plan approved by the Planning Board shall be exempt from all subsequent changes in site plan review regulations and zoning ordinances adopted by the Town Newbury, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of five (5) years after the date of approval, provided, however, that once substantial completion of the improvements, as shown on the plan, has occurred in compliance with the approved plan, or the terms of said approval, the rights of the owner or his successor in interest shall vest and no subsequent changes in subdivision regulations or zoning ordinances shall operate to affect such improvements. The exemption is subject to the following requirements:
- 4.8.1.1 At the time of approval, the site plan conforms to site plan review regulations and zoning ordinances then in effect in the Town of Newbury.
- 4.8.1.2 The development remains in full compliance with the public health regulations and ordinances of the State of New Hampshire and the Town of Newbury.
- 4.8.1.3 Active and substantial development or building has been achieved on the site by the owner or the owner's successor in interest in accordance with the approved site plan within twenty-four (24) months after the date of approval. The required start of active and substantial development or building may be stated in the conditions subsequent of the approval depending on the scope and details of the project.
- 4.8.2 The developer may request one (1) extension of the required start of active and substantial development or building no later than one (1) month before the required start. The length of the extension shall be at the discretion of the Planning Board.
- 4.8.3 Failure to achieve active and substantial development within twenty-four (24) months of approval of the Site Plan or within twelve (12) months of the time stated in the conditions subsequent shall be grounds for revocation of the site plan approval.
- 4.8.4 For purposes of these regulations, unless modified by the Board at the time of approval of a specific application, "active and substantial development or building" for new construction shall be defined as:
- 4.8.4.1 Construction of and/or installation of the basic infrastructure to support the development (including all of the following: foundation walls and footings of

proposed buildings; roadways, access ways, parking lots, etc. to a minimum of gravel base; water, and wastewater lines, and installation of underground conduits ready for connection to proposed buildings/structures) in accordance with the approved plans; and

- 4.8.4.2 Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, under drains, catch basins, etc.) in accordance with the approved plans; and
  - 4.8.4.3 Erosion control measures installed and maintained on the site as specified on the approved plans.
  - 4.8.4.4 Movement of earth, excavation, or logging of a site without completion of the above items shall not be considered “active and substantial development or building.”
  - 4.8.4.5 Site Plans approved in phases shall be subject to this definition for the phase currently being developed.
  - 4.8.5 For purposes of these regulations, “active and substantial development or building” for modifications of existing sites and structures shall be defined in the conditions subsequent of the approval with due regard to the scope and details of the particular project.
  - 4.8.6 For purposes of these regulations, “substantial completion” is that point in the progress of the construction of improvements or development of the site whereby the project qualifies for and receives a Certificate of Use and Occupancy in accordance with the terms of Section 3.10 of the Zoning Ordinance. For purposes of these regulations, “substantial completion” for off-site improvements is that point in the progress of the work where the work is in compliance with all the plans and specifications approved by the Planning Board in the opinion of the Highway Administrator or the Planning Board’s engineer.
  - 4.8.7 The developer shall achieve substantial completion within five (5) years from the date of approval, or before the date stated in the conditions subsequent of the approval depending on the scope and details of the project.
  - 4.8.8 The developer may request one (1) extension of the required date of substantial completion no later than one (1) month before the required date. The length of the extension shall be at the discretion of the Planning Board.
  - 4.8.9 Failure to achieve substantial completion by the date required shall be grounds for revocation of the site plan approval.
- 4.9 Environmental Impact Report:** Applicants of all Major Site Plan Review projects shall submit a written assessment of the impact of their proposed site plan development upon **Historic and Cultural Resources.**
- 4.9.1 Protection of Historic & Cultural Resources. Site Plan Review projects shall be designed to minimize adverse impacts to historic and archaeological sites and resources identified through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:

- 4.9.1.1 Historic features, including stone walls, cellar holes, and other stone structures should be preserved and integrated into the Site Plan Review design to the extent practical. For example, driveways, roads, and lot lines should follow stone walls and avoid crossing them whenever possible. Cellar holes and other historical artifacts may be protected by restrictive covenants or inclusion in the open space. Deed covenants shall prohibit the removal of stone walls.
- 4.9.1.2 Prior to development on sites that have been identified as being archaeologically sensitive through site investigation, the Planning Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or strategies for its protection.
- 4.9.1.3 The placement of principal and accessory buildings and structures and site development shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic resources.
- 4.9.1.4 If archeologically discoveries are made during construction, developers are required to stop all work and contact the NH Office of Historical Preservation.

## ARTICLE V. **PROCEDURE FOR SITE PLAN REVIEW**

- 5.1 General:** There are three (3) phases in the site plan review process: Preliminary Conceptual Consultation (Phase I), Design Review (Phase II) and Site Plan Approval (Phase III).
- 5.2 Phase I: Preliminary Conceptual Consultation:** In order to save expense and unnecessary changes later on, potential applicants are encouraged to request a consultation for review of the basic concept of their proposal and for a review of applicable Site Plan Review Regulations, application forms, and necessary supporting maps and documents. The Board and the 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. Conceptual Consultation may occur only at formal meetings of the Planning Board.
  - 5.2.1 There is no application fee, nor is this consultation and review binding in any way on either the applicant or the Board. To be placed on the Board's meeting agenda, the applicant shall submit a form entitled "Application for Conceptual Review-Site Plan Review" at least five (5) business days before the Board's next regular scheduled meeting.

**5.3 Phase II: Preliminary Design Review:** The objective of Preliminary Design Review is to give the applicant, abutters, the general public and the Planning Board an opportunity to discuss a proposal in much greater detail than is allowed in the conceptual consultation phase. On the other hand, it should not delve into details that are better left to the site plan approval phase. Preliminary Design Review is intended to assure that the essential characteristics of the site and specific requirements of local regulations are thoroughly reviewed and understood as well as identification of state permits required before the final design is prepared. Also, it gives the Planning Board the opportunity to determine whether or not the development has the potential for regional impact under RSA 36:54. Preliminary Design Review is a required step following approval by Town Meeting in 2017 for developments that meet one or more of the criteria outlined in 5.3.1.

5.3.1 The Planning Board shall use the following criteria to determine whether a Phase II Preliminary Design Review Application is required for a proposed development

- 5.3.1.1 a land disturbance greater than 500 square feet;
- 5.3.1.2 construction of a new building or building addition greater than 500 square feet;
- 5.3.1.3 development occurring within environmentally sensitive areas including the Shoreland Overlay District, the Wetlands Conservation Overlay District and the Aquifer Protection Overlay District; and
- 5.3.1.4 development occurring within the Town's cultural centers including Newbury Town Center, Blodgett Landing Cottage District and South Newbury Village.

5.3.1.4.1. For purpose of Site Plan Review Regulations, South Newbury Village is comprised of lots with any frontage on the following named town or State streets: Village Road, Sleepy Street, and the short portion of Sutton Road defined from the intersection with Route 103 and Village Road. Included is Newbury Tax Map lot number 043-550-228 on South Road at the intersection with Village Road.

5.3.1.4.2. Newbury Town Center is comprised of lots with any frontage on the following named town or State streets: Bell Cove Road; Bell Cove Road Extension; Lakeview Avenue; Newbury Heights Road; Frost Top Hill (Private); Fisherfield Road off Route 103A; all lots with frontage on Route 103A from the intersection with Route 103 North to lots 20A-119-458 on the west and 20A-054-462 on the east; Park 10 Road to intersection with Hemlock Street; and Route 103 bounded at one end by the northerly end of Bell Cove Road Extension and bounded at the other end by the northerly end of Old Post Road.

5.3.1.4.3 the boundaries of the Blodgett Landing Cottage District are defined in ARTICLE 6.3 District Boundaries.

If the applicant has questions about whether or not his/her development is subject to the Preliminary Design Review step, then the applicant should file a Conceptual Consultation Site Plan Application to discuss the interpretation with the Planning Board who has the authority to interpret the Site Plan Review Regulations.

- 5.3.2 Preliminary Design Review shall take place at a public meeting of the Board. Notice for the public hearing on the application shall be given in accordance with Section 5.5. Statements made during the discussion shall not bind either the applicant or the Board in any manner, and statements made by the Board members are for guidance and shall not be construed as prejudging the proposal nor shall they be the basis for disqualifying said members or invalidating any action taken.
- 5.3.3 The Board shall provide time for abutters and members of the general public to present comments specific to matters that have been discussed and to the overall Preliminary Design Review application.
- 5.3.4 When, in the opinion of the Board, the Preliminary Design Review process is complete, it shall inform the applicant and send a written copy of the determination to the applicant within ten (10) days. This requirement complies with RSA 676:4, II (b) and RSA 676:12, VI.
- 5.3.5 An application for Phase II Preliminary Design Review shall be submitted to the Board at least twenty-one (21) days prior to any regularly scheduled public meeting of the Board. The application shall include the following:
  - 5.3.5.1 Application Form for Phase II Preliminary Design Review
  - 5.3.5.2 Check for Fees
  - 5.3.5.3 Agency Letter
  - 5.3.5.4 Abutters List

- 5.3.5.5 Preliminary plans shall include the following. Refer to ARTICLE VI for details on these requirements. Applicants who have questions on these requirements can discuss those questions with the Planning Board and receive guidance during the Phase I Preliminary Conceptual Consultation.
- 5.3.5.5.1 Preliminary Site Plan
  - 5.3.5.5.2 Preliminary Stormwater Drainage Plan
  - 5.3.5.5.3 Preliminary Sediment & Erosion Control Plan
  - 5.3.5.5.4 Preliminary Utility Plan
  - 5.3.5.5.5 Preliminary Landscaping Plan
  - 5.3.5.5.6 Preliminary Lighting Plan
  - 5.3.5.5.7 Preliminary Signage Plan
  - 5.3.5.5.8 Preliminary Structure Plan
  - 5.3.5.5.9 Written Summary
  - 5.3.5.5.10 Sign-off Sheets
- 5.3.5.6 The submission shall consist of one (1) full size copy and seven (7) 11" x 17" copies of each plan and eight (8) copies of all the documents required by the application submittal above.
- 5.3.6 Notice of Preliminary Design Review Meeting: The Board may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the preliminary design review phase may proceed only after giving notice as described below:
- 5.3.6.1 The Board shall notify the following persons by certified mail of the date and time of the public meeting when the Board will conduct a Design Review:
    - 5.3.6.1.1 the applicant (owner and agent if applicable),
    - 5.3.6.1.2 the abutters (see definition in Section 2.2),
    - 5.3.6.1.3 holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration, and
    - 5.3.6.1.4 every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board.
  - 5.3.6.2 Such notice shall be mailed at least ten (10) clear days (not including the days of mailing and hearing) prior to such public meeting. At the same time the notice is mailed to the abutters and applicant, such notice shall also be given to the general public by posting a copy of the notice in two (2) public places in the Town, and the placement of a notice in a local newspaper of general circulation. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. In addition, the notice shall state: "The purpose of this meeting is to discuss the proposal in



detail and acquaint the applicant with the regulations. No binding decisions will be made at this meeting.”

- 5.3.7 Fees for Consultants: Fees in addition to the application fee may be imposed by the Board during the preliminary design review process to ascertain compliance, to cover fees and expenses of consultants to the Board including, but not limited to, engineers, surveyors, lawyers, and community planners. If consultants are required, the applicant shall deposit with the Board fees estimated by the Board to cover these expenses.

- 5.3.7.1 This money shall be placed in an escrow account and dispersed by the Town to the consultants for the Board based on actual costs as detailed on invoices. If the escrow account is depleted, then the applicant shall reimburse the Town for any additional costs for consulting services prior to any final decision by the Board on the application. The balance in the escrow account shall be refunded to the applicant after a final decision by the Board and all costs for consultants to the Board have been paid.

- 5.3.8 Inspection of the Site by the Planning Board

- 5.3.8.1 The Board shall conduct a site visit. During the first preliminary design review meeting the Board will schedule a site visit and determine any flagging to be completed by the applicant prior to the site visit.

- 5.4 Phase III: Site Plan Approval:** Any person desiring final approval of a site plan shall submit an application as outlined in ARTICLE VI (Major) or ARTICLE VII (Minor) to the Board at least twenty-one (21) days prior to the regularly scheduled public meeting of the Board. At that meeting, the Board will determine if the application is complete, and if it is, a public hearing will be held on the merits of the proposal. Prior to the meeting, the public and abutters will be given notice as required in Section 5.5 with the additional requirement that the notice shall state that the Board will determine if the application is complete at the meeting.

- 5.5 Public Hearings: Notice of Public Hearing:** No application may be denied or approved without a public hearing on the application.

- 5.5.1 The Board shall notify the following persons by certified mail of the date and time when the completed application will be formally heard by the Board:

- 5.5.1.1 the applicant (owner and agent if applicable),  
5.5.1.2 the abutters (see definition in Section 2.2),  
5.5.1.3 holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration, and  
5.5.1.4 every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board.

- 5.5.2 Such notice shall be mailed at least ten (10) clear days (not including the days of mailing and hearing) prior to such formal hearing. At the same time the notice is mailed to the abutters and applicant, such notice shall also be given to the general public by posting a copy of the notice in two (2) public places in the Town, and

the placement of a notice in a local newspaper of general circulation. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. If the application is to receive accelerated review, the Board shall give notice that the application will be reviewed for completeness and that the public hearing on the Site Plan Review will take place at the same time. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

- 5.5.3 Additional notice of an adjourned session of a public hearing is not required if the date, time, and place of the adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. The Board will receive written or verbal input from any of the review entities outlined in Section 6.12 below. Other persons may testify as permitted by the Board at each hearing. Additional public hearings may be held at the discretion of the Board.

## **5.6 Public Hearing on Application for Final Approval; Time Limits**

- 5.6.1 The Board shall, at the next regular meeting or within 30 days following the delivery of the application for which notice can be given in accordance with the requirements of Section 5.5, determine if a submitted application is complete and shall vote upon its acceptance.
- 5.6.2 Upon determination by the Board that a submitted application is not complete according to ARTICLES VI and VII, the Board shall notify the applicant of its decision in writing in accordance with RSA 676:3. The letter shall describe the information, procedure, or other requirement necessary for the application to be complete. When the applicant is present, the Board may also describe verbally the requirements necessary for the application to be complete.
- 5.6.3 Upon determination by the Board that a submitted application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days. However, the Planning Board may apply to the Board of Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application. Alternatively, the applicant may waive the requirement for Planning Board action within the time periods specified in this section and consent to such extension as may be mutually agreeable.
- 5.6.4 Upon failure of the Board to approve, conditionally approve, or disapprove the application, the selectmen shall, upon request of the applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning Board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the selectmen shall certify on the applicant's application that the plat is approved pursuant to this paragraph. The selectmen shall not certify approval if within those 40 days the selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes

including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

- 5.6.5 Failure of the selectmen to issue an order to the Planning Board under the paragraph above, or to certify approval of the plat upon the Planning Board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

**5.7 Notice of Decisions:** If the application is approved, the Board shall issue a written decision, which includes any and all conditions which have been required by the Board as a part of the approval decision. If the application is denied, the Board shall state the reasons for denial. Minutes of the Board meeting shall be a sufficient record of the Board's decision.

**5.8 Signing of the Final Site Plan:** In order for the Planning Board to sign an approved site plan, the applicant shall satisfy all conditions precedent of Planning Board approval, if any, and shall comply with any requirements for security for the construction of improvements as outlined in Article XI. The site plan shall be inscribed with the date of signing and be signed by a majority of the Board. Four (4) full-size (24"x36") print copies of the final site plan shall be furnished to the Board for signature with the original to be retained in the Planning Board file, one copy to be placed in the property file, one copy to be given to the Code Enforcement Officer, and one copy to be given to the applicant. All copies shall be identical to the Planning Board original.

5.8.1 The Planning Board may grant final approval of a plat subject to conditions precedent without further hearing if such conditions are:

- 5.8.1.1 Minor plan changes whether or not imposed by the board as a result of a public hearing, compliance with which is administrative, and which does not involve discretionary judgment; or
- 5.8.1.2 Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board; or
- 5.8.1.3 Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies, including state and federal permits.

5.8.2 All conditions not specified within this subparagraph as minor, administrative, or relating to issuance of other approvals shall require a hearing, and notice except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session were made known at the prior hearing.

## **5.9 Review of Developments of Regional Impact**

5.9.1 The purpose of this section is to:

- 5.9.1.1 Provide timely notice to potentially affected municipalities concerning proposed developments, which are likely to have impacts beyond the boundaries of the Town of Newbury.
- 5.9.1.2 Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the Town of Newbury.
- 5.9.1.3 Encourage the Town of Newbury to consider the interests of other potentially affected municipalities.
- 5.9.1.4 Fulfill the statutory requirements of RSA 36:54 through 36:58.
- 5.9.2 Definition. Any development which the Planning Board determines could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:
  - 5.9.2.1 Relative size or number of dwelling units as compared with existing stock.
  - 5.9.2.2 Proximity to the borders of a neighboring community.
  - 5.9.2.3 Transportation networks.
  - 5.9.2.4 Anticipated emissions such as light, noise, smoke, odors, or particles.
  - 5.9.2.5 Proximity to aquifers or surface waters that transcend municipal boundaries.
  - 5.9.2.6 Shared facilities such as schools and solid waste disposal facilities.
- 5.9.3 Review Required:
  - 5.9.3.1 The Newbury Planning Board, upon receipt of an application for development or a Comprehensive Planning Application, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Failure of the Planning Board to vote specifically on an application to determine if a project meets the criteria of Development of Regional Impact shall result in a determination being made that the proposal is not a Development of Regional Impact.
- 5.9.4 Procedure:
  - 5.9.4.1 Upon determination that a proposed development has a potential regional impact, the Newbury Planning Board shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.
  - 5.9.4.2 Within 72 hours of reaching a decision regarding a development of regional impact, the Newbury Planning Board shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made.
  - 5.9.4.3 At least 14 days prior to public hearing, the Newbury Planning Board shall notify, by certified mail, all affected municipalities and the regional planning

commission of the date, time, and place of the hearing and their right to testify concerning the development.

## ARTICLE VI. APPLICATION REQUIREMENTS -MAJOR SITE PLAN REVIEW

- 6.1 General:** When a Special Exception or Variance is required by the Zoning Ordinance, the applicant shall first obtain the Special Exception or Variance before applying for Site Plan approval. Additional conditions may be required by the Planning Board as part of the Site Plan approval.
- 6.2 Introduction:** The standards and requirements in Article IX will be used by the Board in its review of any site plans submitted. The Board will accept, as complete, an application for Site Plan Review which consists of the materials outlined below.
- 6.2.1 Documentation: In addition to one (1) copy of each of the materials, the applicant shall provide for use of the Board members seven (7) 11" x 17" copies and four (4) full-size (24"x36") copies of each plan (Section 6.7) and seven (7) copies of the documents required in sections 6.8 through 6.11 and 6.13 through 6.15.
- 6.3 Application Form:** An application form provided by the Board completely filled out.
- 6.4 Check for Fees:** A check for the required fees, which shall be calculated from the Board's fee schedule.
- 6.5 Agency Letter:** Written authorization from the landowner of record for any agent(s) to represent the owner
- 6.6 Abutters List:** The abutter list (on Planning Board form) shall include the following:
- 6.6.1 the applicant (owner and agent if applicable),
- 6.6.2 the abutters (see definition in Section 2.2),
- 6.6.3 holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration,
- 6.6.4 every engineer, architect, land surveyor, or soil scientist whose professional seal will appear on any plat submitted to the Board.
- 6.6.5 The names and addresses of all abutters shall be selected from the town records not more than five (5) days before the date of filing the application.
- 6.6.6 When common land abuts the subject land, all persons with an interest in that land shall be on the abutter list.
- 6.7 Site Plan:** A Site Plan map drawn to the scale of 1"=20' or an alternative scale acceptable to the Board. The Site Plan map shall be prepared by a NH Licensed Land Surveyor and/or licensed Professional Engineer. The following information shall be included:
- 6.7.1 A title block in the lower right-hand corner containing the tax map and lot numbers, the name and address of the owner of record, the name and address of the surveyor or engineer, date of last revision, and scale.
- 6.7.2 A use block above the title block with the legend "Use Applied For" and the stated use printed below it in the box.

- 6.7.3 The Site Plan map shall include the following signature block in a convenient location:

**Approval Date:** \_\_\_\_\_

**TOWN OF NEWBURY, N.H. PLANNING BOARD**

**Signatures of Board:**

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 6.7.4 The Site Plan map shall include a graphic scale near the center bottom of the map and a north arrow in a convenient location.
- 6.7.5 A location map, shown as an inset on the Site Plan, which shall show the proposed development in relation to major roads, bodies of water, or other landmarks of the town.
- 6.7.6 A perimeter boundary survey by a licensed land surveyor including metes and bounds and the lot area.
- 6.7.7 Rights-of-way and traveled surface of all fronting streets.
- 6.7.8 Show the name and the tax map and lot number of each abutter (see definition in Section 2.2).
- 6.7.9 Zoning districts including their lines of demarcation and building setback lines.
- 6.7.10 The location, shape, and size of all existing and proposed buildings or other structures, septic systems and wells and site features such as signs, access points, driveways, sidewalks, parking spaces, loading areas, storage areas, open spaces, large trees, open drainage courses, service areas, and easements. A picture or drawing of each sign with dimensions shall be included.
- 6.7.11 Existing and proposed grades with topographic contours at intervals not exceeding two (2) feet.
- 6.7.12 Any existing streams, aquifers, wetlands, marshes, lakes or ponds whether natural or manmade, and the location and elevation of any designated flood hazard areas.
- 6.7.13 A utility plan (underground utilities are encouraged whenever possible) showing location of and provisions for either private or municipal:
- 6.7.13.1 fresh water supply including a water supply sufficient for fire protection

- 6.7.13.2 sewage disposal system.
- 6.7.13.3 electrical lines and equipment.
- 6.7.13.4 exterior lighting and sign illumination showing type of lamp, beam direction and candle power or wattage.
- 6.7.13.5 phone, cable, and communication lines.
- 6.7.13.6 fuel storage, distribution lines and equipment.
- 6.7.13.7 air conditioning including cooling towers.

**6.8 Landscaping Plan:** A plan of landscaped open space (see definition in Section 2.5) which, in addition to showing the layout of buildings and paved areas, indicates a planting plan and species to be planted. The plan shall also show landscaped features such as stone walls, bollards, seating, etc. The plan shall meet the standards set forth in Section 9.4.

**6.9 Drainage Plan:** A drainage plan showing:

- 6.9.1 the existing and proposed method of handling water runoff.
- 6.9.2 the direction of flow of the runoff through the use of arrows.
- 6.9.3 the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, storm sewers, culverts and manholes.
- 6.9.4 engineering calculations used to determine drainage requirements including alteration of existing drainage patterns due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed based on a fifty (50) year storm frequency for box culverts and bridges and a twenty-five (25) year storm frequency for all other drainage improvements.

**6.10 Structure Plan:** Provide plans and elevations of all existing structures to remain and proposed structures on the site showing how they will meet the standards set forth in paragraph 9.5. Floor plans should show the breakdown of the floor area and the proposed use(s). Plans shall be drawn to a scale of 1/8 inch equals 1 foot or larger. In addition, present elevations of all signs showing height, size, character, composition and layout. Photographs, 5"x 7" in size, of the four (4) elevations of all existing structures which are to remain unchanged may be substituted for drawings.

**6.11 Written Summary:** Provide a written summary describing the proposed site development and the proposed use(s). Include each of the applicable items below.

- 6.11.1 days and hours of operation
- 6.11.2 number of employees
- 6.11.3 the extent of normal customer/business traffic including truck deliveries
- 6.11.4 an estimate of the maximum hourly traffic into and out of the premises, traffic flows on connecting roads, special traffic problems and how the applicant proposes to mitigate them
- 6.11.5 data and calculations used to arrive at the number of parking spaces specified

6.11.6 the need for utility services by type

6.11.7 any other information which will clarify the proposal to the Board.

**6.12 Sign-Off Sheets:** A copy of the Site Plan Review application and related materials together with a Sign-off Sheet supplied by the Board shall be provided to each of the entities below for their review and comment. An authorized signature, indicating review, shall be obtained from each entity. Sign-off Sheets shall be submitted to the Planning Board at or before the public hearing on acceptance of the application.

6.12.1 Newbury SelectBoard

6.12.2 Newbury Police Department

6.12.3 Newbury Fire Department

6.12.4 Newbury Highway Department

6.12.5 Newbury Conservation Commission

6.12.6 Any other as required by the Planning Board



- 6.13 Permits and Approvals:** One (1) copy each of all required federal, state, and local permits and approvals (with or without special conditions and/or stipulations) shall be obtained and submitted prior to final approval. This includes any Special Exceptions or Variances that may be required. The Planning Board may condition approval upon the receipt of such permits or approvals in accordance with Section 5.7 and 5.8.
- 6.14 Legal Documents:** Draft copies of all proposed easement deeds or other legal documents.
- 6.15 Additional Information:** The Board may require such additional information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.

## ARTICLE VII. APPLICATION REQUIREMENTS – MINOR SITE PLAN REVIEW

- 7.1 Introduction:** The standards and requirements in Article IX, STANDARDS FOR PROPOSED DEVELOPMENTS – will be used by the Board in its review of all Site Plans submitted. The Board will accept, as complete, an application for Minor Site Plan Review which consists of the materials outlined below.
- 7.2 Documentation:** In addition to one (1) copy of each of the materials, the applicant shall provide for use of the Board members ten (10) 11” x 17” copies and four (4) full-size (24”x36”) copies of each plan (Section 7.8) and ten (10) copies of the documents required in Sections 7.9 and 7.10.
- 7.3 Application Form:** An application form provided by the Board completely filled out.
- 7.4 Check for Fees:** A check for the required fees, which shall be calculated from the Board’s fee schedule.
- 7.5 Agency Letter:** Written authorization from the landowner of record for any agent(s) to represent the owner.
- 7.6 Abutters List:** The abutter list (on Planning Board form) shall include the following:
- 7.6.1 The applicant (owner and agent if applicable),
  - 7.6.2 The abutters (see definition in Section 2.2 of Site Plan Review),
  - 7.6.3 Holders of conservation, preservation, or agricultural preservations on the land under consideration,
  - 7.6.4 Every engineer, architect, land surveyor, or soil scientist whose professional seal will appear on any plat submitted to the Board.
  - 7.6.5 The names and addresses of all abutters shall be selected from the Town records not more than five (5) days before the date of filing the application.
  - 7.6.6 When common land abuts the subject land, all persons with an interest in that land shall be on the abutter list.

**7.7 Site Plan:** If a Planning Board approved Site Plan is on file in Town records the applicant may use it as the base for the new site plan. The new site plan must clearly show plan changes with notations of changes and a new signature block as shown in Site Plan Review Regulations Section 6.7.3.

7.7.1 If a Planning Board approved Site Plan is not on file in Town records, the applicant may use the following 7.8 Site Plan criteria:

**7.8 Site Plan Requirements**

7.8.1 Using scale that utilizes a “full-size” (24”x36”) sheet of paper using straight-edge and ink of a software application that results in a professional full-size view of the Site-include the following:

**7.8.1.1 Place following Information Block in lower left corner**

Zoning Ordinance District: X-----X

“Use” Applied For: (Enter use permitted in zoning district by Zoning Ordinance)

Newbury Tax Map: xxx-xxx-xxx

Property Location: X-----X

Owner of Record:     Name

                                  Address

Plan Prepared by:     Name

                                  Address

**7.8.1.2 Place following Signature Block where convenient:**

Approval Date: \_\_\_\_\_

TOWN OF NEWBURY, NH PLANNING BOARD

Signatures of Board

\_\_\_\_\_

Chair

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7.8.1.3 On the Site Plan:**

7.8.1.3.1 Show & Identify “Scale” at bottom of plan – e.g. (1” =20’);

7.8.1.3.2 Show “North Arrow” where convenient;

7.8.1.3.3 Show & Identify property Town/State fronting street;

7.8.1.3.4 Show boundary lines of the area included in the site. Use Deed documents for boundary measurements. If measurements not evident from Deed-applicant may use Newbury’s online Assessing Database.

Identify in Plan notes if assessing database used for boundaries. (Typically, a boundary survey by a licensed land surveyor is not required. However, the Board may require one as they deem it necessary in a particular situation);

7.8.1.3.5 Show the location and dimensions of existing and proposed building footprints or other significant structures. Additionally, show the rough location of site features such as existing streams, ponds or lakes or wetlands on the property;

7.8.1.3.6 Show location of all existing and/or proposed driveways, on-site parking and landscape buffering;

7.8.1.3.7 Show location of water and sewer lines or on-site sanitary and water systems serving the property;

7.8.1.3.8 Show location of any proposed signage including a separate picture or drawing, with dimensions, of each sign on the property, or proposed to be placed on the property;

7.8.1.3.9 Show location and type of outdoor lighting.

7.8.1.4 Provide a site Location Map which shall show the proposed development in relation to State or Town roads. (Assessor's Database)

**7.9 Written Summary:** Provide a written summary describing the proposed site development and the proposed use(s). Where applicable, include each of the items below.

7.9.1 Describes the proposed business, area (sq. ft.) within the building(s) allocated to the proposed business, and the percentage this area represents of the total floor area.

7.9.2 Days and hours of operation

7.9.3 Number of employees

7.9.4 The extent of normal customer/business traffic including truck deliveries

7.9.5 An estimate of the maximum hourly traffic into and out of the premises, traffic flows on connecting roads, special traffic problems and how the applicant proposes to mitigate them

7.9.6 Data and calculations used to arrive at the number of parking spaces specified

7.9.7 The need for utility services by type

7.9.8 Any other information which will clarify the proposal to the Board.

**7.10 Additional Information:** The Board may require such additional information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.

7.10.1 Professional mapping and documentation of the following natural resources may be required by the Planning Board if the need is identified during the Site Plan Review process:

7.10.1.1 Wetlands & Wetland Buffers;

7.10.1.2 100 Year Floodplains;

7.10.1.3 Steep Slopes; and

7.10.1.4 Aquifers

7.10.2 A New Hampshire Licensed Professional Surveyor's Property Boundary Survey may be required by the Planning Board during the Site Plan Review process if there are issues with property boundary or issues with lot dimensions.

7.10.3 A Drainage Plan prepared by a New Hampshire Licensed Civil Engineer may be required by the Planning Board during the Site Plan Review process if more than an additional 500 square feet of area is disturbed.

## ARTICLE VIII. WAIVER OF REQUIREMENTS

**8.1 General:** Upon request of the applicant, the Planning Board may waive compliance with any part of these regulations. All requests for waivers shall be made in writing with technical documentation and supporting arguments to justify granting each waiver for either one of the two reasons stated below. Generally, requests for waivers of submittal requirements should use reason (1) and requests for waivers of regulations affecting the development of the property should use reason (2). The Board may grant the waiver only if it finds, by majority vote, that:

8.1.1 Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

8.1.2 Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

**8.2 Conditions:** The Planning Board may require such conditions as will, in its judgment, ensure the objectives of the regulations which are waived.

**8.3 Granting Waiver:** The Board shall evaluate the evidence presented by the applicant and vote to grant or deny the waiver.

**8.4 Recording Waiver:** The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board.

**8.5 Recording Waiver on Plan:** The waiver shall be noted on the final approved plan.

## ARTICLE IX. STANDARDS FOR PROPOSED DEVELOPMENTS

**9.1 Introduction:** The following standards and requirements will be used by the Board in its review of site plans and approval will depend on compliance with them.

The State of New Hampshire and the Town of Newbury stress the importance of aesthetics in any development. When designing a site and buildings the developer should take into consideration and preserve the natural beauty of the environment and the traditions of landscape and construction in the New England Area.

**9.2 Site Characteristics:** The development shall conform to the natural topography of the site. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety, the need for light and air, the need for views, and the goal of minimizing the adverse visual impact of the project. Natural cover shall be retained to supplement required landscaping to the extent possible and reasonable.

**9.3 Harmonious and Aesthetic Development:** The site shall be developed to provide for the harmonious and aesthetic development of the site with the surrounding area.

**9.4 Landscaped Open Space**

9.4.1 General: The site shall be landscaped with appropriate species that will survive and prosper in their proposed locations to provide a neat and tidy appearance. Landscaping shall be provided which is in keeping with the character of the area where the site is located, the purpose of the development, and the location of buildings and improvements. The quality of the proposed site development is directly related to the extent of the landscaping effort expended.

9.4.2 Perimeter Landscaping: A landscaped buffer shall provide privacy and noise protection, but in no case shall the width of the buffer be less than the setbacks otherwise required in that zoning district. For commercial development the landscaped buffer between the street right-of-way and the edge of the on-site parking lot shall be no less than ten (10) feet wide.

9.4.3 Minimum Landscaped Open Space Area:

9.4.3.1 Commercial or Industrial: The minimum landscaped open space for site plans for the development of commercial or industrial type uses shall be 25% of the total lot area exclusive of public or private rights-of-way.

9.4.3.2 Residential: The minimum landscaped open space for site plans for the development of residential uses including cottage industries is 50% of the total lot area excluding public or private rights-of-way.

9.4.4 Location of Landscaped Open Space: The Board encourages the main emphasis of the landscaping effort be expended enhancing the appearance of the property as viewed from adjacent streets and properties.

9.4.5 Use of Landscaped Open Space Areas for Snow Storage: The accessible open portions of landscaped open areas may be used for snow storage if the use of those areas for snow storage does not conflict with other site design parameters such as drainage control and site visibility, and continued viability of vegetation.

9.4.6 Landscaping Within Parking Areas: Parking in excess of ten spaces shall include internal landscaping to provide shading of parking areas, break up of the mass of parking areas, and facilitate pedestrian and traffic flow and safety. A minimum of one 2 ½ inch caliper deciduous tree or alternative landscaping plan as approved by the Board shall be provided for each ten parking spaces.

9.4.7 Slopes: Where slopes of 25% or greater are created or disturbed, they shall be covered or planted with deep rooted species to prevent erosion and to provide an

attractive, finished appearance to the site. If the slope is too great to support vegetation, the earth shall be retained by a wall or other appropriate means.

9.4.8 The following features are encouraged:

- 9.4.8.1 An ordered and attractive site layout and landscape.
- 9.4.8.2 Preservation of natural landscape elements such as boulders, views, animal habitats, etc.
- 9.4.8.3 The use of native plants.
- 9.4.8.4 Landscape which includes low-maintenance perennial gardens and shrubs and trees which add beauty and interest to the site.
- 9.4.8.5 Natural but stabilized surfaces.
- 9.4.8.6 Quality construction and materials for durability and attractiveness, for example: granite curbs, paving for areas which are heavily trafficked, etc.
- 9.4.8.7 Outdoor amenities for the enjoyment of the pedestrian.
- 9.4.8.8 Variety and visual interest.
- 9.4.8.9 Village-type, pedestrian scaled lighting.
- 9.4.8.10 Screening of unsightly features.

**9.5 Structures:** New structures should be designed to reflect and blend in with the natural landscape and they should be designed to reflect New Hampshire's and Newbury's heritage, which is largely agricultural and residential.

- 9.5.1 Buildings should create variety and visual interest. Large, single mass forms are generally out of place unless they are agricultural in nature. Where larger floor areas are required by function every effort should be made to break up the building mass into smaller components more reflective of traditional wood frame construction practices. Large expanses of uninterrupted walls without windows and without architectural features are to be avoided. Large masses of building without architectural detail or interest are to be avoided.
- 9.5.2 There should be a clear order in the building design which indicates where the entry is and how the pedestrian should move safely from place to place on the site and from car to entry.
- 9.5.3 Buildings should be designed to relate to each other and sited to create exterior space which facilitates community gathering and use and which makes the pedestrian experience pleasant, for example: town greens on the large scale, outdoor court yards and sitting areas on the smaller scale.
- 9.5.4 The use of quality materials and construction is encouraged to assure the longevity and good looks of the project. Local building forms which include pitched roofs (7/12 slope or greater), wood clapboards or shingles, significant eaves for protection from snow and rain, and architectural detailing such as corner boards, fascias, cornices, etc. are encouraged.

- 9.5.5 Existing structures which are a part of Newbury's heritage should be preserved and re-used if they are architecturally valuable.
- 9.6 Recreational Areas:** A site plan for multi-family structures shall make adequate provision for on-site recreational uses by the residents of the proposed development to minimize the likelihood that public safety will be endangered by the use of internal roads and parking areas for recreation.
- 9.7 Storage and Waste Areas:** Storage areas and waste collection areas shall be appropriately located and fenced or screened from on-site and adjoining parking areas and from neighboring properties.
- 9.8 Parking, Loading, and Safety:** There shall be adequate traffic access to and from Town and State streets and highways to ensure the safety of vehicles, pedestrians, and bicycles.
- 9.8.1 The access/egress to a parking facility shall be clearly marked and signed and said markings/signs-maintained year around. One-way entrances shall be a minimum of 13 feet wide; two-way entrances a minimum of 24 feet wide. Access/egress points should be at least one hundred-twenty-five (125) feet away from another entrance on the street.
- 9.8.2 No paving, except for walkways perpendicular to the building, shall extend to directly meet the building. There shall be a landscape buffer and pedestrian way between parking and the building.
- 9.8.3 There shall be adequate access to each structure for fire, police, and medical emergency vehicles and personnel. Adequacy shall be established by the Board following written input from the appropriate agencies.
- 9.8.4 Through traffic on fronting streets shall not be impeded or endangered by vehicles entering or leaving the site.
- 9.8.5 Provisions shall be made for the safe accommodation of pedestrian traffic along fronting streets in the vicinity of the development.
- 9.8.6 There shall be adequate circulation, parking, and loading facilities to ensure the safety of vehicles and pedestrians on the site. Loading facilities shall be provided off-street. Loading space shall be accessible when all designated vehicle parking spaces are occupied. Necessary traffic controls (signs, lights, etc.) will be installed. The Board may establish speed limits.
- 9.8.7 The proposal shall conform to the Town's on-site parking regulations as shown in Appendix A. In addition, the Board may require additional on-site parking spaces for uses such as, but not limited to marinas, docking facilities and hotels/motels for boat and/or trailer parking and for auto repair garages for vehicles which will be or have been repaired.
- 9.8.8 The street(s) serving the site shall be paved and of sufficient width and load carrying capacity to accommodate existing and projected traffic.
- 9.8.9 Adequate provisions shall be made for handicapped parking and safe accessibility for the handicapped from the parking spaces to the proposed building(s)/use(s).

- 9.9 Water Drainage:** The applicant shall provide written assurance and, if necessary, an assurance from a consultant selected by the Board, that provisions for handling surface and subsurface waters, storm drainage, and melting snow are adequate and will not adversely affect abutting or other properties or Town facilities. No stream, brook, river, wetland, lake, pond, reservoir, or aquifer shall be affected adversely.
- 9.10 Snow Removal and Storage:** Provision for adequate and safe snow storage and /or removal must be made. In general, an area equal to 20% of the parking, aisle, and driveway areas will be needed for on-site snow storage. It shall be the developer's responsibility to eliminate snow hazards. Aspects to be considered will include: (a) accessibility, topography, and practicality; (b) width of snow storage area (ten feet minimum); (c) snow melt and runoff - not to adversely affect neighboring properties, landscaping, or traffic safety; (d) dangerous hazards resulting from snow storage.
- 9.11 Consideration for Adjacent Land:** The proposed location and height of buildings or structures, walls and fences, parking, loading, landscaping, and snow removal shall be such that it will not interfere with or discourage the appropriate development or use of land adjacent to the proposed site or unreasonably affect its value.
- 9.12 Interaction With Adjacent Land:** The site shall be designed for the comfort and scale of the pedestrian not just the vehicle. Where possible, provide landscaped pedestrian paths which link to other pedestrian destinations in the town or off site. Pedestrian paths shall have sufficient lighting and dressed surfaces to assure safe use. Trees for shade and shelter from the wind should be provided along the paths. It is a goal of Newbury to create the atmosphere of a town center and the development of a pedestrian network in and around the area of the Newbury harbor. Other areas which might be developed in the future should also promote a sense of community through landscape which provides for paths, seating, view points, etc. for the use of the general public.
- 9.13 Adverse Features:** Site development shall not generate or create adverse and preventable elements of pollution such as noise, smoke, soot, particulates or other discharge into the environment which might prove harmful to persons, structures, adjacent or other properties or be in violation of State or Federal laws.
- 9.14 Exterior Lighting**
- 9.14.1 Required Luminaire or Lamp Shielding: All exterior lighting installations shall be designed and installed to avoid glare and spill light (See ARTICLE II). Fully shielded (full cutoff) luminaires shall be used. Light shall be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
- 9.14.2 Maximum Lamp Wattage: All exterior lighting installations shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for lighting in the Business District, 100 watts incandescent, and 26 watts compact fluorescent (or approximately 1,600 lumens) for lighting in the Residential District.



**9.15 Signs:** Signs shall conform to the provisions of the Newbury Zoning Ordinance.

**ARTICLE X. SITE PLAN REVIEW FOR LAND APPLICATION OF MUNICIPAL SEWAGE SLUDGE/BIODEGRADABLE SLUDGE IN THE TOWN OF NEWBURY**

**10.1 Requirements**

Applicant shall provide the Planning Board the following materials for review and approval before beginning any land application of Municipal sewage sludge:

- 10.1.1 A copy of the Site Map submitted to the ZBA with all information required by Newbury Zoning Ordinance, Section 3.9. In addition, the Site Map shall show the location and details of the following:
  - 10.1.1.1 All areas of the site with slopes of 8 percent grade or better shall be shaded.
  - 10.1.1.2 Points of site access and egress shall be clearly shown together with traffic control measures to be provided.
  - 10.1.1.3 Complete information on planned containment control measures.
  - 10.1.1.4 Site signage means of posting the permit(s), and any lighting planned.
  - 10.1.1.5 Site plantings and/or other means of screening the site; e.g., around a buffer zone.
  - 10.1.1.6 Wheel washing and roll off areas for vehicles.
  - 10.1.1.7 Vehicle overnight parking, maintenance, and service areas.
  - 10.1.1.8 A wind rose (from Weather Bureau, showing average wind direction over a 12-month period).
- 10.1.2 A plan for materials handling, including equipment types and sizes, number of pieces of each, hours of operation, days of operation, and equipment security methods.
- 10.1.3 Information and data on the volume and weight capacity of materials handling equipment and planned rate of application.
- 10.1.4 Information on methods and means for mixing materials to be spread and of tilling into the soil, if planned.
- 10.1.5 Details and plans for equipment maintenance, storage, and fueling, together with plans for preventing fuel and/or oil and grease spills.
- 10.1.6 Plans for fire prevention and fire suppression.
- 10.1.7 Schedule of operations.
- 10.1.8 Plans for drainage and erosion control.
- 10.1.9 Plans for dust control.

## ARTICLE XI. SECURITY FOR CONSTRUCTION OF IMPROVEMENTS

- 11.1 Security:** The developer shall provide financial security for any site development or improvement that involves earth disturbance. The Board shall specify in its preliminary approval of the Site Plan the amount and term of the security. The purpose of the security shall be to allow the Town to construct and install drainage, erosion control, landscaping, parking, traffic control and other non-building improvements as determined by the Board in the event of default by the applicant. Security shall be delivered to the Board prior to final approval of the application.
- 11.1.1 The amount of security shall be determined by the Board upon recommendation by the Board's engineer.
  - 11.1.2 The term shall be equal to the period of construction plus six months.
  - 11.1.3 Acceptable forms of security shall be an irrevocable letter of credit or cash.
  - 11.1.4 If an irrevocable letter of credit is chosen, it shall be substantially in the form of EXHIBIT A – Article 17 in Newbury Zoning Ordinance. Any changes shall be approved by Town counsel.
  - 11.1.5 If cash is chosen, it shall be turned over to the Town Treasurer to be put in an interest-bearing savings account.
  - 11.1.6 The security may be reduced at the discretion of the Board, subject to appropriate retainage, as improvements are made. The steps for issuing and releasing security shall be the same as required in the Newbury Land Subdivision Control Regulations.
- 11.2 Agreement:** When the site plan involves the construction of new buildings or extensive site development, the applicant and the Board shall enter into an agreement using the Site Review Agreement form provided by the Board. The Board, at its discretion, may require an agreement in any other situation.
- 11.3 Inspection Requirements:** In order to confirm that various items and features delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development) are, in fact, constructed in accordance with those plans and/or in accordance with applicable codes and standards, the Planning Board may, at the time of plan approval, require the applicant to establish an appropriate escrow, or other security, in addition to the Performance Guarantee required under this Article XII herein, acceptable to the Planning Board, which will be used by the Town of Newbury as security for retention of appropriate engineers or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards.

## ARTICLE XII. SEPARABILITY

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

**ARTICLE XIII. ENFORCEMENT, FINES AND PENALTIES, AND INJUNCTIVE RELIEF**

- 13.1 Enforcement:** These regulations shall be enforced by the Board of Selectmen as provided in RSA 676:17.
- 13.2 Fines and Penalties and Injunctive Relief:** Enforcement of these regulations by the Board of Selectmen shall follow the provisions of RSA 676:15 and 676:17.

#### ARTICLE XIV. **CERTIFICATION**

Certified to be a true copy, attest:

_____	_____
<b>Chair</b>	
_____	_____
_____	_____
_____	

Adopted: September 19, 1989

Amended: June 9, 1992

Amended: June 8, 1993

Amended: November 4, 1998

Amended: April 19, 2005

Amended: January 21, 2014

Amended: June 17, 2014

Amended June 20, 2017

Amended May 19, 2020

Last Amended August 18, 2020

## APPENDIX A – ON-SITE PARKING

- Density: The general guidelines regulating on-site, off-street parking are as follows:

<u>Land Use</u>	<u>Unit</u>	<u>Minimum Standard Spaces</u>
Auditorium, Theater, Church	Seat	0.3
Hospital	Bed	1.2
Restaurant	Seat	0.3
Restaurant with Take-out	Seat	0.5
Industrial	Employee	0.6
Office	1,000 SF gross floor area	4.0
Medical/Dental/ Veterinary	1,000 SF gross floor area	4.5
Bank	1,000 SF gross floor area	5.0
Retail	1,000 SF gross floor area	4.0
Shopping Center	1,000 SF gross floor area	5.5
Hotel/Motel	Unit	1.0 plus 1.0 per employee on largest shift
Bed & Breakfast	Room	1.0
	Owner's Unit	2.0
Elementary/Jr. High School	Classroom	1.0
College/University	By Board Review	
Funeral Home	Seat	0.25
Private Club	Member	0.25
Multi-family Dwelling		
Efficiency	Unit	1.0
1 & 2 Bedroom	Unit	1.5
3+ Bedroom	Unit	2.0
Marinas & Docking Facilities	Slip, Mooring and Dry Storage Space	1.0

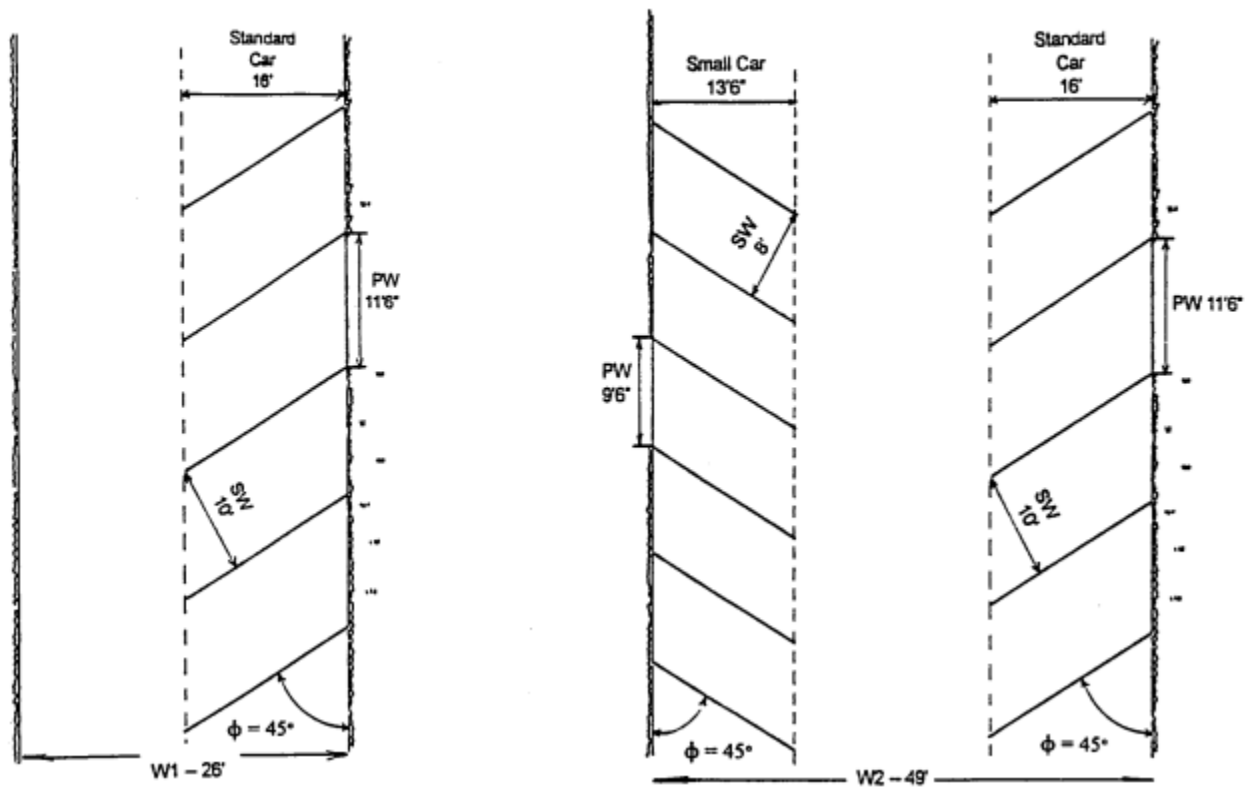
- Uses Not Listed: Minimum parking requirements for uses not listed shall be determined by the Board.
- Multiple Use of the Same Site: The on-site parking requirement for each use of a multiple use site shall be added together to determine the total on-site parking requirement for that site.
- Small Car Allowance: Small vehicles may not exceed 30% of the total parking spaces.
- Parking Stall Widths and Lengths: Minimum parking stall widths and lengths are as follows:

Category	Minimum Parking Stall Width	Minimum Parking Stall Length
Small Car	8 feet	18 feet
Standard Car	9 feet	20 feet
Elderly Use	10 feet	20 feet
Supermarket and Camper Use	11 feet	20 feet
Handicapped	12 feet	20 feet

- Required Parking Lot Layout: The following table and sketch detail the minimum required dimensions for layouts of parking lots:

		Parking Dimensions - Wall to Wall (W1 & W2)				
			Angle of Parking - $\phi$			
Group of Vehicle	Stall Width	Width of Parking & Aisle	$\phi = 45^\circ$	$\phi = 60^\circ$	$\phi = 75^\circ$	$\phi = 90^\circ$
Small Car	8'	W1	26'	29'	36'	42'
		W2	40'	46'	52'	57'
Standard Car	9'	W1	32'	35'	62'	48'
		W2	49'	55'	62'	66'
Elderly Use	10'	W1	32'	34'	42'	48'
		W2	49'	54'	62'	66'
Supermarket & Camper Use	11'	W1	33'	35'	43'	49'
		W2	49'	54'	62'	66'
Handicapped	12'	W1 & W2	Same as above for Supermarket Use			

## Reg. Parking Layout



$$PW = SW / \sin \phi$$

W1 & W2 are wall to wall layouts.

If parking is curb to curb,  
subtract 1 ft. - 6 in. from table dimensions for W1,  
and 2 ft. for W2

- **Parallel Parking:** Parking spaces for all vehicles outlined in section e. above except small cars require a rectangular space of at least 9' by 24'; small vehicles require a space 8' by at least 21'.
- **Parking Lot Grade:** The maximum grade of a parking lot shall be 5% for paved parking areas and 3% for unpaved parking areas.
- **Handicapped Parking:** It is suggested that provision be made for parking for handicapped persons in accordance with the Americans with Disabilities Act as interpreted and implemented by the landowner. Handicapped parking spaces shall be at least 12' by 20'.
- **Drainage:** Sheet flow discharge from parking lots is desirable when flow is into well vegetated areas. When runoff flow is concentrated along one side of the parking lot or if the flow is directed primarily toward the corner of a lot or otherwise concentrated, a collection and discharge system ; e.g. ditches, lawn

drains, catch basins and/or culverts shall be provided. Ditches shall be seeded or sodded on slopes less than or equal to three percent (3%). Ditches with slopes over three percent (3%) shall be lined with pavement, half-pipe sections or stone rip-rap to prevent erosion. When parking lots exceed 15,000 square feet in size (approximately 1/3 acre), means of intercepting runoff flows (e.g. swales, ditches and culverts, yard trench drains, catch basins and culverts) shall be provided to reduce runoff flow being concentrated at a single discharge point or along one side of the parking lot. Similar systems shall be provided when the parking lot is subjected to concentrated runoff from higher elevated property or sheet flow from upland areas. Interceptor ditches, french drains, etc. may be employed along the top edges of the lots to collect this runoff and convey it around or away from the lot. In all cases of concentrated discharge or sheet flows in excess of two feet per second (2 fps), suitable energy/velocity dissipators shall be provided.

- Settlement and Separator Systems: All parking lots discharging runoff into or within 300 feet of streams, ponds, lakes; and all parking lots and service drives of gasoline filling stations, fuel storage and handling facilities, garage repair facilities, and any other facilities handling petroleum, oils and fuels shall collect runoff from these areas into settlement basins and petroleum products separators and holding systems. These systems shall be designed by a registered professional engineer, and design specifics and calculations shall be provided with an application for site plan review. In addition, the engineer shall specify maintenance and cleaning frequencies and standards.