

SITE PLAN REVIEW REGULATIONS

HAMPTON FALLS, NEW HAMPSHIRE

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Appendix V Appendix VI	Amendment to adopt Amendment to adopt	September 23, 2014 September 23, 2014
Appendix VII	Amendment	November 28, 2017

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ARTICLE I - AUTHORITY AND TITLE

Pursuant to the authority vested in the Planning Board by Town Meeting held on November 3, 1982 and in accordance with the provisions of New Hampshire RSA 674:43-44, as amended, the Town of Hampton Falls Planning Board adopts the following regulations. These regulations govern 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, whether or not such development includes a subdivision or re-subdivision on the site.

These regulations shall be known and may be cited as the "Town of Hampton Falls Site Plan Review Regulations", hereinafter referred to as "Site Plan Review Regulations".

ARTICLE II - PURPOSE

The purpose of these Regulations is to:

- (a) Provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety or prosperity by reasons of: (1) inadequate drainage or conditions conducive to flooding of the property or that of another; (2) inadequate protection for the quality of groundwater; (3) undesirable and preventable elements of pollution such as noise, smoke, soot, particulates or any other discharge into the environment which might prove harmful to persons, structures or adjacent properties; and (4) inadequate provision for fire safety, prevention and control;
- (b) Provide for the harmonious and aesthetically pleasing development of the Town and its environs;
- (c) Provide for open spaces and green spaces of adequate proportions;
- (d) Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the Town;
- (e) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for firefighting apparatus and equipment to buildings and be coordinated so as to compose a convenient system;
- (f) Require in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- (g) Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
- (h) Include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity.

ARTICLE III - DEFINITIONS

3.1 Interpretations

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of these regulations. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; words used in the masculine gender include the feminine and neuter; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not optional.

In general, words and terms used in these regulations shall have their customary dictionary meanings. Definitions contained in the existing Town of Hampton Falls Zoning Ordinance, are incorporated herein by reference.

3.2 Definitions

Abutter: means any property owner whose property is located in New Hampshire and adjoins or is directly across the street or stream, from the land under consideration by the local land use 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 land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a Board hearing, in the case of an abutting property being under 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.

Board: means the Town of Hampton Falls Planning Board as established under the provisions of NH RSA 673:1, as amended.

Certificate of Occupancy Permit: means a permit issued by the Building Inspector certifying that any structure or land is approved for its intended use (See number 11.1, Article XI-Administration and Enforcement). **(Adopted April 2007)**

Certified Soil Scientist: means a person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientist.

Community Waste Water System: means a non-municipal wastewater supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

Community Water Supply: means a non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

Completed Application: means the application form and supporting documents, as specified in these Regulations that contains all the information the Board needs to review a site plan proposal and make an informed decision.

Development: means the construction of improvements on a tract of land which shall include the enlargement of the structure or physical changes to the site to accommodate the intended use.

Enlargement: means the increase in size or the expansion of any structure or appurtenance, whether said appurtenance exists along or in service of a structure or other appurtenance.

Engineer: means a person licensed in accordance with RSA 310-A:2-27, as amended.

Improvement: means all structures, appurtenances or additions to the site whether above or below the surface of the land and including but not limited to building, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the applicant or required by the Board under these regulations.

Planning Board Agent: means the planning consultant, official, recording agent or other person(s) assigned by the Board to perform plan review and other such duties.

Soil Types: as defined by High Intensity Soil Maps for New Hampshire prepared by a certified soil scientist.

Surveyor: means a person licensed in accordance with RSA 310-A:53, as amended.

Town Engineer: means the duly designated engineer of the Town of Hampton Falls or if there is no such official, the planning consultant or official assigned by the Hampton Falls Planning Board.

ARTICLE IV - GENERAL PROVISIONS

4.1 Site Plan Review Required

The Board shall require site plans to be submitted to it for review by any applicant seeking any of the following:

- 4.1.1 The construction of any new non-residential use or multi-family dwellings.
- 4.1.2 Any modification or intensification of any non-residential or multi-family permitted use or grandfathered use.
- 4.1.3 The construction or conversion of any non-residential or multi-family use in which development of the site is contemplated or required by virtue of any other Town or State ordinance, statute, regulation or decision of the Town's Zoning Board of Adjustment.
- 4.1.4 The change of use within a structure from one permitted non-residential use to another permitted non-residential use which will require development of the site including, but not limited to, improvement or alteration to the site required by virtue of any other Town or State ordinance, statute or regulation.
- 4.1.5 Change in use from residential to non-residential **or** to a combination of residential and non-residential. **(Adopted November 1996)**
- 4.1.6 Change in use to Bed and Breakfast in any District or new construction to be used as Bed and Breakfast. **(Adopted November 1996)**
- 4.1.7 Erection, Modification or Removal of Telecommunications Towers and//or Facilities. **(Adopted August 1997)**

4.2 Site Plan Review Not Required (Deleted February 2003)

4.3 Review Standards

In reviewing site plans, the Board must take into consideration the public health, safety, general welfare, the comfort and convenience of the general public, Master Plan objectives and as a condition of approval, may require such modifications of the proposed site plan as it deems necessary to comply with the spirit as well as the letter of these regulations. The Board shall take into account the following objectives:

- 4.3.1 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard:
 - 4.3.1.1 The effect of the proposed development on traffic conditions on abutting streets.
 - 4.3.1.2 The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
 - 4.3.1.3 The visibility in both directions of all exit points of the site and the visibility of vehicles entering or exiting the site to drivers of vehicles traveling on abutting streets.
 - 4.3.1.4 The location, arrangement and adequacy of off-street parking facilities.
 - 4.3.1.5 Interconnection of parking areas via access drives within the site and between the site

- and adjacent lots, in order to provide maximum efficiency, minimize curb cuts and encourage safe and convenient traffic circulation.
- 4.3.1.6 The location, arrangement and adequacy of truck loading and unloading facilities.
 - 4.3.1.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the site and in relation to the adjoining street and sidewalk system.
 - 4.3.1.8 The location, and adequacy of landscaping within the site and bordering parking and loading facilities.
- 4.3.2 The protection of environmental quality and the preservation and enhancement of property values. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard:
- 4.3.2.1 The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, screen parking and loading areas and conceal storage areas, utility installations and other such feature.
 - 4.3.2.2 The prevention of dust and erosion through the placing of ground cover or installation of other surfaces.
 - 4.3.2.3 The landscaping of the site which shall consist of natural undisturbed vegetation or features or ground cover, shrubs or trees as appropriate.
 - 4.3.2.4 The preparation of the site with minimal disturbance to existing vegetation.
 - 4.3.2.5 The grading and filling of the site to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties.
 - 4.3.2.6 The protection of residential abutters against undue noise, glare, unsightliness or other nuisances detrimental to property values.
 - 4.3.2.7 The protection of groundwater resources by following NH Department of Environmental Services (NHDES) BMP Rule, Env-Wq401, Best Practices for Groundwater Protection Management. **(Adopted December 2016)**
- 4.3.3 In acting upon any site plan, the Board may take into consideration the recommendations of the Town Planner, the Building Inspector, the Road Agent, the Fire Department, the Police Department, the Conservation Commission and any other town agencies or outside specialist with which the Board consults.

4.4 Requirements are Minimum and Not Maximum

These Regulations shall be interpreted as MINIMUM REQUIREMENTS and compliance with these minimum requirements in no way obligates the Board to approve any particular application solely on that basis.

The Board will fully consider all aspects of an application before rendering its decision. This will include a study of all site design and technical aspects of the proposals as well as consideration of the impact of the development on the open space, wildlife habitat and other municipal resources. Only after the Board has fully satisfied itself that the proposed project is in the best public interest and that it will not prove detrimental to the public health, safety, welfare or prosperity, will the application be approved.

4.5 Higher Standards Shall Apply

If any other provision of the Town, or any provision of State or Federal law relates to any matter covered herein, the provision which imposes the greater restriction or higher standard shall govern.

4.6 Compliance with Other Regulations

The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Town's Zoning Ordinance, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent ordinances and regulations.

4.7 Suitability of Land

4.7.1 Land unsuitable for development due to the presence of poorly drained soils, flood hazard, steep slopes or other conditions constituting a danger to health, safety or the environment or contrary to the purposes of this regulation and the Master Plan shall not be approved for development unless the applicant presents satisfactory evidence or data to the Board, establishing that the methods proposed to overcome any such conditions are adequate.

4.7.2 The Board shall not approve such scattered or premature developments as would endanger or be injurious to health, safety or prosperity by reason of the lack of public services or necessitate an excessive expenditure of public funds for the supply of such services.

4.7.3 In no case shall a dwelling, septic system, or other structure be sited on poorly drained or very poorly drained soils or within one hundred feet (100') of such soils.

4.8 Erection of Buildings

No building permit shall be issued by the Building Inspector for the construction of any building or other structure on a development subject to these regulations until approval is granted by the Board and no Certificate of Occupancy shall be issued until the terms and conditions of the Board's approval have been fulfilled.

4.9 Off-Site Improvements

Pursuant to RSA 674:43 and 44, the Board may require the installation of off-site public improvements and amenities, at the expense of the applicant, to assist in the establishment of a soundly built environment. Such improvements shall include, but not be limited to, existing roadway improvements, intersection improvements or signalization, sidewalks, landscaping, extension of utilities, and existing drainage improvements, in order adequately to serve the proposed site. The installation of off-site improvements when require, shall be made a condition of approval. The Board may require the posting of a suitable performance security, as outlined in Article 7.1 to ensure that all off-site improvements are completed.

ARTICLE V – PROCEDURE FOR PLANNING BOARD REVIEW

5.1 General Information

5.1.1 Whenever site plan review is required, the owner thereof, or his agent, shall apply in writing to the Board for approval. If the applicant is not the property owner, the applicant shall provide the Board with written consent of the property owner for the proposal. Application for site plan review shall be on forms supplied by the Board. The application shall conform to these regulations.

- 5.1.2 The Board may make a visual on-site inspection of any proposed site plan at any stage of the proposal, after prior arrangements are made with the applicant or land owner. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.
- 5.1.3 If a plan is withdrawn prior to having notification for the public hearing, no further action is required by the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.
- 5.1.4 Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any proposed recreation area or other public open space.

5.2 Pre-application Review

The Board provides for an optional pre-application review of site plan plats in accordance with RSA 67:4, II, as follows:

5.2.1 Preliminary Consultation Phase

A preliminary consultation and review on application shall not bind either the applicant or the Board. The preliminary consultation may include, but is not limited to, discussions of the proposal in general terms to include the desirability of the development and the development's relationship to the Master Plan. Preliminary consultation may occur without the necessity of giving formal public notice as required by RSA 676:4 I(d), but must occur only at formal meetings of the Board. Review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by Article 5.4. In a preliminary consultation, the applicant may present a rough sketch or other information useful in defining the general scope and concept of the site plan. The Board may make suggestions to assist the applicant in preparing the formal application and in resolving problems foreseen with meeting site plan review regulations or other applicable regulations of the Town.

5.2.2 Design Review Phase

The optional design review phase on applications is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Board. The design review phase may proceed only after notice to abutters and the general public as provided for in Article 5.4 of these regulations. The applicant shall submit a completed application form, a check for the filing fee, an abutter's list and a preliminary plan, fifteen (15) days prior to the hearing date. If the applicant wishes to proceed beyond the design review phase, a public hearing for the final site plan must be held.

5.3 Formal Application

- 5.3.1 Application for approval of the final site plan shall be filed with the Board by the applicant or his agent in writing on forms provided by the Town. Submitted material shall be complete and include material described in Article VI. Should an application be found incomplete, the Board shall notify the applicant, requesting that the necessary documentation be submitted and informing the applicants that no further consideration of the application can be made until the application is complete.
- 5.3.2 A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at least fifteen (15) days prior to the public meeting of the Board at which it is to be submitted.
- 5.3.3 A completed application will be submitted to and accepted for consideration by the Board only at a Public Meeting for which notice has been given to the applicant, abutters and the

general public.

5.3.4 Applications shall be disapproved by the Board without public hearing only for the following grounds:

5.3.4.1 failure of the applicant to supply information required by these Site Plan Review Regulations; or

5.3.4.2 failure on the part of the applicant to meet reasonable deadlines as established by the Board; or

5.3.4.3 failure on the part of the applicant to pay all required fees and charges.

5.4 Public Notices

5.4.1 Notice of the design review phase or submission of the Completed Application shall be given by the Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the meeting at which the application will be submitted.

5.4.2 The public will be given notice at the same time, by posting at the Town Offices and U.S. Post Office and publication in a local paper.

5.4.3 The notice shall give the date, time and place of the Board meeting at which the Application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered and shall identify the applicant, owner (if different) and the location of the proposal.

5.4.4 If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice if not required or an adjourned session of a hearing provided that the date, time and place of the adjourned session was made known at the prior meeting.

5.5 Board Action on Completed Application

5.5.1 The Board shall begin consideration of the Completed Application within thirty (30) days of its submission.

5.5.2 The Board shall act to approve, conditionally approve or disapprove the Completed Application within sixty-five (65) days of submission.

5.5.3 The Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days, before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.

5.5.4 Upon failure of the Board to approve, conditionally approve or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Board to act on the application within thirty (30) days per RSA 676:4, I, (c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's site plan review application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Site Plan Review Regulations, Subdivision Regulations, Zoning Ordinance or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing 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.

- 5.5.5 In accordance with RSA 676:3, if the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Board's records and shall be made available to the public inspection within seventy-two (72) hours after the decision is made and a copy of the decision shall be filed with the Town Clerk.

5.6 Conditional Approval

- 5.6.1 The Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are met:

5.6.1.1 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

5.6.1.2 Conditions which are in themselves administrative and which involve no discretionary in judgment on the part of the Board; or

5.6.1.3 Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided said permits and approvals themselves has not required a change to the Plat submitted to the Board or to any other conditions imposed by the board.

- 5.6.2 If the plat or application is approved with one or more conditions precedent that involve discretionary judgment, which are to be fulfilled prior to signing of the plat by the Board and filing of the same with the Register of Deeds, the Board shall hold a Compliance public hearing to determine whether the applicant has complied and fulfilled the conditions previously set by the Board.

- 5.6.3 The applicant shall have one year to comply with the conditions of approval and to have the plan signed by the Board. During this first year the conditionally approval plans are exempt from changes in the zoning ordinance or subdivision regulations. If the conditions are not met within one year, the conditional approval shall lapse, unless the applicant is granted a one-year extension by the Board prior to the expiration date. Extensions may be granted for a one-year period only. The Board shall have the option of holding a public hearing, with notice to abutters and the public as required in Article 5.4, if the Board determines that conditions have changed appreciably. Conditionally approved plans that are granted extensions shall not be exempt from amendments to the zoning ordinance or site plan review regulations. The Board shall have the authority to deny a request for an extension to a conditionally approved plan if the applicant cannot comply with the amendments.

5.7 Recording and Filing of Plats

- 5.7.1 No site plan shall be filed or recorded until it has been approved by the Board and all outstanding fees have been paid by the applicant. Approved plans shall be endorsed in writing on the plat with the signature of the Chairman of the Board.

- 5.7.2 The approved site plan will be registered at the Rockingham County Registry of Deeds by the Board at the fee established by the Board. One copy of the recorded plat shall be obtained by the Board at the expense of the applicant. Should the approval be subject to conditions not apparent on the plan, such conditions shall be recorded as well with reference made to such conditions on the plan.

5.8 Site Plan Review Fees (Amended September 2020)

5.8.1 See Appendix II for Schedule of Fees. (Amended March 1999, October 2015 and September 2020)

5.8.2 In accordance with RSA 674:44 V, the applicant shall be required to pay all reasonable costs or fees for professional review by the Town's appointed agents, special investigative studies, environmental assessments and the legal review of documents, which are particular to the application, in addition to application fees as required by the Board.

5.8.2.1 Professional review costs may include, but are not limited to:

- Rockingham Planning Commission Circuit Rider technical review, meetings and other reasonable expenses directly accountable to the application. No Circuit Rider fee will be charged for phone calls or meetings necessary in making an initial application to the Planning Board, for the first Circuit Rider review of an application submitted to the Board, or for attendance at contracted night meetings.
- Town Engineer review, discussion and meetings with regard to overall plan review, roadway design, drainage and stormwater management and erosion and sediment control plans.
- Rockingham County Conservation District review of septic or sewage disposal systems and drainage fields. (Amended July 2004)

5.8.2.2 If the Board requires a special investigative study, environmental assessment or legal review as outlined above, the applicant shall be required to provide the Town with funds equal to the estimated cost of said study, assessment or legal review. These funds shall be placed in a separate interest-bearing escrow account prior to starting the study, assessment or legal review. The escrow account shall be drawn down to pay any related expenses. If the expenses exceed the amount in the escrow account, the applicant shall be required to add additional funds to the account. Any funds remaining in the escrow account shall be returned to the applicant upon completion of the study, assessment or legal review. (Adopted March 1995)

5.8.3 The applicant shall be required to pay any outstanding Board fees for the subject parcel(s) even if incurred by a previous owner, prior to the Board's consideration of a new plan for the parcel(s). See Appendix II for Schedule of Fees. (Adopted March 1995 and Amended March 1999 and May 2014)

5.8.4 No final approval will be granted and no mylar will be signed or recorded until all fees and other monies owed to the Town have been paid. (Amended March 1999)

5.9 Developments of Regional Impact

In accordance with RSA 36:54-58, the Board shall review all site plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57.

ARTICLE VI - COMPLETED APPLICATION REQUIREMENTS

6.1 Submission Requirements

The following information is required on the site plan or as part of the submission package in order for the application to be considered complete:

- 6.1.1 Application: A completely filled out and signed application form, which may be obtained in the Town Office.
- 6.1.2 Abutter's List: On a separate sheet of paper, a list of the names and mailing addresses of all abutters and the owner(s) of record (and applicant, if different), obtained from the Town records not more than five (5) days before submitting the application.
- 6.1.3 Fee: A check may payable to the Town of Hampton Falls equal to the fee required in Section 5.8.
- 6.1.4 Plan: Applicants shall submit four (4) paper copies of the site plan and an original mylar in permanent ink in the format required by Section 6.2. In addition, the applicant shall provide the final approved plan in CAD drawing exchange file (DXF) format on a computer diskette or CD. The file shall contain either a separate layer for property lines to distinguish them from other linear features on the plan, or ONLY property lines. An ASCII text file defining all layers should be submitted with the CAD file. The CAD file will be the sole and exclusive property of the Town of Hampton Falls. **(Amended November 2001)**

6.2 Plan Format and Information Required

The site plan shall conform to the following format and obtain the following information:

- 6.2.1 Sheet size in conformance with the requirements of the Rockingham County Registry of Deeds.
- 6.2.2 Scale of the plan shall be 1" = 20' (1 inch = 20 feet).
- 6.2.3 Margin of at least one-half inch (1/2") outside rules border lines on three sides and at least two (2") along the left side for bindings.
- 6.2.4 Plan number, current owner(s) of record (and applicant, if different) and all abutters keyed to plan.
- 6.2.5 Name, license number and seal of the N.H. registered Land Surveyor, plus name, seal and address of engineer.
- 6.2.6 Date, north arrow, location (locus) map.
- 6.2.7 Tax map and parcel number and zoning district(s) and lines.
- 6.2.8 Adequate space for the necessary endorsement by the proper authorities.
- 6.2.9 Locations of property lines and their dimensions and bearings, area of each lot and total parcel, well-radius, septic reserve area, footprint for any proposed building(s), existing building(s), existing and proposed easements, water courses, floodplains, ponds, rock ledges, tree lines and other essential features. Proposed building footprint(s) should not be included on the recorded mylar. **(Amended September 2009)**
- 6.2.10 Location of wetlands and appropriate setbacks.

- 6.2.11 Title and deed references and easements and other encumbrances.
- 6.2.12 The plat should list all variances and special exception granted by the Board of Adjustment for the parcel involved and the dates granted.
- 6.2.13 Location and width of existing streets.
- 6.2.14 Utilities on and adjacent to the tract including location, size and invert elevation of sanitary and stormwater sewers; location and size of water mains; location of gas mains; fire hydrants; electric and telephone poles and street lights. If water mains and sewer are not on or adjacent to the tract, indicate the direction and distance to and the size of the nearest one.
- 6.2.15 Where the topography or other conditions are such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than twenty feet (20') in width and shall have satisfactory access to existing or proposed public ways.
- 6.2.16 A topographical plan with contour lines at two-foot (2') intervals shall be shown.
- 6.2.17 Description of proposed grade surfaces (i.e., grass, pavement, etc.) and percent of sealed surface (driveways, parking lots and roofs).
- 6.2.18 Stormwater drainage control plan, including location of catch basins, culverts and drains; methods of storage and disposal; and calculations of volume and frequency of run-off.
- 6.2.19 Location of proposed fire hydrants, street lighting, fencing, loading docks and exterior lighting.
- 6.2.20 Description and location of exterior utility areas including solid waste disposal facilities, HVAC units, electric transformers, towers, aboveground fuel storage tanks, etc.
- 6.2.21 The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
- 6.2.22 The location, size and design of proposed signs and other advertising or instructional devices.
- 6.2.23 Location of proposed on-site snow storage.
- 6.2.24 A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public streets, including any traffic control devices necessary in conjunction with the site development plan.
- 6.2.25 Location and results of test pits and location of primary and secondary leach bed sites as required by the NH WS &PCD and local requirements. Location of well heads and their seventy-five (75) foot radii shall be located entirely within the property boundaries. Well heads shall not be located within one hundred-foot (100') wetlands setback. By definition, well heads are structures and shall not be located within one hundred-foot (100') wetland buffer as stipulated in Article III, Section 8 of the Hampton Falls Zoning Ordinances. **(Amended September 2009)**
- 6.2.26 Two (2) copies of an architectural rendering showing all elevation views of all buildings and their exterior design.

6.2.27 Architectural Review: In order to permit the Board to render a site plan approval, which takes into consideration consistency with the architectural character of the surrounding area the Planning Board shall require architectural drawings and material schedules indicating design, color and exterior finish materials; specifications for new construction and alterations to existing buildings within the Town Common District, Business Districts North and South and the Multi-family Overlay, in addition to other studies deemed necessary under the Town of Hampton Falls Site Plan Review Regulations. Further, the Hampton Falls Planning Board requires that all commercial site plans and multifamily developments comply with the guidelines located herein as an official appendix to the site plan review regulations titled "Design Guideline for the Hampton Falls Town Common District, Hampton Falls, New Hampshire"; and "Design Guidelines for Hampton Falls Business District North and Business District South, Hampton Falls, New Hampshire". The Guidelines are meant to illustrate site and building design recommendations in the Site Plan Review process and other design regulations located in various sections of the Hampton Falls Zoning Ordinance by articulating as well as illustrating the Town's expectations for development that is harmonious and aesthetically pleasing. **(Amended September 2006 and May 2014)**

6.3 State and Federal Permits Required as Applicable

The following state or federal permits may be required as applicable:

- 6.3.1 N.H. Water Supply and Pollution Control Division septic system design approval.
- 6.3.2 N.H. Wetlands Board "Dredge & Fill" Permit.
- 6.3.3 N.H./Department of Transportation driveway access permit.
- 6.3.4 N.H. Water Supply & Pollution Control Division WS411 permit for underground storage tanks as regulations by RSA 16-C.

6.4 Local Items Required as Applicable

The following studies or plans may be required by the Board, as applicable:

- 6.4.1 Traffic impact analysis, as outlined in Article 7.2.
- 6.4.2 Soil erosion and sedimentation control plan, as outlined in Article 7.3.
- 6.4.3 High Intensity Soil Mapping, including the seal of the licensed Soil Scientist.
- 6.4.4 Landscaping plan, as outlined in Article 8.4.
- 6.4.5 Wetlands Conservation District Special Use Permit, per Article III, Section 8 of the Zoning Ordinance.
- 6.4.6 Any other applicable local permit required.

6.5 Special Requirements for Bed and Breakfast (Adopted November 1996)

The following additional information shall be required in addition to the requirements of 6.1 through 6.4:

- 6.5.1 A floor plan for all floors indicating size and use of all rooms, all exits, all fire safety and life safety systems.
- 6.5.2 Sample copies of any advertising brochures to be used.

- 6.5.3 Sample guest register.
- 6.5.4 Approved Septic System Design for the use intended or certification that any present system is adequate for the intended use.
- 6.5.5 Certification that the well is adequate, and that water has been tested and meets minimum standards.
- 6.5.6 The premises shall comply with all State and Federal Handicap accessibility requirements.
- 6.6 Annual Renewal Permits for Bed and Breakfast (Adopted November 1996)
- Annual Renewal permits for Bed and Breakfast establishments must be reviewed at a Public Meeting of the Planning Board no later than thirty (30) days prior to the expiration of the existing permit. A Public Hearing shall not be required unless it is deemed necessary by the Planning Board.
- 6.7 Fees for Bed and Breakfast (Adopted November 1996)
- 6.7.1 New Applications – A fee of fifty dollars (\$50.00) plus the cost of public Notice and abutter fee of four dollars (\$4.00) each per abutter plus postage. **(Amended March 1999)**
- 6.7.2 Renewal Permits - A fee of fifty dollars (\$50.00) shall be charged for a renewal permit. If a Public Hearing is required, the fees for Public Notice, abutter notices and postage will apply in addition to the permit fee and shall be the responsibility of the applicant.
- 6.8 Display of Permit (Adopted November 1996)
- The Permit shall be prominently displayed on the premises at all times.
- 6.9 Special Requirements for Telecommunication Towers and/or Facilities (Adopted August 1997)
- 6.9.1 Definitions:
- 6.9.1.1 **Antenna:** shall mean any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and /or receiving of electromagnetic waves of any bandwidth.
- 6.9.1.2 **Height:** shall mean, when referring to a tower or other structure, the distance measured from ground level is the highest point on the tower or other structure, even if said highest point is an antenna.
- 6.9.1.3 **Telecommunications Facilities:** shall mean any structure, antenna, tower or other device which provides commercial mobile wireless services, unlicensed wireless and services, cellular phone services, specialized mobile radio communications (SMR) and personal communications service (PCS) and common carrier wireless exchange access services.
- 6.9.1.4 **Tower:** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

- 6.9.2 The following requirements and/or conditions and/or information shall be required in addition to section 6.1 through 6.4:

6.9.2.1 Aesthetic and Lighting

The guidelines in this subsection, shall govern the location of all towers, and the installation of all antennas. However, the Planning Board may waive these requirements, in accordance with Site Review Article XI, Section 11.6, only if it determines that the goals of this regulation are served thereby.

1. Towers shall either maintain a galvanized steel finish, subject to any applicable standards of the FAA or be painted, so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings are related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment. These buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusiveness as possible.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approved the design that would cause the least disturbance to the surrounding views.
5. Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

6.9.2.2 Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Regulation shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Article IV, Section 6.9.4 of the tower or antenna, as abandonee, at the owner's expense through the execution of the posted security.

6.9.2.3 Building Codes-Safety Standards

To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within the thirty (30) days, such action shall constitute an abandonment and grounds for the removal, in accordance with Article IV, Section 6.9.4 pf the tower or antenna, as abandoned, at the owner's expense through execution of the posted

security.

6.9.2.4 Additional Requirements for Telecommunications Facilities

These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

1. Setbacks and Separation

See Article III, Section 10.4 of the Hampton Falls Zoning Ordinance.

2. Security Fencing

Towers shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.

3. Landscaping

- a. Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least twenty-five feet (25') wide outside the perimeter of the compound. Natural vegetation is preferred.
- b. In location where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely.
- c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

6.9.2.5 Information Required

Each applicant under this regulation shall submit a scaled plan in accordance with the Site Plan Review Regulations and further information including: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses (up to two hundred feet {200'} away) and any other information deemed necessary by the Planning Board to assess compliance with this ordinance. Furthermore, the applicant shall submit the following prior to any approval by the Board.

1. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
2. The applicant shall submit written proof that an elevation has taken place, as well as the results of such elevation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules, If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the federal thirty (30) day comment period and the Town process, shall become part of the application requirements.
3. Each applicant for an antenna and or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of the Town and those within two (2) miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological

feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approval or conditional use permits under the ordinance or other organizations seeking to locate antennas within the Jurisdiction of the governing authority, provided; however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:

- a. Substantial Evidence that no existing towers or structures are located within the geographic area required to meet the applicants engineering requirements, provided that a description of the geographic area is also submitted.

The applicant proposing to build a new tower, shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statements shall become a Condition of any Approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town and grounds for a Denial.

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

6.9.3 Bonding and Security

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers, in the event that the tower is abandoned, and the tower owner is incapable and unwilling to remove the tower in accordance with Article IV, Section 6.9.4.

6.9.4 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections. The owner shall remove the abandoned structure within ninety (90) days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within ninety (90) days, the Town may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

ARTICLE VII - SPECIAL REQUIREMENTS

7.1 Construction and Maintenance Security

Prior to the final approval of the site plan, the Board may require construction and maintenance security to be submitted to ensure the completion of required improvements on the site. Any

improvements required off site on public property will require a construction and maintenance security. The security shall be subject to the conditions and standards as specified in Section 7.4 of the Hampton Falls Subdivision Regulations, as amended.

7.2 Traffic Impact Analysis

All proposed non-residential and multi-family development proposals shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location or any other traffic-generating characteristics of the development. Traffic impact studies shall be conducted in accordance with the conditions and standards contained in Section 7.6 of the Town of Hampton Falls Subdivision Regulations, as amended.

7.3 Erosion and Sediment Control Regulations

The Board may require the submission of an erosion and sediment control plan for the purpose of controlling soil erosion and sedimentation in surface water resulting from site construction and development. In determining if a plan is required, the Board shall consider the potential impact of the project and ascertain if any of the following conditions are proposed:

- 7.3.1 A cumulative disturbed area exceeding twenty thousand (20,000) square feet;
- 7.3.2 Construction of a street or road;
- 7.3.3 Disturbed critical areas.

The plan and the construction shall conform to the conditions and standards contained in Section 7.7 of the Hampton Falls Subdivision Regulations, as amended.

7.4 Wetlands Designation (Adopted September 2009)

For those sites where wetlands exist, the applicant shall post placard markers—obtained from the Conservation Commission at the applicant's expense—along the wetland buffer setback and at points and corners, with one or more additional marker every fifty feet (50'). Markers must be in place prior to any tree cutting or excavation and a certificate of wetland placard installation form shall be submitted to the Planning Board for the file. These markers are to remain in place after construction. In the event of future construction, the wetland buffer setback shall be verified, and the wetland placard markers reestablished as necessary.

7.5 Mailbox Design and Placement (Adopted November 2019)

Mailbox design and placement must meet current U.S. Postal Service requirements at time of application. Applicant must provide documentation from local Postmaster indicating approval of their design/ placement plan, and must provide details of such on submitted plans.

ARTICLE VIII - DESIGN AND CONSTRUCTION REQUIREMENTS

An applicant shall use the following design and construction standards when developing a site within the Town of Hampton Falls. These standards and requirements shall be construed as the minimum standards and requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirement for good cause in accordance with the procedures outlined in these regulations.

8.1 Access Design and Standards

Traffic access to the site from Town streets shall ensure the safety of vehicles and pedestrians. The design and construction standards for points of access are as follows:

- 8.1.1 All permits for driveways and other access points onto a State highway shall be obtained from the NH Department of Transportation prior to final approval of the site plan. Permits required for driveways onto local streets shall be obtained from the Town’s Road Agent.
- 8.1.2 The Board may give its approval of the design for a proposed access/egress point onto the public way, which point shall provide an adequate sight distance, grade, width and curb.
- 8.1.3 In all cases, the number of points of access to a given street shall be held to a minimum, preferable one, in order to reduce traffic hazards from turning movements and installations of traffic control devices.
- 8.1.4 The Board may require improvement of existing access/egress point(s) to provide safe flow onto abutting streets should increase traffic being generated by the development. Improvements could include reducing the number and/or widths of access/egress points and requiring one-way traffic patterns.
- 8.1.5 Off-site improvements may be required, such as pavement width, deceleration lanes, curbing or signal devices.
- 8.1.6 Traffic circulation, pedestrian access, parking and loading facilities, emergency and fire access shall be designed and located to ensure safety on the site.
- 8.1.7 Driveways onto State highways shall be designed in accordance with the NH Department of Transportation’s Administrative Rules Tra302, as amended. These design standards shall also apply to driveways onto local roads.

8.2 Parking Lot Design

- 8.2.1 Parking areas and drive shall be paved if public use is intended; however, the Planning Board may waive paving to reduce runoff which cannot be disposed of properly.
- 8.2.2 Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.
- 8.2.3 Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance and safety of vehicles and pedestrians.
- 8.2.4 The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

<u>Parking Angle</u> <u>(degrees)</u>	<u>Aisle Width</u> <u>(feet)</u>
45	13
60	18
90	22

- 8.2.5 Parking spaces shall be arranged so that cars will not back onto a public street.
- 8.2.6 The final design of the parking lot shall be subject to approval of the Board, which may require other standards as special circumstances warrant.

- 8.2.7 The number of required parking spaces shall conform with the "Off-street Parking Requirement", Article IV, Section 5 of the Town of Hampton Falls Zoning Ordinance.
- 8.2.8 Driveways and parking areas shall be located in such a fashion so as not to unduly harm the owners or occupants of neighboring parcels. Driveways and parking spaces shall not be located in the required setbacks.
- 8.2.9 Parking lots shall comply with all state and federal statutes and regulations regarding handicapped accessibility.

8.3 Parking Lot and Driveway Construction Standards

Driveways and parking areas must be constructed to the following specifications:

- 8.3.1 Loam and/or yielding material must be removed to a depth of no less than twelve inches (12") below finished grade.
- 8.3.2 A bank run gravel sub-base of six inches (6") shall be applied and compacted, followed by a six-inch (6") base of crushed gravel, then compacted and rolled true to grade lines with a roller weighing not less than twelve (12) tons.
- 8.3.3 A one-inch (1") binder course and a one-inch (1") wearing surface of bituminous concrete pavement shall be installed with a self-propelled mechanical spreader and rolled by a tandem roller with not less than twenty-five (25) pounds per inch of wheel width.
- 8.3.4 The maximum grade for parking areas shall be one half percent (0.5%), the maximum grade shall be five percent (5%).

8.4 Landscaping and Screening

- 8.4.1 Landscaping and screening shall be provided with proper regard to adjacent properties, the public highway and within the site, including interior landscaping of parking areas.
- 8.4.2 Buffer strips shall comply with Article III, Section 5.1.3 of the Town of Hampton Falls Zoning Ordinance, as amended. Where appropriate, existing growth must be incorporated into the buffer strips or landscaping design. Buffer strips shall contain vegetation which will screen the view from adjacent residential property during all seasons.
- 8.4.3 A landscaping plan shall be submitted and approved, showing locations and types of vegetation to be retained or established.
- 8.4.4 All outdoor storage areas, loading areas and trash receptacles shall be located or screened and fenced to prevent visibility from public roads, parking areas, or neighboring properties. The manner of waste disposal shall be specified, and the site plan shall show the location of all waste disposal facilities.
- 8.4.5 Parking areas shall be landscaped according to the following design standards in order to break up the visual expansiveness of parking lots and to reduce glare and heat:
 - 8.4.5.1 Parking areas shall be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjacent properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.
 - 8.4.5.2 A minimum of five percent of the interior of a parking area, excluding the required buffer areas, shall be landscaped with shade trees, low shrubs and/or groundwater.

8.4.5.3 A continuous landscape strip shall be provided between every four rows of parking. The strip shall be a minimum of eight (8) feet in width to accommodate low hedge and shade trees.

8.4.5.4 Within the interior of the parking lot, landscaping shall be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques shall be used to further direct the flow of both vehicular and pedestrian traffic within the site.

8.4.5.5 Landscaping plans shall use trees with groundcover or low shrubs as the primary landscape material within parking lots and avoid tall shrubs or low-branching trees that will restrict visibility.

8.5 Snow Storage

Provision shall be made to store snow accumulation during the winter months and such provisions shall be shown on the site plan.

8.6 Stormwater Drainage

8.6.1 An adequate surface stormwater drainage system shall be provided. Storm drainage shall be carried to existing water courses or connect to existing drainage ways. No new drainage ways shall be created unless necessary easements are obtained by the applicant. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines unless it is to be within an existing approved public storm drainage system.

8.6.2 Storm sewers and drainage facilities must be based upon a design flow with a minimum return interval of a 10-year/24-hour storm. Retention structures, such as holding ponds, sedimentation ponds, etc., must be designed to 50-year/24-hour storm standards, in accordance with the guidance document, Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas of New Hampshire, prepared by the USDA Soil Conservation Service, as amended.

8.7 Sidewalks

Sidewalks must be provided for pedestrian traffic to permit passageways between the main entrance of business, housing or industrial establishments and parking areas. All such sidewalks must be at least six inches (6") above grade and protected by curbing. The design must include means for access by handicapped persons.

8.8 Illumination

8.8.1 All outdoor lighting shall minimize the spillover of light onto adjacent property or onto public highways or streets. Such lighting shall be down shielded to prevent any emission above a horizontal plane.

8.8.2 Fixtures and locations must be approved by the Board.

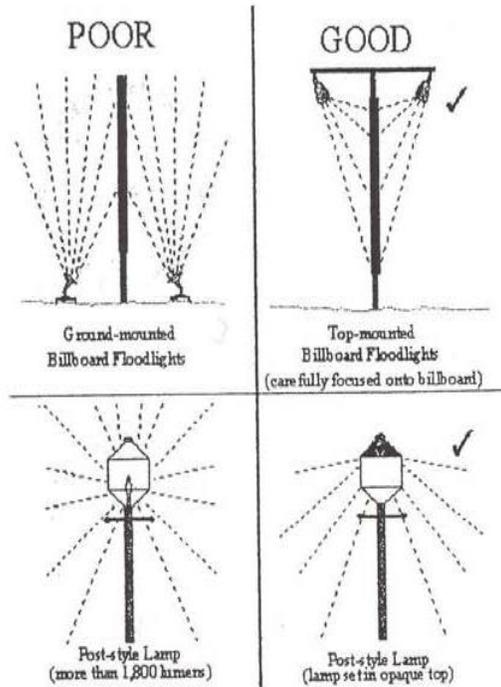
8.8.3 Illuminated signs, including neon or tubular signs, shall be permitted in "BDS, BDN and TCD Districts." No moving, flashing or animated light signs are permitted, except as temporary seasonal holiday decorations. **(Amended November 2017)**

8.8.4 Seasonal holiday lighting and illumination of the American and state flags shall be exempt, providing that such lighting does not produce glare onto public highways or streets or onto

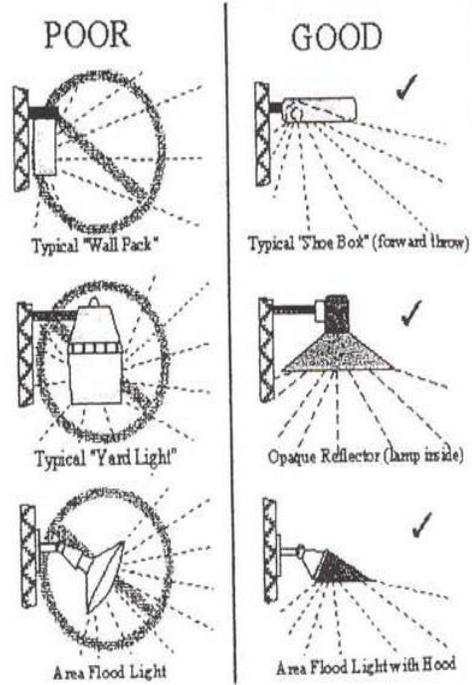
neighboring properties.

8.8.5 Installations existing prior to the enactment of this regulation are exempt from its requirements. However, any changes to an existing lighting system, fixture replacements or any grandfathered lighting system that is moved, must meet these standards.

EXAMPLES OF SOME COMMON LIGHTING FIXTURES



EXAMPLES OF SOME COMMON LIGHTING FIXTURES



8.9 Construction Standards

Construction of improvements shall also comply with and be inspected pursuant to the requirements of "Hampton Falls Building Code".

ARTICLE IX - SUPPLEMENTARY REGULATIONS

9.1 Water and Sewer Service

In areas of the town where municipal water and sewer service is not provided, water supply and sewage disposal system must be sized to meet the needs of the proposed use. Percolation tests and design of disposal systems shall comply with requirements of Building Code, Section 7.1.3.

9.2 Industrial Site Development Plans

An application for an industrial use shall conform to these Regulations and Article XI, Section 3.3.2 of the Town of Hampton Falls Zoning Ordinance.

9.3 Inspections

- 9.3.1 The Town Engineer may inspect all site improvements.
- 9.3.2 The applicant shall pay the cost of the Board's employment of said engineer and the cost of any inspector(s) and test(s) deemed necessary by the Board or the engineer.
- 9.3.3 A letter certifying to the applicant's concession to the employment of said engineer shall be filled with the Board as part of the site plan review.

9.4 Special Flood Hazard Areas

All site plan proposals governed by these Regulations having lands identified as Special Flood Hazard Areas in the current effective "Flood Insurance Study for Rockingham County, N.H." and on associated Flood Insurance Rate Maps, as amended, shall meet the following requirements: **(Amended December 15, 2020)**

- 9.4.1 Site plan proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.
- 9.4.2 All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.
- 9.4.3 Adequate drainage shall be provided to reduce exposure to flood hazards.
- 9.4.4 New and replacement water systems (including on-site systems) shall be located, designed and constructed to minimize infiltration and avoid impairment.
- 9.4.5 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.
- 9.4.6 On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 9.4.7 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the N.H. Department of Environmental Services and submit copies of such notification to the Bureau. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained. **(Amended December 15, 2020)**
- 9.4.8 Site plans shall include base flood elevation data. **(Amended December 15, 2020)**

9.5 As-built Drawings

Prior to the issuance of a Certificate of Occupancy, or Release or Reduction of the Bond, the applicant shall have prepared by a competent surveyor or engineer an "as-built plan" representing the details of the final site/subdivision plan. It will be reviewed by the Town Engineer to ensure compliance with the approved plan. Three prints of this information shall be submitted to the Board. The Board shall decide whether any differences from the approved plan are sufficiently material as to require a re-submission of portions or all of the project plans to the Board under these regulations or any part thereof. **(Amended April 2022)**

9.6 Encourage underground utilities whenever possible. **(Adopted November 2018)**

ARTICLE X - STATE DEALER'S LICENSE REQUIREMENTS

10.1 Definition of Dealer

Any site or storage of or display of three or more registered or unregistered motor vehicles. OHRV, utility vehicles, trailers, RV's, boats or construction equipment for wholesale or retail sales shall be considered a dealer and subject to Site Plan Review Regulations.

10.2 Site Plan Requirements for Dealers

All dealerships shall conform to the following requirements to obtain Board approval as required to obtain State of New Hampshire Dealer's License.

10.2.1 Each site shall be approved for only one dealer's license.

10.2.2 Each site shall be considered as a separate dealership and shall conform to site plan requirements.

10.2.3 Each site shall have one building that shall maintain a minimum of twelve hundred (1,200) square feet of inside storage devoted to vehicle use only and shall conform to the current Town of Hampton Falls Building Code and N.H. Department of Environmental Service rules for floor drains and storage of waste oils, antifreeze solutions and other hazardous materials.

10.2.4 Each site shall have display parking for a minimum of twenty-five (25) vehicles in addition to normal parking requirements needed for buildings on site, as specified in the zoning ordinance. Display parking spaces do not have to have adjacent access to an aisle (i.e., they can be stacked parking) and must be a minimum of eight feet (8') wide and eighteen feet (18') long.

10.2.5 Each site shall maintain an on-site area for loading and unloading of vehicles that are delivered via transport.

ARTICLE XI - ADMINISTRATION AND ENFORCEMENT

11.1 Certificate of Occupancy Permit (Adopted April 2007)

It shall be unlawful and subject to penalty for persons to use or occupy, or permit the use of or occupancy of, any land, structure, or part thereof, created, erected, changed, converted or altered in its use until a Certificate of Occupancy Permit is used by the Building Inspector stating that the proposed use of the land and/or construction or addition to any structure(s) conform(s) to the requirements of all applicable Town regulations. A Certificate of Occupancy Permit shall not be required for the normal repair or redecorating of any structure(s). However, any structure that has had extensive electrical or plumbing renovations must obtain a Certificate of Occupancy Permit from the Building Inspector before use of occupation.

11.2 General

These Regulations shall be administered by the Board with the assistance of the Building Inspector, Town Engineer, planning board agent and such other persons as the Board shall designate. It shall

be the duty of the Board of Selectmen to enforce these Regulations. The Selectmen in enforcing these Regulations shall act upon complaints from the public or information from the Board, Building Inspector, Town Engineer, planning board agent or others and shall, whenever practicable, take such action as is necessary.

11.3 Appeals

Any person aggrieved by any decision of the Board concerning a plat or subdivision may appeal such decision to the Superior Court, as provided by RSA 677:15.

11.4 Amendments

The Board may from time to time amend these regulations. Amendments to the Site Plan Regulations shall include the following steps:

11.4.1 The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.

11.4.2 Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in Town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.

11.4.3 The Board may adopt the amendments upon completion of the public hearing by an affirmative vote of a majority of its members.

11.4.4 Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Board members and filed with the Town Clerk. A copy of the regulations and/or amendments shall be forwarded to the Office of State Planning.

11.5 Fines and Penalties

Any violation of these regulations shall be punishable as per RSA 676:17, 17-a and 17-b, as the Board of Selectmen shall elect. The Board shall also have the authority to seek injunctive relief pursuant to RSA 676:15.

11.6 Waiver Procedure

11.6.1 When a proposed site plan 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 reasons in writing why the waiver is needed.

11.6.2 The 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 effect of nullifying the intent and purposes of these Regulations; and further provided that the Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case. Such waivers will be entertained and acted upon by the Board only at a property noticed public hearing.

11.7 Conflicting Provisions

Where these Regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

11.8 Validity

If any section or part of section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or paragraph of these Regulations.

11.9 Effective Date

These revised regulations are effective as of December 15, 2020, on which day they have been filed with the Hampton Falls Town Clerk.

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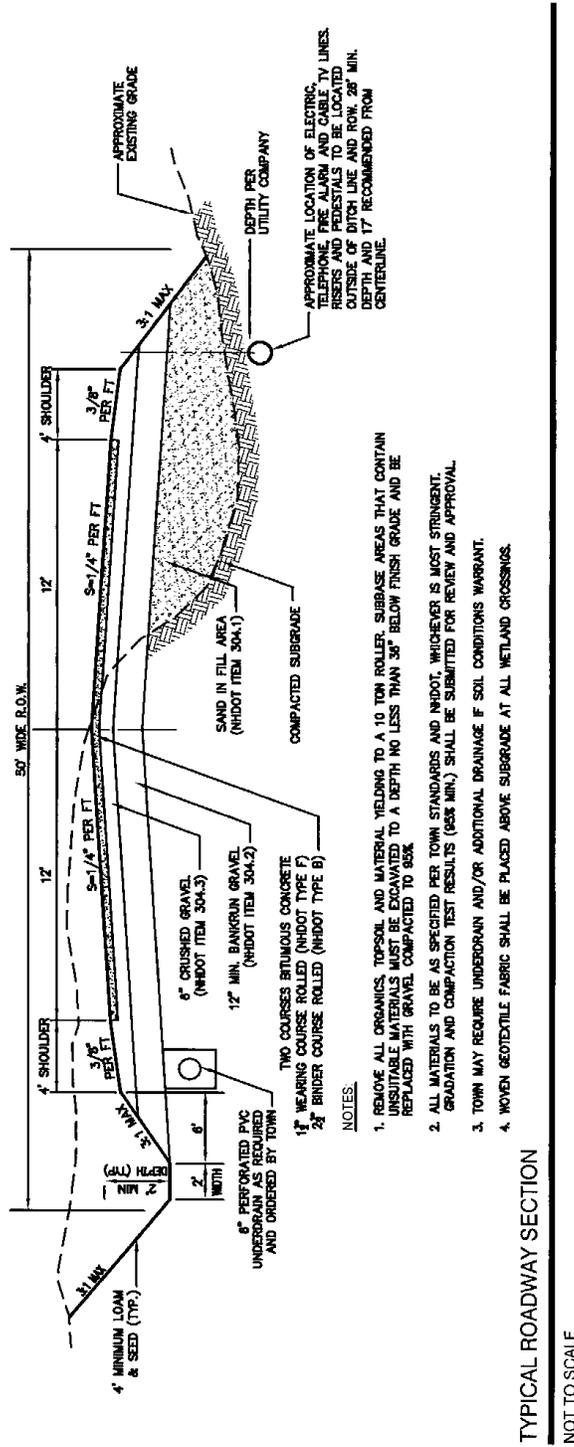
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APPENDIX I

ROAD DESIGN DIAGRAM



APPENDIX II

SCHEDULE OF FEES

(ADOPTED March 2023)

1. Subdivision Regulation*

1.1	Application Processing Fee	\$250.00
1.2	Newspaper Notice	Actual Cost
1.3	Abutter Notices – certified mail, including landowner, applicant and others as required by statute	\$5.00 per notice, plus postage
1.4	Per lot or housing unit fee - based on the final number of lots approved	\$125.00 per lot or housing unit
1.5	Technical/Assessment/Legal Review or Other special studies (See Subdivision Reg. Section 5.9.2.2 for required pre-funding)	Actual Cost
1.6	Recording and Filing Fee	\$35.00 plus Registry of Deeds fees
1.7	Tax Map and Record Changes Fee	\$15.00 per lot

** Design Review only 1.1, 1.2, and 1.3 are required***2. Lot Line Adjustments**

2.1	Application Processing Fee	\$150.00 for first 2 lots, plus \$75 each additional lot
2.2	Newspaper Notice	Actual Cost
2.3	Abutter Notices – certified mail, including landowner, applicant and others as required by statute	\$5.00 per notice, plus postage
2.4	Recording and Filing Fee	\$35.00 plus Registry of Deeds fees
2.5	Technical/Assessment/Legal Review or other special studies (See Subdivision Reg. Section 5.9.2.2 for required pre-funding)	Actual Cost

3. Scenic Road Alteration Permits

3.1	Application Processing Fee	\$100.00
3.2	Newspaper Notices (two required by statute)	Actual Cost
3.3	Abutter Notices – certified mail (including landowner & applicant)	\$5.00 per notice, plus postage

4. Wetland Special Use Permit

4.1	Application Processing Fee	\$150.00 plus actual costs
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4.2	Newspaper Notice	Actual Cost
4.3	Technical/Assessment/Legal Review or other Special studies (See Subdivision Reg. Section 5.9.2.2 for Required pre-funding.	Actual Cost
5.	Site Plan Review**	
5.1	Application Processing Fee	\$250.00
5.2	Newspaper Notice	Actual Cost
5.3	Abutter Notices – certified mail, including landowner, applicant and others as required by statute	\$5.00 per notice, plus postage
5.4	Hearing Fee	
	5.4.1 Site Plans with no new structures or additions to existing structures	\$100.00
	5.4.2 Site Plans involving new structures or additions to existing structures	\$25.00 per 1,000 square foot of new area
5.5	Technical/Assessment/Legal Review or other special studies (see Site Plan Reg. Section 5.8.2.2 for required pre-funding)	Actual Cost
5.6	Record and Filing Fee	\$35.00 plus Registry of Deeds fees:
5.7	Bed and Breakfast	See Section 6.7
5.8	Tax Map and Record Charge	\$15.00 per lot
	** Design Review only 5.1, 5.2 and 5.3 are required.	
6.	Conditional Use Permit	
6.1	Application Processing Fee	\$150.00

General Notes

1. If two approvals are needed and are applied for simultaneously (example, lot line adjustment and subdivision) certain fees such as newspaper or abutters notices may be reduced.
2. Questions to or general correspondence with the RPC Circuit Rider is done at no fee.
3. Plan review is required before the application is considered for acceptance of jurisdiction.
4. Informal, conceptual or preliminary consultations do not require fees and are non-binding upon the Board and the Applicant.
5. All fees or other charges are required to be prepaid (or pre-funded) and failure to do so may result in the application being denied or not being processed.

LISTING OF DESIGN GUIDELINES APPENDICES III THROUGH VII

APPENDIX III - Design Guidelines: Town Common District

APPENDIX IV – Design Guidelines: Business District North & Business District South

APPENDIX V – Design Guidelines for Landscaping: Business District North, Business District South and Town Common District

APPENDIX VI - Design Guidelines for General Site Planning: Business District North, Business District South and Town Common District

APPENDIX VII - Design Guidelines for Accessory Dwelling Units