

Chapter 22A

SITE PLAN REVIEW REGULATIONS

City of Somersworth
New Hampshire

Adopted by the Somersworth Planning Board
September 15, 2010

Last Updated November 15, 2023

Site Plan Review Regulation Amendments

Amended February 15, 2012:

Section 11.17 Stormwater Management-delete section in its entirety and replace with new Section 11.17 titled “Low Impact Development (LID) Stormwater Regulations”.

Amended June 15, 2016:

Section 4 Site Review Technical Committee-change membership by adding the Director of Public Works and Utilities and removing the representative from the Conservation Commission.

Amended September 20, 2017:

Various amendments and formatting changes throughout the document. Changes are footnoted as 1.

Amended June 19, 2019:

Section 11.4 Vehicular Circulation and Parking, incorporation of the Downtown Special Parking District and addition of the Historic Millyard criteria from the Zoning Ordinance Regulations.

Amended February 17, 2021:

Add new Section 9. Formal Application Procedure for Conditional Use Permit and move the Riparian and Wetland Buffer District Conditional Use Permit Site Plan Requirements from the Zoning Ordinance to the Site Plan Review Regulations.

Amended June 16, 2021:

Section 12.17 Low Impact Development renamed ‘Stormwater Regulations’ and updated, new Section 12.18 ‘Post Construction Stormwater Management’ and renumbered Third Party Review as 12.19

Amended April 20, 2022:

Section 15. Modifications to an Approved Site Plan regarding outdoor seating.

Amended January 18, 2023

Section 12.4.a: Electrical vehicle charging stations.

Amended May 17, 2023

Section 12.17.xiii.2 Stormwater Regulations – Assurances for completion and maintenance of improvements – pollutant tracking information submission

Amended November 15, 2023

Section 13.1 Assurances for Completion and Maintenance of Improvements - to include performance bonds as an acceptable performance surety consistent with the Subdivision Regulations and revise to have Director of Planning and Community Development as the reviewer in place of City Engineer

Site Plan Review Regulations

Table of Contents

Section 1. AUTHORITY	5
Section 2. APPLICABILITY	5
Section 3. PURPOSE	5
Section 4. SITE REVIEW TECHNICAL COMMITTEE	6
Section 5. PRELIMINARY CONCEPTUAL REVIEW OF APPLICATIONS	6
Section 6. MINOR SITE PLAN APPLICATIONS	6
Section 7. FORMAL APPLICATION PROCEDURE FOR A MINOR SITE PLAN	7
Section 8. FORMAL APPLICATION PROCEDURE FOR A MAJOR SITE PLAN	8
Section 9. FORMAL APPLICATION PROCEDURE FOR A CONDITIONAL USE	9
Section 10. SPECIFICATIONS FOR PLANS AND DOCUMENTS TO BE SUBMITTED	10
Section 11. EVALUATION CRITERIA	12
Section 12. DESIGN STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS	13
1. GENERAL	13
2. MONUMENTS	13
3. UTILITIES	13
4. VEHICULAR CIRCULATION AND PARKING	14
5. STREETS, DRIVEWAYS AND SIDEWALKS	26
6. LANDSCAPING DESIGN STANDARDS	27
7. APPEARANCE STANDARDS	33
8. SITE LIGHTING	35
9. ENVIRONMENTAL	35
10. PARK AND RECREATION AREA	37
11. SCHOOL AVAILABILITY (Residential Projects)	37
12. FIRE PROTECTION	37
13. WATER SYSTEM	38
14. SEWERAGE SYSTEM	38
15. AMERICANS WITH DISABILITIES ACT (ADA)	39
16. CONFORMANCE WITH THE CITY'S MASTER PLAN	39
17. STORMWATER REGULATIONS	39
18. POST CONSTRUCTION STORMWATER MANAGEMENT	46
19. THIRD PARTY REVIEW ¹	47
Section 13. ASSURANCES FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS	47
1. GENERAL	47
2. INSPECTIONS	48
3. AS-BUILT PLANS	50
Section 14 ADMINISTRATION AND ENFORCEMENT	50
1. AMENDMENTS	50
2. CONDITIONS:	50
3. SAVINGS PROVISION:	51
4. INTERPRETATION:	51
5. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS:	51

6. SEPARABILITY:	51
7. WAIVERS	52
8. BOARD ACTION	52
9. ENFORCEMENT; FAILURE TO COMPLY WITH ORDER; VIOLATIONS AND PENALTY.....	53
Section 15. MODIFICATIONS TO AN APPROVED SITE PLAN	54
Section 16. FEE SCHEDULE.....	55
Section 17 DEFINITIONS.....	55
EXHIBIT A.....	57
GUIDELINES FOR OFF-STREET PARKING REQUIREMENTS	57
FOR NON-RESIDENTIAL LAND USES	57
EXHIBIT B	59
RECOMMENDED NATIVE TREES	59
RECOMMENDED NATIVE SHRUBS.....	60
EXHIBIT C.....	62
NOTES ON NATIVE TREES AND SHRUBS AND THEIR USE IN LANDSCAPING - PLANTS TO BE AVOIDED	62
EXHIBIT D.....	64
SAMPLE IRREVOCABLE LETTER OF CREDIT FORM	64

Section 1. AUTHORITY

In accordance with New Hampshire Revised Statutes Annotated (NH RSA) Chapter 674:43-44, as the same may be subsequently amended, the City of Somersworth Planning Board hereby adopts the following Site Plan Review regulations.

Section 2. APPLICABILITY

Site plans shall be submitted for site review prior to the development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structures containing more than two dwelling units, whether or not such development includes a subdivision or re-subdivision of the site.

The following projects are exempted from site review under these regulations, however they must be approved in writing by the City Planner or their designee. The City Planner or their designee may apply any and all requirements of these regulations and utilize the Plan Review Committee process. Exceptions to this requirement include:¹

1. Interior changes of use under 5,000 square feet of gross floor area. At the discretion of the City Planner, if determined that the proposed use is more intensive and results in impacts to the health, safety, welfare and property values of abutters and residents in the immediate neighborhood or results in the need for additional infrastructure than the previous use, the change of use must be reviewed by the SRTC or Planning Board, as applicable.
2. Accessory structures, stationary equipment, and buildings provided that the total gross square footage of the footprint addition does not exceed five hundred (500) square feet.
3. Clearing and stumping, regrading and/or alteration of natural or man-made drainage, total area of alteration up to 10,000 square feet. Public Works review of drainage is required.

Section 3. PURPOSE

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:
 - a. Inadequate drainage or conditions conducive to flooding of the property or that of another;
 - b. Inadequate protection for the quality of groundwater;
 - c. Undesirable and preventable elements of pollution such as noise, smoke, soot, particles, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties;
 - d. Inadequate provision for fire safety, prevention, and control;
2. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
3. Provide for open spaces and green spaces of adequate proportions;

4. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
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;
6. Encourage development that is consistent with the goals and objectives of the Somersworth Master Plan;
7. Support non-vehicular means of access to developments;
8. Require preliminary review of Site Plans;
9. Require innovative land use controls on lands when supported by the Master Plan;
10. Require that 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,
11. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

Section 4. SITE REVIEW TECHNICAL COMMITTEE

The Site Review Technical Committee (SRTC) is hereby established to assist and advise the Planning Board in reviewing, and in the case of Minor Site Plans, approving, conditionally approving or disapproving, Site Plans. The SRTC shall be composed of the Director of Planning and Community Development (who shall act as the Chair), the Police Chief (or their designee), the Fire Chief (or their designee), the Code Enforcement Officer, the Director of Public Works and Utilities (or their designee), a representative from the Division of Water (designated by the Director of Public Works and Utilities), and a representative from the Planning Board (designated by the Planning Board Chair). In the case of Minor Site Plan review, the representatives from the Planning Board shall act only as advisory, non-voting member.

Section 5. PRELIMINARY CONCEPTUAL REVIEW OF APPLICATIONS

An applicant may submit a written request, accompanied by the appropriate fee, to the Planning Board for preliminary conceptual review. Preliminary conceptual review of Site Plans shall follow the procedures as set forth in NH RSA 676:4 II, as the same may be subsequently amended. The fee for such review shall be determined by the Fee Schedule in Section 15.

Section 6. MINOR SITE PLAN APPLICATIONS

In accordance with NH RSA 674:43 III, as the same may be subsequently amended, the Site Review Technical Committee (SRTC) is hereby empowered with the Site Review powers and duties relative to Minor Site Plan applications, as defined below. The SRTC shall have final authority to approve, conditionally approve, or disapprove Site Plans reviewed by it. The decision of the SRTC, however, may be appealed to the full Planning Board

provided that the notice of the appeal is filed within twenty (20) days of the SRTC's decision.

A Minor Site Plan application shall be defined as one which includes:

1. Building additions of ten percent (10%) or less of the existing gross floor area to the side or rear of a building provided that the increase in gross floor area does not exceed five thousand (5,000) square feet and/or the total building after the addition does not exceed fifteen thousand (15,000) square feet of gross floor area.¹
2. New paving or graveling of existing greenspace of up 5,000 square feet.¹
3. Changes of use of up to 10,000 gross square feet of floor area.¹
4. No waiver requests.
5. No conditional use permits.¹

Other Site Plan applications shall be considered major and shall go through the full Planning Board review process. At the discretion of the SRTC, any Minor Site Plan application which the SRTC considers to have the potential for significant impact or which contains multiple uses may be referred to the full Planning Board for review and action.

Section 7. FORMAL APPLICATION PROCEDURE FOR A MINOR SITE PLAN

1. One original, signed, complete application with cover letter citing the anticipated SRTC meeting, appropriate fees, one complete set of folded plans, architectural plans, utility plans and one copy of any reports, cost estimates, studies, or other documents required for review and eight copies of application and complete sets of folded plans.¹
2. Upon receipt of a complete application for a Minor Site Plan review it shall be forwarded to the SRTC for review at a public hearing with notice as provided in NH RSA 676:4, as the same may be subsequently amended. The SRTC shall begin formal consideration of the application within thirty (30) days after submission of a completed application.
3. The SRTC will only consider completed applications. A completed application for Minor Site Plan review is one in which shall:
 - a. Be made on forms available at the Department of Development Services;
 - b. Be accompanied by the correct fee amount to be determined in accordance with the Fee Schedule in Section 15;
 - c. Include a completed Site Plan Review Checklist available at the Department of Development Services;
 - d. Be accompanied by a list of abutting property owners in accordance with RSA 672:3 as the same may be subsequently amended and a list of indirect abutters that lie within two hundred feet of the subject parcel;
 - e. Include information sufficient to determine whether the development complies with the Zoning Ordinance;
 - f. For Major Site Plan Applications, include written requests for waivers, if any, in accordance with Section 13;

- g. Be accompanied by a description of the project that includes proposed stages or phases and a general timeframe for completion of the improvements;
- h. Include full sets of plans in a number determined by the Division of Economic Development and Planning;
- i. Be accompanied by all documents required in Section 9 and Section 11;
- j. Be accompanied by all State and local permits and approvals as required;
- k. A copy of the most recent deed(s) on each lot(s) proposed for development;
- l. Be accompanied by any other exhibits or data that the Site Review Technical Committee or Planning Board may require in order to adequately evaluate the proposed development;
- m. Include escrow for review and administrative costs in sufficient amount determined by the Division of Economic Development and Planning. Escrow accounts shall be periodically reviewed by the City Planner to ensure that sufficient funds are available to cover all review and administrative costs. Additional escrow shall be provided as needed;
- n. If applicable, include all requirements set forth in Section 13 Riparian and Wetland Buffer Ordinance of the Zoning Ordinance;
- o. If applicable, include a copy of any existing easements, deed restrictions, covenants, or other encumbrances on the land;
- p. If applicable, include a draft copy of all proposed easements, deed restrictions, covenants, or other proposed encumbrances on the land;
- q. Include the professional seal/stamp of the preparer and any other professional verifying features shown on the Site Plan such as, but not limited to, soils, wetland and riparian buffers, and boundary markers;
- r. Be signed by the property owner or the owner's agent. If an agent signs the application, an affidavit authorizing the agent to act on the owner's behalf shall be submitted with the application; and,
- s. Include the number of current employees and, if applicable, the number of employees being added as a result of the proposed development.

Section 8. FORMAL APPLICATION PROCEDURE FOR A MAJOR SITE PLAN

1. Prior to formal submission of an application for Major Site Plan review, the applicant shall meet with the SRTC. Said meeting(s) shall serve to assist the applicant in preparing a development proposal that technically conforms to all pertinent ordinances and regulations.
2. After meeting with the SRTC, an owner of land, which is subject to these regulations, or his/her agent, shall file a completed application with the Planning Board for review pursuant to these regulations. SRTC may review this formal submittal one more time prior to scheduling the Planning Board to review the application completeness.¹
3. Upon receipt of a completed Site Plan application and written comments from the SRTC, the Planning Board shall, within thirty (30) days, place the item on its agenda for a public hearing. A completed application, sufficient to invoke jurisdiction of the Board shall be submitted to and accepted by the Board only at a public meeting of the

Board, with notice as provided in NH RSA 676:4, as the same may be subsequently amended.

4. It is the responsibility of the applicant to provide technical information and expertise sufficient for evaluation of the proposal. The Planning Board or SRTC may also request technical assistance in any field or input from City officials, boards, committees, or commissions. In the event that said technical assistance requires remuneration, the applicant shall be responsible for such cost.
5. The Board shall only consider complete applications. A complete application for Major Site Plan review is one which shall include all items required for submission of a Minor Site Plan.

Section 9. FORMAL APPLICATION PROCEDURE FOR A CONDITIONAL USE

1. Riparian and Wetland Buffer District Conditional Use Permit

- a. For all development proposed within the Riparian and Wetland Buffer District pursuant to Section 13 of the Somersworth Zoning Ordinance, a site plan shall be submitted and include an informative, conceptual, and schematic representation of the proposed activity by means of maps, graphs, charts, or other written or drawn documents so as to enable the Planning Board an opportunity to make a reasonably informed decision regarding the proposed activity.
- b. All plans submitted and prepared for recording and all right-of-way plans shall clearly show:
 - i. A location or vicinity map;
 - ii. The scale of plans should be 1"=50' to 1"=100' scale to provide sufficient detail of the project site and its features;
 - iii. Field delineated and surveyed streams, springs, seeps, bodies of water, and wetlands (include a minimum of 200 feet into adjacent properties) with the direction of flow shown;
 - iv. Field delineated and surveyed riparian and wetland buffers, with plans signed and stamped by a certified wetland scientist and a licensed professional surveyor;
 - v. Limits of the 100-year floodplain
 - vi. High intensity soil maps mapped in accordance with the SOCIETY OF SOIL SCIENTISTS OF NORTHERN NEW ENGLAND "Site-Specific Soil Mapping Standards for New Hampshire Vermont" dated 2006 of the site area;
 - vii. Slopes greater than 20 percent as measured over a ten-foot interval for all lands within the Riparian and Wetland Buffer District;
 - viii. A narrative of the species and distribution of existing vegetation within the buffer.
 - ix. Location of all temporary and permanent erosion control including stump berms and silt sox. Silt fence and hay bales are not permitted as erosion control in the Riparian and wetlands buffer.

- c. For all projects approved under a Conditional Use Permit, signs shall be placed at the end of the vegetated buffer. Those signs shall be provided by the City at the cost of the applicant.

Section 10. SPECIFICATIONS FOR PLANS AND DOCUMENTS TO BE SUBMITTED

1. Prior to review by the Planning Board, the applicant shall file copies of the Site Plan in a sheet size determined by the Division of Economic Development and Planning and supporting documents and studies in a number specified by the Department of Development Services. The Site Plan, at a minimum, shall include:
 - a. A Title Block including:
 - i. identification title of project;
 - ii. name and address of property owner, and that of the agent, if applicable;
 - iii. the date the plan was prepared and the date and description of subsequent revisions;
 - iv. scale of the plan not to exceed 1" = 50';
 - v. names, addresses and seal of the preparer of the plans, if applicable;
 - b. North arrow;
 - c. Scale bar;
 - d. Location Plan with a 3000' radius of the site to the surrounding area, which shall show:
 - i. property lines of the parcel to be developed;
 - ii names and locations of existing adjacent City streets including the nearest intersection of said streets;
 - iii. names and locations of existing watercourses and waterbodies;
 - iv. zoning district designations and boundaries;
 - e. Exact dimensions and size (in square feet) of the parcel(s);
 - f. Names of current abutters;
 - g. All notes from the plan;
 - h. Existing Conditions including the location, layout and use of existing buildings and structures on the site and on abutting properties; the location and layout of existing driveways, curb cuts, parking lot and loading areas, including the total number of parking spaces; the presence of municipal and non-municipal utilities which currently serve the site, and the location of wells and subsurface waste disposal systems if not served by municipal water and sanitary sewer systems; The location, size and invert elevations of existing storm sewers including all manholes, catch basins and culverts, Wetlands located in accordance with the delineation requirements cited in the Zoning Ordinance. Existing natural features including vegetation, rock outcrops, and surface waterbodies and courses;¹
 - i. Existing zoning districts and special overlay districts, district boundaries, and a list of the applicable zoning provisions including the setback regulations;

- j. A list of all variances and/or special exceptions granted by the Zoning Board of Adjustment for the subject parcel and the dates granted;
- k. Proposed grade contours (two-foot intervals). Upon request contours delineating the existing surface shall be extended one hundred (100) feet beyond the limits of the project site and shall be related to the United States Geological Survey provided that the benchmarks exist within one-half (1/2) mile of the boundary of the project site;
- l. Identification and classification of the extent and type of soils using the USDA Soil Conservation system, specifically identifying those soils recognized as poorly or very poorly drained;
- m. Location of existing stone walls;
- n. Location of natural features such as water courses, flood areas, wetlands, rock outcropping, and other essential physical features; natural features to be preserved shall be identified on plan. Wetlands and riparian buffer areas shall be clearly delineated on the plans and quantified;
- o. Location of existing and proposed treelines;
- p. Identification and species of existing trees with greater than a 12" caliper;
- q. Location, dimensions, square-footage, proposed use, and floor elevation of existing and proposed buildings. Existing buildings should be identified as such;
- r. Locations and dimensions of parking and loading areas, access points and roadway right-of-ways;
- s. Location and description of any known environmental hazards;
- t. Locations, dimensions and materials of pedestrian access ways;
- u. Locations and dimensions of all existing and proposed easements and right-of-ways;
- v. Locations, dimensions, details, and materials of all existing and proposed water, including hydrants and sanitary sewerage systems, with all necessary engineering data;
- w. Locations, dimensions, details, and materials of all existing and proposed stormwater management practices with all necessary engineering data;
- x. The location and dimensions of all other public service connections including gas lines, power lines, telephone lines and fire alarm connections and locations, indicating whether overhead or underground;
- y. Type and locations of existing and proposed solid waste disposal systems;
- z. A landscape plan showing the location, types and sizes of plantings and screenings;
- aa. The location, type and specifications of existing and proposed outdoor lighting, including street lighting and security lighting;
- bb. The location, size and design of proposed signs and other advertising or instructional devices;
- cc. Colored architectural elevations of all sides of the proposed structure(s) shall accompany each Site Plan and/or colored photographs of all sides of existing structures; and,
- dd. A Boundary Plan stamped by a Licensed Land Surveyor.

2. Traffic Study per 22.A.12.4¹
3. Drainage Study per 22.A.12.17¹
4. Draft Condominium documents, if applicable¹
5. Draft easements, if applicable¹

Section 11. EVALUATION CRITERIA

The following factors shall be considered by the Planning Board or Site Review Technical Committee prior to its approval, conditional approval, or disapproval of a Site Plan application.

1. The application shall be complete as submitted and shall provide adequate information for evaluation of the proposed site development.
2. The site development shall comply with all City ordinances and codes.
3. The site proposal shall provide adequate, reliable water supply sources and sewage disposal facilities or lines.
4. Water flow and the location of fire hydrants, alarms, firewalls, sprinkler systems and other devices or systems shall be adequate for satisfactory fire protection.
5. The site development shall provide adequate storm water sewers or provisions for surface drainage such that adjoining properties shall not be damaged by displacement or runoff of water.
6. The site development shall provide adequate protection for neighboring properties against fire, noise, explosion, glare, odor, air pollution, hazardous waste, or other objectionable features or nuisances.
7. The site development shall provide adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise/air pollution buffers.
8. The site development shall not result in loss of important natural or historical site features that could be avoided or minimized by modification of the Site Plan.
9. The site development shall not be subject to an unacceptable probability of flooding that could result in loss of life or property nor shall it divert or increase floodwaters so as to endanger public health and/or safety.
10. The proposed volume and arrangement of vehicular and pedestrian traffic flow, including but not limited to parking areas, intersections, roads or driveways, and traffic controls shall not create an unacceptable increase in safety hazards and traffic congestion.
11. The site development shall not result in unacceptable overcrowding in the Somersworth school system.
12. The site development shall provide needed recreational facilities that can reasonably be provided on the site.
13. The site development shall not result in an unacceptable burden on municipal solid waste disposal facilities, public safety services, or any other municipal services.

Section 12. DESIGN STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS

1. GENERAL

- a. Approval of Improvements: All improvements shall be designed and constructed in accordance with the City of Somersworth regulations and standards and shall be subject to approval of the Planning Board.
- b. Installation and Maintenance: The applicant is responsible for the satisfactory installation of all improvements and for the maintenance of these improvements in a satisfactory condition without cost to the City.
- c. Standards and Specifications: In addition to the requirements established herein, all developments shall comply with the following laws, rules, and regulations for the design, construction, and maintenance of all improvements unless stated otherwise in these regulations:
 - i. All applicable statutory provisions and all rules and regulations promulgated in accordance with such provisions;
 - ii. Zoning Ordinance, Building, Housing, and Life Safety Codes, Subdivision Regulations, specifications of the Engineering Department, and all other applicable ordinances and/or regulations of the City of Somersworth; and,
 - iii. The Master Plan and Capital Improvement Program of the City.

2. MONUMENTS

- a. The applicant shall be required to show and label all monuments. If no monuments are found or if some monuments do not exist, the applicant shall be required to set monuments in accordance with the following:
 - i. Monuments shall be placed no more than 1000' apart in any straight line, and at all corners, at the beginning and end of all curves and at all angle points.
 - ii. Monuments abutting a public right of way shall be made of stone and shall be 4" x 4" x 36" (minimum). All other monuments shall be 1" diameter iron pipe at least 30" in length or a drill hole set in an existing stone wall. Each iron pipe shall have an ID cap identifying the surveyor and the date set.
 - iii. A note shall be placed on the Site Plan indicating that all monuments have been set in accordance with these regulations. Any monuments that are not set prior to Planning Board, or SRTC approval in the case of Minor Site Plans, may be bonded as part of the conditions of approval and shall be marked on the plans as "to be set".

3. UTILITIES

- a. The applicant shall show the location and size of all underground and overhead non-municipal utilities. The location of all manholes, transformer poles and other appurtenant facilities or structures shall be shown. Non-municipal utilities shall include but shall not be limited to:
 - i. Gas;

- ii. Electric;
- iii. Telephone;
- iv. Cable Television
- b. All proposed utilities shall be placed underground and shall be located a minimum of seventeen (17) feet off the centerline of the roadway pavement. Utilities shall be located as not to conflict with roadside drainage systems or landscaping.
- c. Any development or land disturbance proposed within an existing utility easement shall be forwarded to the appropriate utility for review and written approval.

4. VEHICULAR CIRCULATION AND PARKING

- a. Number of Spaces
 - i. For residential developments, off-street parking shall be provided as follows (except for the downtown portion of the Business District and the Historic Mill District): 2 paved spaces per dwelling unit.
 - ii. DOWNTOWN SPECIAL PARKING OVERLAY DISTRICT -
The Downtown Special Parking Overlay District encompasses an area of downtown where the build out pattern is traditionally characterized by a high volume of vehicular trips, a dense and connective fabric of buildings and a dynamic, ever-changing mix of uses. This volume of vehicular trips generates high parking demand and is typically characterized by 1-3 hour multipurpose vehicle trips. Sufficient and reasonably convenient parking in the special parking district area should be provided through joint public and private efforts on a block and/or district level.
 - 1. Within the Downtown Special Parking Overlay District, all development and changes in use shall be exempt from the off-street parking requirements of this article because public parking is provided for the uses in this district
 - iii. HISTORIC MILL YARD DISTRICT
 - 1. In the Historic Mill Yard District, a minimum of 1.5 parking spaces per residential dwelling unit shall be provided on the lot which they are required to serve.
 - 2. New or changing commercial uses shall be evaluated in terms of changes in the demand for onsite parking. Proposed changes which decrease demand shall be permitted. Proposed changes which increase demand shall be permitted only upon provision of additional parking spaces in an amount equal to the increase in parking demand. Such spaces may be provided by one or more of the following means:
 - a. Additional onsite parking spaces; or,

- b. Offsite, public parking spaces located within 500' of the property line. The Board may increase this distance to 1000' for parking spaces intended solely for employees and not customers, or
 - c. Credit for mutual use of parking areas. Where two abutting or adjacent principal uses operate at different time, the board may consider a reduction in the number of required spaces for such period as the uses co-exist.
- iv. **DOWNTOWN PORTION OF THE BUSINESS DISTRICT** – The “the “downtown portion of the Business District” extends from Indigo Hill Road to the most northerly point of said district along Winter Street. This area does not include the area of the Special Parking Overlay District. The area to the south of Indigo Hill Road and the area along Tri City Road shall not be considered part of the “downtown portion of the Business District”.
 - 1. For residential developments, off-street parking shall be 2 paved spaces per dwelling unit
 - 2. Commercial uses shall provide parking identical to commercial uses in the Historic Mill Yard District above.
- v. **NON-RESIDENTIAL DEVELOPMENTS** - For non-residential developments, the parking standards shown in Exhibit A shall be used as a guideline. Applicants are encouraged to utilize less than the required parking spaces shown in Exhibit A as long as adequate information is submitted that supports less parking for the proposed development. Alternatively, proposals that include additional parking spaces than shown in Exhibit A shall be accompanied by a detailed, written explanation that describes the need for additional parking. Any additional parking spaces beyond the amount determined by Exhibit A shall incorporate Low Impact Development design features to the maximum extent practical given the site characteristics that include, but are not limited to, depth to the estimated average seasonal high-water table, soil classification, and topography. These features shall include but shall not be limited to porous asphalt, pervious concrete, grass pavers, bioretention systems, tree box filters, subsurface wetlands, and other Best Management Practices that promote infiltration.
 - 1. Shared parking is encouraged wherever feasible, and may be required if the Board deems it necessary to accomplish the purposes of this regulation. Shared parking may involve multiple uses on a single lot, or may involve multiple uses on two or more lots, provided that in all cases the uses are located within distances as prescribed in Section 11.4.a.ii.

2. All sites which provide on-site parking shall provide handicap parking spaces and accompanying access aisles in accordance with Federal law, in particular 23 CFR Part 36, Appendix A, Section 4.1.2(5) (See: Federal Register, Volume 56, M44, July 26, 1991).

a. The standards are summarized below:

TOTAL SPACES	PARKING	MINIMUM WHICH ARE ACCESSIBLE
1 to 25		1
26 to 50		2
51 to 75		3
76 to 100		4
101 to 150		5

- b. One in every eight handicap spaces, but not less than one, shall be designated as “van accessible” and shall be served by an 8’ access aisle.
 - c. Each handicap space shall be identified with pavement markings and a sign. Van accessible spaces shall require an additional sign to indicate that it is van accessible.
 - d. The applicant may be allowed to utilize nearby on-street or other public parking for part or all of the required parking for the site. A parking plan must be prepared for the Board to document the suitability of such allowance. The Board shall consider other uses and buildings in the area to determine if the use of public parking does not negatively affect nearby properties.
- b. Parking Lot Design Standards
- i. Parking stalls and aisle widths shall comply with the following standards:
 1. Parking stalls shall be large enough to fully contain a rectangle 9’ wide by 18’ long. Where the spaces are located parallel to the travel aisles, the length shall be increased to 22 feet.¹
 2. Handicap parking stalls shall be large enough to fully contain a rectangle 8’ wide by 20’ long. Parked vehicle overhangs up to a maximum of 2’ may be used to satisfy the 20’ long requirement but this overhang shall not reduce the clear width of an accessible route to less than 36”. All handicap parking stalls shall be served by a parallel access aisle, which shall be a minimum of 5’ wide for standard

handicap spaces and 8' wide for van accessible spaces. Adjacent spaces may share an access aisle.

3. For two-way traffic, aisle width shall be at right angles to the aisle and shall be a minimum of 24' in width. Aisles widths greater than 24' will be accompanied by a written explanation as to why the additional width is necessary.
4. For one-way traffic, aisle width shall be related to the angle of parking spaces, as follows (aisle widths greater than the width shown below will be accompanied by a written explanation as to why the additional width is necessary):

PARKING ANGLE	 AISLE WIDTH
45 Degrees	12'
60 Degrees	16'
75 Degrees	22'
90 Degrees	24'

- ii. In any lot, not more than two aisles shall run generally parallel to one another without separation by a traffic control island which runs parallel to and the full length of the aisles. The Board may require additional traffic control islands to prevent or correct traffic safety problems. These islands shall be a minimum of 10' in width to accommodate trees and other landscaping which will break up the monotony of the paved area and will provide shade for parked cars in the summer.
- iii. The parking lot design shall be such that:
 1. All parking spaces can be accessed safely from the aisles, with particular care taken to ensure that spaces near the end of an aisle have sufficient room for backing and turning, as such that cars will not back into a roadway or interfere with traffic entering or exiting the site; and,
 2. Entrances and exits shall provide some channelizing storage space so that cars entering the lot to park do not end up in queues out in the roadway.
- iv. Granite curbing shall be provided wherever curbing is proposed and shall be provided as necessary to control traffic and direct drainage. This may be waived if it is found that sloped bituminous curbing would better accommodate wildlife crossings in riparian areas.¹
- v. Adequate directional signage shall be in compliance with the current edition of the Manual on Uniform Traffic Control Devices (MUTCD), published by the U.S. Department of Transportation and as amended by the NH Department of Transportation.
- vi. All parking lots, driveways, and aisles shall be paved.
- vii. Except in the Historic Mill and downtown portion of the Business district as defined in Section 11.4.a.ii above, paved areas shall be

allowed to be placed into one half (1/2) the width of the required setback as set forth in the Zoning Ordinance or 15 feet, whichever is greater.

viii. Mitigation for the impact of parking lots.

1. A minimum percentage of the overall interior area of a parking lot (as measured by the exterior perimeter) shall be dedicated to landscaped islands (to be included on the landscape plans) that shall include a combination of ground cover, shrubbery, and trees, as appropriate, as follows:
 - a. 10% on parking lots located between the principal building and an adjacent public roadway;
 - b. 8% on parking lots located on the side of the principal building, set back from the front boundary line at least even with the front of the principal building.
 - c. 5% on parking lots located to the rear of the principal building and largely obscured from public right-of-ways. The Board may require additional landscaping in rear parking areas that are visible from a public right-of-way.
2. Landscaping within parking areas shall provide visual and climatic relief from broad expanses of pavement and shall be designed to channel and define logical areas for pedestrian and vehicular circulation.
3. Internal parking lot landscaping, as required by item 1, above, shall contain one deciduous shade tree for every 15 parking spaces. Trees shall be distributed throughout the parking lot as evenly as possible. Trees shall be set back at least 5 feet minimum from the face of the curb. Tree placement and parking lot lighting shall not conflict. Interior parking lot landscaping may be waived in truck parking areas provided they are screened with perimeter plantings, as described in items 5-7 below.
4. All landscaped areas shall be protected from encroachment of vehicles by curbing, landscaping timbers, curb stops, or other acceptable means. The Board recognizes that this may not be feasible in certain situations where innovative drainage schemes are being proposed and may waive this requirement at the Board's discretion.
5. Shade trees shall be provided around the perimeter of all parking areas at a minimum ratio of 1 tree per 20 feet of parking lot perimeter. In portions of parking areas where screening is required, shade trees shall be provided along the perimeter at a minimum ratio of 1 tree per 50 feet of parking lot perimeter in addition to the required screening.

Trees may be clustered or grouped, if desired, as long as clusters/groups are not more than 75 feet apart.

6. All off-street parking areas located at the front or side of principal buildings or on vacant lots shall be screened from the public right-of-way with appropriate screening to provide at least 50% vertical opacity on average up to a height of 3-1/2 feet above grade, excluding sight distance areas at vehicular entrances and exits. If vegetation is used, a hedge should be planted which is reasonably expected to reach this opacity and height within one year. If non-vegetative materials are used, appropriate ground cover, shrubs, and trees shall be planted (or retained) within the front area to soften the development.
 7. Screening from residences: All off-street parking areas shall be screened from abutting residences or vacant lots in Residential zoning districts located at the side or rear of the property with a wall, fence, vegetation or other means which provides at least 75% vertical opacity up to a height of six (6) feet above grade. If vegetation is used a hedge should be planted which is reasonably expected to reach this opacity and height within one year.
- c. Loading Facilities – All non-residential sites shall provide off-street loading facilities sufficient to meet the needs of the use. The loading facility shall be located and designed so that delivery vehicles can be parked completely out of the right-of-way to minimize adverse impacts on traffic flow on adjacent streets. The loading area shall not obstruct on-site traffic flow, but may allow for temporary alternative use of a reasonable number of on-site parking spaces. Loading bays shall be placed to the side or rear of buildings. No loading space or bay shall be located within the buffer yard.¹
- d. Traffic Impact
- i. All projects shall provide a report meeting the requirements outlined for a “short” traffic impact analysis. If any of the following conditions apply, then a “full” traffic impact analysis must be provided:
 1. Trip generation exceeding 1,000 average daily trips or 100 peak hour trips. Peak hour is defined as *any* of the following:
 - a. AM peak hour (7-9)
 - b. PM peak hour (4-6)
 - c. Saturday midday peak hour (11 a.m. to 1 p.m.). Only applies to retail uses.

- d. Peak hour generation for certain land uses (e.g. school, movie theater) if it falls outside the three previously listed periods.
 - e. The SRTC or Planning Board determines that a full analysis is warranted given the circumstances of the proposal.
 - ii. “Short” analyses shall include the following information:
 - 1. Description of the site: A brief narrative of the character of the site and adjacent properties, including land uses and other pertinent facts.
 - 2. Description of Roadways: A brief narrative of the study area roadway facilities, including the number of lanes, speed limit, major intersections, and locations of existing driveways. A description of pedestrian amenities such as sidewalks, crosswalks, and handicap ramps should also be completed.
 - 3. Site Distance: Measurements shall be provided for each driveway. A comparison of the available sight distance at each study intersection with City of Somersworth standards shall be included.
 - 4. Trip Generation: In all cases, the analysis shall include trip generation based upon the latest edition of the ITE Trip Generation Handbook. Where the applicant feels the ITE trip generation is not representative of the proposed development, justification must be provided for alternative trip generation methodology. If counts are performed to determine trip generation rates, the applicant must conduct two separate counts and provide full details of the count locations, including the size of the facility, percent occupancy, location, adjacent road Average Daily Traffic (ADT), time, and date of count.
 - 5. Trip Distribution: At the “short” analysis level, trip distribution shall be described in a report that demonstrates knowledge of area-wide land uses, roadway facilities, and predominant traffic flows by time of day. The analysis shall contain a percentage distribution of trips (by direction) to the adjacent roadway facilities and any relevant assumptions. All assumptions made shall be outlined, with justification, in the report.
 - 6. The report shall be stamped by a professional engineer.
 - iii. “Full” analyses shall include the following information:
 - 1. The applicant shall meet with the Division of Economic Development and Planning to confirm the study area and study area requirements.

2. General Requirements: All information described in the “short” analysis must also be contained in the “full” analysis.
3. Existing Traffic Counts: In no case shall existing traffic counts used in the analysis be more than two years old (from date of count to date of analysis submittal). If a significant change (e.g., new roadway or development) has occurred within the last two years, the City Planner and/or the Director of Public Works and Utilities can, at their discretion, require that new counts be conducted. Traffic counts shall include information on date, time, day of week, and name of the firm or individual who performed the counts. Traffic counts shall be seasonally adjusted to average and peak conditions.
4. Design year traffic projection:
 - a. The applicant shall obtain a list from the City of Somersworth containing all proposed developments permitted to date within the study area. The traffic generated by these projects shall be added to the no-build and build analyses. Additionally, the background growth rate should be determined based upon information obtained from the NH Department of Transportation or the Strafford Regional Planning Commission. The calculated background growth rate should be completely documented and included in the study for review.
 - b. Trip Generation: Traffic projection for trip generation growth is described in the “short” analysis section.
 - c. Trip Distribution: The applicant shall provide justification for the assumed trip distribution. The trip distribution methodology should be representative of the type of development. Data may be obtained from employee zip code analysis, studies of similar sites, analysis of ADT on adjacent roadways, US Census journey to work and home-based work/non-work trips, or other sources. Graphic presentation shall be provided showing 1) peak hour trips added by the development, and 2) study area peak hour traffic volumes under each of the following scenarios:
 - i. Existing conditions;
 - ii. Existing conditions with proposed development;
 - iii. No build for design year; and,

- iv. Build for design year.
- d. Peak Hour Capacity Analysis: Capacity analysis is to be performed at all study intersections (including driveways) using the most current Highway Capacity Manual Level of Service methodology for signalized and unsignalized intersections. Each of the four scenarios listed above must be analyzed at a minimum. A gap acceptance analysis should be provided in the case of adjustment to the default critical gap in the capacity analysis.
- e. Safety Analysis: Accident data for the roadways and intersections included in the study area shall be obtained from the Somersworth Police Department. Accident history for the three most recent years available shall be summarized and compared to the Statewide or National rates established for the corresponding facility type (e.g., rural two-lane highway, urban arterial, etc.).
- f. Trucks: The location of loading docks and/or delivery drop-off areas shall be given in the analysis. The estimated frequency of trucks by time of day shall be provided when the number of daily truck trips exceeds 30 percent of the ADT on any roadway in the study area.
- g. Parking: There should be a defined correlation between estimated trip generation and parking space requirements. The proposal shall contain a comparison of daily and peak hour trip generation estimates to the number of proposed parking spaces on site.
- h. Narrative: Discussion of the following shall be provided:
 - i. Travel safety characteristics of any streets substantially impacted by allowing the “build” alternative, considering such things as sight distance limitations, width limitations, horizontal or vertical alignment deficiencies, and surface conditions;
 - ii. Streetside safety of any streets substantially impacted, considering such things as the amount and type of development along such streets, presence of sidewalks, vehicle speeds, and any outstanding limitations in sight distance or road configuration;

- iii. Impact on pedestrian safety and convenience; and,
- iv. Noise impact on residential premises.

- i. Mitigation: Any mitigating measures proposed shall be described in detail and included in the analysis. It is imperative that the applicants identify improvements to intersections even if they don't fund them fully. Transportation Demand Management (TDM), non-vehicular transportation and mass transit should be strongly considered as mitigating strategies.

iv. Standards

- 1. If not more severely limited under other provisions of other laws or regulations, the absolute increase in calculated intersection delay, under "build" conditions, shall be no more than 10-20 seconds.
- 2. Average daily traffic volumes shall not be increased by more than one-third above the "no-build" level on any street.

v. Procedure

- 1. Applicants shall contact the City Planner early in the project design regarding the scoping of any traffic studies, including consideration of the study area boundary, the definition of "alternative" where involved, and the type of mitigation, if any, which are likely to prove appropriate.
- 2. Impact studies shall be submitted at the time of application for Site Plan review, to allow review prior to the public hearing or meeting at which the project will be presented to the Planning Board.
- 3. No projects shall create a significant reduction in the level of service of affected public roads. Mitigation measures shall be provided as needed.
- 4. Traffic control signals and signs, turning lanes, pavement widening, eliminating certain turning movements, and other improvements may be required as determined necessary and practical by the Site Review Technical Committee or the Planning Board.
- 5. Driveways shall have an all-season safety sight distance as required in the Transportation and Traffic Engineering Handout (Second Edition, Institute of Transportation Engineers, Prentice-Hall, Englewood Cliffs, NJ 1982, pages 590-3), and the requirements of RSA 236:13 III (B) and (C).

vi. Pedestrian, Bicycle, and transit amenities

- 1. Pedestrian

- a. All sites shall have sidewalks from the main entrance to the sidewalk and to parking area(s) as applicable.
- b. In large parking lots with multiple aisles, driving aisles shall be oriented generally perpendicular to the building to reduce the number of traffic aisles which pedestrians must cross to reach the building. Sidewalks in the middle of aisles may be required if appropriate.
- c. Residential developments of eight or more dwelling units shall provide safe and direct access (generally via sidewalk) from structures to existing sidewalks or public areas.

2. Bicycle

- a. All sites shall provide lockable bicycle parking/storage. The number of bicycles which must be facilitated shall equal not less than 5% of the site parking demand as calculated in Section 11.4, but shall not be less than two.
- b. All non-residential sites with 20,000 square feet or more of floor space may at the discretion of the Planning Board reduce the provision of on-site parking by 5% by providing shower facilities and bicycle parking/storage for employees choosing to bicycle to work.

3. Transit

- a. If a transit stop is located within 500 feet of the site, the Board may grant up to a 10% reduction in the provision of on-site parking of the newly developed site.
- b. Any site which contains 25 or more residences or 10,000 square feet or more of non-residential floor space (or for smaller proposals as determined necessary by the Planning Board) shall contact COAST management in writing to determine if facilities or design provisions to accommodate transit service to the site are necessary now and in the near future. Future expectations shall be based on adopted capital and operations plans for COAST and the Seacoast Metropolitan Planning Organization. The applicant shall request that COAST respond in writing and this document shall be provided to the Planning Board. The applicant shall provide such needed facilities and design changes, and shall receive the parking reduction granted in Section 11.4.d.vi.2.

- vii. Electrical Vehicle (EV) Charging Stations – New developments with parking lots and garages must meet the following:

Number of Off-Street Parking Spaces:	Minimum Number of EV Charging Parking Spaces:
25 or Fewer	1
26 to 75	2
76-125	3
Over 125	4 (or more)

1. A parking space with an EV charging station shall count as two parking spaces for the purpose of complying with a minimum parking space requirement but may not reduce total required parking by more than 10 percent.
2. For parking spaces containing an EV CHARGING STATION, the following minimum criteria shall be apply:
 - a. Electric vehicle supply equipment (EVSE) and dedicated charging spaces.
 - b. For parking spaces containing an EVSE, the following minimum criteria shall apply:
 - i. EVSE shall be maintained by the property owner. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
 - ii. The placement of EVSE shall not interfere with adjacent pedestrian circulation areas, such as sidewalks or accessible routes to the building entrance.
 - iii. Directional signs shall be installed at the parking lot entrance and at other appropriate points to effectively guide motorists to the EV charging stations.
 - iv. Each EV charging station is required to including the following:
 1. EVSE that meets the most current infrastructure codes and standards, referenced by the US Department of Energy, used for electric vehicle and infrastructure projects.
 2. Signage that includes, but is not limited to, the following information:
 - a. Indicating the space is only for EV charging purposes.
 - b. Day and hours of operations if time limits or tow-away provisions are to be enforced.
 - c. Voltage and amperage levels and any time of use, fees and important safety instructions.
 - v. Adequate site lighting, unless charging is for daytime purposes only.

vi. Shelters for outdoor charging stations are encouraged to provide added convenience for users.

vii. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/ parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting EVCS that are not being used according to posted rules.

(Added 1/18/23)

5. STREETS, DRIVEWAYS AND SIDEWALKS

a. General: All sites shall have adequate provisions for a safe and suitable access to a Class V or better road. Where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said street shall be provided for. Where traffic from a proposed site will adversely impact an adjacent street or intersection, provisions shall be made for the mitigation of said impacts. If new streets are to be built as part of a Site Plan (e.g., for a multi-family residential Site Plan), then the design and submission requirements of such streets shall comply with the Somersworth Subdivision Regulations.

b. Driveways:

- i. Driveway widths and right-turn radii shall comply with the standards set forth by the Department of Public Works and Utilities in the City's Construction Standards Ordinance, Section 12.7 Driveways.¹When a proposed driveway is located on a State road, the applicant is also responsible for obtaining the approval and necessary permits from the NHDOT. The applicant shall submit a copy of the permit to the City Planner and the permit number shall be shown on the plan.
- ii. Access points shall not be located closer than 75 feet from intersecting streets.
- iii. Proposed and existing driveways that are upgraded as part of a Site Plan development shall be constructed to the structural section standards as follows: 1" wearing course, 2" base course, 6" crushed gravel, 12" bank run gravel.
- iv. Sight Distance. The minimum sight distance shall be as set forth in the Somersworth Subdivision Regulations (unless otherwise required by the NHDOT as part of a State Driveway Permit). Proper visibility easements shall be provided to meet the sight distance requirements.
- v. The applicant is responsible for obtaining a driveway permit from the City Engineer, or NHDOT if applicable, prior to commencing construction.
- vi. All access shall be designed to accommodate prospective traffic and meet requirements of the Zoning Ordinance and any additional requirements of the SRTC or Planning Board.
- vii. Where the existing configuration of properties and driveways in the vicinity of the site precludes spacing of a driveway in

accordance with #iii above, the Planning Board may require that one, or a combination of the following methods be utilized:

1. Joint-use driveways: Wherever feasible, the Planning Board may require a joint-use driveway serving two abutting properties, with appropriate cross-access easements provided.
2. Driveway closings: The property owner may be required to close and eliminate pre-existing driveways, if any, on the project site at the discretion of the Planning Board after approval of a new driveway.

c. Sidewalks:

- i. The Board shall require the construction of sidewalks for pedestrian access to schools, parks, shopping areas and transit stops. Sidewalks shall be constructed on at least one side of all existing streets that abut, or proposed streets within, the subject property.¹ In Commercial and Industrial districts sidewalks may be required on both sides of the street. In residential districts sidewalks may be required on one side of the street. Construction of sidewalks shall be in accordance with the Somersworth Subdivision Regulations.
- ii. In the case of a sidewalk waiver the Board may require an offsite exaction per RSA 674:21.V.j to pay for sidewalks, crosswalks, or pedestrian signals necessitated by development but located outside the boundaries of the property.¹

6. LANDSCAPING DESIGN STANDARDS

- a. In addition to the purpose set forth in Section 3, the purpose of these landscaping design standards are to:
 - i. Preserve and enhance the character of Somersworth's landscape.
 - ii. Enhance the goals of the Master Plan and the Zoning Ordinance and provide attractive settings for redeveloped and newly developed sites.
 - iii. Preserve and enhance local and regional open space resources.
 - iv. Support and encourage the use of sustainable design principles and operating practices that preserve and enhance wildlife habitats, water quality, and the overall health of the natural environment.
 - v. Encourage the use of indigenous plant material to provide natural habitat and food sources and to maintain ecological and biological diversity.
 - vi. Maintain a high-quality image of the public and publicly viewed areas within Somersworth.
 - vii. Maintain high property values for present and future development.
- b. General Requirements
 - i. Landscaping shall be conceived in a total pattern throughout the site, integrating the various elements of site design and preserving

- and enhancing the natural and scenic qualities of the site.
- ii. All required landscaping shall be located entirely within the lot, unless agreements have been made with the City for landscaping in the public right-of-way.
 - iii. Landscaping shall include a combination of trees, shrubs, and ground covers. The use of additional landscaping materials such as rocks, water, sculpture, art, walls, fences and street furniture are encouraged where appropriate.
 - iv. Native plants shall be used in appropriate locations, such that individual plants are selected for their ability to thrive in or adapt to the particular soil and light conditions. For a list of recommended plant species, see Exhibit B.
 - v. Under no circumstances shall any plants be used that are recognized by the horticultural or agricultural industries as invasive, whether they are native or exotic (non-native). For a list of known invasive plants, see Exhibit C: *Notes on Native Trees and Shrubs and Their Use in Landscaping*.
 - vi. All plant material shall have minimum winter hardiness for Zone 5B as determined by the American Standards for Nursery Stock.
 - vii. All tags identifying the species shall remain on the plantings until a permanent Certificate of Occupancy is issued;
 - viii. All trees, shrubs, and plants shall not create such growth as to interfere with water and sewer lines, underground utilities or sidewalks and walkways.
 - ix. All vegetation shall be planted, and staked if applicable, in accordance with accepted horticultural standards.
 - x. Minimum sizes for plant material shall be as follows:
 1. Deciduous shade trees: three (3) inch caliper.
 2. Deciduous ornamental trees: two (2) inch caliper.
 3. Evergreen trees: six (6) foot height.
 - xi. Landscaping shall be laid out in informal drifts rather than formal rows and shall undulate with site topography. Individual clusters of trees or islands of shrub beds are acceptable as long as the tree clusters and/or shrub islands overlap. Linear solutions shall be avoided wherever possible, unless existing landscaping is so arranged.
 - xii. The applicant may request that the Planning Board determine that existing vegetation is suitably located, sufficiently visually impervious, and vigorous enough to be substituted for landscaping material required by these regulations.
 - xiii. Plant material located within 20 feet of any road or other paved area shall consist of species recognized by the nursery, horticultural and botanical industries as being tolerant of roadway deicing salts.
 - xiv. Landscaping requirements for parking lots are located in Section 11.4.b.viii.
 - xv. Landscaping shall be maintained in good condition, and any dead

vegetation shall be replaced within one year. Dead vegetation shall be replaced with the same plant material unless written permission from the City Planner is received. The City Planner shall allow substitutions if it is determined that the dead vegetation was unsuitable for the soil and light conditions, or has been designated as an invasive species, or has become susceptible to disease or other factors that support a change in plant material.

- xvi. Landscaping shall be designed and maintained as not to interfere with interior traffic patterns.
- xvii. Landscaping shall be designed and maintained as not to obstruct permitted signage on adjacent properties.
- xviii. No person shall deface, alter the location of, or remove any stonewall which was made for the purpose of marking the boundary or borders of any road in the City of Somersworth, except upon written consent of the Planning Board with written comments from the Historic District Commission. This provision may be waived by the Planning Board upon determination that the removal of the stonewall, or portion thereof, is the minimum necessary to accommodate access to the site and no other feasible alternatives exist to provide adequate access to the site.
- xix. Landscaping shall be designed as not to interfere with sight distances at driveways.
- xx. All areas which are disturbed as a result of development and which are not covered with pavement, structures, or landscaping as provided in this and other applicable sections, shall provide a minimum of four inches of screened (3/4" screen or less) loam and seeded in accordance with the manufacture's recommendation.
- xxi. Landscaping of all cut and fills and/or terraces shall be sufficient to prevent erosion and all roadway slopes steeper than one foot (1') vertically to three feet (3') horizontally shall be planted with ground cover appropriate for soil conditions, water availability and prevention of soil erosion.

c. Preservation of Existing Vegetation

- i. Buildings, parking, loading docks, access roads, and other site elements shall be cited to preserve existing healthy, mature vegetation and maintain natural topography to the maximum extent feasible.
- ii. Healthy trees with a minimum 12-inch caliper, and existing wooded areas are recommended for preservation, particularly those trees located within setback areas where buildings cannot be constructed.
- iii. Construction activities and site alterations shall not disturb the root zone of the trees designated for preservation. During construction, the applicant shall install and maintain tree protection fencing, or other protective measures approved by the Planning Board, located twelve inches off the drip-line of the trees to be

protected. All no-cut zones shall be appropriately monumented and delineated on the Site Plan.

- iv. The applicant shall be responsible to replace any trees designated to remain, which have been damaged, killed, or removed as a result of construction activities. The Planning Board requires replacement in-kind, per caliper inch of deciduous trees and by height for evergreens. Two inch caliper deciduous trees and four foot tall evergreens shall be the minimum size used for replacement. For example, if a 24-inch caliper deciduous tree is damaged or killed during construction, the applicant shall replace the tree with six 4 inch caliper trees, or any other combination that adds up to 24 caliper inches. A 36-foot tall evergreen, for example shall be replaced with six 6 foot tall evergreen, or any other combination adding up to 36 feet.

d. Bufferyard Requirements

- i. Where a Commercial and/or Industrial development abuts either an Agricultural or Residential use or an Agricultural or Residential district, landscaped bufferyards shall be provided between uses or zoning districts.
- ii. Bufferyards between uses of varying intensity shall be required to eliminate or to minimize potential nuisances such as, but shall not be limited to, unsightly structures or parking areas, odor, emissions, noise, glare of lights, signs, dirt, and litter.
- iii. Bufferyards shall be located on the outer perimeter of a lot, extending to the lot boundary line, only where Commercial and/or Industrial development abuts either an agricultural or residential use or an agricultural or residential district.
- iv. A combination of the following four factors shall be used to develop each bufferyard required by this section:
 - 1. Width
 - 2. Plant material
 - 3. Plant density
 - 4. Topography
- v. The bufferyard design required for each boundary (or segment thereof) of a lot shall be determined by calculating the total number of points assigned to the development plan, pursuant to the following:

SIZE OF PARCEL	POINTS
Less than or equal to four (4) acres	+5
Greater than four (4) acres, less than and including twelve (12) acres	+15
Greater than twelve (12) acres	+20

USE VERSUS DISTRICT	POINTS
---------------------	--------

The subject property abuts an Agricultural or a Residential use.	+15
The subject property abuts an Agricultural or a Residential district.	+15

INTENSITY OF USE	POINTS
Commercial use	+10
Industrial use	+15
Multi-Family use, less than or equal to six (6) units	+5
Multi-Family use, greater than six (6) units	+10

HEIGHT OF BUILDING	POINTS
Less than or equal to twenty (20) feet	+5
Greater than twenty (20) feet	+10

The total number of gross points assigned to the development plan shall range from a minimum of twenty (20) to a maximum of sixty (60).

- vi. The total number of points assigned to a development project may be reduced by five (5) points if an earthen berm, either natural or created, which is a minimum of four (4) feet above the average grade along the property boundary, is included in the bufferyard area.
- vii. After the total number of net points of a development project are calculated, the bufferyard design and minimum building setbacks required for each boundary (or segment thereof) of a lot shall be according to the classes below:

NET POINTS ASSIGNED TO DEVELOPMENT	CLASS
From 41 to 55 points	A
From 21 to 40 points	B
20 points	C

viii. **CLASS A**

No structure, either temporary or permanent, shall be located closer than one hundred feet (100') to the property line. A landscaped strip at least fifty feet (50') wide shall be located between any paved area and the abutting property line(s), except where a driveway or other essential openings may be required.

The landscaping in the bufferyard area shall be designed by a landscape architect or arborist. The design of the bufferyard area shall consider site design, topography, soil types, drainage patterns, unique relationships to adjacent properties, existing natural vegetation and existing utilities. At a minimum, the landscaped bufferyard shall provide opaque screening between the ground level and six feet (6') above average lot grade at the time of

planting.

ix. CLASS B

No structure, either temporary or permanent, shall be located closer than fifty feet (50') to the property line. A landscaped strip at least thirty-five feet (35') wide shall be located between any paved area and the abutting property line(s), except where a driveway or other essential openings may be required. The landscaping in the bufferyard area shall be designed by a landscape architect or arborist. The design of the bufferyard area shall consider site design, topography, soil types, drainage patterns, unique relationships to adjacent properties, existing natural vegetation and existing utilities. At a minimum, the landscaped bufferyard shall provide opaque screening between the ground level and six feet (6') above average lot grade at the time of planting.

x. CLASS C

No structure, either temporary or permanent, shall be located closer than thirty feet (30') to the property line. A landscaped strip at least fifteen feet (15') wide shall be located between any paved area and the abutting property line(s), except where a driveway or other essential openings may be required. Landscaping shall consist of shade trees (twenty to thirty feet (20-30') in height) and shrubs and shall be complimented by suitable ground cover.

e. Landscape Plan

- i. A landscape plan shall be submitted with each application for Site Plan review. The plan shall indicate existing, as practical, and proposed trees, shrubs and ground covers, natural features such as rock outcroppings, and other landscape elements. The plan shall show where they are or will be located and planting and/or construction details.
- ii. The plan shall have the stamp of the landscape architect that prepared the plan.

f. Maintenance

- i. The owner of any lot shall be responsible for the maintenance of all landscaped open space, natural screens, and constructed screens within the lot. Landscaping shall be maintained in good condition such that planting shall be vigorous and in good health at all times and that the parcel shall present a healthy, neat, and orderly appearance, free from refuse and debris as long as the Site Plan remains valid. Any dead vegetation that is part of the approved landscaping design shall be replaced within one year from the date that the violation is noticed.
- ii. Landscaping shall be maintained so that it does not interfere with

sight distances at driveways.

- iii. The Planning Board, at its discretion, may require a landscape maintenance and water management plan. The maintenance plan shall include, but not be limited to the following:

1. Integrated Turf Management: mowing schedule, weed control, pest control, soil pH management, fertilizer plan, aeration/dethatching schedule, repair/replacement plan.
2. Shrub and Groundcover Management: mulch schedule, weed control, pruning where needed for visibility, preventative pest/disease management, repair/replacement plan.
3. Tree Management: mulch schedule, weed control, deadwood removal, pruning schedule, particularly for trees located next to walkways or roadways, fertilizing schedule, preventative pest/disease management, repair/replacement plan.
4. Water Systems Management: water source, system description, spring start-up, fall close-out, system testing schedule, repair/replacement plan. The applicant may install a permanent water supply system consisting of a sprinkler system and/or hose bibs placed at appropriate locations and intervals. Wherever possible, irrigation water shall be derived from sources other than the municipal water system, including “gray water,” re-used water, detained stormwater, roof drainage, or water from on-site wells. “Gray water” is water from sinks, showers, dishwashers, and washing machines. On-site cisterns may be installed to store water for irrigation.
5. Rodent Control: design preventative measures, operational preventative measures, monitoring, schedule, remediative action plan.
6. Seasonal Maintenance: spring clean-up plan, fall clean-up plan, disposal plans for leaves and plant debris, winter plowing plan, winter deicing plan.

7. APPEARANCE STANDARDS

a. General Criteria

- i. All existing natural and man-made features of the site shall be carefully considered for integration into overall site design.
- ii. The building’s orientation, setback, alignment with the street and relative spacing with other structures shall be considered in the overall design.
- iii. The reuse of existing structures that have special architectural or historical value and landscaping features with special natural value is encouraged as in an overall architectural theme for the site development.

b. Building Features and Materials

- i. New construction shall be compatible with traditional New England architectural design features, and surrounding properties in terms of design characteristics such as siding and roof material, height, massing, roof shapes, and window proportion.
- ii. Additional architectural treatment shall be provided for blank building facades, which are exposed to public view. This may consist of such treatment as varying wall setbacks, changing materials, colors and textures, creating window patterns, and using other architectural detailing. This treatment shall be dispersed throughout the façade to soften the structure and provide interesting visual detail.
- iii. No unclad masonry block construction or metal siding may be used when visible from any public space, adjacent residential areas, or roadways. In the Industrial zoning district, unclad masonry block construction or metal siding may be allowed by the Planning Board after consideration of the location and visibility of the proposed structure.
- iv. Long unbroken expanses of roofs shall be softened with the use of dormers, chimneys, parapets, or changes in the ridgeline.
- v. Subtle colors should be used on larger and very plain buildings, while smaller buildings with elaborate detailing can use more colors. Colors should reflect traditional New England colors with accenting trim work. Contrasting colors which accent architectural details and entrances are strongly encouraged.
- vi. Illuminated tubing (neon, LED, or similar material) shall not be used as a feature, trim, or accent area for buildings.
- vii. The use of EIFS (Exterior Insulation and Finish Systems) or stucco is strongly discouraged due to cracking and the difficulties associated with repair. However, in the event that the Planning Board allows this material to be used, its use shall be prohibited between the finished floor area or the bottom of the wall to a height of 8'. If EIFS or stucco is proposed above 8' high on the building, the installation details shall be provided for review and approval by the Planning Board.
- viii. All rooftop mechanical equipment shall be screened from view with either building walls or roof forms.
- ix. All exterior surfaces visible to the public shall be covered with a high-quality siding material that is durable and easy to maintain. The following building design features are acceptable, however other materials shall be considered only if they contribute as well to the aesthetics of the project. Any variation from the lists below shall be accompanied with a written explanation as to why the proposed alternative materials contribute as well to the aesthetics:
 1. Roofs
 - a. Steeply pitched, mansard (if flat), cupolas or

- towers;
 - b. Visually screened mechanical equipment;
 - c. Metal, copper or colored standing seam;
 - d. Shingle, asphalt, fiberglass or fire treated wood.
2. Walls
- a. Clapboards (wood painted or stained), vinyl, pvc, or fiber cement;
 - b. Red brick;
 - c. Granite, marble or stone (natural or finished).
3. Windows
- a. Multi-paned windows or groupings;
 - b. Butt joint or ribbon glass;
 - c. Etched, beveled, sandblasted or stained glass.
4. Trim
- a. Wood (painted or stained);
 - b. Anodized aluminum (color or natural);
 - c. Metal with baked-enamel finish;
 - d. PVC or fiber cement.

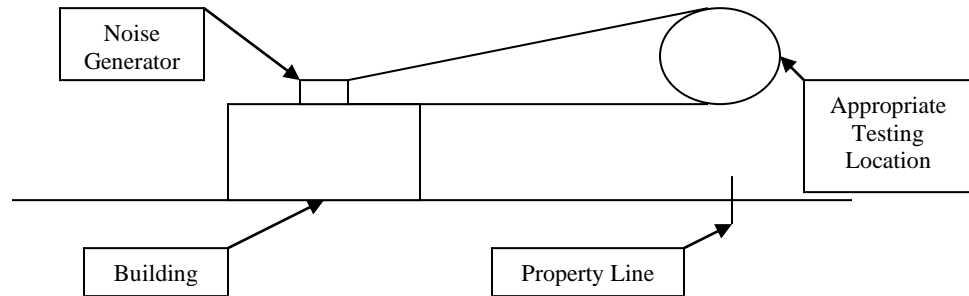
8. SITE LIGHTING

- a. All outdoor lighting (including security lights) shall be down lit and fully shielded so no direct light is visible from adjacent properties and roadways.
- b. Illumination levels at property boundaries shall not exceed 0.2 foot-candles for the receiving industrial or commercial properties and 0.1 foot-candles for receiving residential properties.¹
- c. All parking area lighting shall be equipped with a timer and shall shut off no later than 10 p.m. each day and remain off until the following evening. In the event that the business remains open after 10 p.m., the parking lot lighting shall shut off no later than one (1) hour after closing.
- d. All outdoor lighting shall be located onsite, and the mounting of outdoor lighting shall not exceed twenty feet (20') in height.
- e. Lighting fixtures shall be of an architectural design that reflects, and is consistent with, the design of the building and its environment.
- f. Up-lighting is prohibited except as allowed in the Lighting of Historic Structures. In that case, lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads, or skyward.¹

9. ENVIRONMENTAL

- a. Noise – in addition to any other regulations governing noise in the City, the following provisions shall apply to any Industrial or Commercial use:
 - i. Noise levels shall not exceed sixty (60) decibels (dBA) during the daytime (7 a.m. – 7 p.m.) and shall not exceed fifty-five (55) dBA during the nighttime (7 p.m. – 7 a.m.).

- ii. dBA measurements shall be taken at the property line, at least four feet above ground level, using a sound level meter meeting ANSI standards. If the generation of the noise is coming from rooftop equipment or another location, the City may determine that another testing location may better serve to accurately measure the level of sound leaving the property. For example, sound coming from rooftop equipment that is set back from the edge of the roof may require testing at the property line at the same height as the equipment generating the noise.



- iii. The Board may require an independent noise study to be performed at the applicant's expense if the Board is concerned that the limits sets forth above may be exceeded.
 - iv. Construction authorized by a building permit allows an increase to seventy-five (75) dBA during daytime hours only.
 - v. In the event that it is discovered that the noise levels from the use may exceed these requirements after a Certificate of Occupancy has been issued, the property owner shall be responsible to perform testing at the direction of the Code Enforcement Officer. If the results show that the noise limits are being exceeded, the property owner shall develop and implement a remediation plan to reduce the noise level within the limits set forth above within a reasonable time as determined by the Code Enforcement Officer.
- b. Nuisance Odor
 - i. Uses and activities that produce continuous, regular or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, may be prohibited in whole or in part, if the odor or emission in question is a known health risk or danger or if the City Planner judges such odor or emission to be harmful to the rights of others to enjoy their property(s).
 - c. Flood Hazard
 - i. Where applicable, projects shall comply with the Flood Plain District regulations of the Zoning Ordinance.
 - d. Water Bodies, Watercourses, and Wetlands
 - i. Where applicable, projects shall comply with the Riparian and Wetland Buffer regulations of the Zoning Ordinance.

e. Natural Features

- i. Unusual topographic features and scenic views shall be preserved wherever possible.
- ii. Trees and plant communities which are uncommon for this area, in size or species, shall be preserved in their natural condition wherever possible.
- iii. Habitats crucial to maintaining existing wildlife populations shall be preserved in their natural condition wherever possible (i.e. deeryards and vernal pools). The latest NH Wildlife Action Plan shall be used as a reference to aid in determining the possible location of these areas.

10. PARK AND RECREATION AREA

- a. Residential projects shall provide open space which is reasonably adapted for park and recreation purposes. Suitability of the private open space land shall be determined by taking into account such factors as size, shape, topography, geology, access and location (in reference to walking distances from various sections of the project).
- b. The area required for park and recreation purposes within each residential project shall be based on the ratio of half an acre per 100 units. At least one-half (1/2) of the required open space shall be provided in such a manner so as to afford active recreational opportunities. Active recreational opportunities shall include, but shall not be limited to, swimming pools, playgrounds, tennis courts, and ballfields.
- c. The area required for park and recreation purposes shall be exclusive of the building setbacks and buffer areas required by the Zoning Ordinance.

11. SCHOOL AVAILABILITY (Residential Projects)

- a. Information relative to the schools' availability shall be supplied by the applicant using the appropriate method and data outlined in The new Practitioner's Guide to Fiscal Impact Analysis, by Robert W. Burchell, David Listokin, and William R. Dolphin (1985: Rutgers, The State University of New Jersey), as hereafter updated.

12. FIRE PROTECTION

- a. Plans of all fire alarms, sprinkler systems, buildings, and access to structures, shall be reviewed and stamped by a Fire Protection Engineer to ensure all applicable Life Safety Codes are met.
- b. Plans shall note the methods of ongoing maintenance of fire hydrants as approved by the Fire Chief. At a minimum, the note shall include the requirement for periodic flushing, snow removal to maintain access, periodic cap removal, and controlling vegetation so as not to obstruct the hydrant.

13. WATER SYSTEM

- a. Structures shall be located within two hundred and fifty feet (250') of a fire hydrant (distance measured as usable, not as a straight line). Where not possible, the City may require that a new hydrant be installed at the applicant's expense.
- b. Fire hydrants shall be served by a minimum 8" main; hydrant branches shall be a minimum of 6".
- c. Fire hydrant flow test shall yield flow determined adequate by the Director of Public Works and Utilities.
- d. Size, flow rate, and pressure of water mains serving the project shall be determined adequate by the Director of Public Works and Utilities.
- e. Estimated municipal water demand of the project shall be provided in gallons per day (gpd).
- f. All proposed water systems shall, at a minimum, meet all applicable provisions of The City of Somersworth Water Ordinance, as the same may be subsequently amended. All proposed systems shall also meet or exceed any other State and Federal regulations.¹
- g. For any on-site system supplying 10,000 gpd or more, evidence presented by a qualified hydrologist shall be sufficient to reasonably conclude that there will be no adverse effect on other public or private groundwater source.
- h. Private wells require a permit approval from the State NHDES.¹

14. SEWERAGE SYSTEM

- a. Sewer lines on site shall be designed to handle estimated sewage generation at maximum development density allowed. Applicant shall submit background information that supports the calculation of the sewage generation at the maximum development density allowed as part of their site plan application.¹
- b. Existing sewer main or line into which the project will connect shall be capable of transporting the estimated maximum sewage generated with minimal effect on the system. Applicant shall submit evidence from a professional engineer that demonstrates the City's existing public sewer collection system is capable of handling the estimated maximum generated. If existing mains are inadequate, the applicant shall upgrade such mains or lines at no cost to the City provided the City Council approves such alteration of public facilities. Applicant shall be required to submit evidence from a professional engineer with specifications for the required upgrade.¹
- c. The Somersworth Wastewater Treatment Plant shall be capable of providing adequate treatment for the maximum volume of sewage generated by the project. The applicant shall submit background information that demonstrates that the Somersworth Wastewater Treatment Plant is capable of providing adequate treatment to meet the maximum volume of sewerage generated by the project. High volume users will be required to seek a special discharge permit with the NHDES.¹

- d. All proposed sewer systems shall, at a minimum, meet all applicable provisions of Chapter 8A Sewer Ordinance, as the same may be subsequently amended.
- e. Onsite disposal systems shall not adversely affect public or private groundwater sources of water supply.

15. AMERICANS WITH DISABILITIES ACT (ADA)

- a. All plans shall have a note that certifies that all aspects of the development comply with current ADA standards.
- b. All detectable warning panels (DWP's) shall be made of highly durable materials that withstand adverse weather conditions, plowing, and traffic. The color and/or material of DWP's shall be reviewed by the Planning Board to determine if they are consistent with other like equipment in the area and comply with ADA standards.
- c. All tip downs on sidewalks located in the City right-of-way or on a proposed public street shall be concrete.

16. CONFORMANCE WITH THE CITY'S MASTER PLAN

- a. All projects shall be reviewed by the Planning Board and SRTC for consistency with the City's adopted Master Plan.

17. STORMWATER REGULATIONS

- a. Requirements
 - i. Drainage calculations including drainage paths, time of concentration, soil cover and pre-development and post-developments peak flows shall be provided.
 - ii. Drainage report shall be stamped by a Professional Engineer licensed in the State of New Hampshire.
 - iii. A table comparing the pre-development and post-development peak flow rates shall be provided to demonstrate how the following conditions have been met:
 - 1. The 2-year, 24-hour post-development peak flow rate generated from the proposed disturbance meets one of the following:
 - a. The 2-year, 24-hour post-development peak flow rate shall be equal to or less than the 2-year, 24-hour pre-development peak flow rate and:
 - i. The 2-year, 24-hour post-development storm volume, directed to the nearest water body has not increased over the pre-development volume by more than 0.1 acre-feet;
 - ii. The 2-year, 24-hour post-development peak flow rate directed to the nearest water body is less than 2 cfs; or

- iii. The area directly discharges into a fourth order or greater river, a pond or lake greater than 10 acres, or tidal water.
 - b. The 2-year, 24-hour post-development peak flow rate shall be less than or equal to 50% of the 2-year, 24-hour pre-development peak flow rate; or
 - c. The 2-year, 24-hour post-development peak flow rate shall be less than or equal to the 1-year, 24-hour pre-development peak flow rate.
- 2. Post-development peak rates shall be equal to or less than the pre-development rates for the 10-year and 50-year, 24-hour events.
- 2.5 Post-development peak rates and volumes shall be modeled for the 100 year, 24-hour events. No infrastructure shall be designed for this storm but this modeling should be used to inform the property owner and the City about stormwater infrastructure performance in these super storms.¹
- 3. Disposal and transport of stormwater runoff into a public drainage system may be allowed only if the existing public system is capable of handling the anticipated volume. If such facilities are inadequate, the applicant may request to upgrade such facilities at their expense provided the City approves such alterations. All stormwater shall be adequately treated before being discharged into the public system.
- iv. For the proposed areas of disturbance, soil types shall be identified in accordance with one of the following:
 - 1. The Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 1, High Intensity Soil Maps for New Hampshire – Standards, September 2006.
 - 2. SSSNNE Special Publication No. 3, Site-Specific Soil Mapping Standards for New Hampshire and Vermont, December 2006.
- v. For all other areas that contribute runoff to the project site, soil types shall be identified in accordance with NRCS county-wide web soil survey as found at websoilsurvey.nrcs.usda.gov.
- vi. Groundwater Recharge shall be provided on site and shall meet the following:
 - 1. A required Groundwater Recharge Volume (GRV) shall be equal to the (new impervious area) * (groundwater recharge depth)

- a. Groundwater Recharge Depth is based on the underlying hydraulic soil group:
 - A = 0.40 inches
 - B = 0.25 inches
 - C = 0.10 inches
 - D = 0.00 inches
2. An infiltration BMP shall be designed to infiltrate the GRV.
3. Infiltration rates shall be determined by infield percolation testing or by using published NRCS soil infiltration rates (ksat) for the most restrictive layer in the area of the infiltration practice. For the purpose of designing the infiltration practice the infiltration rate shall be multiplied by 0.5.
4. The applicant shall demonstrate the ability to infiltrate by providing a 1-foot separation between the bottom of the practice and the underlying ledge or seasonal high groundwater elevation. Test pits shall be performed to determine the depth to ledge and the seasonal high groundwater elevation in the area of the proposed infiltration practice. A plan showing the test pit locations and findings shall be provided for review.
5. Stormwater shall be treated prior to discharging to the infiltration practice unless a 3-foot separation is provided between the ledge/seasonal high groundwater and the bottom of the practice.
6. All stormwater shall be pre-treated prior to discharging to the infiltration practice to prevent clogging.
7. Infiltration practices shall be sized to handle the 10-year, 24-hour storm event.
8. Groundwater recharge shall be prohibited in the following areas:
 - a. In a wetland area.
 - b. In groundwater protection areas where the stormwater comes from a high-load area.
 - c. In areas that are known to have contaminants in the groundwater above the ambient groundwater quality standards established in Env-Or 603.03 or in soils above site-specific soil standards developed pursuant to Env-Or 600.
 - d. In areas where the stormwater comes from areas where gasoline is dispensed or otherwise transferred to vehicles.
 - e. In areas with slopes greater than 20% over a 10 ft. interval.

9. Within the Groundwater Protection District, the infiltration practices shall be designed to capture and infiltrate the runoff volume generated in the 10-year storm event.
- vii. Proposed stormwater control infrastructure shall be designed as follows:
1. Design of stormwater management systems shall be based on environmentally sound site planning techniques.
 2. The technologies providing the best available treatment with the least impact shall be used to minimize off-site stormwater runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage patterns and minimize off-site discharge of pollutants to ground and surface waters. Best available technology may include measures such as constructed stormwater wetlands and stormwater ponds, infiltration basins and trenches, filtering practices, treatment swales and vegetated buffers.
 3. Practices should be selected not only based on capabilities but also on-site specific factors such as land use, physical feasibility, watershed resources, community and environmental factors and operation and maintenance considerations.
 4. Best Management Practices shall be designed to treat the water quality volume (WQV) or associated water quality flow (WQF) from the contributing area.
 - a. $WQV = 1'' \times \text{total contributing area} \times (0.05 + (0.9 \times \% \text{ impervious area}))$.
 - b. $WQF = \text{peak rate of runoff in the 1-year storm event}$.
 5. Pre-treatment, including practices such as catch basins with deep sumps and hoods, pre-treatment swales, vegetated buffer strips or sedimentation forebays shall be provided when contributing areas include new pavement.
 6. Best Management Practices shall be sized and designed in accordance with the New Hampshire Stormwater Water Manual: Volume II or latest edition.
 7. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual.
 8. Best Management Practices shall be designed to convey the 50-year, 24-hour storm event.

9. All permanent drainage structures including but not limited to swales, detention/retention ponds, level spreaders, infiltration trenches, rip-rap etc. shall be considered accessory structures and shall not be located within one half (1/2) the required minimum setback as set forth in the Zoning Ordinance.
- viii. Low Impact Design Considerations and Alternatives
1. The applicant shall describe/summarize how Low Impact Design (LID) techniques and practices have been incorporated into the proposed site/stormwater design.
 2. The following list includes some examples of LID strategies the applicant may implement:
 - a. Comprehensive Designs including existing and future site requirements (shared driveways, cluster developments, etc.)
 - b. Disconnected impervious areas.
 - c. Minimized disturbance areas.
 - d. Minimized site imperviousness.
 - e. Preserve good (infiltratable) soils.
 - f. Preserve natural buffers, vegetation, animal habitat areas, etc.
 - g. Strategically locate stormwater practices to provide maximum treatment and infiltration.
- ix. Uses with Higher Pollutant Loads
1. The following uses or activities are considered “high-load areas”, with the potential to contribute higher pollutant loads to stormwater:
 - a. Areas where regulated substances (as defined in Chapter Env-Wq 401.03 of the New Hampshire Code of Administrative Rules, as the same may be subsequently amended) are exposed to rainfall or runoff
 - b. Areas that typically generate higher concentration of hydrocarbons, metals, or suspended solids than are found in typical stormwater runoff, including but not limited to the following:
 - i. Industrial facilities subject to the NPDES Multi-Sector General Permit (MSGP); not including areas where industrial activities do not occur, such as at office buildings and their associated parking facilities or in drainage areas at

- the facility where a certification of no exposure will always be possible.
 - ii. Petroleum storage or dispensing facilities.
 - iii. Vehicle fueling, service or maintenance facilities.
 - iv. Public works storage areas.
 - v. Road salt storage and loading areas.
 - vi. Commercial Nurseries.
 - vii. Non-residential facilities having non-coated metal roofs with a slope flatter than 20%.
 - viii. Facilities with outdoor storage, loading, or unloading of hazardous substances, regardless of the primary use of the facility.
 - ix. Facilities subject to chemical inventory under Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA).
 - 2. Infiltration of runoff from a high-load area is prohibited.
 - 3. Practices used to treat runoff from high-load areas shall be sealed or lined to prevent infiltration prior to treatment.
 - 4. If the applicant demonstrates that there will be no exposure of regulated substances to precipitation or runoff or release of regulated substances, the area shall no longer be considered a high-load area.
- x. Willand Pond Watershed
- 1. Any development located within the Willand Pond Watershed as depicted on the Watershed and Wetlands Map Willand Pond Somersworth/Dover, NH dated 4/09 and prepared by the Horsley Witten Group, shall include stormwater practices with a minimum of a 50% Total Phosphorous Removal Rate.
 - 2. The following is a list of stormwater practices published in the NHDES Stormwater Management Manual with a 50% total phosphorous removal efficiency.
 - a. Wet extended detention pond – 68%.
 - b. Gravel wetland – 64%.
 - c. Any infiltration practice where 3 ft. of separation is provided between the bottom of

the practice and the seasonal high groundwater elevation or ledge – 60% to 65%.

- d. Aboveground or Underground Sand Filter that infiltrates the Water Quality Volume - 65%.
 - e. Bioretention System (Rain Garden) – 65%.
 - f. Permeable Pavement that infiltrates the Water Quality Volume – 65%.
3. Other practices will be considered if sufficient documentation of phosphorous removal efficiencies is provided.

xi. Redevelopment Criteria

- 1. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
 - a. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of filtration media; or
 - b. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.

xii. Erosion and Sedimentation Control Plan:

- 1. No persons shall undertake any terrain-altering activity which will cause or contribute to the degradation of surface water quality.
- 2. At a minimum an Erosion and Sedimentation Control Plan shall be in accordance with the NH Stormwater Manual Volume III and shall address the following:
 - a. Inspections, procedures and frequency.
 - b. Documentation of inspections.
 - c. Phasing of development and land disturbance.
 - d. Minimizing the area of disturbed soil.
 - e. Control of water on site by use of immediate seeding and mulching or the application of sod as well as the use of structural measures including silt fences, check dams, mulch filter socks, etc.
 - f. The stormwater management process.

xiii. Assurances for completion and maintenance of improvements

1. All stormwater management practices shall be considered part of the On-Site Improvements and shall be included in the performance securities and subject to inspections as outlined in Section 12 of the Site Plan Review Regulations.
2. Installation, Construction, Maintenance and Inspection Requirements and responsibilities/Post Construction Inspection and Maintenance.
 - a. All applicants requiring a Stormwater Management and Erosion Control Plan shall submit relevant pollutant accounting information to the Director of Planning and Community Development as required by the Public Works Director. Relevant pollutant tracking information shall be submitted prior to holding the pre-construction meeting. Post construction pollutant information must be entered at the time as-builts are submitted.

18. POST CONSTRUCTION STORMWATER MANAGEMENT

- a. All stormwater management systems shall have an Operation and Maintenance (O&M) Plan to ensure that systems function as designed. This plan shall be reviewed and approved as part of the review of the proposed management system and its execution considered a condition of approval. The plan shall identify and include:
 - i. System owner.
 - ii. Party responsible for operation and maintenance and, if applicable, implementation of the Stormwater Pollution and Prevention Plan (SWPPP).
 - iii. A schedule for inspection and maintenance.
 - iv. A checklist to be used during each inspection.
 - v. A sample copy of the report that will be submitted to the City each year.
 - vi. The description of routine and non-routine maintenance tasks to be undertaken.
 - vii. A plan showing the location of the systems covered under the plan.
 - viii. A certification signed by the owner or association, indicating they understand the requirements of the plan.
- b. When a roadway or other portion of a proposed development is to become the City's responsibility, the O&M Plan shall address the required future maintenance responsibilities for each party. For example, the City may accept a roadway with the understanding that it is the owner's or association's perpetual responsibility to maintain certain best management practices that have been located on private land, or the City may ask for an easement to provide all necessary future maintenance.
- c. It is the owner's or association's responsibility to provide the City of Somersworth Department of Development Services with a report annually by July 1st, regarding the ongoing maintenance of the stormwater management system. The report shall address each best management practice, the dates that inspections

were completed, the findings, and the corrective actions taken. All inspection checklists shall accompany the report. Submission of this report and associated documents shall be an ongoing condition of site plan approval. The City has the right to require a qualified third party to review the annual report at the owner's/association's expense if the City has reason to believe that the submitted annual report(s) are inaccurate or incomplete.

19. THIRD PARTY REVIEW¹

If requested by the SRTC or Planning Board, applications for Site Plan approval shall include completed third party peer review to be considered complete. Third party peer review shall occur per the following procedure:

- a. The City Planner will request an additional application, plan set and report(s) from the applicant. This will be forwarded to the contract third party review engineering firm for a cost estimate.
- b. This cost estimate and the Engineering Review Service Agreement will be submitted to the applicant for their consent.
- c. The Planning Office will accept the funds from the applicant for deposit into a dedicated escrow account. Submittal of funds by the applicant implies consent to proceed with the third-party review. The City Planner will sign the Engineering Review Service Agreement and execute the contract that will include the submittal of a written report.
- d. The engineering consultant will complete a written report, as part of the contract, that will be submitted to the City Planner. The City Planner will review the third-party review engineering firm report and forward comments on the applicant.
- e. This report will become part of the public record and file and will be submitted to the Planning Board in their packets.
- f. The third-party review engineering firm will bill the City for their review as appropriate and the City will make payments from the escrow account.
- g. Any remaining funds will be returned to the applicant with interest.

Section 13. ASSURANCES FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

1. GENERAL

- a. Under no circumstances shall any site work (including any disturbance of soil or tree removal) commence or any building permits be issued until all precedent conditions of the approval have been met, the plan is signed by the Chair of the Planning Board, a preconstruction meeting has taken place with the City of Somersworth, all inspection escrows have been established, and all required performance sureties have been posted.
- b. Off-site Improvements: Prior to the commencement of any site work, the property owner shall post a performance surety to guarantee the completion of the off-site improvements.
- c. On-site Improvements: Prior to any site work, the property owner shall be required to submit an erosion control and site restoration bond in an

amount and form determined by the Director of Planning and Community Development.

- d. Performance sureties shall be in the form of a performance bond, an irrevocable letter of credit (as shown in Exhibit D) or cash bond. Individuals or companies providing these Performance Sureties shall be registered with the New Hampshire Secretary of State and considered members in good standing. These sureties shall be in an amount not less than 25% of the cost of site construction which shall be determined by an engineer's estimate of value submitted by the applicant and subject to the review and approval of the Director of Planning and Community Development. In the event that the Director of Planning and Community Development and applicant cannot agree on the estimated amount of construction, the matter will return to the Planning Board for a determination.
- e. In circumstances that prevent landscaping to be completed (due to weather conditions or other unique circumstances), the Code Enforcement Officer may issue a Certificate of Occupancy (C/O) prior to the completion of landscaping improvements, if agreed upon by the Director of Planning and Community Development, and when a cash bond (in an amount agreeable to the City but not less than 110% of the cost to complete the improvements), accompanied by a written agreement to complete the improvements, is supplied to the City. The landscaping shall be completed within six months from the issuance of the C/O, or the City shall utilize the bond to contract out the work to complete the improvements in accordance with the approved Site Plan. No other improvements shall be permitted to bond for their completion for purposes of receiving a C/O and all these other improvements must be satisfactorily completed prior to the issuance of a C/O unless otherwise approved by the Planning Board (or their designee) as a plan amendment request as outlined in Section 14.
- f. Wetlands and Riparian Buffer Areas: The fifty (50) foot vegetated buffer and any other no cut/no disturbance zones of all wetland and riparian buffers indicated on the plans shall be clearly delineated in the field using flagging tape or similar approved methods prior to any site work with writing on them that identifies the area as a "no cut zone". All these flags shall be maintained throughout construction of the project.

2. INSPECTIONS

- a. Inspection Service Fee and Cost¹
 - i. All applicants shall be required to deposit an inspection fee escrow(s) with the City prior to any site work. This fee, which shall be determined by the City, shall cover all costs incurred by the City and the cost of the City's designated agent who shall monitor and inspect improvements for compliance with the approved plans and required engineering standards.

- ii. The City may contract with a consultant for inspection services. The applicant shall be responsible for all costs of all inspections and associated work performed by the consultant on behalf of the City. If it is determined that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications or approved plans, the applicant shall be responsible for reconstruction and re-inspection of the improvements.
 - iii. Escrow accounts shall be periodically reviewed by the City Engineer to assure that sufficient funds are available to cover all inspection costs and additional escrow shall be provided as needed.
 - iv. Upon acceptance of the project and submission of the required as-built plan, any unused escrow shall be returned to the applicant. The project shall be considered accepted once the City determines that all improvements have been constructed in accordance with the plans and City specifications and standards and a permanent Certificate of Occupancy has been issued.
- b. Arrangement for Inspections: At least fifteen days prior to commencing any site work, the applicant shall notify the City Planner in writing of the time he/she proposes to commence construction. The City Planner will arrange a preconstruction meeting prior to the start of construction. The escrow amount(s) needed for the project shall be supplied to the applicant in writing at the preconstruction meeting and the escrow(s) shall be established prior to any site work.
- c. Proper Installation of Improvements: If the City or the City's agent determines that any of the improvements have not been constructed in accordance with the approved plans and specifications or any condition of Planning Board approval, the City Planner shall notify the Director of Finance and Administration who shall notify the applicant, and if necessary, the bonding company or escrow agent and take all necessary steps to preserve the City's rights under the bond or agreement. No Certificate of Occupancy shall be issued by the Code Enforcement Officer if the applicant is in default on a previously approved Subdivision or Site Plan regardless of whether or not the current applicant was involved in the prior approvals.
- d. Failure to Complete Improvements or Abandon Project
 - i. When a performance surety has been posted and required off-site improvements have not been installed or completed in accordance with the terms of said performance, the project may be declared in default and the City shall make a determination on calling the surety to complete all outstanding improvements.
 - ii. When an applicant fails to complete all required on-site improvements as shown on the approved plans and the Building Permit has expired, the Planning Board shall proceed with the Site Plan Revocation process outlined in Section 13.

3. AS-BUILT PLANS

- a. At the completion of a project, the applicant shall submit a detailed as-built plan to the City Planner. The applicant shall deliver a paper copy and one electronic copy of the as-built plan to the City Planner for review and approval. Once the City Planner determines that the submitted plans are acceptable, the applicant shall supply two paper copies and one electronic version of the plan in accordance with the following:
 - i. It shall be placed on a CD-ROM in a dwg. or dxf. file format;
 - ii. It shall be in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
 - iii. Horizontal control points shall have an adjusted accuracy of 1:10,000 (Third Order, Class I);
 - iv. Entities and their data layer properties shall correspond to the following:
 1. Property lines shall be created on a “lot line” layer;
 2. Parking lots shall be created on a “plot” layer;
 3. Driveways shall be created on a “driveway” layer;
 4. Buildings shall be created on a “structure” layer;
 5. Distance and bearing annotation shall be created on a “dimtxt” layer; and,
 6. The digital file shall have a layer named “NHSPCS”. NH State Plane NAD 83 referenced points and the easting, northing, and vertical descriptions of at least 2 referenced points shall be annotated on this layer.
 - v. All lines representing property lines shall consist of continuous line work snapped to endpoints. Stonewall representations, unless created using a line type will not be accepted.

Section 14 ADMINISTRATION AND ENFORCEMENT

1. AMENDMENTS: For the purpose of providing for the public health, safety, and general welfare, the Planning Board may, from time to time, amend, change, alter, add or rescind the provisions imposed by these regulations in accordance with NH RSA 675:6, as the same may be subsequently amended.
2. CONDITIONS:
 - a. Regulation of development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Board or SRTC for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future owners of the development and of the community at large.
 - b. The Planning Board or SRTC may require a performance surety and conditions as the Planning Board or SRTC may determine in

lieu of completion of such work and installations. Bond provisions may be required for actual construction and installation of improvements and utilities within a specified time period. All required surety shall be in a form as specified in Section 12.1.d

- c. The Planning Board or SRTC may also require a maintenance bond, letter of credit or escrow agreement, so that the City is placed in an assured position that completed improvements and utilities will remain in satisfactory condition for a period of one (1) year.
3. **SAVINGS PROVISION:** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.
4. **INTERPRETATION:** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
5. **CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS:**
 - a. **Public Provisions** – These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or any other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 - b. **Private Provisions** – These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive, impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determination of the Planning Board in approving a development or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.
6. **SEPARABILITY:** If any part or provision of these regulations and application thereof to any person or circumstances is adjudged invalid by any court of competent

jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

7. **WAIVERS:** The Planning Board shall not approve any waivers from these regulations unless it shall make the following findings based upon the evidence presented to it in each specific case:
- a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - d. The granting of the waiver will not be contrary to the spirit and intent of the regulations; and,
 - e. The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

All requests for waivers shall be submitted in writing by the applicant at the time when the application is filed for consideration. The petition shall fully state the grounds for the waiver and all the facts relied upon by the applicant.

8. **BOARD ACTION**

- a. Within time frames established in NH RSA 676:4, as the same may be subsequently amended, the Planning Board or SRTC shall approve, conditionally approve, or disapprove the application. The reasons for a disapproval of a plan shall be stated in the record of the Board/SRTC. Approval of the plan shall be endorsed on the plan by the Chairman of the Board. The time to act may be extended in accordance with NH RSA 676:4.f, as the same may be subsequently amended.
- b. All conditional approvals shall be valid for a period of 120 days, unless the Board/SRTC, at their discretion, chooses to extend the number of days required to fulfill precedent conditions. All precedent conditions must be met within this 120-day time period (or within the extended time as specified by the Board/SRTC at the time of approval) or the approval shall be null and void. In the case where extenuating circumstances prevent the fulfillment of the precedent conditions within the applicable time period, the applicant may request an extension (in writing with justification and

accompanied by the appropriate fee) from the Board no later than 14 days prior to expiration. The Planning Board shall vote at their next regular scheduled meeting on whether or not to grant the extension. The SRTC shall not have the authority to grant extension requests.

- c. Once active and substantial development has been achieved, approved Site Plans shall be protected from future changes in regulations and ordinances in accordance with NH RSA 674:39, as the same may be subsequently amended, and all provisions shall apply to approved Site Plans as if these provisions were fully incorporated herein. For the purpose of these regulations, “active and substantial development” shall be defined as follows:
 - i. Construction of and/or installation of basic infrastructure to support the development (including all of the following: roadways, pedestrian access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and,
 - ii. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; completion of drainage improvements means that these facilities shall be fully operational; and,
 - iii. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
 - iv. Items i,ii and iii shall be reviewed and approved by the City.
 - v. Movement of earth, excavation, or logging of a site without the completion of items a,b,c and d above, shall not be considered “active and substantial development”. Plans approved in phases shall be subject to this definition for the phase currently being developed.
- d. In accordance with NH RSA 676:-a and 674:39 if active and substantial development is NOT reached within 24 months after the date of approval the Planning Board may revoke the approval because of changes in City or State regulations and policies, changes in drainage patterns or traffic counts and/or changes in municipal utility considerations.¹

9. ENFORCEMENT; FAILURE TO COMPLY WITH ORDER; VIOLATIONS AND PENALTY

- a. General – These regulations shall be enforced under the authority of NH RSA 676, as the same may be subsequently amended, and such other authorities as may be available.
- b. Penalties – Any person who fails to comply with or violates any section of these regulations shall be fined in accordance with NH RSA 676.
- c. Civil Enforcement – Appropriate actions may be taken by law or in equity to prevent any violation of these regulations in order to prevent unlawful

construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupation of a structure or premises. These remedies shall be in addition to the penalties described above.

- d. Revocation of Site Plan Approval – Site Plans approved by the Board may be revoked, in whole or in part, in accordance with NH RSA 676:4-a, as the same may be subsequently amended.

Section 15. MODIFICATIONS TO AN APPROVED SITE PLAN

If at any time before or during construction of the improvements required pursuant to a Site Plan review approval, the applicant demonstrates to the satisfaction of the City Planner or his/her designee, and the City Engineer, that unforeseen conditions make it necessary or preferable to modify the design of the requirements/improvements, the City Planner, and the City Engineer, may authorize such modifications provided that the modifications shall be limited to the following:

1. Changes in the dimensions or locations of any buildings or structure which do not require changes in parking, loading, access or public utilities.
2. Changes in the dimensions or locations of parking lots which do not result in an increase in the number of parking spaces provided and which do not result in the encroachment into any approved landscaped area.
3. Minor changes in the locations, dimensions, and materials of proposed water, sanitary sewage and drainage systems, provided that the changes do not necessitate permits or approvals from any Federal, State or local entity. Redesign of an approved drainage scheme shall not be considered a minor change.
4. Changes in the locations and types of proposed outdoor lighting, outdoor seating, and landscaping, provided that the integrity of the approved Site Plan is maintained. The applicant will be required to submit a sketch of the proposed outdoor seating area to the Planning Office. The Director of Planning and Community Development or designee will determine if additional site plan review is required pursuant to Section 2 of these Regulations. For projects that will require a waiver from these Regulations, full Planning Board review and approval will be required.
 - a. SRTC review is required. For projects that need a waiver request will need Full Planning Board approval would be required.

At the discretion of the City Planner, any request of a modification to a Site Plan which is not in clear conformance with the guidelines set out above shall be referred to the Planning Board for review and action, pursuant to Section 7 or Section 8 of this chapter.

Any request for review and approval of a modification to an approved Site Plan shall be accompanied by a fee of an amount to be determined in accordance with the Fee Schedule.

Section 16. FEE SCHEDULE

The fees associated with Site Plan review shall be as follows:

Site Plan Review:	\$2.50 per every \$1,000 of total project cost, with a minimum fee of \$100.00
Advertising:	\$85.00 or current rate
Postage for abutter notification:	Current rate from USPS
Plan amendments/approval extension:	\$75.00
Conceptual/Preliminary review:	No charge
Inspections:	See Section 12
Consultants/legal review:	See Section 13

Section 17 DEFINITIONS

For the purpose of these regulations, certain terms are defined as provided in this section, except where otherwise noted. Terms used in these regulations that are not defined herein shall use the definition as set forth in Section 25 of the Zoning Ordinance, as the same may be subsequently amended. If a term is not defined in these provisions or the Zoning Ordinance then the Merriam Webster's Collegiate Dictionary current edition shall be used to define terms herein.

Applicant – the owner of land to be developed or his/her agent or representative as he/she may be authorized by a signed notarized statement.

Boundary Plan – A survey that meets the minimum requirements of a Category I, Condition I survey as defined in the Ethics and Standards N.H. Land Surveyors Association, prepared by the Ethics and Standards Committee, Effective October 1989.

Certified Soil Scientist – a person qualified in soil classification and mapping, who is certified as such in the State of New Hampshire.

Certified Wetland Scientist – a person qualified in wetlands classification and mapping, who is certified as such in the State of New Hampshire.

Change in Use: The replacement of an existing use by a new use or a change in nature of an existing use or the expansion in gross floor area of an existing use but not including a change in ownership, tenancy, or management.¹

Fire Protection Engineer – a Professional Engineer qualified in the design of fire alarms and fire suppression systems for a building, who is properly licensed in the State of New Hampshire.

Landscape Plan – a plan, prepared by a Professional Landscape Architect and bearing his/her New Hampshire license number, which delineates the arrangement, species, and dimensions of all existing and proposed landscaping materials.

Licensed Land Surveyor – a land surveyor properly licensed in the State of New Hampshire.

Professional Engineer – an engineer properly licensed in the State of New Hampshire.

Professional Landscape Architect – a person who, by reason of professional education or practical experience, or both, is qualified to engage in the practice of landscape architecture as attested by licensing as a landscape architect in the State of New Hampshire.

Site work – any removal or disturbance of vegetation or soil by mechanized equipment of any kind excluding routine lawn care maintenance.

EXHIBIT A
GUIDELINES FOR OFF-STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL LAND USES
NON-RESIDENTIAL LAND USE REQUIRED OFF-STREET PARKING SPACES

Athletic/Fitness Facility	1 space per 1,000 square feet of gross floor area.
Automotive Service Station	4 spaces per bay.
Bowling Alley	4 spaces per alley
Contractor's Office/Storage Yard	1 space per employee.
Day Care Center	1 space per staff member, plus 1 space per 8 pupils.
Funeral Home	1 space per 4 seats, plus 1 space per 2 employees.
Golf Course	6 spaces per each golf hole, plus 2 per each employee on the largest shift.
Golf Driving Range	1.5 spaces per each tee area.
Group Care Facility	1 space per employee on the largest shift, plus 1 space per each 5 clients; if clients do not own vehicles, 1 space per 600 square feet of gross floor area.
Hospital/Nursing Home	1 space per 2 beds.
Industrial	1 space per 500 square feet of gross floor area.
Lodging	1 space per overnight room, plus 1 per each employee on the largest shift.
Lounge	1 space per 2 seats.
Mall	1 space per 200 square feet of gross floor area.
Meeting Rooms (includes churches, movie theaters, stage theaters, and auditoriums)	1 space per 4 seats.
Office/Business Service	1 space per 250 square feet.
Personal Service	1 space per 200 square feet of gross floor area.
Restaurant	1 space per 3 seats, plus 2 spaces for every 3 employees on the largest shift.
Restaurant, Fast Food	1 space per 100 square feet of gross floor area.
Retail	1 space per 200 square feet of gross floor area.
School, Elementary	1 space per teacher and staff member, plus 1 space per 5 students.
School, High School/Middle	1 space per teacher and staff member, plus 1 space per 5 students.
Self-Service Storage Facility/ Warehousing	1 space per 2,000 square feet of net leasable area.

**EXHIBIT A-GUIDELINES FOR OFF-STREET PARKING REQUIREMENTS FOR
NON-RESIDENTIAL LAND USES CONTINUED**

*The requirements for the Business/Historic Mill Zoning Districts shall be determined by the City Planner and the Planning Board, where necessary, on a case-by-case basis. In cases where uses are not specifically stated above, the City Planner shall determine the closest use from above and determine the parking accordingly.

EXHIBIT B

NOTES ON NATIVE TREES AND SHRUBS AND THEIR USE IN LANDSCAPING

RECOMMENDED NATIVE TREES

Common Name	Latin Name	Low Maint	Salt Tolerance	Screen	Interest	Notes
Arborvitae	<i>Thuja occidentalis</i>		Intermediate	Yes		
Ash, Black	<i>Fraxinus nigra</i>					Wet Areas
Ash, White	<i>Fraxinus americana</i>		Intermed./Tolerant		Fall Color	
Basswood, Am. Or Linden	<i>Tilia americana</i>		Sensitive			
Beech, American	<i>Fagus grandifolia</i>		Sensitive			Large/Long lived
Birch, Paper	<i>Betula papyrifera</i>		Intermed./Tolerant		Fall Color/White Bark	
Black Gum	<i>Nyssa sylvatica</i>	Yes			Fall Color/Winter Shape	DRED suggests to try more
Cedar, Eastern Red	<i>Juniperis virginianus</i>		Intermediate	Yes		Disturbed areas
Cottonwood, Eastern	<i>Populus deltoides</i>		Tolerant			Disturbed, wet sites
Dogwood, Pagoda	<i>Cornus alterniflora</i>				Flowers/nice shape/Fruits	Wet areas/Mod. Sun
Fir, Balsam	<i>Abies balsmifera</i>		Sensitive	Yes		
Hawthorne, Fleshly	<i>Crataegus succulenta</i>		Intermediate		Fruits/Fall Color	One of the best Hawthornes
Hopthornbeam, American	<i>Ostrya virginiana</i>		Sensitive		Winter Interest	Winter Tolerant, DRED suggests to try more
Hornbeam, American	<i>Carpinus caroliniana</i>	Yes	Sensitive		Fall Color	Wet areas, DRED suggests to try more
Juniper, common	<i>Juniperis communis</i>					Ground cover
Larch, American	<i>Larix laricina</i>		Tolerant			Good in masses
Maple, Red	<i>Acer rubrum</i>	Yes	Sensitive		Fall Color	
Maple, Sugar	<i>Acer saccharum</i>		Sensitive			Needs large areas
Oak, Scarlet	<i>Quercus coccinea</i>				Fall Color	
Oak, Red	<i>Quercus rubra</i>		Tolerant			High Maintenance tree

RECOMMENDED NATIVE TREES CONTINUED						
Common Name	Latin Name	Low Maint	Salt Tolerance	Screen	Interest	Notes
Pine, Jack	<i>Pinus banksiana</i>					Sandy, disturbed areas
Pine, Pitch	<i>Pinus resinosa</i>		Sensitive			Harsh, sandy soils
Pine, White	<i>Pinus strobus</i>		Sensitive	Yes		Handsome native
Plum, Canadian	<i>Prunus nigra</i>				Flowers/Fruit	
Shadbush	<i>Amelanchier arborea</i>		Sensitive		Flowers/Fruit	Wet areas
Shadbush	<i>Amelanchier canadensis</i>		Sensitive		Flowers/Fruit	Natural settings
Spruce, White	<i>Picea glauca</i>		Intermed./Tolerant	Yes		Winter Tolerant

RECOMMENDED NATIVE SHRUBS

Common Name	Latin Name	Low Maint	Salt Tolerance	Screen	Interest	Notes
Arrowwood	<i>Viburnum dentatum</i>		Tolerant		Flowers/Fruit/Fall Color	Withstands adverse city conditions.
Bayberry	<i>Myrica cerifera</i>	Yes	Tolerant		Semi-Evergreen	No serious insect or disease problems
Blueberry, Highbush	<i>Vaccinium corymbosum</i>		Tolerant		Flowers/Fruit/Fall Color, colorful winter twigs	Withstands adverse city conditions/attractive to birds.
Cranberry. Highbush or American Cranberrybush	<i>Viburnum trilobum</i>	Yes	Unknown		Showy white flowers, glossy red berries	generally free of insect and disease problems; attractive to birds.
Dogwood, Panicked	<i>Cornus racemosa</i>		Sensitive		Flowers/Fruit/Colored Stalks/fall color	Will tolerate adverse city conditions.
Dogwood, Red Osier	<i>Cornus sericea</i>		Sensitive		Red stems, white berries	Tolerant of most adverse city conditions
Elderberry	<i>Sambucus canadensis</i>		Unknown		White flowers, purple berries	Tolerates adverse city conditions; attractive to birds.
Spicebush	<i>Lindera benzoin</i>	Yes			Yellow flowers/red fruits	no serious insect or disease problems
Mountain Laurel	<i>Kalmia latifolia</i>		No	Yes	Evergreen/Flowers	
Rhododendron, Rosebay	<i>Rhododendron maximum</i>			Yes	Flowers/Evergreen	some pollution tolerance
Viburnum, Sweet	<i>Viburnum lentago</i>		Sensitive		Flowers/Fruit/Fall Color	tolerates adverse city conditions

RECOMMENDED NATIVE SHURBS CONTINUED						
Common Name	Latin Name	Low Maint	Salt Tolerance	Screen	Interest	Notes
Winterberry, Black Alder	<i>Ilex verticillata</i>	Yes	Intermediate		Gorgeous red berries in fall	cool, moist, acid soils; shade OK; relatively free of insect and disease; need male and female plants.
Witch Hazel	<i>Hamamelis virginiana</i>	Yes				

EXHIBIT C

NOTES ON NATIVE TREES AND SHRUBS AND THEIR USE IN LANDSCAPING - PLANTS TO BE AVOIDED

INVASIVE NON-NATIVE TREES AND SHRUBS TO BE COMPLETELY AVOIDED*

Common Name	Latin Name	Reason
Autumn Olive	<i>Eleagnus umbellata</i>	Crowds out native vegetation.
Bayberry, Common	<i>Berberis vulgaris</i>	Forms thorny thickets preventing native herbaceous and shrub growth.
Bayberry, Japanese	<i>Berberis thunbergii</i>	Forms thorny thickets preventing native herbaceous and shrub growth.
Buckthorn, Common	<i>Rhamnus cathartica</i>	Buckthorn invading drier areas.
Buckthorn, Glossy	<i>Rhamnus frangula</i>	Tolerant of dense shade and invades wet areas.
Euonymus, Winged**	<i>Euonymus alatus</i>	Dense shade and dense root system crowd out everything but own seedlings.
Honeysuckle	<i>Lonicera morrowii</i> <i>and tatarica</i>	Form impenetrable thickets and displace vegetation in young forests and floodplains.
Honeysuckle, Japanese	<i>Lonicera japonica</i>	Vine that chokes supporting trees and shrubs.
Locust, Black	<i>Robinia pseudoacacia</i>	Crowds out native vegetation.
Maple, Norway**	<i>Acer platanoides</i>	Crowds out native vegetation.
Rose, Multiflora	<i>Rosa multiflora</i>	Crowds out native vegetation.

NATIVE TREES NOT RECOMMENDED BY DRED OR EXT LITERATURE

Common Name	Latin Name	Reason
Box Elder	<i>Acer negundo</i>	Brittle wood, subject to snow and wind breakage.
Dogwood, Flowering	<i>Cornus florida</i>	Disease problem.
Elm, American	<i>Ulmus americanus</i>	Disease problem.
Hemlock, Eastern	<i>Tsuga canadensis</i>	Wooly adelgid heading north; recommend not to plant as there is no solution to the adelgid problem at this time.
Maple, Silver	<i>Acer saccharinum</i>	Disease problem, structurally weak wood.
Mulberry	<i>Morus sp.</i>	Abundant fruit is a litter problem.
Sycamore	<i>Plantanus occidentalis</i>	Disease problems make it very unattractive.
Willow, Weeping	<i>Salix sp.</i>	Root problems, tree litter, attracts beetles.
Aicantus	<i>Salix sp. altissima</i>	Crowds out native vegetation, toxin in bark, leaves and bark in soil endanger other plants.

**NON-NATIVE TREES NOT RECOMMENDED BY DRED OR COOPERATIVE
EXTENSION LITERATURE**

Common Name	Latin Name	Reason
Birch, European White	<i>Betula pendula</i>	Disease problems make it very unattractive, spring, summer and fall.
Elm, Siberian	<i>Ulmus pumila</i>	Weak wooded, susceptible to wind breakage. Invasive in some locations.
Pear, Bradford Callery**	<i>Pyrus calleryana</i> 'Bradford'	Serious structural splitting at branch junctions.
Plane Tree, London	<i>Plantanus acerfolia</i> X	Disease problems.
Poplar, Lombardy	<i>Populus nigra</i>	Insect and disease problems make it short lived.

* These may not be invasive in all locations, however it is not recommended that they be used as part of any landscaping plans.

**** *These plants occur regularly on plans and should be replaced with alternative plants.***

EXHIBIT D

SAMPLE IRREVOCABLE LETTER OF CREDIT FORM

Date

City of Somersworth
1 Government Way
Somersworth, NH 03878

RE:

Irrevocable Letter of Credit_____

Expiration Date:_____

Dear Sir/Madam,

_____ hereby establishes its Irrevocable Letter of Credit No._____ in your favor for the account of the Customer, _____ in the amount of _____ (the "Stated Amount"). We hereby irrevocable authorize you to draw upon us, in accordance with the terms and conditions hereinafter set forth, by sight draft, an amount not to exceed the Stated Amount.

Signed drafts must be accompanied by the affidavit of the Beneficiary certifying that: "The failure of the Applicant to complete the improvements in accordance with the _____ plan prepared by _____ dated _____ as approved by the Somersworth Planning Board and in accordance with the Approval of the Somersworth Planning Board dated _____".

The draftable amount of this letter shall be automatically reduced upon the receipt by the issuer of a statement from the beneficiary that: " By virtue of work completed to date and in conjunction with the _____, and _____ the face amount of this Letter of Credit is hereby reduced to \$_____ and the issuer, _____ will not be required to inquire into the validity of any representations".

"This Letter of Credit shall be issued for a period ending _____. If all improvements as shown on the above referenced _____ plan guaranteed by this Letter are not completed to the satisfaction of the Beneficiary by _____ and if a letter indicating completion and acceptance of all said improvements is not issued by the Beneficiary by that same date, and if this Letter of Credit has not been formally extended in writing by the Issuer, then this Letter of Credit shall be automatically considered to have been called and without further action by the Beneficiary, the Issuer shall forward a check in the face amount of this Letter of Credit to the Beneficiary to be used exclusively for the purpose of completing the improvements which are guaranteed by this Letter of Credit. Any funds

not needed by the Beneficiary to complete the improvements required by the _____ plan shall be returned to the Issuer.”

The effective date of this Letter of Credit shall be 12:01 a.m. local time on _____. This Letter of Credit shall expire at 12:01 a.m. local time on _____.

Demand for payment under this Letter of Credit may be made prior to its expiration at any time during the Bank’s business hours, on a day on which the Bank’s main office is open to the public for the purpose of carrying on substantially all of its banking functions (a “Business Day”). Any demand for payment and all other communications to the Bank relative to this Letter of Credit shall be in writing and addressed and presented to the _____ (the “Bank Location”) and shall make the specific reference to this Letter of Credit by number and identification of the Customer.

Drafts drawn hereunder must be marked _____.

We engage with you that the draft(s) drawn hereunder and in compliance with the terms of this credit will be duly honored by us upon delivery of documents specified, if presented at the Bank Location at or before 12:01 a.m. local time, on _____.

Except as otherwise expressly stated herein this Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 revision), International Chamber of Commerce Publication Number 500, and any subsequent revisions thereof approved by the International Chamber of Commerce (the “Uniform Customs”). This Letter of Credit shall as to matters not governed by the Uniform Customs and as to the obligations of the applicant upon presentation of a sight draft, be governed by and construed to be in accordance with the laws of the State of New Hampshire.

This Letter of Credit sets forth in full the terms of our undertaking and this undertaking shall not in any way be amended or amplified by reference to any document, instrument or agreement referred to herein (except the Uniform Customs) or in which this Letter of Credit is referred to or to which this Letter of Credit related and any such reference shall not be deemed to incorporate herein by reference any such document, instrument or agreement.

This Letter of Credit is not transferable or assignable.

Sincerely,