Site Plan Review Regulations

Moultonborough, New Hampshire

July 23, 1986

Revisions

July 1991

December 1992

June 1997

October 2007

August 2008

June 2011

June 2012

April 2013

May 2015

February 2016

July 2016

June 2017

SITE PLAN REVIEW REGULATIONS
MOULTONBOROUGH, NEW HAMPSHIRE

1. Authority

Pursuant to the authority vested in the Moultonborough Planning Board by the voters of the Town of Moultonborough on May 20, 1986, in accordance with chapter 674:43 of the New Hampshire Revised Statutes Annotated, the Moultonborough Planning Board adopts the following Regulations for the Submission of Site Plans for Review under Non-Residential or Multi-Family Site Plan Review procedure.

No development, material change in use or material expansion of existing use for non-residential properties, or for multi-family dwelling units other than one or two family dwellings, whether or not such development, change in use or expansion of existing use include a subdivision or re-subdivision of the site shall be established, nor shall any building (including its footprint) or other structure be erected, expanded or enlarged and no area for parking, loading, vehicle services or driveway access, shall be established, expanded or changed except in conformity with a Site Plan approved by the Planning Board.

2. Purpose

The intent of these Site Plan Review Regulations is to protect the public health, safety and welfare; to ensure the adequacy of traffic access, circulation and parking; to ensure the provision of adequate buffers, landscaping and screening to protect adjoining properties against any possible detrimental or offensive uses on the site, including but not limited to, unsightly or obnoxious appearance, smoke, and noise; and to protect against adverse environmental impacts from a proposed development, including inadequate sewage disposal, refuse and other waste and/or inadequate surface drainage.

These Regulations recognize that certain developments and uses of land, because of their complexity, size or possible impact, may adversely affect the public health, safety and welfare unless careful consideration has been given to certain critical design elements. It is the intent of these regulations to provide a vehicle for the review of such critical design elements within the development subject to Site Plan Review, and to allow the Moultonborough Planning Board to approve with or without conditions, or to disapprove, applications pursuant to these regulations.

3 Jurisdiction

A Site Plan submitted to the Planning Board for review must be in compliance with the Town of Moultonborough Zoning Ordinance, Site Plan Regulations and any other Ordinance which pertains to the proposed development. All plans shall be prepared in accordance with these Site Plan Regulations.

In accordance with RSA 674:21, the Moultonborough Planning Board may grant a Conditional Use Permit (CUP) for uses allowed within specific zones and/or overlay districts as described herein provided the Planning Board finds the application meets the standards contained in the Moultonborough Zoning Ordinance. Instances where a CUP is applicable are:

1) CUP to allow a specific use within the Village Center Overlay District;
2) CUP to allow building on Steep Slopes;
3) CUP to allow uses/construction within the 50-ft. buffer to wetland areas;
4) CUP for a use which is otherwise permitted within the Groundwater Protection District;
5) CUP for a use in regulation of Hazardous Substances.

Contact the Office of Development Services to obtain a CUP application.

4 Certificate of Use and Occupancy

Upon completion of construction and prior to the occupancy of the premises, a Certificate of Use and Occupancy shall be obtained from the Town Building Inspector, pursuant to the State of New Hampshire Building Code, as revised from time to time, and must be in compliance with all applicable Ordinances of the Town of Moultonborough and with any conditions set by the Moultonborough Planning Board and/or the Zoning Board of Adjustment.

5. Site Plan Application and Review Procedure

A. Discussion/Applications Requirements

Prior to the formal submission of an application for site review, the applicant shall meet with the Technical Review Committee (TRC). Said meeting(s) shall serve to assist the Applicant in preparing a development proposal that is technically conforming to the regulations contained herein. The Technical Review Committee shall make no decisions regarding land use as their role is simply an advisory one to the Planning Board and applicant.

The Technical Review Committee (TRC) shall be comprised of the Public Works Director/Road Agent, Town Engineer (as required), Fire Chief, Police Chief, Code Enforcement Officer, Town Assessor and Town Planner, who shall act as chairperson.

All Committee members shall have a designated alternate available in their absence.

An applicant may informally appear before the Planning Board for concept review to discuss a proposal with the Board and receive information from it on the requirements for submitted Site Plans, however, applicants must meet with the Technical Review Committee to ensure the Planning Board receives the required TRC evaluation report on technical compliance and completeness of the proposal, regardless of whether an informal review occurs or not.

A "rough drawn" preliminary sketch may be submitted to the Planning Board should the applicant choose to meet informally for concept review to aid in the discussion.

B. Application Procedure and Requirements

An owner or a designated agent shall file an application to the Office of Development Services to be date stamped no later than nineteen (19) business days prior to a scheduled hearing.
The Board shall only consider a completed application which consists of the following:

1) A properly completed application form, including one (1) PDF copy, obtained from the Office of Development Services.

2) An application fee payable to the Town of Moultonborough.

3) Six (6) hard copies and one (1) PDF copy of the Site Plan and all other plans and documents required in Section 12.

C. Notification and Public Hearing Procedure

The board, before considering or taking formal action upon a Site Plan Review Application, shall hold a Public Hearing in accordance with the procedure specified in RSA 676:4, to provide an opportunity for public testimony relative to the consequences of the proposed Site Plan.

At the hearing, the applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify subject to Board approval at the hearing.

The applicant and all abutters shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of such hearing and a general description of the Site Plan proposal and its location, before the date fixed for the hearing.

Hearing notice to the general public shall also be given at least ten (10) days before the date fixed for the hearing by posting in 2 public places in the town and by publication in a newspaper of general circulation therein.

D. Board Action on Completed Application

The Planning Board shall take no action on an Applicant's development proposal until it has received a report from the Technical Review Committee evaluating said proposal on compliance and completeness.

The Board shall consider a completed application within thirty (30) days of its submission and acknowledgment, and shall act to approve, conditionally approve, or disapprove the application within sixty-five (65) days, subject to an additional ninety (90) day extension approved by the Selectmen as provided in accordance with RSA 676:4, I. (f). Additionally, the applicant may waiver the requirement and consent to a mutually agreeable extension of the period for action.

Approval of the Final Site Plan shall be demonstrated by the issuance of a Notice of Decision and written endorsement on the plan signed by the Chairman of the Board. In case of disapproval of any part of the plan, the grounds for such disapproval shall be stated in the records of the Board and notice given to the applicant. If the Board requests modification of the plan, the applicant shall submit a revised plan showing all modifications which will become the final plat used for filing with the Town.

No Building Permits shall be issued on any plan acted upon by the Planning Board until such time as the Selectmen or their authorized agent has received a copy of the approved Site Plan, any required approval from the Zoning Board of Adjustment and the Building Permit Application.

6. Amendment of Approval

The Planning Board shall have the power to modify or amend its approval of a Site Plan on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, if such power is reserved by the Board in its original approval. Any Site Plan coming before the Board for modification or amendment shall be placed on the agenda and posted in the usual manner. The Board reserves the right to require certified mail, return receipt requested, notification to abutters in which case the applicant shall then submit a list of abutter's names and addresses and letters ready for mailing. Notification shall be as set forth in these Regulations under Section 5.c.

7. Performance Bond

A. The Planning Board may require the applicant to post a bond or file an escrow agreement in an amount approved by the Board to guarantee that improvements intended to insure access, adequate streets and roads, sewer and water disposal, drainage or any other requirements and conditions of the Planning Board in accordance with Site Plan Review Regulations to reduce impact upon the abutters and/or the public are performed. When a bond or surety is required, the Town's Engineer shall calculate said surety amount for review and approval by the Board that secures for the Town the satisfactory construction and installation of required site improvements. This calculation work shall be at the expense of the applicant.

B. Construction and installation of required improvements must be satisfactorily executed within the imposed time constraints, or the applicant shall forfeit said surety, and it shall be used to complete and/or install said improvement in accordance with the approved site plan and Town specifications. Where an applicant is required to post a bond, it shall be posted prior to the start of any construction or improvement and prior to the issuance of a Building Permit.

8. Statute Of Limitations

Planning Board approval of a Site Plan shall be valid for two (2) years from the date of approval. If substantial site work has not commenced or a Building Permit has not been issued or if a Building Permit has been issued but not substantially acted upon within a two (2) year period (which acts substantiate vesting), the Site Plan shall lapse unless a request for extension for an additional one (1) year time period is applied for by the applicant, prior to the date of lapsing. If such a request is received by the Board, the Board may, for cause, extend the valid time period of the Site Plan approval for one (1) year, one (1) time only. The applicant shall appear before the Planning Board and document that the following criteria are met:

(1) The proposed project is consistent with the Town's Master Plan.
(2) Surrounding conditions (i.e., traffic flow, school capacity, utility demand) have not changed to the point of requiring reanalyzing of the proposed project.
(3) The proposed project complies with current City, State and Federal regulations, ordinances and statutes.
(4) Notification of abutters shall be required of all first time extension requests. Said notification shall be by certified mail and shall be at the expense of the applicant.

9. Fee Schedule

A Fee Schedule is available at the Office of Development Services, which shall be revised from time to time.

10. General Requirements Checklist for Site Plan Submission

An application for Site Plan approval shall be accompanied by the following information and documents:

A. Base Survey

1) Bearings and lengths of the boundaries of the parcel.

2) Topography with not more than five (5) feet contour interval. At any construction site, contour interval shall be no more than two (2) feet. Proposed, finish contours shall be shown as bold, solid lines. Existing contours shall be shown as dashed lines.

3) Reference to established permanent bench mark based on USGS or other datum approved by the Town Planner for both vertical and horizontal plan data.

4) Location and names of approved roadways and rights-of-way and any easements.

5) Boundaries of existing natural features (rivers, lakes, wetlands, swamps, ledges, etc.)

6) Surface cover of total area (weeded, cleared, graveled or paved areas.)

7) Any important specimen trees. Existing and proposed to remain limits of tree cover or other vegetated cover.

8) Any existing features on and within a minimum of fifty (50) feet of the site boundaries. If the site is located on a state highway, any existing features on and within one hundred (100) feet from the property line corners on state highway, as measured along the state highways, as applicable. Existing features include but are not limited to driveways, roads or other elements which may have an impact on the sites operations or use.

9) Where a change in use is being proposed, the following additional items are required:
   a) A table showing the expected amount of change in demand for parking, water and sewer use (if utilities are available), and traffic.

B. Site Plan

1) Sheet size 36 x 24 with one (1) inch border on three (3) sides and two (2) inches on left edge.

2) Scale: 1" = 20' (Preferred), however, no smaller than 1"-40'.

3) Title block in lower right corner giving name and location of development, scale, contour interval, survey by, design by, seal of the surveyor, seal of the engineer or architect, legend and signature of the engineer and/or surveyor..

4) North Arrow.

5) Locus - shows site in relation to surrounding portion of the town.

6) An intent of plan note describing the development, including the use or uses to be conducted on the lot or any changes or intensification of an existing use.

C. Site Plan Detail

All planned roads and driveways shall comply with the Town's Subdivision Regulation standards for such roads and driveways.

1) Planned Roads Showing:

   a. Complete horizontal and vertical alignment data.

   b. Planned road width (shoulder to shoulder), include typical cross section.

   c. Access Management. To reduce the number of conflict points for vehicles, reduce traffic congestion, and improve traffic safety along all corridors that

have non-residential uses, the following table sets forth minimum standards for driveway location and spacing in all zoning districts:

	VARIABLES	ARTERIAL ROADS	COLLECTOR ROADS	LOCAL ROADS
Number of Driveways Per Lot	--	One driveway per 400 feet of road frontage, or fraction thereof	One driveway per 200 feet of road frontage, or fraction thereof	One driveway per 125 feet of road frontage, or fraction thereof
Minimum driveway spacing from public street intersections	Posted Speed Limit 35 mph 40 mph 45 mph 50 mph	 310 feet 380 feet 470 feet 560 feet	 230 feet 280 feet 350 feet 420 feet	 155 feet 190 feet 230 feet 275 feet
Minimum spacing between driveways	Posted Speed Limit 35 mph 40 mph 45 mph 50 mph	 230 feet 280 feet 350 feet 420 feet	 185 feet 220 feet 260 feet 300 feet	 155 feet 190 feet 230 feet 275 feet

Note: The term Arterial Roads shall mean state numbered routes or state-maintained highways in the Town. (i.e. NH Rtes 171, 109, 25 and Moultonborough Neck Road and any other state-maintained highways that may be added from time to time.) The definition of Collector and Local roads shall adhere to the standard definition contained in the AASHTO A Policy on Geometric Design of Highways and Streets, current Edition.

1) Spacing between public street intersections and driveways are measured from the point of tangency of the intersecting street right-of-way to the nearest edge of the driveway where it intersects with the right-of-way line. Spacing between driveways are measured from the nearest edge of each driveway where intersecting with the street right-of-way. Existing driveways that do not meet the above standards may be retained, but the elimination of unnecessary access points is strongly encouraged. Notwithstanding the above standards, any lot of record shall be entitled to a minimum of one driveway.

2) In recognition of the unique circumstances of some parcels of land, the Planning Board shall have the leeway to vary the standards set forth in subsection c. above. The Planning Board may approve projects that do not conform strictly to the access standards above, provided that a finding is made by the Planning Board that safe and adequate access can be achieved. Any deviation from the standards in subsection c. above can only be considered after first receiving a written recommendation from the Road Agent and Town Planner.

3) When a non-residential zoned parcel straddles a residential zone, non-residential traffic shall be prohibited from exiting into or entering from the residential zone, unless there is no other viable option.

d. Incentives for Reducing the Number of Driveways in all zoning districts.

1) In addition to limiting the number and location of driveways, the Town of Moultonborough encourages shared driveways for adjacent parcels, the elimination of existing driveways, and the construction of fewer driveways than permitted in applicable code section. By limiting access points, the

number of points where turning vehicles and through vehicles conflict is reduced. To provide incentives for shared driveways in all zoning districts, an incentive system has been developed.

2) An applicant may increase the maximum lot coverage permitted in the Table of Dimensional Regulations referenced in the Zoning Ordinance for the commercial zones A, B & C by electing to use one or more of the provisions listed below. The Planning Board shall decide if the applicant complies with the provisions of the incentive system. An applicant may utilize one or more of the following voluntary provisions:
    a) Provide shared driveway to be the sole access to the subject parcel and one or more adjacent parcels. To qualify for this incentive, the applicant shall provide appropriate easements to insure that the shared driveway will remain in existence and will be adequately maintained.
    b) For parcels with existing driveways, reduce either the number of separate driveways or the total width of the existing driveways (as measured at the right-of-way line) by at least fifty percent (50%), or reduce the number of driveways to one driveway of not more than thirty-two feet (32') in width.
    c) Reduce the total numbers of driveways permitted, or increase the spacing between driveways by twenty-five percent (25%) over the standards set in applicable section herein, or increase the spacing between driveways and public street intersections by twenty-five percent (25%) over the standards set in applicable section herein.

3) If the Planning Board finds that an applicant has complied with one or more of the voluntary provisions, the following incentives shall be granted. For each of the provisions achieved, the Planning Board shall permit an additional five (5) percent of lot coverage above the maximum permitted in the Zoning Ordinance up to a maximum of ten (10) percent. **(e.g.; the maximum lot coverage in the Village Commercial C District could be increased from sixty-five percent (65%) to seventy percent (70%) if one provision was achieved).**

e. Interconnections between Parcels

1) In order to reduce the number of vehicles entering and exiting arterial and collector roads, the provision of interconnecting driveways is required whenever feasible. These interconnecting driveways or service roads are provided to allow customers and employees to move from site to site without repeatedly using higher volume roadways.

2) In all zoning districts, an applicant shall integrate an interconnecting driveway into the overall traffic and pedestrian circulation of the subject site. Interconnecting driveways shall be provided to access abutting parcels. If an adjacent parcel(s) is vacant, the applicant shall grant an easement for future access. The easements shall be written to insure that the interconnection(s) will remain open and will be adequately maintained. The cross connections shall be located to encourage internal traffic between abutting properties and shall be adequately marked with directional signs. If cross connections are provided by an applicant, then the area of the cross connection shall not be counted towards the total lot coverage of the subject site.

3) In recognition of the unique circumstances of some parcels of land, the Planning Board shall have the option to vary the standards set forth in

subsection e. 2) above. The Planning Board may approve projects that do not conform strictly to the interconnection standards above, provided that a finding is made by the Planning Board that the unique circumstances of the parcel make compliance unreasonable. Any deviation from the standards in subsection e. 2) above can only be considered after first receiving a written recommendation from the Road Agent and the Town Planner.

f. Right-of-way location.

2) Parking area, location with overall dimensions, parking method (parallel or angle) capacity, and type of surface and method of calculating the required parking in accordance with the town's zoning ordinance.

3) Structures and Special Facilities:

a. Location to Scale

b. Proposed finished grade elevation at foundation

c. Finished Floor Elevations

4) Finished Contours - Proposed grades shown in solid lines.

5) Location of proposed and existing water lines, wells, sewage lines, sewage systems, surface drainage system and utility lines, including power, telephone, high speed wireline and/or wireless data communication access infrastructure, and further, including location of source, tanks, drains, size of pipes, poles, and sewage disposal field, service areas, loading area.

6) Limit of lawn areas, location and type of landscape planting, existing trees to remain.

7) Location of walks, fences, stone walls, retaining walls and screening.

8) Location of signs and lighting.

9) Site lighting.

10) Show ingress and emergency egress, including walkways and ramps for the handicapped.

11) Drainage on all site plans shall be designed to adequately treat stormwater runoff for a 24-hour, 50-year storm event.

12) Dumpster with impervious pad and suitable screening.

D. Additional Material or Information Required

1) For on-lot sewage systems: NHDES Approval for Construction.

2) Proof that the proposed site plan has been submitted with the application for a Driveway Permit from NHDOT; this may be in the form of a coordination letter from NHDOT Division III to the Town.

3) Approved Driveway Permit from NHDOT or the Town of Moultonborough.

4) Sight distance at entrance from the center line of the street entirely within the street right-of-way, each point to be at a height of four (4) feet above the road surface.

5) Traffic Impact Assessment and Analysis – All proposed Site Review applications shall be reviewed by the Technical Review Committee (TRC) and Planning Board to ascertain that adequate provisions have been made by the applicant for traffic safety. To facilitate this review, the applicant shall provide a Traffic Impact Assessment and Analysis to document existing traffic conditions in the vicinity of a proposed development project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic. All analyses must meet the minimum requirements of a "Standard" analysis. If any of the following thresholds apply, then an "Advanced" analysis must be completed:

   a) Trip generation exceeding 400 average daily trips or 48 peak hour trips. Peak hour is defined as any of the following:
      i) AM peak hour (6-9 AM);
      ii) PM peak hour (4-7 PM);
      iii) Saturday midday peak hour (11AM-1PM); and
      iv) Peak hour of generator for certain land uses (e.g., school, movie theater) if it falls outside the three previously listed periods. Analysis of Saturday midday peak only applies to commercial uses with retail trade.

   Notwithstanding the threshold criteria above, the Town Planner may require an "Advanced" analysis because of special circumstances. The requirements for a "Standard" or an "Advanced" analysis are contained in the Policy document entitled, "Town of Moultonborough Traffic Impact Assessment and Analysis Standards". This document is available in the Development Services Office and may be found on the Town web-site. Potential applicants are strongly encouraged to consult with the Development Services staff early in the project design regarding the scoping of the Traffic Impact Assessment and Analysis, including consideration of the study area boundary and any special considerations for the area that the development is proposed. A draft of the Traffic Impact Assessment and Analysis shall be completed prior to the final Technical Review Committee meeting so that it can be included in the discussion. A complete version of the analysis shall be finished prior to the first meeting at which the application will be presented to the Planning Board so that Abutters and the Planning Board will have an opportunity for review.

6) The Planning Board may require that the applicant hire a traffic consultant to prepare a traffic impact study to determine if the development proposal will generate traffic volumes that require traffic control measures such as deceleration or acceleration lanes, adequate turning radii for driveways, or driveways designed with adequate entrance depth.

11. Design Standards and Required Improvements Checklist

A. Off-Street Parking and Loading - General Requirements

1) All developments shall make adequate provisions for off-street parking and loading facilities. The plan shall depict the striping, signage, curb stops or other means of identifying required parking spaces. Such facilities shall be designed to ensure the orderly flow of traffic on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses.

2) Whenever an existing use is expanded or changed to a new use, parking and/or loading facilities shall be provided for such new use.

3) Every development shall provide an area for parking and loading on the site which is properly drained.

4) All developments shall provide for parking and loading to be situated on the same parcel of land as the primary use or structure except when off-street public parking is available. The calculations used to determine the number of parking spaces shall be shown on the plan using the Parking Table below in consultation with the Town Planner and the Technical Review Committee (TRC).

PARKING REGULATION TABLE*

Columns are cumulative, not exclusive.

	Vehicle parking spaces					
Use	Per Unit	Per Seats	Per Employee on maximum shift	Per bed	Per Square footage	Notes
Adult Day Care			1			plus 5 visitor spaces per employee
Auditorium		0.25				
Auto Retail					300	
Bar/nightclub		1				plus eating and drinking requirement
Bed and Breakfast				1		
Car dealership					1000	sf is for the total developed area of the lot
Carpet retailer					600	
Child Care			1			plus 1 per 3 children at maximum capacity
Church		0.25				
Congregate Care Facility Apartment style	1		1			
Congregate Care Facility Nursing home style	2		1			
Eating and Drinking Establishment		0.5	1		200	gross floor area (alternative)
Education Institution (9-12, College)			1			plus 1 per 6 students at maximum capacity
Education Institution (K-8)		0.2	1			per seat calc. by the largest assembly room
Elderly Assisted Care Home			1	2		
Funeral Home						8 spaces per chapel, 10 spaces minimum
Furniture dealer					600	
Gasoline Service			1		250	plus 1 space per pump
General Office					325	
General Retail					250	net floor area
Grocery Store					200	net floor area
Group Home			1	0.5		

Use	Per Unit	Per Seats	Per Employee on maximum shift	Per bed	Per Square footage	Notes
Hardware store					600	
Hospital				0.5		
Hotel/Motel				1	400	SF is added if public space is included
Laundry					300	
Manufacturing					500	
Medical/dental office			1		200	
Municipal Building					400	
Museum			1		250	public floor area
Nursing Home				0.5		
Nursing Home	1		1			
Personal Service Establishment					300	
Pharmacy					200	net floor area
Professional office			1		300	gross floor area
Real Estate					300	
Recreation (commercial or public)					300	
Residential (1 or 2 units)	2					
Residential (3 or more units)	3					plus 1 space per bedroom over 2 bedrooms
Rooming House				1		
Self-storage	0.1		1			
Shopping plaza/center					200	gross leasable space
Theater		0.25				
Wholesale Distribution					800	

* = If a use is not listed, the Town Planner shall determine the use, Mixed Uses shall be the sum of all uses.

5) There shall be adequate parking for the handicapped in accordance with the provisions contained in the Americans with Disabilities Act.

6) Consideration shall be made for the plowing and storage or removal of snow during the winter months.

7) Parking lots shall be designed so as to avoid vehicles backing into the street.

8) Parking lots and driveway entrances for non-residential uses shall be designed to prevent vehicles on the roadway from queuing up while waiting to access the site.

B. Signs

1) All development proposals shall submit designs for all signage. The size and location of existing signs shall be noted on the plan.

2) Sign size, type, location, height and illumination shall conform to the Moultonborough Zoning Ordinance.

3) Any sign which refers to a discontinued commercial use shall be removed, pursuant to the Zoning Ordinance of the Town of Moultonborough.

4) All signs shall be maintained in good condition and in good repair at all times.

C. Landscaping

1) All landscaping shall be maintained and cared for including mowing and pruning where necessary, and shall be kept free from disease, pests, weeds, and refuse. In general, landscape plans should incorporate plants of varying varieties, heights, widths, and types.

2) When greenspace is proposed to be changed, a Landscape Plan shall be submitted which shall include:

a. The location (present and future), size and type, including common names of all new plant material, to be installed.

b. The location of all existing plant material, to be retained on the site.

c. The location, width and material of all walkways, pathways and handicapped access.

d. The location, type material and dimensions of all fences, walls, and outdoor recreation facilities.

3) Selective tree and/or shrub plantings may be required in established buffer areas or other areas as determined by the board. Buffers of only wood chips or crushed stone shall not be considered acceptable, where green areas are required.

4) A landscaped buffer area shall be required or natural plant buffer area shall be retained wherever a non-residential use of the site abuts an adjacent residential parcel.

5) Where "screening" is required by Town regulations and ordinances or the Planning Board, plants shall be of sufficient size and type to create complete screening.

6) Where a vegetated buffer is required by Site Plan Regulation, Zoning Ordinance, or the Planning Board, the buffer shall be natural or landscaped, and shall comply with the requirements of this section.

7) Landscaping Standards:
Plants used in landscapes should be:
a.) Drought tolerant
b.) Adapted to cold weather and our planting zone
c.) Native or naturalized

d.) Noninvasive and not destructive to native plants
e.) Strong wooded and not brittle; and
f.) Alive and in good condition at the time of planting

D. Building Design and Layout

1) All construction subject to these regulations shall be designed to provide for the architecturally consistent, harmonious and aesthetically pleasing development of Moultonborough. The Planning Board shall determine whether applications meet the requirements of the regulations.

2) Recognizing that every property is unique, the Planning Board shall allow some flexibility of styles, however in all cases designs shall be consistent with traditional community character and neighborhood context.

3) The Board shall determine whether the design and layout of the building(s) on the site, including, but not limited to scale and mass, roof design, and the building(s)' proportions are consistent with the intent of these regulations.

4) The following design elements are required:

a. All roofs shall be pitched or gabled.

b. External building materials shall have an appearance of natural wood, brick or stone. Exposed cinder block, corrugated steel, aluminum, sheet plastic, sheet metal or sheet fiberglass materials shall not be allowed as external siding materials.

c. Architectural details shall be in proportion to the building.

d. Subtle, neutral colors shall be used on larger, plain buildings. Bright colors shall not be allowed.

The foregoing design elements may be waived in whole or in part by the Board for written, justified cause provided by the applicant as part of the application. The Board shall, in consideration of said waivers, offer justification of their decision for the record that addresses special circumstances where strict conformity would cause undue hardship or injustice to the owner and that the general spirit, intent, and purpose of these regulations will not be adversely or substantially affected or harmed, and that the welfare of the citizens of Moultonborough will be substantially served and not adversely affected.

5) An accurate rendering or elevation views (to scale) of what the exterior of the structure will look like shall be submitted as part of the site plan review application.
[D. 1-5 revised 2/24/2016]

6) For subdivisions that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

a. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

b. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

(i) All such proposals are consistent with the need to minimize flood damage;

(ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,

(iii) Adequate drainage is provided so as to reduce exposure to flood hazards.

E. Internet Access Design and Layout

1) All new commercial developments shall design, layout and install underground conduits or reserve space on specialty and/or utility poles for high speed wireline and/or wireless data communication access infrastructure.

F. Special Considerations for Overlay Districts

1) Village Center Overlay District (VCOD) Design Guidelines see Appendix A.

12. Documentation

A. Applications for Site Plan approval shall include the following documentation:

1) A statement describing the development, including the use or uses to be conducted on the lot or any changes of an existing use.

2) If the development is to be staged or phased, a description of the project in terms of such stages.

3) Deeds of easements and rights-of-way.

4) Covenants or restrictions that are intended to cover all or part of the land area to be developed.

5) Articles of Incorporation of a Landowner's Association and the Bylaws of the Associations.

6) If applicable, the Condominium Declaration, as it has been prepared for submittal to the State of New Hampshire Attorney General's Office.

7) An electronic file in .pdf form of the site plan, application and materials shall be submitted at time of application submittal.

13. Administration

A. Enforcement

The Planning Board shall have the power to modify or amend its approval of a Site Plan on application of the owner, lessee, mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval.

Further, if the Planning Board finds that any of the conditions of an Approved Final Site Plan application are violated, the Planning Board shall give notice to the owner to make such corrections as it deems necessary to bring the site into compliance with the conditions of such approval. For violations that are structural or infrastructural, an owner shall comply with such notice within a period of time extending not more than sixty (60) days from the original violation notice.

For violations that are not structural or infrastructural, the owner shall comply within 7 days of the violation notice.

All notices of violations shall be by Certified Mail, return receipt requested.

Where the owner fails to conform to the notice and order of the Planning Board, the Board may, through its authorized agent, impose all fines and penalties available to it through statutes and local ordinances in addition to other legal or equitable remedy as may be afforded through appropriate legal action.

For any repeated offense the Board may, through its authorized agent, immediately upon notification of the repeated offense impose all fines and penalties available to it through statutes and local ordinances other legal or equitable remedy as may be afforded through appropriate legal action.

B. Waivers

When, in the judgment of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause undue hardship or injustice to the owner of the land to be developed and being reviewed, and where the review procedures have been in general conformity with these regulations and provided the general spirit, intent, and purpose of these regulations will not be adversely or substantially affected or harmed, and further provided that the public convenience and welfare of the citizens of Moultonborough will be substantially served and not adversely affected, the Planning Board may waive or modify such specific requirements of these regulations.

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.

A petition for any waiver shall be submitted in writing by the applicant when the application is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

C. Site Inspection

The Board and/or its designated agent shall conduct a Site Inspection for the purpose of determining natural/built-up conditions of the site and to review the layout of the proposed improvements. All site improvements shall be constructed and/or installed within a period of time mutually agreed upon by the applicant and the Planning Board, unless such time is extended by written mutual consent of the Planning Board and the applicant. Such improvements shall not be considered complete until officially inspected and approved by the Town Engineer (as appropriate), Town Planner, Fire Chief, Police

Chief and DPW Director/Road Agent or accepted by the Planning Board, as appropriate, and a Certificate of Completion is issued.

D. Special Investigative Studies

Pursuant to RSA 674:44 it shall be the responsibility of the developer, if the Board deems it necessary, to pay reasonable fees for the review of documents, the cost of Special Investigative Studies, Board Administrative Fees and other matters which may be required by particular applications.

E. Procedure for Applications Requiring the Zoning Board of Adjustment Action

An applicant who is proposing to develop, make a change in use, expand an existing use or construct and/or operate a facility which requires a Special Exception or Variance from the Zoning Ordinance-shall be required to submit applications to the Moultonborough Planning Board for a Site Plan Review, preferably subsequent to obtaining any required variance relief or special exception from the Zoning Board of Adjustment (ZBA). The applicant may, however, apply to the Planning Board either concurrently or prior to obtaining approvals from the ZBA or other Boards with the understanding that any approvals from the Planning Board shall be conditional on receiving said required approvals from said Boards with jurisdiction.

F. Final Approval

1) All approvals are subject to completion of Conditions of Approval if any exist. No Occupancy Permits will be issued by the Building Inspector/Code Enforcement Officer until all conditions are satisfied, including submission of an as-built plan, unless otherwise permitted in the Notice of Decision.

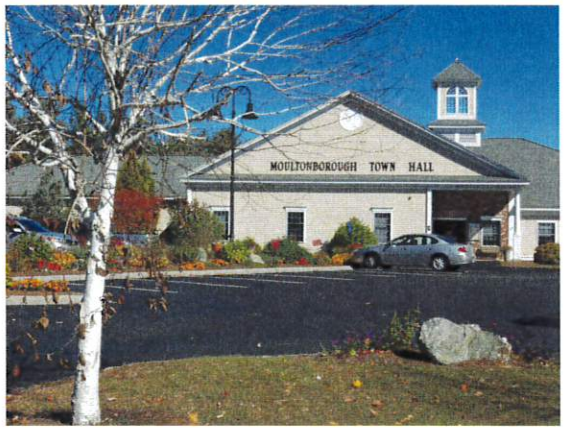
2) Approved site plans shall be protected from future amendments in regulations and ordinances in accordance with RSA 674:39. In order to be protected under RSA 674:39, the owner shall have completed active and substantial development, which is defined as the construction of basic infrastructure to support the development, including foundation walls and footings, driveway and parking lot construction to a minimum of gravel base, utilities placed in underground conduits, construction of all drainage improvements, and installation of all erosion and sediment control measures. Substantial completion shall be defined as the completion of all on-site and off-site improvements specified in the site plan approval.

3) The applicant shall submit three (3) sets of final plans and documents to the Development Services Office in hard copy form and one (1) pdf format file of the application and other written documents, along with a pdf file of the final plans in a size not to exceed five (5) Mb at time of plan submittal for signing and recording.

Appendix A

Moultonborough Village Center Overlay District (VCOD) Design Guidelines[1]

These design guidelines are intended to complement the Moultonborough Village Center Overlay District. The built environment of Moultonborough Village is comprised of a significant collection of residential, religious and municipal structures that have their origins in the mid-19th century and earlier. These buildings are characterized by:



- Compact, mix of uses—residential, business, retail, religious, and civic;
- Steep pitched gable roofs some with small dormers;
- Vertically oriented double hung windows;
- Residential structures adapted over the years to accommodate business and office uses; and
- Buildings that are 1 to 2 stories in height.

Design Principles

- Buildings should be compatible with their surroundings and traditional New England residential architecture and color palettes.
- All building elements should be integrated into a coherent unified design.
- Buildings should be pedestrian-oriented and incorporate elements of site planning that create pedestrian interest and easy access.
- The reuse of existing buildings with special historical value is strongly encouraged. Additions to the side and rear should have compatible styles to the original building.
- All new uses should conform to the visual character and physical patterns of Moultonborough Center.
- Circulation should provide for pedestrian, bicycler and vehicular traffic

Design Guidelines

<u>A. Buildings</u>

1. Front Building Setbacks:

Buildings should be set back from the public right of way consistent with, but no further back than buildings on adjacent properties. They should be typically anywhere from 10-35 feet back from the principle roadway.

2. Building Scale and Massing:

The physical size and bulk (mass) of buildings should be consistent with the rest of the streetscape. Larger building massing needs to be broken up into smaller visual elements to provide additional variety and depth.

[1] These guidelines are general in nature and do not discuss windows/porches, roofs, wall materials, signs, garages / parking, exterior lighting and corner buildings.

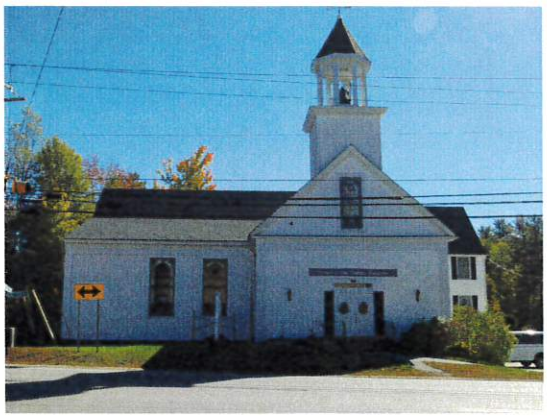
- Buildings need to be of a pedestrian scale – meaning that facades need to be broken up into smaller elements. For example, storefronts should be no wider along the street than 20-40 feet ± and building details (doors, windows, architectural highlights) be kept at a human scale.

- Building facades and sides should be broken up by doors, windows and architectural details.

3. **Building heights and lengths:**

Most of the residential structures should be to 1 or 2 (32 feet) stories and approximately 40 feet in length.

- Institutional buildings, including churches etcetera can be somewhat taller – owing to their civic function. Steeples, cupolas and non-habitable space can be higher than 32 feet.



4. Design Alternatives:

While these design guidelines provide useful standards for project review, they are not intended to preclude other design alternatives that are compatible with Moultonborough's Center's architectural and building style. Compliance with these guidelines will be considered acceptable if the design can be shown to be compatible with existing building designs and there is an agreement between the applicant and the Moultonborough Planning Board. The brick building shown illustrates a distinct architectural style that is compatible with other institutional and residential buildings in Moultonborough Center.

B. Circulation

To encourage a variety of modes of circulation in Moultonborough Center, multi-use paths, including public pedestrian sidewalks and walkways, and bicycle friendly amenities such as access points and parking spots should be incorporated into any design for renovation or new construction.

C. Landscaping

1. General Landscape Design:

Create a site or lot with a variety of delineated spaces, attractive fencing, and seating areas integrated within a multi-layered, plant system-based landscaping strategy.

2. Plant Materials:

Use of indigenous plant material is encouraged and plants that are recognized by the State of New Hampshire Department of Agriculture as invasive shall not be approved. The bank building shown has attractive landscaping.

Questions regarding these design principles or alternatives should be discussed with the Moultonborough Town Planner, the Technical Review Committee (TRC) and Moultonborough Planning Board.