

# **TOWN OF SUNAPEE**

## **SITE PLAN REVIEW REGULATIONS**

### **ARTICLE I AUTHORITY and APPLICABILITY.**

Pursuant to the authority vested in the Sunapee Planning Board by the Town Meeting of March 10, 1987 and in accordance with the provisions of RSA 674:43-44 as amended, the Sunapee Planning Board adopts the following rules to review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses and for multi-family dwelling units, whether or not such development includes a subdivision or re-subdivision of the site.

Home occupations are specifically excluded from the application of these regulations provided that each of the following conditions is met:

1. The home occupation will not involve on-site employees other than those who are residents of the premises.
2. The home occupation will not involve customer on-site sales or service.
3. There will be no outdoor displays or on-site advertising associated with the occupation.
4. The occupational use of the home will not result in a significant increase in traffic, parking requirements, noise, odor, waste disposal, lighting, or other negative influence on the community.
5. The owner of the property files a "statement of property usage" with the Planning Board which documents the current use of the property and proposed use of the property.

Uses which pre-date March 10, 1987 may continue without Site Plan Review provided the terms of the current Selectman's policy on Grandfathering have been met.

### **ARTICLE II PURPOSE.**

The purpose of the Site Review Procedure is to protect the public health, safety, and welfare; to promote balanced growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development; and any other purpose permitted or required pursuant to RSA 674:44.

The Site Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations, or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations.

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

- A. General: There are three phases in the site plan review process: non-binding consultation and conceptual review (Phase I), preliminary review (Phase II), and final application (Phase III). Phase I, which involves a discussion of the proposed concept only in general terms, is optional and does not require a public hearing. Phase II involves a more detailed discussion and review of the site plan proposed. This phase is also optional, although a public hearing is required by State law if this phase is held. Both phases are intended to help the applicant, by providing the applicant with guidance and feedback prior to submission of the final application, thereby helping to avoid major alteration of the final drawings.

The last phase is submission and review of the final application (Phase III). This phase is required for all developments and or modifications subject to site plan review. A public hearing is required. Once a completed application has been accepted by the Planning Board, the Board must approve or disapprove the final application within sixty-five (65) days unless an extension has been granted.

The following sections describe Sunapee's site plan review procedure in more detail.

- B. Phase I: Nonbinding Consultation and Conceptual Review: In order to save expense and unnecessary changes later on, a person may request to be on the agenda of a formal meeting of the Board for a discussion of his proposed concept in general terms and for a review of applicable Site Plan Review Regulations, application forms, necessary supporting maps, and documents. There is no application fee or time limit for this nor is this consultation and review binding in any way on either the applicant or the Board.
- C. Phase II: Preliminary Review: If a person wishes a review of his project which goes beyond discussion of the proposed site plan in conceptual form, he shall apply to the Board in writing on the appropriate Application Form and pay the required fees. The Board shall then give formal public notice of the preliminary site plan review hearing in accordance with these regulations. Submission requirements are listed in Section V.

The preliminary review shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person as permitted by the Board. The Board shall give a formal response to the applicant with respect to the proposal as a whole or any portion of the proposal by informing the applicant in writing of disapproval or any modifications which will be required. Formal response shall be given within 90 days of submission of the preliminary application, although the review shall bind neither the applicant nor the Board. A formal meeting on a particular preliminary review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

- D. Phase III: Final Application Review: Any person desiring approval for site plans, as defined in these regulations, shall apply to the Board in writing on the designated Application Form and pay the required fees. Submission requirements are listed in Article V.

The Board shall (1) give public notice and notify the abutters and the applicant of the formal meeting (hearing) at which the application will be considered for acceptance; (2) give the applicant a receipt verifying acceptance of the application BUT ONLY IF the Application is complete and all costs of notice of the application have been paid. Only after such acceptance will the legal time limits be in effect; (3) give a formal response to the applicant with respect to the decision of the Board on the proposal. A formal hearing on the particular final review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

- E. Application for Site Plan Review Approval: The completed application shall (1) be on the form as provided by the Board to the applicant; (2) conform to the requirements and specifications outlined in these Regulations; and (3) specify the regularly scheduled meeting of the Board at which the application will be formally submitted to the Board.
- F. Filing of Application: The applicant shall file the completed application by delivering the application to the designated agent of the Board prior to the deadline date and time prescribed by the Board. The applicant will formally submit the application to the Board at a regular meeting. The application shall include the names and addresses of the applicant and each abutter as shown in the Town records not more than five (5) days before the filing date. The abutter list shall be provided on a separate sheet of paper and filed with the application documents. *(Amended 11/16/2006)*

- G. Notice of Application; Fees: The Board shall notify the abutters and the applicant by certified mail of the date upon which the completed application will be formally submitted to the Board. Such notice shall be mailed at least ten (10) days (not including holidays and weekends) prior to such formal submission. At the same time the notice is mailed to the applicant and abutters, such notice shall also be given to the general public by posting a copy of the notice in two public places in the Town. The notice shall include a general description of the proposal which is the subject of the application and shall identify the application and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

All costs of such notice shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further considerations and to disapprove the plat without a public hearing. The application will not be accepted for review until the fees set forth in the Board's current fee schedule are paid. Additional fees may be imposed by the Board during the review process to ascertain compliance and to cover fees and disbursement of consultants to the Board including, but not limited to, engineers, surveyors, lawyers, and community planners.

- H. Submission of Completed Application: The completed application shall be submitted to and accepted for review by the Board at a public meeting of the Board specified in the notice. The Board shall give the applicant a receipt certifying acceptance of the application but only if the application is complete and all costs of notice of the application have been paid.

- I. Formal Consideration: Time Limits: The Board shall begin formal consideration of the final application within thirty (30) days after the date of the regular public hearing at which the completed application is submitted to and accepted by the Board. The Board shall act to approve or disapprove the application within sixty-five (65) days after submission. The Board may apply to the Selectmen of the Town for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove the application. The applicant may waive the requirement for Planning Board action within the foregoing time periods and consent to such extension as may be mutually agreeable.

Upon failure of the Board to approve or disapprove the application within the above noted time periods, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that the proposal complies with existing site plan review and subdivision regulations and zoning and other ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, the Court may order the Board to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

- J. Public Hearing; Notice of Public Hearings: No application shall be denied or approved without a public hearing on the application. Notice of the hearing shall be given in the same way and with the same time limits as notice of submission of the application under these Regulations (See Art. III, Sec. F.). The Board may give notice of submission and notice of the public hearing in the same notice. Additional notice of an adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Additional public hearings may be held at the discretion of the Planning Board.

- K. Notice of Decisions: The Board shall issue a written final decision on all applications for Site Plan Review. If the application is approved, the Board shall issue a written decision which includes any and all conditions which have been required by the Board as a part of the approval decision. If the application is denied, the Board shall state the reason for denial. The decision of the Board (approval or denial) shall be mailed to the applicant and be available at the Town clerk's office for public inspection within 72 hours after the decision is made.

**ARTICLE IV: PROCEDURE WHEN SPECIAL EXCEPTION, VARIANCE OR SUBDIVISION APPROVAL IS REQUIRED.**

When a special exception or variance is required by the zoning ordinance, the applicant shall first obtain the special exception or variance before applying for site plan approval. Any conditions imposed by the Zoning Board of Adjustment shall take precedence over the requirements contained in these regulations, although additional conditions may be required by the Planning Board as a part of the Site Plan Approval. When both subdivision and site plan approval are required for a proposed development, the Board may hold the Site Plan Review hearing at the same time as the hearing required by the subdivision regulations.

**ARTICLE V: APPLICATION REQUIREMENTS.**

- A. Application for the final Site Plan approval shall be accompanied by 4 copies of the proposed Site Plan with a map drawn to the scale of 1"=20', or on a scale acceptable to the Board. The following information shall be included:
1. A perimeter boundary survey by a licensed land surveyor, including angles and bearings of lines, dimensions and the lot area;
  2. Title of drawing, including name and address of applicant as well as town tax map and lot number;
  3. Appropriate signature block for the signature of the Planning Board Chairperson, Police Chief and Fire Chief, Road Agent, Chairperson or Superintendent of the Water and Sewer Commission and designee of the Conservation Commission;
  4. Names and addresses of owners of record and names of abutting landowners; (Names and addresses of owners, abutters, engineer, architect, surveyor, or soil scientist shall also be provided on a separate 8.5" x 11" sheet of paper);
  5. A Site Location Map, Shown as an inset on the Site Plan Map, which shall show the proposed development in relation to major roads of the town;
  6. North point, bar scale,, date of preparation and dates of any revisions;
  7. Name, address and seal, if applicable, of person or firm preparing the map;
  8. The shape, size and location of existing and proposed structures;
  9. Existing and proposed contours at an interval of no more than five (5) feet. If the site is relatively level, sufficient spot elevations shall be provided to indicate topography.
  10. Any existing streams or wetlands, marshes, lakes or ponds, whether natural or manmade; Abutter's water rights.
  11. Existing and proposed streets, driveways, parking spaces and sidewalks with indications of direction of travel for one-way streets or driveways. The width of streets, driveways and sidewalks and the layout of parking spaces and facilities associated with any structure on the site shall be shown, as well as the grades of all streets and driveways in the project. Profiles shall be provided where street or drive length exceeds 500'. A copy of the application documents submitted to the State of New Hampshire D.O.T. for driveway access permits shall also be submitted to the Planning Board;
  12. Layout of sewage disposal system, including septic tank(s), leach field and associated piping or tie-in to the Town sewer; including the size and type of all new sewage pipe; location of abutters wells, septic systems. A copy of the application documents submitted to the State of New Hampshire WSPCD for the septic system approval shall also be submitted to the Planning Board.
  13. Proposed landscaping plan including buffering plans along adjacent properties and public highways;
  14. Plans for water supply, fire protection, power and telephone, including location of wells, water supply pipes, power and telephone poles and lines, including the location and size of all existing and proposed utility lines and easements;
  15. Exterior lighting plan and proposed signs to be located on the site;

16. Drainage design showing location and site of existing and proposed drainage structures including culverts, pipes, catch basins, manholes, ditches, holding basins, etc. This shall be supported by copies of the design computations based on a 10-year flood design frequency for all major culverts and brooks that affect any Town or State highway and by documentation showing that all existing and proposed drainage is adequate to prevent increased run-off onto adjacent lands;
  17. Right-of-way and travel surface of all fronting streets;
  18. Location of any retaining walls, fences, and outside storage areas;
  19. A notation on the site plan outlining the proposed use(s) and area of building(s) in square feet devoted to each use.
  20. Plans for any toxic waste storage or discharge.
  21. Location of inside storage of hazardous materials and posting of such for emergency crews.
  22. Location of fire alarms and sprinkler systems.
- B. Prior to Final Site Plan Approval, one copy of each of the following shall be submitted - if required.
1. A copy of "Special Exception" or "Variance" approval by the ZBA, if required;
  2. A statement of proposed hours and days of operation;
  3. New Hampshire Department of Environmental Service approvals. Permits that may be required from the State are:
    - (a) subsurface sewage disposal system from the Subsurface Systems Bureau;
    - (b) alteration of terrain per RSA 149(8)(a) from the Water Supply and Pollution Control Division;
    - (c) water supply from the Water Supply and Pollution Control Division;
    - (d) wetlands related permits from the New Hampshire Wetlands Bureau;
  4. New Hampshire Department of Public Works and highways access driveway approval for driveways accessing onto a State highway
  5. Entrance/"Exit approvals from the Sunapee Road Agent for proposals with access points on town roads;
  6. A statement of deed restrictions upon the involved parcel;
  7. Easements and covenants;
  8. Any and all other required permits or authorizations.
- C. The Planning Board may require such additional other information as it deems necessary in order to evaluate the Proposal in relation to the purposes and scope of these regulations including but not limited to environmental impact studies, engineering reviews, etc.
- D. Application for Site Plan approval for agriculture uses and home business (as determined by the Planning Board) shall be accompanied by:
1. A sketch of the property showing:
    - (a) location and dimensions of existing and proposed structures, drives, and parking areas;
    - (b) lot lines and setbacks;
    - (c) outdoor lighting;
    - (d) size and location of outdoor signs and displays;
    - (e) indoor and outdoor areas to be used for business;
    - (f) name and address of the owner, tax map and lot number, date;
    - (g) names of abutters.

The sketch does not have to be drawn to exact scale but must be clear and accurate enough to enable Planning Board review of the proposal.
  2. A written statement including:
    - (a) description of the business activity;
    - (b) number of employees;
    - (c) estimated number of customers or other measure of increased traffic flow or increase in required parking such as truck deliveries;
    - (d) days and hours of operation;

- (e) change in water usage or sewage flow;
- (f) provisions for fire protection.
- 3. Names and addresses of abutters on a separate 8.5" x 11" sheet.
- 4. Copy of deed, covenants, easements.
- 5. Any and all necessary State permits.
- 6. Such additional information as deemed necessary by the Planning Board to evaluate the proposal in relation to the purpose and scope of these regulations.
- E. 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 USC 1334.
- F. 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).
- G. The Planning Board shall require the applicant to submit 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.

*(Amended 11/16/2006)*

#### **ARTICLE VI: STANDARDS AND CRITERIA.**

The Planning Board shall approve the proposed Site Plan only upon a determination by the Board that the Site Plan conforms with the following standards and criteria. The Appendix included in this ordinance is intended as a guideline and not necessarily as a specific requirement.

- A. Adequacy, safety and arrangement of vehicular traffic access and circulation including intersections, road widths, channelization structures and traffic controls.
- B. Adequacy, safety and arrangement of pedestrian traffic access and circulation including: separation of pedestrian from vehicular traffic, and pedestrian convenience.
- C. Adequacy of the location, arrangement, size and design of buildings, lighting and signs.
- D. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual, and/or a noise deterring buffer between this and adjoining lands.
- E. In the case of an apartment house or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation.
- F. Adequacy of structure, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- G. Adequacy of storm water and sanitary waste disposal facilities.
- H. Adequacy of protection of adjacent properties against noise, glare, unsightliness, odor, or other objectionable features.
- I. Adequacy of fire protection measures including adequate access, building construction, water supply

and other protection such as sprinkler or alarm Systems.

- J. The development should conform to the extent appropriate to the natural topography of the site. Major cut and fill should be discouraged. Site clearing should be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for light and air. Natural cover should be retained to supplement required landscaping to the extent possible and reasonable. Landscaping should be provided which is in keeping with the character of the area where the site is located, the purpose of the development, and the location of buildings and improvements.
- K. Adequacy of location, arrangement of off-street parking and loading.
- L. Standards for Personal Wireless Facilities are as follows:

## 1. PERFORMANCE AND DESIGN STANDARDS

### Visibility

#### (a) Visual impacts are measured on the basis of:

- i) Change in community scale, as exhibited in relative height, mass or proportion of the personal wireless service facility within their proposed surroundings.
- ii) New visible elements proposed on a contrasting background.
- iii) Different colors and textures proposed against a contrasting background.
- iv) Use of materials that are foreign to the existing built environment.

#### (b) Enhancements are measured on the basis of:

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

#### (c) Visibility focuses on:

- i) Eliminating or mitigating visual impact.
- ii) Protecting, continuing, and enhancing the existing environment.

#### (d) Camouflage for Facilities on Existing Buildings or Structures – Roof Mounts: When a personal wireless service facility extends above the roof height of a building on which it is mounted, it shall be concealed or camouflaged within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.

#### (e) Camouflage for Facilities on Existing Buildings or Structures – Side Mounts: Personal wireless service facilities which are side mounted shall blend with the existing building's architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with material consistent with the design features and materials of the building.

#### (f) Camouflage for Ground Mounted Facilities: All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred and fifty (150) feet from the mount, security barrier, or designated area for access to equipment, whichever is greatest, and screens views of the facility in all directions. These trees must be existing on the subject property, planted on site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one hundred and fifty (150) foot

vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

- (g) Color – To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings. Flat, non-reflective paint shall be used.

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

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

Lighting, Signage, and Security

- (a) Lighting: Personal wireless service facilities shall not be lighted.
- (b) Signage: Signs shall be limited to those needed to identify the property and the owner and warn of any danger. Signs are limited to two square feet in area and must be mounted six (6) feet or less above ground level.
- (c) Security Barrier: The Planning Board shall have final authority on whether a ground mounted personal wireless service facility should be surrounded by a security barrier and the height and material used.

Scenic Landscapes and Vistas – Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, or abutting properties. All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth as per Section I(f)

Driveways – If available, existing entrances and driveways to serve a personal wireless service facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact. New driveways to serve a personal wireless service facility shall not exceed twelve (12) feet in width and shall include a curve or turn so that the service facility is not visible from the entrance to the driveway.

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

Ground and Roof Mounts – All ground mounts shall be of a mast type mount. Lattice towers and guyed towers are expressly prohibited.

Power Lines – Power lines must follow the access road within the buffer zone, or if they run cross-country within the facility buffer zone, they must be buried.

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

Noise – Personal wireless service facilities shall not generate noise that may be heard at 100 feet from the site or from beyond the boundaries of the site, whichever is less.

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

## 2. MONITORING AND MAINTENANCE

Maintenance – The owner of the facility shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping. Driveways shall be maintained in good and serviceable condition.

Monitoring – As part of the issuance of the Site Plan approval or building permit, the property owner shall agree that the Town of Sunapee may enter the subject property to obtain RFR measurements and noise measurements at the expense of the carrier. The Town shall provide reasonable written notice to the carrier and landowner, providing them the opportunity to accompany the Town representatives when the measurements are conducted.

Security for Removal – Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 2(b). An irrevocable letter of credit or bond issued by a major bank shall be the preferred form of security. The amount of the security shall be based upon the removal and disposal costs plus, fifteen percent (15%), as determined by the Planning Board and as certified by a professional civil engineer licensed in New Hampshire at the expense of the applicant. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in New Hampshire every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than ten percent (10%), then the owner of the facility shall provide additional security in the amount of the increase, plus 15%.

### Abandonment or Discontinuance of Use.

Whenever an owner or carrier plans to abandon or discontinue use of a personal wireless service facility, he shall comply with the following:

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

- (b) Removal: Upon abandonment or discontinuation of use, the owner of the land and facility shall both be equally responsible to physically remove the personal wireless service facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
  - i) Removal of antennas, foundations, equipment shelters, security barriers, and all other structures and equipment placed on site or constructed in relation to the operation or support of the personal wireless service facility from the subject property.
  - ii) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
  - iii) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after condition.
- (c) Failure to Remove: If the owner of the facility or the owner of the land upon which it is located does not remove the facility upon the Selectmen's order, then the Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility and/or the land shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action, and take such action as may be appropriate under prevailing law to abate a land use violation, to include a request for injunction, civil fines, and other appropriate relief.

### 3. INSURANCE

The Planning Board shall require the annual submission of a certificate of adequate insurance covering personal and property liability. Such insurance shall provide for a minimum of thirty (30) days notice of cancellation to the Town. Absence of said insurance shall constitute abandonment of said facility.

#### M. Landscaping requirements shall be as follows:

1. Intent. The following Landscape Design Guidelines and Standards are intended to preserve and enhance the appearance and natural beauty of the Town and to protect property values (1) through the preservation of existing site topography and vegetation and (2) the establishment of new screening and landscaping material. Specifically these guidelines and standards are intended to moderate heat, noise, glare and accumulation of dust, to shade, to provide privacy from noise and visual intrusion and to prevent the erosion of soil, excess run-off of drainage water and the pollution of water bodies, watercourses, wetlands and aquifers and to guide the safe circulation of cars and pedestrians.
2. Landscape Design Guidelines: The Development should conform to the extent appropriate to the natural topography of the site. Grade changing and site clearing should be kept to the minimum required for the construction of buildings and improvements, taking into consideration the goal of minimizing the adverse environmental and visual impact of the project.
  - (a) Natural (existing) grades and vegetative cover should be retained to the extent possible and reasonable.
  - (b) Provisions should be made for the conservation and retention (where feasible) of natural features, before, during and after construction. Natural features include streams, lakes, ponds, wetlands, and vegetative cover.
  - (c) Landscaping and screening should be provided with regard to adjacent properties, the public highway and within the site including interior landscaping of large parking areas (over two double rows).
  - (d) Landscaping should be provided which is in keeping with the character of the area where the site is located, the purpose of the development, and location of buildings and improvements. The Board feels that the quality of the proposed site development is directly related to the extent of the landscaping effort expended particularly for commercial site development.

- (e) A buffer should be provided to assure that the development of the project conforms at its boundaries with the character of the adjoining land and its uses. These buffer areas should be of sufficient width to provide privacy and noise protection, but in no case should the width of such buffer be less than the setbacks otherwise required in that zoning district.
- (f) Wherever possible, the above requirements should be met by the retention of existing plants. Within 25 feet of a street, existing trees, dense hedgerow, or existing earth berms providing similar visual screening should be encouraged to remain unless dictated by plant health or access safety.
- (g) The Board encourages the main emphasis of the landscaping effort be expended enhancing the “front door” image of the property as viewed from the adjacent public streets and enhancing the image of the property as viewed from existing or potential neighboring residences.

### 3. Landscape Design Standards

- (a) In the Village & Mixed-Use Districts, the landscaped buffer between the street right-of-way and the edge of the on-site parking lot shall be no less than five (5) feet wide.
- (b) Parking lots in excess of ten spaces shall include landscaping to provide shading of parking areas, break up the mass of parking areas, or facilitate pedestrian and traffic flow safety. A minimum of four 2-½ inch caliper deciduous trees shall be provided for each ten parking spaces. Curbing or wheel stops shall be used to protect these landscaped islands.
- (c) Proposed plantings shall include both trees and evergreen shrubs, and preferably will include ones existing on the site. Plantings preferably will be grouped, not evenly spaced and shall be located or trimmed to avoid blocking egress visibility.
- (d) A minimum of 5% of the interior area of parking lots containing 10 or more parking spaces must be planted. A minimum of one tree and four shrubs exclusive of perimeter plantings must be planted for every 3,000 square feet of parking lot or for each 25’ of parking space front curbing, whichever requires a greater number of plantings. Planting areas must each contain not less than 30 square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.
- (e) Landscaping shall also be dispersed throughout parking areas to diminish the overall impact of such areas. The design of and choices of plant species in any landscape plan in and around parking areas shall address the need for adequate and safe snow removal and winter protection of the landscaping.
- (f) All landscape plans shall provide visual clearance at corners with no obstructions of intersections.
- (g) Areas between a parking lot and a roadway shall be appropriately landscaped. All parking spaces shall be safely separated from walkways, sidewalks, and streets by curbing, landscaping, berms, islands or other appropriate measures.

### 4. Minimum Plan Information

- (a) Minimum Plan Information. Any landscape plan shall be considered incomplete unless it shall contain specific types, sizes, locations and quantities of species to be planted, coordinated with a graphic plan, drawn at suitable scale, to show the plan. The detailed area shall include the allowable building envelope exclusive of Zoning setbacks, Conservation setbacks, easements, etc.
- (b) Site Features Inventory. Natural features such as streams, marshes, lakes, or ponds. Man made features such as, but not limited to, existing roads and structures shall be shown on the site survey. Such site survey shall indicate which features are to be retained and which are to be removed or altered. The mapped area shall be inclusive of all buildable area within Zoning setbacks.

## **ARTICLE VII: WAIVER PROCEDURE.**

The Planning Board may waive provisions of these regulations provided that:

1. Such waiver will not be contrary to the purpose or intent of these regulations;
2. No such waiver creates a conflict with other applicable regulations;
3. Such waivers shall be recorded in the minutes of the Planning Board and shall be shown on the approved Site Plan, if applicable.
4. Compliance would pose an unnecessary hardship on the applicant.

## **ARTICLE VIII: AMENDMENTS.**

Amendments to these Site Plan Review Regulations shall be made in the same manner in which amendments to subdivision regulations are made.

## **ARTICLE IX: SEPARABILITY.**

If any provision herein shall be held to be invalid for any reason by a Court, such holding shall not invalidate in any manner any other provision contained herein.

## **ARTICLE X. BONDING.**

The Planning Board shall, where any site improvements are proposed by the applicant or required by the Planning Board, as a condition of approval, require the applicant to complete said improvements or provide security for the completion of said improvements within the time period established by the Planning Board, as the Planning Board determines to be appropriate. Such security may be in the form of a performance bond, letter of credit from a New Hampshire Bank or such other form as the Planning Board shall determine to be appropriate. The amount of security required shall be no less than a fair estimate of the costs of the improvements plus an appropriate amount to account for future inflation and diminishing size of the project. Where the cost is nominal, the Planning Board may waive this requirement. The security shall not expire until the improvements are completed and accepted by the Town, or at a reasonable future time, allowing post construction inspection to assure adequacy.

## **ARTICLE XI. APPEALS.**

Any person, aggrieved by an official action of the Board, may appeal therefrom in accordance with the provisions of RSA 677:15.

## **ARTICLE XII: BUILDING PERMIT.**

No building or zoning permit shall be issued for the construction of any structure, including additions, covered by these Site Plan Regulations unless the applicant first presents a Site Plan approved by the Planning Board to the Board of Selectmen or Agent.

## **ARTICLE XIII: COMPLIANCE HEARINGS.**

In cases where the Board has placed conditions precedent (One to be fulfilled before the project can be built), there must be a noticed public hearing in which abutters have a chance to review and comment on compliance with the conditions precedent. Approval of a site plan, subject to a condition(s) precedent is conditional approval. It is not final approval. Site plans shall not be signed by the Board until all conditions precedent have been met.

**ARTICLE XIV: DEFINITIONS.**

The definitions contained within the Sunapee Zoning Ordinance shall apply.

**ARTICLE XV: EFFECTIVE DATE.**

These Site Plan Regulations shall take effect upon their passage,

**Adopted March 10, 1987**  
**Amended March 12, 1992**  
**Amended February 18, 1999**  
**Amended August 16, 2001**  
**Amended November 16, 2006**

**Effective July 7, 1987**  
**Effective March 12, 1992**  
**Effective February 18, 1999**  
**Effective August 16, 2001**  
**Effective November 16, 2006**

Reviewed by,

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Roger Landry, Zoning Administrator

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Michael Marquise, Town Planner

## APPENDIX

The figures, dimensions, distances, percentages, etc. listed in this section are intended to be utilized by both the Planning Board and the developer and are not specifically intended to be definitive regulation requirements.

### **A. Parking Space Dimensions**

(1) Normal Vehicles require a rectangular space of at least 9 ft. by 18 ft.

(2) Angled Parking:

Parking Angle	45	60	70	90
Stall Width	9'	9'	9'	9'
Aisle Width	12'	18'	22'	24'

(3) Parallel Parking. Normal Vehicles require a rectangular space of at least 9'x24'.

### **B. Landscaping and Maintenance – See Article IV, Section M for specific details. (Amended 11/16/2006)**

(1) Landscaping Parking Area

Large parking areas (greater than 10 spaces) should consider screening and berming. Layout should consider aesthetics as well as traffic flow and practically - snow removal, ice control, etc.

(2) Parking Area Maintenance.

Large parking areas and/or parking areas with heavy traffic flow should give special attention to drainage, erosion, dust, and excessive water flow across public ways or property of others.

### **C. Guidelines for minimum number of parking spaces provided.**

(1) Multi-family dwelling 1 space/unit plus 1/2 space/bedroom, over one (2 bedroom needs 1 1/2 spaces)

(2) Motels/Hotels 1.25/unit

(3) Hospitals/Treatment Facilities 1.5/bed

(4) Educational Facilities 1 space seats in largest room or 1 space/ staff member , whichever is greater

(5) (a) Rest Home or Nursing Home 1 space/4 beds

(b) Assisted Living Facility 1 space/3 beds

(6) Place of Assembly, such as church, funeral parlor, auditorium, restaurant, theater, etc. 1 space/3 seats

(7) Banks 1 space/200 sq. ft. total floor area

Shopping Centers 1 space/200 sq. ft total floor area

Office Space 1 space/300 sq. ft total floor area

Warehouse/Storage 1 space/200 sq. ft total floor area

(8) Flea Market 2.5 spaces/vendor

(9) Marinas 1.5 spaces/slip

(10) Service Stations 1 space/100 sq. ft. in service bays

(11) Additional Considerations

(a) 1 space for each employee shall be provided

(b) Parking requirements for non-residential usage may be reduced if municipal parking is available.

### **D. Loading Spaces.**

Loading spaces shall be a minimum of 12' in width, 14' in height and 30' in height. Consideration should be given to the approach, thereby not requiring repeated maneuvering within a public way.

### **E. Grade Criteria for Drives/Roads**

(1) Minimum 0.5%

(2) Maximum 10.0%

(3) First 60' from intersections +/- 2.0%

### **F. Fee Schedule. (Amended 9/21/2006)**

(1) Base Fee (All Projects) \$100.00

(2) Additional Fees (Agricultural Use & Home Business Exempt)

(a) Non-Residential:

\$50.00/1000 sf. of Building Footprint over 2000 sf

\$50.00/5000 sf of Additional Land Disturbed beyond Building Footprint)

(b) Residential:

\$50.00/Unit after 2 units (Amended 11/16/2006)