

TOWN OF AUBURN
SITE PLAN REVIEW REGULATIONS

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SECTION 1.00 - GENERAL PROVISIONS

1.01 Title

These Regulations shall hereafter be known, cited and referred to as the “Site Plan Review Regulations” of the Town of Auburn, New Hampshire.

1.02 Authority

Pursuant to the authority vested in the Planning Board by the voters of the Town of Auburn on March 10, 1969, and in accordance with the provisions of N.H. R.S.A. 674:43, 674:44, 675:6, 675:7, 675:8, the Auburn Planning Board hereby adopts the following revised regulations governing the approval and disapproval of site plans for the non-residential and multi-family residential development of land in the Town of Auburn, New Hampshire on June 15, 2011.

These Regulations replace and supersede the former Nonresidential and Multi-Family Site Plan Review Regulations for the Town which were adopted on June 25, 1986, and revised on November 15, 2000.

Adoption of these Regulations is not intended to invalidate any approval or alter any requirement of an approval under the former Regulations. The provisions of the former Site Plan Review Regulations shall be deemed to apply to all completed applications currently pending before the Planning Board, and to all applications which have been the subject of a first legal notice before the Board, unless determined otherwise by agreement of the Applicant and the Board.

1.03 Policy, Objective and Purposes

(1). Policy: It is hereby declared to be the policy of the Town of Auburn to consider the development or change or expansion of use of land for nonresidential uses or for multi-family dwelling units as subject to regulation by the Town of Auburn Planning Board. The Planning Board is authorized to review and approve or disapprove site plans which develop, change, or expand the use of tracts in the Town for nonresidential uses or for multi-family dwelling units.

(2). Objective: The goal of these Regulations is to enhance the public health, safety and general welfare of Auburn’s citizens and to encourage the appropriate and wise use of land in the Town. These Regulations are adopted to promote balanced, responsible and desirable growth, while considering the public health, safety, welfare, and convenience, by avoiding the haphazard and uncoordinated development of land without the adequate provision of public services or facilities; to ensure that sound site utilization principles are followed; to avoid development that may have a negative environmental or economic impact; to preserve the rural character of the Town and to guide the character of development to conform with the Town’s Master Plan. The general objective of these Regulations is to regulate site plan review in accord with N.H. R.S.A. 674:44.

(3). Purposes: In accordance with the above-stated policy and objective, these Regulations are adopted for the following purposes:

(A). To provide for the safe and attractive development or change or expansion of use of the site and to guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:

(i) Inadequate drainage or conditions conducive to flooding of the property or to

the property of another;

- (ii) Inadequate protection for the quality of groundwater;
 - (iii) Undesirable and preventable elements of pollution, such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
 - (iv) Inadequate provision for fire safety, prevention, and control;
- (B). To provide for the harmonious and aesthetically pleasing development of the Town of Auburn and its environs;
 - (C). To provide for open spaces and green spaces of adequate proportions;
 - (D). To require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets, or with features of the official map of the Town of Auburn;
 - (E). To require suitably located streets of sufficient width to accommodate existing and prospective traffic, and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and to be coordinated so as to compose a convenient transportation system;
 - (F). To require, when appropriate, that plats showing new streets or narrowing or widening of streets be submitted to the Planning Board for approval;
 - (G). To require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
 - (H). To require innovative land use controls on lands when supported by the Auburn Master Plan;
 - (I). To permit preliminary review of site plans in appropriate cases; and
 - (J). To create conditions favorable for the general health, safety, convenience, and prosperity of the citizens of Auburn.

1.04 Applicability

These Regulations shall apply to all development of, change in, or expansion of the use of land for nonresidential or multi-family residential uses, as defined herein, located within the corporate limits of the Town of Auburn, whether or not such development includes a subdivision or re-subdivision of the site.

1.05 Waivers

- (1). In accordance with N.H. R.S.A. 674:44, III, (e), the Planning Board may, upon written request of an applicant, and after a majority vote taken at a duly noticed public meeting,

grant a waiver of any provision(s) or requirement(s) of these Regulations, if the Board finds that:

(A). Strict conformity with the Regulation(s) would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of these Regulations; or

(B). Specific circumstances relative to the proposed site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of these Regulations.

(2). All waivers granted by the Planning Board shall be clearly noted upon the approved plat or plan, or in a separate document attached to the approved and recorded plat or plan.

1.06 Expenses and Fees

(1). General: The applicant shall pay for all expenses incurred by the Town for review and hearings associated with the application. The cost of any required publication or posting of notice, and the cost of mailing notices of the hearing via certified mail, shall be paid by the applicant prior to said hearing. All expenses incurred by the Town in having the Town's engineers, consultants, and Planning Board Attorney review proposed plans shall be borne by the applicant and paid prior to Final Plan approval.

(2). Fee Schedule: A fee schedule for the processing and review of an application shall be set by the Planning Board and periodically revised and updated. See Appendix A.

(3). Escrow Account: The Board shall require that a separate escrow account be established with the Town to cover fee expenses and costs. The applicant shall complete an escrow agreement for the cost of engineering and legal reviews. See Sample Escrow Agreement, Appendix B.

(4). Application Fee: An application fee in the amount set forth in Appendix C shall be paid for each site plan submitted to the Planning Board. An additional fee as set forth in Appendix C shall be paid for each abutter entitled to receive written notice of the proposed site plan. All application fees shall be payable to the Town of Auburn for deposit in the general fund of the Town.

(5). Professional Inspection/Review Fees: Whenever a proposed site plan will involve street construction, the installation of drainage structures or other required improvements, the costs incurred by the Town to have the Town Engineer or Consultant inspect or review the required improvements shall be borne by the applicant. Prior to receiving final approval of a Site Plan involving required improvements, the applicant shall deposit with the Clerk of the Town of Auburn a sum in accord with the fee schedule in the Appendix. The amount deposited under this section shall be held in a special escrow account by the Clerk for the purpose of paying the Town Engineer, Attorney or Consultant to make the necessary inspections and reports. The fee for these services shall be based on the standard rate schedule on file in the Planning Board office.

(6). Return of Unused Fees: Any amount deposited under this section and not used for the purposes stated herein shall be returned to the applicant upon final acceptance of the required improvements and prior to the release of any performance guarantee money deposited under Section 8 of these Regulations.

1.07 Public Hearings

(1). When Required: Public hearings shall be required when the Board is engaging in the Design Review Phase or the Final Review Phase of a Minor or Major Site Plan. The public hearing may be held at the meeting at which the Application is submitted and accepted.

(2). When Not Required: Public hearings shall not be required when the Board is engaged in the Preliminary Conceptual Consultation Phase, or in considering or acting upon disapproval of applications as incomplete for procedural reasons, such as failure to: include abutter information; meet reasonable deadlines established by the Board; or pay costs of notice or other fees required by the Board. Such actions by the Board may take place at a public meeting.

SECTION 2.00 - DEFINITIONS

2.01 Usage

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural include the singular; and the word “herein” means these Regulations. Reference to a building or structure includes any part thereof. The terms “used” or “occupied” shall be construed to include planned, designed, or intended uses. The word “shall” is mandatory; the word “may” is permissive.

2.02 Words and Terms

For the purpose of these Regulations certain words and terms used herein are defined as follows:

- (1). Abutter: Shall be as defined in N.H. R.S.A. 672:3, as may be amended from time to time, which is currently as follows:
 - (A). Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Planning Board.
 - (B). For purposes of notification by the Planning Board of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in N.H. R.S.A. 356-B:3, XXIII.
 - (C). For purposes of notification by the Planning Board of a hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in N.H. R.S.A. 205-A:1, II, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the Planning Board.
 - (D). For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
- (2). Acceptance: An affirmative vote by a majority of the Planning Board at a public meeting that an application contains the items required to constitute a complete application sufficient for the Planning Board to invoke jurisdiction in accordance with N.H. R.S.A. 676:4,I(b).
- (3). Active and Substantial Development or Building: May be defined by the Planning Board with respect to each application. In accordance with N.H. R.S.A. 674:39, the Board, at its discretion, may require all plans to include a note that shall specify the threshold level of work which shall constitute “active and substantial development or building” for the purposes of fulfilling the requirements of N.H. R.S.A. 674:39, I. This threshold for “active and substantial development or building” must be reached within twelve (12) months of final approval before the plan will be eligible for the four (4) year exemption, as provided under N.H. R.S.A. 674:39, from subsequent changes in the Town of Auburn Zoning Ordinance, Subdivision Regulations, or Non-residential Site Plan Review Regulations. Upon

receipt of a written application demonstrating good cause to do so, the Board may extend this period for up to an additional twelve (12) months.

- (4). Applicant/Developer: The owner of land to be developed, changed in use, or the subject of an expanded use, or his or her agent or representative as may be authorized by signed and notarized statement, on a form sufficient and acceptable to the Planning Board.
- (5). Approval: A final vote by the Planning Board, certified by written endorsement on the plat, that the proposed site plan meets the requirements of these Regulations and satisfies, in the judgment of the Planning Board, all criteria of good planning and design.
- (6). Approval, Conditional: (approval with conditions precedent). A vote by the Planning Board that the site plan application is approved, contingent upon the completion of specific tasks or items required for final approval. Until all the requirements for an approval have been met, a conditional approval does not constitute, nor shall it be construed as approval, either implied or granted, of the site plan application. A conditional approval does not bind the Planning Board to approval of the final site plan. A conditional approval requires that the applicant return to appear before the Planning Board in a public meeting for final approval.
- (7). Approval, with Conditions: (approval with conditions subsequent). A vote by the Planning Board that the site plan is approved, with conditions subsequent that, once resolved, will constitute final approval without returning to the Planning Board.
- (8). Board: The Planning Board of the Town of Auburn, New Hampshire.
- (9). Bond: Any form of security, including a cash deposit escrow account, surety bond, letter of credit or other instrument of credit in an amount and form satisfactory to the Board of Selectmen, the Planning Board and the Town attorney. The term “performance guarantee” is used generally to cover all forms of security which may be posted to guarantee the applicant’s compliance with the terms of site plan approval. See Section 2.02(25), below.
- (10). Buffer or Buffer Strip: A strip of land along a property line or zoned district boundary line, which shall be free of any building or use other than natural woody growth, landscaping or screening.
- (11). Buildable Area: The required area of contiguous non-wetland acreage within each buildable lot, including each clustered building lot. The buildable area should not contain protected wetlands, front, side or rear yard setbacks, wetland buffers, cluster perimeter buffers, and slope, drainage or utility easements.
- (12). Clustered Residential Development: Two or more dwellings, whether single family detached or multi-unit, “clustered” or “grouped” on a lot or group of contiguous lots, closer than would otherwise be permitted by the minimum lot size, frontage and yard requirements of the Auburn Zoning Ordinance.
- (13). Condominium: A development containing two (2) or more units in a structure wherein each unit is customarily owned and wherein the owners of such units have an undivided interest in the common area pertaining to the development.

- (14). Cul-de-sac: A local street closed at one end by building lots which comports with the typical cul-de-sac detail set forth in the Appendix - Typical Design Details.
- (15). Day(s): Shall mean calendar day(s) unless otherwise indicated or agreed upon by the Planning Board.
- (16). Dedication: A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of real property is involved, the dedication shall be made by written instrument suitable for recording, and completed with an acceptance.
- (17). Design Review Phase: An optional stage of site plan approval for major site plan applicants, which involves non-binding discussions with the Planning Board, beyond conceptual and general discussion, which address more specific design and engineering details. This hearing is intended for the submission of information, which is beyond that of the Preliminary Conceptual Consultation Phase, but which may include less than all of the information required for the Final Review Phase.
- (18). Development: The construction of improvements on a tract or tracts of land for nonresidential use and/or multi-family residential use.
- (19). Driveway: A space located on a lot, which may not be more than twenty-four (24) feet in width at the lot line, built or used for vehicular access by automobiles or trucks to a garage, parking space, or service area.
- (20). Easement: A restriction by a property owner for the use, access or maintenance by another and for a specific purpose, including an acquired privilege or right of use, which one party may have on the land of another, such as a strip of land used or intended to be used for a sanitary sewer or storm, water drainage line, or other utility, when such utilities are not included in the street.
- (21). Engineer: The applicant's duly designated registered professional engineer, licensed in the State of New Hampshire.
- (22). Final Review Phase: The last stage of the site plan application review process. The first part of this Phase commences upon submission to the Planning Board, at a duly noticed public hearing, a formal application for final review. The second part of the Final Review Phase commences after the Planning Board has voted, at a duly noticed public hearing, to accept the application for site plan approval. The second part of the Final Review Phase involves the Planning Board's consideration of the merits of the site plan application and a vote by the Planning Board to approve or deny the site plan application.
- (23). Improvements: All work required to construct the proposed development, including but not limited to site grading, landscaping, utility installation, (water, sewer, electric, drainage, telephone, etc. and their appurtenances), roadways, parking lots, drives, buildings, fencing, signs, etc. meaning and intending to include all work necessary to construct the development as agreed and shown on the approved plat or plan, including all on-site and off-site improvements.
- (24). Multi-Family Dwelling Units: Any structure containing two (2) or more dwelling units.

- (25). Performance Guarantee: Any form of security, including a cash deposit escrow account, surety bond or other instrument of credit in an amount and form satisfactory to the Board of Selectmen and the Planning Board. The term “performance guarantee” is used generally to cover all forms of security which may be posted to guarantee the applicant’s compliance with the terms of site plan approval.
- (26). Person: Includes an individual, corporation, partnership, trust, incorporated association, limited liability company or any other legally recognized entity.
- (27). Preliminary Conceptual Consultation Phase: An optional stage of site plan approval which involves review of the basic concept of the proposal. The purpose is for the Planning Board to make suggestions which might be of assistance in meeting requirements for final review and approval. Such consultation does not bind either the applicant or the Planning Board, and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Planning Board and the applicant may discuss proposals in conceptual form only, and in general terms, such as desirability of types of development and proposals under the Town’s Master Plan.
- (28). Special Flood Hazard Area: The land in the flood plain within the Town of Auburn subject to a one (1%) percent or greater possibility of flooding in any given year. In particular, that area designated as Zone A on the Flood Insurance Rate Maps (FIRM) and Flood-Boundary and Floodway Maps (FHBM).
- (29). Street: Any road or other way which is an existing and/or improved Town street or which is shown on a subdivision plat approved by the Planning Board and recorded at the Rockingham County Registry of Deeds. A street includes the land between the right-of-way lines whether improved or unimproved. The Planning Board may exercise its discretion in determining the classification of a street.
- (30). Street, Arterial: A street or highway used primarily for heavy and/or through traffic.
- (31). Street, Collector: A street which, in addition to giving access to abutting properties, serves primarily to carry traffic from local streets to arterial streets and to public and other centers of traffic concentration.
- (32). Street, Local or Service: A street used primarily to give access to abutting properties.
- (33). Substantial Completion: Unless otherwise defined by the Planning Board with respect to a particular site plan application, means the completion of all on-site and off-site improvements specified on the approved site plan application, except for those improvements which are specifically deferred by recorded vote of the Planning Board, prior to the expiration of the four-year period specified in N.H. R.S.A. 674:39.
- (34). Town: The Town of Auburn, New Hampshire.
- (35). Town Engineer: The duly designated engineer of the Town of Auburn, or if there is no such office, the planning consultant or official assigned by the Selectmen. The

Planning Board is authorized to enter into a contract(s) with a private engineering firm to serve as the Town Engineer for the Town of Auburn.

(36). Way: Any public highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority of statute, and ways provided and maintained by public institutions to which state funds are appropriated for public use.

(37). Zoning Ordinance: The duly enacted Zoning Ordinance of the Town of Auburn.

2.03 Other Definitions

Any word or term used in these Regulations which is not defined in this Article, nor a defined word or term in the Auburn Zoning Ordinance or Subdivision Regulations, nor defined in its context, shall carry its customary meaning, unless otherwise stipulated by the Planning Board.

SECTION 3.00 - SITE PLAN APPLICATION SUBMITTAL PROCESS

3.01 Projects Requiring Site Plan Review

The following uses require site plan approval from the Planning Board. Building permits will not be issued for these uses prior to the receipt of site plan approval from the Planning Board:

- (1). New construction of nonresidential buildings or uses;
- (2). New construction of multi-family structures with more than two (2) dwelling units;
- (3). Conversions or additions resulting in a net gain of two (2) or more dwelling units;
- (4). Nonresidential additions or conversions from residential structures to non-residential uses;
- (5). Any other non-residential project which involves a change or expansion of use of a site; and
- (6). Modification of previously approved site plans.

3.02 Classification of Site Plans

There are two classifications of site plan applications:

- (1). Minor Site Plan Application: A site plan application which meets the requirements of the Zoning Ordinance and contains less than five (5) dwelling units for residential projects, and less than three thousand (3,000) square feet of building area for non-residential projects, shall be considered a Minor Site Plan, unless the proposed site plan requires new streets, driveways, parking lots, sewers, or drainage structures. If the proposed site plan requires new streets, driveways, parking lots, sewers, or drainage structures, then it will be considered a Major Site Plan.
- (2). Major Site Plan Application: All other applications shall be considered Major Site Plans.

3.03 Procedures for Minor Site Plans

(1). General: Minor Site Plan applicants must comply with all requirements of the Final Review Phase described below in Section 3.08. Minor Site Plan applicants are encouraged to participate in the optional first-phase process consisting of the Preliminary Conceptual Consultation Phase, described in Section 3.05, prior to engaging in the Final Review Phase.

(2). Process: The procedures for application submission and Planning Board review and approval of a Minor Site Plan application are set forth below in Sections 3.08, 3.09, Section 4, and Section 5. General and specific submission requirements are set forth in Sections 6.00 and 9.00 of these Regulations.

(3). Costs: The Minor Site Plan applicant shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board, and will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs, in accordance with Section 1.06.

3.04 Procedures for Major Site Plans

(1). General: Major Site Plan applicants must comply with all requirements of the Final Review Phase described below in Section 3.08. Major Site Plan applicants are encouraged to participate in both of the optional first and second phase processes consisting of Preliminary Conceptual Consultation Phase (Phase I), and the Design Review Phase (Phase II). The procedures for participation in these phases are set forth below in Sections 3.05 through 3.07.

(2). Process: The procedures for application submission and Planning Board review and approval of a Major Site Plan application are set forth below in Sections 3.05-3.09 and Articles 4 and 5.

(3). Costs: The Major Site Plan applicant shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board, and will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs, in accordance with Section 1.06.

3.05 Preliminary Conceptual Consultation Phase (Optional)

(1). Description: Both Minor and Major site plan applicants are encouraged to participate in the optional Preliminary Conceptual Consultation Phase which is defined in Section 2.02(27) of these Regulations. This phase provides the applicant with the opportunity to meet with the Planning Board to review the concept of any anticipated development. The Applicant is encouraged to participate in these meetings prior to any substantial investment in planning or engineering of a proposal, and prior to entering the Final Review Phase described in Section 3.08. Discussions with the Planning Board during the Preliminary Conceptual Consultation Phase may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.

(2). Costs: The Site Plan approval applicant shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board, and will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs in accordance with Section 1.06.

(3). Application Required: Before participating in the Preliminary Conceptual Consultation Phase the Applicant shall submit a completed Preliminary Consultation Phase Application Form, in duplicate, and any required information delineated in Section 3.06 for the Preliminary Conceptual Consultation Phase. The application form is reproduced in the Appendix and is available at the Town offices. The application form may also be available on the Town's website, at the Planning Board's discretion. The application must be completely filled out prior to submission to the Planning Board. A completed Preliminary Conceptual Consultation Phase Application shall not be deemed a complete Application for purposes of the Design Review or Formal Application Submission Phases.

(4). Acceptance of Application: A duly notified public hearing is not required for acceptance of the completed Preliminary Conceptual Consultation Phase Application. Such an application may be accepted at any public meeting of the Planning Board. The Planning Board shall place on its agenda for consideration the information submitted to it within thirty (30) days, indicating on the agenda the nature of the Application, and the fact that the Applicant will be appearing before the Planning Board for the Preliminary Conceptual Consultation Phase.

(5). Optional Preliminary Plan: Applicants are also encouraged to submit a Preliminary Plan for review and comment. The intent of a Preliminary Plan is to enable the Applicant and the Planning Board to review, discuss and evaluate a proposed site plan at a time when modifications will not result in a substantial engineering or surveying costs to the developer. Specifications for a Preliminary Plan are set forth in the Preliminary Conceptual Consultation Phase Application set forth in the Appendix to these Regulations.

3.06 Submission Requirements for Preliminary Conceptual Consultation Phase

(1). Minor Site Plan Applicants: In addition to a fully completed Preliminary Consultation Phase Application for a Minor Site Plan, the applicant should also submit a Preliminary Site Plan for review and comment by the Planning Board. The Preliminary Site Plan Application should include the items required by the checklist on the Preliminary Consultation Phase Application for a Minor Site Plan and should meet all applicable specific plan submission requirements as set forth in Article 9 of these Regulations.

(2). Major Site Plan Applicants: In addition to a fully completed Preliminary Consultation Phase Application for a Major Site Plan, the applicant should also submit a Preliminary Site Plan for review and comment by the Planning Board. The Preliminary Site Plan Application should include the items required by the checklist on the Preliminary Consultation Phase Application for a Major Site Plan and should meet all applicable specific plan submission requirements as set forth in Article 9 of these Regulations.

3.07 Design Review Phase (Optional)

(1). Description: Major Site Plan applicants may elect to participate in the optional Design Review Phase, defined in Section 2.02(17) of these Regulations, as either the first or second phase of the Site Plan approval process. In this phase, the Applicant may engage in non-binding discussions with the Planning Board beyond conceptual and general discussion which involve more specific design and engineering details. Statements made by Planning Board members during the Design Review Phase shall not be the basis for disqualifying said members or invalidating any action taken by the Board. An Applicant may elect to forego the Design Review Phase, but all Applicants must comply with all requirements of the Final Review Phase, set forth in Section 3.08.

(2). Costs: The applicant for Major Site Plan approval shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board, and will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs in accordance with Section 1.06 of these Regulations.

(3). Application Required: The applicant shall submit a completed Design Review Application Form, in duplicate, plus six (6) copies of the Site Development Plans and any required information delineated in Sections 3.05, 3.06, and 3.07 for the Preliminary Conceptual Consultation Phase and Design Review. The Design Review Phase Application Form must be completely filled out prior to submission to the Planning Board. A duly notified public hearing is

required for acceptance of the completed Design Review Phase application. A completed Design Review Phase Application shall not be deemed a complete Application for purposes of the Final Review Phase.

(4). Notice: The Design Review Phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, the applicant and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board, by certified mail of the date upon which the Planning Board will engage in the Design Review process. For those proposals near rivers and streams and downstream of a dam, the Planning Board shall also notify the owners of the upstream dam and the N.H. Department of Environmental Services Dam Bureau by certified mail. Notice of the Design Review Phase shall also be given to the general public as required by Section 3.10 of these Regulations. The Planning Board shall place on its agenda for consideration the information submitted to it within thirty (30) days, indicating on the agenda the nature of the Application, and the fact that the Applicant will be appearing before the Planning Board for the Design Review Phase.

(5). Municipal Review: The Planning Board may elect, when it deems appropriate, to require that the applicant submit its design to the Town of Auburn Fire Department, the Auburn Conservation Committee, and/or the City of Manchester Water Works for review and comment.

(6). Completion of Design Review Phase: The Design Review Phase ends upon submission by the applicant of a Final Review application. In addition, the Planning Board may, in its discretion, determine that the Design Review phase of an application has ended, and shall inform the applicant in writing of such decision within ten (10) days of such determination.

3.08 Final Review Phase (Required)

The Final Review Phase is required for all Minor and Major Site Plan Applicants. The process for completion of the Final Review Phase is set forth below:

(1). Formal Application Required:

(A). To commence the Final Review Phase, all Applicants are required to complete the Application Form for a Minor Site Plan or Major Site Plan, as applicable, in accord with the Checklist for such applications, set forth in the Appendix to these Regulations. The Application Forms for the Final Review Phase for Minor and Major Site Plans are also available at the Town Offices.

(B). The submission of a formal application shall include a final Site Development Plan, the recordable Mylar, copies of all specific plats; any required information set forth in Articles 3, 5, 6 and 9 of these Regulations for the Preliminary Conceptual Consultation Phase, Design Review Phase and Final Review Phase.

(C). The number of submission copies shall be governed by Section 9.02 for Minor Site Plans and Section 9.03 for Major Site Plans.

(D). The application shall include the names and addresses of the applicant and all abutters as indicated in the Town of Auburn records not more than five (5) days before the day of filing. Abutters shall also be identified on any plat submitted to the Board. The applicant shall furnish the Planning Board Secretary with pre-printed address labels addressed to all persons requiring notice.

(E). Formal acceptance of a completed Final Review Application shall occur at a duly noticed public hearing of the Planning Board, as set forth below.

(2). Costs: The site plan applicant shall bear all costs of providing all necessary notices, design reviews, studies, reports, engineering review, traffic studies, environmental impact studies, and legal review required by the Planning Board, and will be required, at the discretion of the Board, to establish a separate escrow account to pay for such costs in accordance with Section 1.06 of these Regulations.

(3). Filing Deadlines: The completed application, all application fees, notice fees and other fees required by these Regulations, shall be filed with the Planning Board Secretary, not less than twenty-one (21) days prior to the public meeting at which the application will be submitted to the Planning Board.

(4). Notice:

(A). The applicant, abutters, holders of conservation, preservation, or agricultural preservation restrictions, any engineer, surveyor, architect, or soil scientist, whose professional seal appears on any plat submitted to the Planning Board shall be notified by certified mail of the date on which the application will be formally submitted to the Board. Notice shall be mailed at least ten (10) days prior to the submission at a public hearing.

(B). Notice to the general public shall also be given at the same time by posting the mailed notice in two public places.

(C). For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

(D). All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

(E). Notice of all public hearings shall comply with the requirements of N.H. R.S.A.676:4 and these Regulations, unless there is a denial for failure to submit required information, pay fees, or meet Planning Board deadlines.

(5). Acceptance at Public Hearing: The completed Final Review application must be submitted to the Planning Board at a duly noticed public hearing. The Board will determine whether to accept the Final Review application as complete, or, alternatively, to deny the application as incomplete. The Planning Board shall be the sole authority to determine whether an applicant has met all the necessary requirements as set forth in these Regulations and has submitted a complete application. The Board shall look to these Regulations, the Application form, and the Checklist to determine whether or not an application is deemed to be sufficient for the Board to accept the application and proceed to the second stage of the Final Review Phase. The Board may elect not to accept an application for commencement of the Final Review Phase for any of the following reasons:

- (A) The application is incomplete;
- (B) The applicant has not paid all necessary fees;
- (C) Notice of the hearing has not been properly given;
- (D) The property(s) which is the subject of the application is involved in litigation and the outcome of such litigation may materially affect the decision of the Planning Board;
- (E) The proposed site plan does not meet the requirements of the Zoning Ordinance for the Town of Auburn. The Board may accept the application if a variance or special exception request is pending before the Zoning Board of Adjustment and the Board has requested that the Planning Board act first on an application. Any Planning Board action in such an instance shall be conditioned upon any necessary Board of Adjustment action.

(6). **Receipt:** The Planning Board shall furnish the applicant with a printed receipt indicating the date on which the application was submitted to, and accepted by, the Planning Board. The official submission date for all relevant time periods shall be the date recorded upon the receipt acknowledging acceptance of the completed application.

3.09 Time Table for Final Review Phase

(1). **Filing Deadline:** A completed Final Review Phase Application shall be filed with the Planning Board secretary at least fifteen (15) days prior to the hearing at which the application will be considered for acceptance.

(2). **Acceptance of Final Review Application:** The Planning Board shall determine if a submitted Final Review Phase application is complete according to the Board's Regulations, and shall vote upon acceptance of the completed application within thirty (30) days following the submission of the completed application to the Planning Board Secretary, or at the next regular meeting for which notice can be given in accord with the provisions of Section 3.10 and N.H. RSA 676:4, I(b).

(3). **Rejection of Incomplete Applications:** If the Board determines that a submitted application is incomplete, the Board shall provide written notice to the applicant of its determination, in accord with N.H. R.S.A. 676:3, and said determination shall describe the information, procedure or other requirement necessary for the application to be complete.

(4). **Vote to Approve/Deny Application:** After the Board has voted to accept a Final Review Phase application as complete, the Board shall begin formal consideration of the application. The Board shall act to approve, conditionally approve, or disapprove the application within sixty-five (65) days after submission and acceptance of the application, subject to extension or waiver as set forth below. The Board may, in its discretion, vote to approve or deny a Final Review Phase application at the same public meeting during which it voted to accept the application.

(5). **Selectmen's Order:** Upon failure of the board to approve, conditionally approve, or disapprove the application, the Selectmen shall, upon request of the applicant, immediately issue an order directing the Board to act on the application within thirty (30) days. If the Planning Board does not act on the application within that thirty (30) day time period, then within forty (40) days of issuance of the order, the Selectmen shall certify on the application that the plat is

approved pursuant to this paragraph, unless within those forty (40) days the Selectmen have identified in writing some specific subdivision regulation, site plan regulation, zoning or other ordinance provision with which the application does not comply. Such certification, citing this paragraph, shall constitute final approval for all purposes, including filing and recording.

(6). Court Approval: Failure of the Selectmen to issue an order to the Planning Board as described above, or to certify approval of the plat upon the Planning Board's failure to comply with the order, shall constitute grounds for the Rockingham County Superior Court, upon petition of the applicant, to issue an order approving the application, if the court determines that the proposal complies with existing subdivision regulations, site plan regulations, zoning or other applicable ordinances.

(7). Extension of Final Review Phase: In those circumstances where the Planning Board deems that it requires an extension of time within which to approve or disapprove an application, it may apply to the Selectmen for an extension of time for the Final Review Phase, not to exceed an additional ninety (90) days.

(8). Waiver of Final Review Phase Deadline: An applicant may waive the requirements for Planning Board action within the time table set forth above, and may consent to any such extension as may be mutually agreeable between the Planning Board and the Applicant.

3.10 Notice Requirements

Whenever a public hearing is required by any provision of these Regulations, notice of same shall be provided as follows:

(1). Interested Parties: The Planning Board shall notify the abutters, holders of conservation, preservation, or agricultural preservation restrictions, the applicant, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plan submitted to the Planning Board Secretary, by certified mail, of the date upon which a site plan application will be formally submitted to the Board. Notice shall be mailed at least ten (10) days prior to the submission at a public hearing.

(2). General Public: Notice to the general public shall also be given at the same time by posting the mailed notice in two public places.

(3). Additional Hearings: For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required. Additional notice shall not be required of an adjourned session of a hearing held with proper notice, if the date, time and place of the adjourned session was made known at the prior hearing.

(4). Applicant's Responsibilities: The Planning Board Secretary may require that the applicant provide preprinted labels addressed to all persons to whom mailed notice should be given. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the plat without a public hearing.

SECTION 4.00 – SITE PLAN APPROVAL PROCESS

4.01 Written Decisions and Filing Requirement

- (1). All decisions resulting from the Final Review process shall be in writing. Whenever the Board issues a written decision, the decision shall be placed on file in the Board's Office and shall be made available for public inspection within five (5) business days after the decision is made.
- (2). The Minutes of the Board shall also be posted in the Town Offices within five (5) business days after all meetings of the Board. All minutes shall be available for reasonable review, inspection and copying, (at a reasonable cost), by the public.
- (3). In cases of disapproval, the Board shall provide the applicant with written reasons for the disapproval. The written reasons for disapproval shall be recorded in the Minutes of the meeting at which the Board votes to disapprove the application and shall also be reflected in a written decision issued to the applicant. In the event an application is denied as incomplete according to these Regulations, the Board shall notify the applicant in accord with N.H. R.S.A 676:3 in a written decision which sets forth the areas in which the application has been deemed to be incomplete.

4.02 Standards for Final Review and Approval or Disapproval

(1). General: The Board may exercise its full statutory, common law, and regulatory discretion in approving or disapproving of a Site Plan Application. In reviewing a Site Plan Application, the Board shall consider the criteria generally outlined in N.H. R.S.A. 674:44, any applicable Site Plan Regulations, any applicable provisions of the Auburn Zoning Ordinance, state and federal law, as well as the provisions, policies and purposes of these Site Plan Regulations.

(2). Reasons for Disapproval: The Board may disapprove of an application based on one or more of the following findings:

- (A). The land is undesirable for development purposes because of topography, flooding potential, environmental hazards or adverse man-made development features;
- (B). The site plan would be premature insofar as it would involve danger or injury to health, public safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire and emergency services, or other public services, or would necessitate an expenditure of public funds for the supply of such services;
- (C). The site plan, as proposed, fails to provide for a safe and attractive development or expansion of use of the site;
- (D). The site plan as proposed involves danger or injury to health, safety, or prosperity by reason of:
 - (i) Inadequate drainage or conditions conducive to flooding of the property or that of another;

- (ii) Inadequate protection for the quality of groundwater;
 - (iii) Undesirable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; or
 - (iv) Inadequate provision for fire safety, prevention and control;
- (E). The site plan fails to provide for the harmonious and aesthetically pleasing development of the municipality and its environs, as required by these Regulations;
 - (F). The site plan fails to provide open spaces and green spaces of adequate proportions;
 - (G). The applicant has not secured all applicable approvals and/or permits from the Town, State or other governmental authority, or the applicant has been denied a necessary permit from the Town, State or other governmental authority;
 - (H). The site plan fails to suitably locate streets of sufficient width to accommodate existing and prospective traffic;
 - (I). The site plan fails to suitably locate streets of sufficient width to afford adequate light, air and access to buildings;
 - (J). The site plan fails to suitably locate streets such that they are coordinated so as to compose a convenient system for transportation within the Town;
 - (K). The land is of such a character that its use for building purposes presents a danger to health;
 - (L). The proposed site plan tends to create conditions that are unfavorable for the health, safety, convenience and prosperity of the citizens of the Town of Auburn;
 - (M). The site plan fails to meet any applicable requirement of the Town of Auburn Zoning Ordinance, Site Plan Regulations or Subdivision Regulations;
 - (N). The same applicant has, at the time of submission, failed to meet the conditions of approval set by the Planning Board with regard to any other Site Plan or Subdivision Plan in the Town of Auburn;
 - (O). The proposed streets within the site plan are not coordinated with other existing or planned streets or with the Official Road Map of the Town of Auburn;
 - (P). The proposed streets are not suitably located and/or of sufficient design to accommodate access of emergency equipment or to facilitate evacuation of the area;
 - (Q). The proposed site plan would have a significant impact on the environment of the site or surrounding area in terms of water quality, storm drainage, air quality,

wetland protection, or other adverse physical impact (such as erosion, sedimentation and similar impacts);

- (R). The application is incomplete, notice has not been properly given, fees have not been paid, escrowed sums or required bonds have not been satisfactorily tendered, requested materials necessary for review have not been submitted, or required reports or studies are incomplete;
- (S). Adequate utilities are not available nor provided for the proposed development;
- (T). The vehicular and pedestrian circulation onsite and on to the public streets will create safety hazards;
- (U). The development would significantly overcrowd the site and create an adverse affect on the surrounding area through lack of adequate provisions for parking, loading or other activities normally accessory to the development;
- (V). The development would be inconsistent with the type of adjoining development, and adequate screening or protection has not been provided to protect adjoining properties from the adverse effects of lighting, noise, odor or other factors;
- (W). The landscaping is insufficient with regard to the surrounding area and does not reflect the Board' s concern to preserve the generally rural character of the Town;
- (X). The development would result in a loss of historic or natural features of the site that could be preserved through a modified plan;
- (Y). The development would result in adverse environmental effects to those on the property, or to those adjoining the property;
- (Z). Existing site characteristics such as soil conditions, lot configuration or access difficulties could not accommodate the proposed development;
- (AA). Adequate information necessary for the proper evaluation of the application has not been provided;
- (BB). The proposed site plan is inconsistent with the policies, objectives, spirit or intent of these Regulations or the criteria outlined in N.H. R.S.A. 674:44.

4.03 Approval with Conditions (Conditions Subsequent)

- (1). Approval, with Conditions: The Planning Board may grant approval, with conditions, of a site plan application, which approval shall become final without further public hearing, upon certification to the board by its designee, or based upon evidence submitted by the applicant, of satisfactory compliance with the conditions imposed. Final approval of a site plan application may occur in the foregoing manner only when the conditions imposed are the following types:
 - (A). Minor plan changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment;

(B). Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board;

(C). Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, or approvals granted by other boards or agencies.

(2). Time Limit: In granting an approval, with conditions, the Board may specify in its action the time period within which such approval shall be considered valid. If the conditions for approval have not been met by the deadline set by the Board, then the approval shall lapse.

(A). Extension: If there have been no amendments to the Auburn Zoning Ordinance, Site Plan or Subdivision Regulations which would make the application non-conforming, the Board may grant a reasonable extension, of not more than ninety (90) days, of the time period for completing the conditions of approval. A request for an extension must be made by written application and shall require a public hearing with notice in accord with Section 3.10.

(3). Deed Restrictions:. Where conditions imposed by the Board will run with the land, the Board may require that deed restrictions be placed on the property in order to carry out the condition(s).

(4). Compliance Hearing:

(A). The Board shall specify whether a compliance hearing will be held as part of its action in issuing any approval with conditions.

(B). The Notice requirements of Section 3.10 shall apply to any such compliance hearing.

(C). Abutter's Interests: If the completed application is approved with one or more conditions which are to be fulfilled prior to final approval, and which may, in the opinion of the Board, pertain to abutting interests, the Board shall hold a compliance hearing to determine whether the Applicant has complied with the conditions before issuing a final approval.

4.04 Conditional Approval (Conditions precedent).

(1). Conditional Approval: The Planning Board may, by vote, grant a conditional approval of a site plan application. A conditional approval is not a final approval, as it is contingent upon the completion of specific tasks or items required for final approval. Until all the requirements for an approval have been met, a conditional approval does not constitute, nor shall it be construed as approval, either implied or granted of the site plan application. A conditional approval does not bind the Planning Board to approval of the final site plan. A conditional approval requires that the applicant return to appear before the Planning Board in a public hearing for final approval.

(A). Time Limit: Upon the granting of a conditional approval, the applicant shall have ninety (90) days within which such approval shall be considered valid. If the conditions for approval have not been met within ninety (90) days of the date that the Board voted to grant the conditional approval, then the approval shall lapse.

(B). Extension: If there have been no amendments to the Auburn Zoning Ordinance, Site Plan or Subdivision Regulations which would make the application non-conforming,

the Board may grant a reasonable extension of the time period for completing the conditions of approval, not to exceed an additional ninety (90) days per extension. A request for an extension must be made by written application and shall require a public hearing with notice in accord with Section 3.10.

4.05 Recording of Approved Site Plan and Time Period for Submitting Final As-Built Mylar Plan

(1). Site Plan Recording Required before Construction: An approved Site Plan shall be recorded with the Registry of Deeds of Rockingham County prior to any site activity, construction or development of the site, and/or prior to the issuance of any building permits for erection of a structure in the proposed site plan. All plans shall be recorded by the Planning Board's designee. No plan shall be filed or recorded until it has been approved and endorsed by the Planning Board Chairperson, or his or her designee, in writing on the plan.

(2). As-Built Plans Required:

(A). Prior to the issuance of the Certificate of Occupancy, "As-Built" plan(s) must be provided to the Town for review and approval. These plans must be generated with data collected from an on-site survey of the site improvements. The plan must be stamped and signed by the design engineer and the licensed land surveyor responsible for the collected field survey data. The approved and "as-built" elevations, locations, and inverts of all improvements must be included on the plan.

(B). If the site was constructed per the approved plans and no changes were made, the applicant may request a waiver to this requirement from the Planning Board, upon recommendation of the Town's Consulting Engineer or the Building Inspector. Prior to the approval of this waiver request, the Town's Consulting Engineer shall visit the site and provide a written recommendation on the basis of the accuracy of the site improvements, in relation to the approved plans.

(3). Recording of As-Built Plan: The Planning Board's designee shall record the approved as-built plan with the Registry of Deeds for Rockingham County, and shall notify the Board in writing of the Plan Number and filing date within thirty (30) days of signing.

(4). Final As-Built Mylar: The applicant shall provide a final as-built Mylar plan for signature by the Chairman of the Planning Board within one (1) year of approval by the Board or, where applicable, within one year of meeting any conditions of approval.

4.06 Abandonment and Re-Submission: A plan shall be considered to have been abandoned by the applicant if the applicant has not complied with the bond or escrow requirements, or any other conditions of approval established by the Board, within ninety (90) days, plus any additional extension of time granted by the Board. An abandoned plan shall require a complete new submission for new consideration by the Board.

SECTION 5.00 – GENERAL REQUIREMENTS

5.01 Compliance with Regulations

(1). Approval Required Prior to Construction: No site improvements or utility construction shall be started until a plan, prepared in accordance with the requirements of these Regulations, has been approved by the Board, recorded at the Rockingham County Registry of Deeds, and other required permits have been issued. No building permit shall be issued until a plan has been approved by the Board and any required performance guarantee is in place.

(2). Other Regulations: The applicant shall be familiar with all State statutes, regulations, Town ordinances and regulations and will be expected to follow the standards set forth in related sections of the Town of Auburn Zoning Ordinance and Subdivision Regulations

5.02 Conformity to Zoning Ordinance and Master Plan

All Site Plans shall conform to the Zoning Ordinance of the Town of Auburn and to the Site Plan regulations herewith prescribed; and they shall be guided in their design by any comprehensive plans the Planning Board may have adopted covering the area involved, before receiving final approval.

5.03 Character of Land for Improvement

All land to be improved shall be, in the judgment of the Board, of such a character that it can be used for building purposes without danger to the environment or to public health or safety. Land subject to periodic flooding, poor drainage, hazardous environmental contamination or other hazardous conditions, shall not ordinarily be improved. Land with inadequate capacity for sanitary sewage disposal shall not be acceptable unless connected to public sewers.

Before any construction is commenced on any land which has been significantly altered, special attention shall be given to the subsurface soil conditions and a determination shall be made by the applicant's engineer that those conditions are acceptable for the construction proposed.

The Planning Board, in its sole discretion, may order that the applicant conduct environmental site assessments sufficient to demonstrate that development on a particular parcel does not present a public health or safety hazard to individuals, property or the environment.

5.04 Preservation of Existing Features

(1). Existing features which would add value to the site such as trees, watercourses, waterfalls, brooks, historic spots and similar irreplaceable assets, shall be preserved by the site plan to the greatest extent possible.

(2). Land shall be improved in reasonable conformity to existing topography in order to minimize grading, cutting and filling, and in order to retain the natural contours, limit storm water run off and conserve the natural cover and soil.

(3). The smallest practical area of land should be disturbed at any one time during development. When land is disturbed during development, the disturbance should be kept to the shortest practical period of time. Land should not be left disturbed during the winter months. Where

necessary, temporary vegetation or mulching and structural measures may be required by the Town to protect areas disturbed during the development.

5.05 Scattered or Premature Development

(1). Purposes: The purpose of this section is to provide against such scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. Therefore, in order to grant approval, in appropriate cases the Planning Board may require an applicant to show:

- (A). Through studies approved by the Planning Board and conducted at the expense of the applicant, that the type and/or scope of the proposed development is neither scattered nor premature; and/or
- (B). Through both on and offsite improvements made at the expense of the applicant, that the scattered or premature nature of the development is overcome by remedial action of the applicant.

(2). Problems: The following items shall be considered by the Planning Board in determining whether the proposed development is scattered or premature:

- (A). In the case of residential development, the distance from nearest elementary school;
- (B). In the case of residential development, the capacity of the school system and effect on school bus transportation;
- (C). Adequacy of access street(s) and/or sidewalk(s);
- (D). Adequacy of water supply for onsite use and fire fighting purposes;
- (E). Potential health problems due to onsite sewage systems and water supply;
- (F). Potential fire protection problems due to location and/or special conditions relative to type of use;
- (G). Potential special policing problems;
- (H). Potential drainage problems both on the site and downstream;
- (I). Excessive expenditure of public funds; and/or
- (J). Other potential problems within the meaning or the purpose of this section, as stated above.

(3). Professional Studies: The Planning Board may require the applicant to have studies made under guidelines established by the Planning Board to determine the effect that the proposed development may have on any of the problems caused by scattered and/or premature development which are listed above in Section 5.05(2).

(4). On and Off Site Improvements: If it is determined by the Planning Board that the proposed development is scattered or premature unless special on and off site improvements are made, the Planning Board may require the applicant to make said improvements prior to, or as condition of, approval of the development. These improvements may consist of, but are not limited to, the following:

- (A). Improve any access street to the development to the appropriate street standards if such access would otherwise be inadequate, provided the Town owns or provides the right-of-way;
- (B). Extend the public water and/or sewer system(s);
- (C). Build or reconstruct sidewalks on any access streets where potential increase in pedestrian traffic will occur, provided the Town owns or provides the right-of-way;
- (D). Construct static water supplies (fire ponds) with dry hydrants for fire protection; and/or
- (E). Provide traffic signals at intersections and/or rebuild intersection(s) in the immediate area of the proposed development if such intersection(s) would otherwise be inadequate, provided the Town owns or provides the right-of-way.

5.06 Erosion Control

The applicant shall provide adequate control of stormwater, erosion and sedimentation control, of both a temporary and permanent nature, in accordance with the provisions of Article 11, during all phases of clearing, grading and construction.

5.07 Reserved Strips

No privately owned reserved strip, except an open space area, shall be permitted which controls access to any part of the development, or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

SECTION 6.00 – GENERAL SUBMISSION REQUIREMENTS

6.01 Regulatory Approvals

The Auburn Planning Board shall require written copies of decisions relative to the proposed site improvements made by other land use regulatory agencies, including but not limited to: the New Hampshire Department of Environmental Services; the New Hampshire Water Resources Board; the Rockingham County Soil Conservation District; the Auburn Zoning Board of Adjustment; and, any other state, federal, municipal, or county agency.

6.02 Soil Tests

Where private individual septic systems are proposed, the applicant shall perform soil tests and meet the minimum specifications and have the written approval of the New Hampshire Department of Environmental Services, and the Town of Auburn, if a local sanitary code exists regulating on-site wastewater systems.

6.03 Driveway Access

Any driveway access shall be approved by the New Hampshire Department of Transportation or the Town of Auburn, as may be applicable. Such written approval shall be provided to the Board and the location shall be shown on the plan.

6.04 Assurances From Applicant

If land is to be dedicated for public use, a written acknowledgment shall be submitted indicating the applicant's responsibility for maintenance, and the assumption by the applicant of liability for injuries and damages that may occur on any such land, until such land has been legally accepted by the Town.

6.05 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Town. The approval by the Planning Board of a development plan shall not be deemed to constitute or imply the acceptance by the Board of Selectmen or the Town of any street, right-of-way, easement or park shown on said plan. The Planning Board may require said plan to be endorsed with appropriate notes to this effect.

6.06 Certification of Utilities/Services:

Before any plan is approved by the Board, the applicant shall certify that all arrangements have been made with the appropriate governmental agencies, private utilities and others, including Town departments, to provide and install in the manner customary in the Town, all usual and necessary utilities and service, unless otherwise exempted by the Planning Board.

ARTICLE 7.00 -- CONSTRUCTION OF IMPROVEMENTS

7.01 On-site Improvements

(1). Costs:

All costs of required improvements shall be borne by the applicant unless specifically required by the Planning Board or regulation to be borne by others.

(2). Applicant's Responsibility for Improvements: The applicant is responsible for the satisfactory installation of all required improvements and maintenance of these improvements in a condition satisfactory to the Town, without any cost to the Town, unless and until the improvements are accepted by the Town.

(3). Site Improvement Agreement:

The Board may require that the Applicant enter into a Site Improvement Agreement to relate to the timing of public improvements to private development, and to minimize hardships and other adverse effects which might arise from unanticipated delays in completion of all required improvements. Failure to comply with the terms of such an agreement may be considered as failure on the part of the applicant to provide the required improvements, and may be considered adequate grounds for action against the applicant's bond or other security in order to guarantee the proper completion of the required improvements.

(4). Completion and Dedication Required:

All applicants shall be required to complete, in accordance with the Planning Board's decision, and to the satisfaction of the Town Engineer and Board of Selectmen, all the street, sanitary, and other improvements of the Site Plan as required in these Regulations, specified in the final plat and construction plans of Articles 5 and 6 of these Regulations, and as approved by the Planning Board, and to dedicate same to the Town of Auburn, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

(5). Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the Planning Board and shall maintain the same for a period specified by the Planning Board. Prior to construction of any temporary facility or improvement, the developer shall file with the Auburn Board of Selectmen a separate security for temporary facilities, which shall insure that the temporary facilities will be properly constructed, maintained, and removed.

(6). Construction Monitoring: The Planning Board shall provide for the monitoring of required improvements during their construction. The Planning Board may delegate the responsibility for such monitoring to the Town Engineer, Consultant, Building Inspector or Town Road Agent, as the Planning Board sees fit. If, upon inspection, it is determined that any of the required improvements have not been constructed in accordance with the Planning Board's construction standards and specifications, the applicant shall be responsible for completing or correcting the improvements.

(7). Joint and Several Liability: Wherever the cost of improvements is covered by a bond or other security, the applicant and the bonding company shall be jointly and severally liable for

completing the improvements according to the specifications approved by the Planning Board and/or required by these Regulations.

(8). Maintenance of Improvements: The applicant shall be required to maintain all improvements to and on the developed site and provide for snow removal on streets, until acceptance of said improvements by the Town. The Town may give twelve (12) hours notice of its intent to plow a street or effect emergency repairs and charge same to said applicant, and if it is not completed by the applicant, may plow the street or effectuate emergency repairs, charging the same to the applicant or to the applicant's bond, as the Town sees fit.

7.02 Off-site Improvements

(1). Approval of any site plan shall be conditioned upon the applicant bearing the entire cost of designing and installing such offsite improvements as bear a rational relationship to the needs created by the site plan and the benefits which will be conferred upon the site by the improvements.

(2). Where offsite improvements will be required solely because of the existence of the site plan, yet will benefit other land or extend beyond the site, apportionment of the expenses between the Town, the applicant, and, where appropriate, other applicants, shall be made by the Planning Board. Such apportionment shall be based, in part, upon a consideration of:

- (A). The standard which the Town presently applies to the construction and maintenance of other offsite improvements;
- (B). The use which it can be expected will be made of the offsite improvements by the site, its residents or other applicants;
- (C). The use which it can be expected that other residents of the Town will make of the off-site improvements; and
- (D). The Town budget and Capital Improvements Plan for such improvements.

(3). Should the Board decide that the Town's proportionate share of the cost of any offsite improvements could be met only by an excessive expenditure of Town funds, it may either refuse to approve the application or approve the application on the condition that the applicant volunteer to pay the Town's share as outlined in Section 7.02(2). Such decision shall be forwarded to the applicant in writing. In case of disapproval, the reasons for such action shall be set forth in a written decision to the applicant and shall be adequately stated upon the records of the Planning Board.

7.03 Inspection of Improvements

At least five (5) days prior to commencing construction of any required improvements, the applicant shall pay to the Town the inspection fee required by the Board, and shall notify the Secretary of the Board in writing of the time when the applicant proposes to commence construction of such improvements, so that the Board may have the Town Engineer inspect such improvements to assure that all standards, specifications, and requirements shall be met during the construction of required improvements and utilities required by the Planning Board.

7.04 Proper Installation of Improvements

If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of any bond or escrow agreement, that any of the required improvements have not been constructed in accordance with approved plans and specifications filed by the applicant or any conditions of Planning Board approval, he or she shall so report to the Board of Selectmen and Planning Board. The Board of Selectmen shall then notify the applicant and, if necessary, the bonding company or escrow agent, and take all necessary steps to preserve the Town's rights under the performance guarantee or escrow agreement. No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan. This action shall be without prejudice to any other enforcement action available to the Town.

7.05 Acceptance of Streets, Utilities, Other Improvements and Public Land

Before acceptance by the Town of any street, utility system or other improvement, the applicant shall provide a performance guarantee or escrow agreement, approved as to form by the Town Attorney, which shall be in the amount of at least ten (10%) percent of the cost of such improvement, and for a period of two (2) years, to be payable to the Town if the applicant does not correct any deficiency found, or repair damage to any such improvement, during this period.

7.06 Change of Design and Improvements

If at any time before or during the construction of the required improvements, it is demonstrated that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Board may authorize changes, provided these changes are within the spirit and intent of the Board's approval, and do not extend to the modification or substantial alteration of the function of any improvements required by the Board. After a duly notified public hearing, the Board shall issue an authorization under this section in writing. Any authorized change shall be included on the official Site Plan, and notice of the authorized change shall be transmitted to the Rockingham County Registry of Deeds. No changes, erasures, modifications or revisions shall be made in any Site Plan after approval has been given by the Board and endorsed in writing on the plan, except as herein provided. In the event that any such plan is recorded without complying with this requirement, the same shall be considered null and void, the Board shall institute proceedings to have the plan stricken from the records of Rockingham County Registry of Deeds, and may also revoke the site plan approval.

7.07 Soil Test Pits, Boring and Percolation Test Pits

(1). Soil borings on proposed roadways and parking fields shall be made at one hundred fifty (150) foot intervals. Borings shall be made for every twenty-five thousand (25,000) square feet of affected land area.

(2). No soil test pits or borings, or percolation test pits, shall be conducted without at least ten (10) days prior notification of the Planning Board and Building Inspector as to their date and location within the proposed site plan. The soil test pits, borings or percolation test pits shall be observed by the Building Inspector at a time convenient to his or her schedule.

SECTION 8.00 - PERFORMANCE GUARANTEES

8.01 Performance Guarantee Required

The Planning Board shall require that the applicant post a performance bond, escrow account, direct cash bond, cash security or other satisfactory security at the time of application for final plat approval. The amount of the performance guarantee shall be calculated by using the Table set forth in the Appendix, after consultation with the Town Engineer and approval by the Planning Board of an amount sufficient to secure to the Town of Auburn, the satisfactory construction, installation, and dedication of the required improvements delineated in the construction plans or required by these Regulations, without cost to the Town. The Planning Board may require that prior to construction of any temporary facility or improvement, the developer shall post a separate suitable performance guarantee pertaining to the completion of temporary facilities or improvements. Final approval of a plan will not be recorded at the Rockingham County Registry of Deeds until the applicant has either completed all of the improvements specified in the plan or filed a performance guarantee in compliance with the requirements of these Regulations.

8.02 Form

The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the Planning Board and its Attorney as to form, sufficiency, and manner of execution. Direct cash bonds will be deposited by the Board of Selectmen in an interest-bearing savings account. The period within which required improvements must be completed shall be specified by the Planning Board in the resolution approving the final site plan, shall be incorporated in the performance guarantee, and shall not in any event exceed two (2) years from the date of final plan approval. Such performance guarantee shall also be approved by the Board of Selectmen as to the amount, surety and conditions satisfactory to the Board of Selectmen. All performance guarantees shall include a self-calling provision, so that the security is automatically called in the event of non-performance by the applicant. The Planning Board may, upon proof of difficulty, and not neglect, recommend to the Board of Selectmen extension of the completion date set forth in such performance guarantee for a maximum period of one (1) additional year.

8.03 Renewal

All performance guarantees shall contain an automatic renewal clause. Renewal shall be the responsibility of the applicant and the performance guarantee must remain effective until the applicant has dedicated to the Town of Auburn all improvements specified in the final plan, free and clear of all liens and encumbrances.

8.04 Failure to Complete Improvements

When a performance guarantee has been posted and required improvements have not been installed within the terms and conditions of subdivision approval, the Board of Selectmen may thereupon declare the performance guarantee to be in default, and require that all improvements be installed regardless of the extent of the building development at the time the performance guarantee is declared to be in default.

8.05 Release or Reduction of Performance Guarantee

(1). Certificate of Satisfactory Completion: The Board of Selectmen and Planning Board will not accept dedication of required improvements, nor release nor reduce a performance bond, until the

Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as built" survey plan of the site plan, indicating locations, dimensions, materials, and other information required by the Planning Board or Town Engineer, that the layout of the line and grade of all public improvements and lot monuments is in accordance with the final plan and construction plans for the site, that a title insurance policy has been furnished to and approved by the Planning Board, that all improvements are completed and ready for dedication to the Town of Auburn and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Town may thereafter accept the improvements for dedication in accordance with the established procedure.

(2). Reduction of Performance Guarantee: A performance guarantee may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the subdivision. In no event shall a performance guarantee be reduced below twenty-five percent (25%) of the principal amount, prior to issuance of the Certificate of Satisfactory Completion.

(3). Town's Use of the Performance Guarantee: If the Board finds that the developer has not installed improvements satisfactorily, has not completed those improvements within the approved time for completion, or has not maintained those improvements in a satisfactory condition, the Board may provide notice to the developer and may take such further action or make such use of the performance guarantee as may be appropriate in the judgment of the Board to complete the improvements.

SECTION 9.00 – SPECIFIC PLAN SUBMISSION REQUIREMENTS

9.01 General Site Development Plan Requirements

All Site Development Plans submitted to the Planning Board shall be drawn to a convenient scale of not more than fifty (50) feet to the inch, and the sheets shall be numbered in sequence if more than one (1) sheet is used. No sheet shall be larger than twenty-two by thirty-four (22 x 34) inches, and shall show or be accompanied by the pertinent information set forth in this section. All site plans and related plans must be prepared by a land surveyor licensed in New Hampshire or a Professional Engineer registered in New Hampshire. Drafting quality shall be acceptable for recording at the Rockingham County Registry of Deeds.

9.02 Minor Site Plan Submission

Five (5) copies of all plans, the Application, and accompanying drawings or diagrams shall be submitted with a Minor Site Plan. Unless waived by the Planning Board, the applicant shall submit the following plans: a plan which shows the existing features and conditions; a plan which shows the proposed changes and all remaining features and conditions; and all construction plans.

9.03 Major Site Plan Submission

Six (6) copies of all plans, the Application, and accompanying drawings or diagrams shall be submitted with a Major Site Plan. Unless waived by the Planning Board, the applicant shall submit the following plans: a plan which shows the existing features and conditions; a plan which shows the proposed changes and all remaining features and conditions; and all construction plans.

9.04 Drafting and Submission Requirements for Both Minor and Major Site Plans - Existing Features Plan

Every proposed site plan, whether Major or Minor, shall include a plan of land which meets the following drafting requirements and which depicts the following existing features:

- (1). Name and address, including telephone number, of legal owner(s) owning ten (10%) percent or more of the property, and citation of last instrument conveying title to each parcel of property, giving grantor, grantee, date, and land records reference;
- (2). Location of site, tax map and lot number, names and addresses of all abutting property owners and landowners within two hundred (200) feet of the site;
- (3). Name, address, and telephone number of applicant, if different from owner;
- (4). Name, address and telephone number of person or firm preparing the plan, and the name, address, and telephone number of person or firm preparing other data and information if different from the preparer of the plan;
- (5). North arrow at top of sheet, bar scale in feet, date, area of site revision box;
- (6). Citation of any existing legal rights-of-way or easements affecting the property;

- (7). Boundary lines of the area included in the site, including angles or bearings of the lines, dimensions and the lot area, and note regarding the source of such information;
- (8). Existing grades and topographic contours at intervals not exceeding two (2) feet intervals with spot elevations where the grade is less than five (5%) percent, otherwise not exceeding five (5) foot intervals, with existing contours to be shown as dashed lines;
- (9). Location and widths of adjacent streets and interior streets and drives within two hundred (200) feet;
- (10). The shape, size, height and location of existing structures located on or within two hundred (200) feet of the site;
- (11). Natural features such as streams, marshes, lakes, or ponds, water courses, water bodies, wetlands, one hundred (100) year flood plains, ledges and boulders, areas with slopes over twenty-five percent (25%) and existing wooded areas;
- (12). Percolation test locations and results, when septic system is contemplated;
- (13). Location, sizes, elevation, and slopes of existing sewers, water mains, culverts and other underground structures, and location and size of all other public and private utilities within the site and one hundred feet (100) in all directions around the site;
- (14). Zoning district(s) and boundaries; and.
- (15). A locus map drawn at town tax map scale, depicting streets and surrounding lots with lot numbers.

9.05 Other Items for Submittal for Both Minor and Major Site Plan Applications – Existing Features

In addition to the Existing Features Plan required by Section 9.04, the following other items shall be submitted for both Major and Minor site plans:

- (1). Copies of existing covenants on the property, if any; and
- (2). Citations of easements or rights-of-way (ROW).

9.06 Additional Drafting and Submission Requirements for Major Site Plans – Existing Features

Major Site Plans shall meet the following additional drafting requirements and shall submit the following additional information pertaining to existing features:

- (1). Soil types and approximate soils boundaries, based upon Soil Conservation Service data;

- (2). Whenever the site plan covers only part of an applicant's contiguous holdings, the applicant shall submit, at the scale of not more than two hundred (200) feet to the inch, a supplemental sketch of the proposed development area and the perimeter boundaries of the entire contiguous holdings of the applicant;
- (3). A vicinity map showing streets and other general development of the surrounding area, and all zoning district lines on and adjacent to property with zones properly designated; and
- (4). Photographs, to be minimum of 4" x 6", with camera locations and direction of view, with minimum views of both up and down frontage road, plus view from frontage road into lot, and views from interior of lot towards frontage road.

9.07 Drafting and Submission Requirements for Both Major and Minor Site Plans – Proposed Changes

Every proposed site plan, whether Major or Minor shall include a plan of land which meets the following drafting requirements and which depicts the following proposed changes:

- (1). Proposed grades, drainage systems, structures and topographic contours at two (2) foot intervals with spot elevations where the grade is less than five (5%) percent, otherwise not exceeding a five (5) foot contour interval;
- (2). The shape, size, height and location of the proposed structures including expansion of the existing buildings;
- (3). Proposed streets, driveways, parking spaces, sidewalks, curbs with indication of direction of travel for one way streets and drives, dimensions, inside radii of curves, and total number of parking spaces;
- (4). The size and location of all proposed public and private utilities;
- (5). The location, type and size of all proposed landscaping and screening, and identification of a buffer zone of dense planting where the site abuts a zone boundary;
- (6). Exterior lighting plan and proposed signs to be located on the site;
- (7). A storm drainage plan, including plans for retention and slow release of stormwater, where necessary, and plans for snow removal and storage;
- (8). A circulation plan of the interior of the lot showing provisions for truck, auto and pedestrian circulation;
- (9). An access plan showing means of access to the site and proposed changes to existing public streets, including any traffic control devices necessary in conjunction with the site development plan, increases and decreases in traffic volume and patterns generated by the development, and sight distances at the point of access on to Town roads;

- (10). Offset dimension between all major structures and property line; and
- (11). Public or common land.

9.08 Other Items for Submittal for Minor and Major Site Plans

The following other items shall be submitted for both Major and Minor site plans:

- (1). Engineering calculations used to determine drainage requirements based upon a rainstorm with a return frequency of twenty-five (25) years and a duration of twenty (20) minutes;
- (2). Legal descriptions or easements, condominium association documents; and
- (3). Such additional information as the Board deems necessary in order to assure the health and safety of the citizens of Auburn and to apply the Regulations contained herein.

9.09 Additional Drafting and Submission Requirements: Major Site Plans -- Proposed Changes

Major Site Plans shall meet the following additional drafting requirements and shall submit the following additional information pertaining to proposed changes:

- (1). A community facilities impact study consisting of a written description of the physical and economic impact of the proposed development in relation to facilities existing in the town at the time of development, including but not limited to roads, schools, public buildings, fire, police, sewer and water;
- (2). An environmental impact statement or analysis; and
- (3). Agreement for any proposed land conveyance to the Town.

9.10 Construction Plan Requirements for Both Major and Minor Site Plans

(1). Construction Plans: Construction plans shall be prepared showing all required improvements for both Major and Minor site plans. Plan sheets shall be of the same size as the Site Development Plans, The following shall be shown:

- (A). Plans and construction details of all areas to be disturbed for construction of streets, drives, parking lots, sidewalks, drainage and structures, sewers, water and electric lines, erosion and sediment control structures and other areas to be disturbed for the construction of improvements; and
- (B). Erosion and sediment control plans and other information indicating how increased runoff, sedimentation, and erosion shall be controlled during and after construction of required improvements.

(2). Architectural Plans: Architectural Plans shall be prepared and submitted in duplicate, one copy for review by the Auburn Volunteer Fire Department, for all proposed buildings or building expansions. These shall include plans and elevation views of proposed improvements, with

information on building and construction materials and operations within the building. For applications which include land contained within the Village Center District, as described in the Auburn Zoning Ordinance, architectural plans must include all information required by the applicable provisions of the Auburn Zoning Ordinance pertaining to architectural requirements. The applicant shall pay the fee for this review. No building permit shall be issued until this review is completed.

9.11 Construction Plans: Additional Submission Requirements for Major Site Plans

The following additional items shall be submitted with the construction plans for a Major Site Plan Application:

- (1). Profiles of all proposed streets, driveways, sewers and drainage structures, which shall show existing and proposed elevations along the center lines of all proposed improvements and proposed inverts, grades, slopes and construction materials, for all structures, piping and other materials, Profiles shall be drawn at a scale of one (1) inch equals forty (40) feet horizontal scale and one (1) inch equals five (5) feet vertical scale;
- (2). Cross-sections of all proposed streets and driveways at one hundred (100) foot stations and at all catch basins or culverts showing the streets, driveways, etc., and all areas to be disturbed for the construction showing all existing grades, proposed subgrades, proposed final grades and all utilities and other structures, which cross- sections shall be drawn to a convenient scale of not less than one (1) inch equals ten (10) feet, and both the horizontal and vertical scales shall be the same; and
- (3). Landscaping Plan for entire site, including details for screening devices.

9.12 Other Requirements for Major Site Plans

Where applicable to a specific Major Site Plan development, the following are required, in form as approved by the Town Attorney and/or Engineer, prior to final approval of the development plan, the cost of which will be borne by the Applicant:

- (1). Agreement to convey to the Town land to be used for streets and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;
- (2). Easements and rights-of-way over property to remain in private ownership;
- (3). A copy of proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part;
- (4). Rights to drain on to or across other property, whether public or private, including a street;
- (5). A copy of the Condominium Association documents and the Declaration establishing the homeowners association or other such form of ownership, such documents to include a clear indication of the owner's maintenance responsibility for all facilities and service functions, including, but not limited to, items such as

animal control, snow removal, septic systems, water systems, landscaping, exterior of buildings, and road maintenance.

SECTION 10.00 - GENERAL STANDARDS

10.01 General Standards

In considering applications for site plan approval, the Planning Board shall adhere to and be guided by the standards hereinafter set forth. These standards shall be considered the minimum standards and shall be modified by the Board only when in its opinion specific circumstances surrounding a development, or the condition of the site, indicate that such modification will properly implement the purpose and intent of the Town of Auburn Master Plan, the Town of Auburn Zoning Ordinance, the Town of Auburn Subdivision Regulations, and these Regulations.

10.02 Specifications for Required Improvements

All required improvements shall be constructed or installed in accordance with good engineering design practice; in accordance with Town standards, which may be obtained from the Town Engineer, and in accordance with these regulations.

10.03 Traffic Control and Access

Traffic circulation and access shall be designed to ensure the safety of vehicles and pedestrians according to AASHTO standards. Necessary improvements to existing streets may include increased pavement, increased road width, signal devices, turning lanes, modifying ditch lines, etc. Required modifications will be based on the results of traffic studies. All drives and accesses shall be a minimum of one hundred fifty (150) feet from an intersection of existing or proposed roadways.

10.04 Stormwater Management and Erosion and Sediment Control

Site Plans shall include plans for managing stormwater and controlling erosion and sedimentation as required in Section 11.00 Stormwater Management and Erosion and Sediment Control.

10.05 Street Layout and Design

Street layout and design shall be in accord with the Street Layout and Design standards set forth in Section 9.04 of the Town of Auburn Subdivision Regulations.

10.06 Street Construction

All street construction shall be in accord with the Street Construction requirements set forth in Section 9.10 of the Town of Auburn Subdivision Regulations.

10.07 Parking and Loading Areas

- (1). New commercial and industrial development shall provide ample parking and loading spaces on the premises to accommodate vehicles of employees and customers. Parking spaces shall be designed so as to require no backing or maneuvering in a public street. Parking aisles shall be a minimum of twenty-four (24) feet in width. Parking spaces shall meet the following dimensional requirements:
 - (A). Grocery markets, building supply stores or warehouses and any other commercial application where the Board may assume the use of carts or carriages to move goods to parked vehicles:
Dimensions shall be 10' wide by 22' long
 - (B). Professional park/office building or similar use where the Board may assume that the majority of the vehicles are employees and the cycling parking rate is low:
Dimensions shall be 9' wide by 18' long
 - (C). Retail or similar use where the Board may assume a high cycling parking rate:
Dimensions shall be 10' wide by 20' long
 - (D). Within a retail use, employee parking that is physically separated and properly signed as "employee parking only" where the Board may assume a low cycling parking rate:
Dimensions shall be 9' wide by 18' long
 - (E). 10% of the required parking spaces may be designated as "compact car" spaces.
Dimensions shall be 8'-6" wide by 16' long.
 - (F). Residential site plans:
Dimensions shall be 10' wide by 20' long
- (2). No required off-street parking area shall be used as an off-street loading area.
- (3). The parking spaces at proposed fueling stations must be designed to not block or conflict with the proposed circulation around the fuel pumps.
- (4). Loading areas shall be located so that they are not visible from adjacent major roadway(s). All loading areas shall be paved and designed to withstand the service and parking of loaded tractor-trailer rigs. All loading dock areas shall be fronted with a concrete slab for vehicles.
- (5). Parking for physically handicapped persons shall be provided on every site and shall be in addition to the following parking requirements. At a minimum, five percent (5%) of all spaces, but not less than 1 space per use, shall be provided and specifically designated. All such spaces shall

be designed in accord with the Americans with Disabilities Act (A.D.A.) standards for the design of handicapped parking spaces.

- (6). The following schedule of required off-street parking spaces shall be the minimum required under these regulations:

<u>Use</u>	<u>Number of Parking Spaces Required</u>
(A). Dwelling Unit	3 per unit
(B). Rooming & Boarding Houses	1 per each sleeping room
(C). Hotel, motel and tourist homes	1 per guest room, plus 1 per employee, plus 1 for each 200 square feet of public meeting room and restaurant space
(D). Hospital or Nursing Home	1 per bed at design capacity, plus 1 per employee
(E). Places of Public Assembly	1 per 2 seats in principal assembly room
(F). Bowling Alleys	2 per alley, plus 1 per employee
(G). Eating & Drinking Establishments	1 per 3 seats, plus 1 per employee
(H). Drive-In Establishment	1 per 50 square feet of floor space, plus 1 per employee
(I). Service Station/Gasoline Station	2 per service bay, plus 1 per employee, plus 1 per 200 square feet of sales area
(J). Retail Trade and Personal Services	1 per 200 square feet of sales area, plus 1 per employee
(K). Wholesale Trade and Warehousing	1 per employee, plus 1 per 1,000 square feet of floor space

(L). Office Use	1 per 400 square feet of gross floor space, plus 1 per employee
(M). Industrial Use	1.5 per employee at highest expected employee occupancy
(N). Home Occupation	1 per employee, plus dwelling unit requirements

Where multiple uses are proposed on a site, the required parking shall be the aggregate of each use.

10.08 Construction of Driveways and Parking Lots

- (1). Driveways shall not interrupt the natural or constructed roadway ditch lines and/or drainage flow.
- (2). The use of porous pavement is encouraged on private residential and commercial site plans.
- (3). Driveways shall slope away from the finish roadway elevation at a grade of 2% for seventy (70) feet from the edge of pavement.
- (4). Driveway culverts shall be designed to adequately handle the anticipated storm water flows within the ditch lines and shall in no case be less than twelve (12) inches in diameter and thirty (30) feet long.
- (5). All driveway culverts shall be constructed with inlet and outlet flares or head walls.
- (6). Minimum driveway width shall be twenty (20) feet with a maximum width of thirty (30) feet at the street, and a desirable width of twenty-four (24) feet.
- (7). All driveways must have a minimum of two-hundred (200) feet of sight distance in each and/or every traffic direction.
- (8). Driveways shall intersect the roadway at a preferred angle of ninety (90) degrees, but in no case shall the intersecting angle be less than sixty (60) degrees.
- (9). Return radii for driveway flares shall not be less than fifteen (15) feet nor greater than twenty-five (25) feet.

- (10). Maximum grade for all driveways shall be eight (8%) percent.
- (11). Parking lot grades shall:
- Have a minimum slope of one (1%) percent.
 - On-Street parking (perpendicular, parallel, diagonal, etc) shall not exceed six (6%) percent slope in any direction.
 - Off-street parking lots, parking pods or clusters, etc. shall not exceed four (4%) percent slope in any direction.
- (12). Prior to construction, all top soil, stumps, brush, roots over one (1) inch diameter, boulders and like materials shall be stripped and removed between the edges of the proposed driveway or parking lot. Whenever practical, natural vegetation outside of the slope lines shall be retained, protected and supplemented.
- (13). Parking lots shall be constructed with the following, minimum cross-section:
- Twelve (12) inches of NHDOT 304.2 bank run gravel or 304.5 crushed stone coarse
 - Six (6) inches of NHDOT 304.3 crushed gravel or 304.4 crushed stone fine
 - Two (2) inches of 3/4" aggregate pavement (binder course)
 - One (1) inch of 3/8" aggregate pavement (wearing course)
- Shared, private, access roads/driveways servicing multiple sites shall be constructed with the following, minimum cross-section:
- Eighteen (18) inches of NHDOT 304.2 bank run gravel or 304.5 crushed stone coarse
 - Six (6) inches of NHDOT 304.3 crushed gravel or 304.4 crushed stone fine
 - Two and one half (2.5) inches of 3/4" aggregate pavement (binder course)
 - One (1) inch of 3/8" aggregate pavement (wearing course)
- All construction procedures including, but not limited to, placement, compaction, testing, and acceptance, of these materials, set forth in the Auburn Subdivision and Site Plan regulations are applicable to all site plans.
- All construction details set forth in the Auburn Subdivision and Site Plan regulations are applicable to all site plans.
- (14). Final driveway acceptance shall rest with the Planning Board or its designated agent.
- (15). No driveway shall be constructed within one hundred (100) feet of another driveway, nor with one hundred fifty (150) feet of an intersecting road.

- (16). All driveways constructed after acceptance of the roadways shall require issuance of a driveway permit and shall be constructed in accordance with these Regulations.
- (17). A driveway permit fee and construction escrow shall be required of each and every driveway constructed after roadway acceptance.
- (18). All driveways shall be constructed in accordance with these Regulations and the typical driveway detail for the Town of Auburn, New Hampshire as shown in the Appendix.
- (19). Driveways shall be maintained vegetative clear for their full width and eighteen (18) feet above the finish drive surface.
- (20). Driveway pavement shall be installed flush with the Town's road surface. Re-paving of the driveway shall require cutting the driveway six (6) feet from the edge of the road, removing material and finishing flush with the roadway.
- (21). Roadway re-paving shall require making certain the finish elevation of the road surface remains flush with driveway surfaces. The driveway shall be cut six (6) feet back from the edge of the road, the material removed and paving re-installed level with the roadway.
- (22). All parking lots shall be constructed a minimum of ten (10) feet from the side lot line, twenty (20) feet from the front lot line, and thirty (30) feet from the rear lot line.
- (23). Granite or precast concrete at the edge of surfaced areas, except access driveways, in order to protect landscaping, abutting structures, properties and sidewalks.

10.09 Utilities

- (1). All electric, telephone and cable television distribution systems within the site shall be placed underground unless the Planning Board determines that such placement is not feasible.
- (2). The applicant shall coordinate site design with the appropriate utility companies to ensure adequate and suitable area for underground installation.
- (3). The applicant shall be responsible for providing for water mains, manholes, sanitary sewers and catch basins if required.

- (4). All sanitary sewer construction will conform to the requirements of the New Hampshire Water Supply and Pollution Control Commission.
- (5). Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary, and shall be at least twenty (20) feet wide.
- (6). The intent of the Planning Board is to require that all buried utilities be located outside of the Town's paved roadway.
- (7). Design standards for underground and above ground storage tanks are set forth in Section 10.22 of these Regulations.

10.10 Screening

Screening to protect visual impact to adjacent properties and/or public highways may be required by the Planning Board. In so far as practical, natural landscape materials shall be used for screening purposes, in lieu of fences, walls and/or other barriers.

10.11 Storm Drainage

All drainage designs, including underdrain requirements and details must comply with the technical drainage criteria required in the Subdivision Regulations, Section 10.07.

10.12 Snow Removal

Provisions shall be shown on the plan for snow removal or storage during winter months.

10.13 Lighting

(1). Purpose : The purpose of these outdoor lighting standards is to provide requirements for residential subdivisions and site plans within the Town of Auburn to ensure that each developed site plan will address concerns resulting from light trespass, excessive glare, and to protect the nighttime environment, while at the same time providing adequate safety, energy efficiency and security for nighttime business and industrial operations. The goal of this lighting regulation is to recognize the benefits of outdoor lighting and provide clear guidelines for its installation. Appropriately regulated and properly installed outdoor lighting will maintain the Town's character and contribute to the safety and welfare of the residents of the Town.

(2). Applicability: The lighting requirements of this section shall apply to all outdoor lighting in all residential subdivisions, and to all developments requiring a site plan approval from the Planning Board, as well as new and replacement lighting in those properties.

(3). Terms and Definitions:

(A). CRI: Color Rendering Index – A measurement of the amount of color shifts that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. (Range 0-100).

(B). Direct Light: Light emitted directly from the lamp, off of the reflector, or the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

(C). Fixture: The assembly that houses the lamp or lamps, and can include all or some of the following parts: a housing; a mounting bracket or pole socket; a lamp holder; a ballast; a reflector or mirror; and/or a refractor or lens.

(D). Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output to a directed beam in a particular direction.

(E). Full Cutoff Luminaire: A luminaire provided with shielding or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

(F). Foot-Candle: Measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a one (1) square foot surface one (1) foot away. Unless otherwise noted in this Regulation, foot candles are measured on a horizontal surface at ground level.

(G). Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.

(H). Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light emitting part of the luminaire.

(I). IESNA: Illuminating Engineering Society of North America.

(J). Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

(K). Lamp: The component of a luminaire that produces the actual light.

(L). Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

(M). Lumen: (A unit of luminous flux) One foot-candle is one (1) lumen per square foot. For the purposes of this Regulation, the lumen output values shall be the INITIAL lumen output ratings of a lamp.

(N). Luminaire: This is a complete lighting system. A lamp or lamps and a fixture.

(O). Luminance: The amount of light falling on a surface, measured in lux (lx) or foot candles (fc).

(P). Nit(s): a luminance unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the sources. From the Latin word *nitere*, meaning “shine”, nits are used to measure display intensity, or brightness. Nits, when used in conjunction with contrast ratio and viewing angle, determine the quality of the image in the desired application.

(Q). Outdoor Lighting: The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

(R). Security Lighting: Lighting primarily for safety of persons and property, which is part of an overall security plan for a site which includes at least illumination, surveillance, and response.

(S). Temporary Outdoor Lighting: The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than thirty (30) days, with at least one hundred eighty (180) days passing before being used again.

(T). Uniformity Ratio: The ratio of maximum to minimum luminance.

(4). Residential Subdivisions and Site Plans – General Requirements: The intent of this Regulation is to reduce the problems created by improperly designed and installed outdoor lighting, by establishing regulations which limit the areas that certain outdoor lighting luminaires can illuminate, and by limiting the total allowable illumination of commercial and industrial developments located in the Town of Auburn.

(A). Prohibited Lighting: All types of flashing, blinking, moving or apparently moving light sources intended to attract attention to a business location are prohibited. Searchlights and laser beam lights for attracting attention are also prohibited

(i). Lighting Plans: All plans submitted to the Planning Board shall include a lighting plan, prepared and sealed by a professional engineer with expertise in lighting design, which shows all the exterior lighting to be installed as part of the plan development.

(ii). Code Requirements: All site lighting designs shall conform to the applicable requirements of the NH Energy Code (New Hampshire Code of Administrative Rules, Chapter P.U.C. 1800, New Hampshire Code for Energy Conservation in New Buildings), The National Electrical Code (NEC), latest edition, and The International Building Code (IBC).

(iii). Lighting Plan Specifications: The lighting plan shall contain:

(a). Details of the lighting fixtures proposed to illuminate all buildings, signs, roadways, service areas, landscaping, parking and pedestrian areas, including the location, height, make, model, lamp type, and wattage of each outdoor fixture.

(b). Specifications and illustrations of all proposed lighting fixtures including pole heights, height of luminaire, photometric data, Color Rendering Index (CRI) of all lamps, and other descriptive information.

(c). Maximum pole mounted light fixture height shall be twelve (12) feet, as measured from the ground to the top of the fixture.

(d). A narrative that describes the hierarchy of site lighting, how lighting will be used to provide safety and security and esthetic effects.

(e). For plans with more than twenty (20) parking spaces or high traffic volumes (over 10 vph after darkness), the Lighting Plan shall include the following additional information:

--A photometric diagram that shows horizontal illumination levels at ground level on the site from all externally visible lighting sources, including existing sources, to show the amount of illumination that will be provided and that the standards for light maximum and uniformity set by the Illuminating Engineering Society of North America (IESNA) , will not be exceeded.

--Illumination levels should not exceed the levels to provide safe conditions.

--As a guide, poles and fixtures should be proportionate to the buildings and spaces they are illuminating, and designed with good engineering practices.

--The plan should consider the ultimate size of the trees that could obscure the lighting or create dark spots.

--Lighting shall not “trespass” on to adjacent properties or create dangerous conditions due to glare on adjacent roadways. No upward lighting or bare bulbs should be used in the exterior Lighting Plan.

--Buffers, screen walls, fencing, and other landscape elements should be coordinated with the lighting plan to shield neighboring properties from light trespass.

--Wherever practicable, lighting design should include the installation of timers, photo sensors, and other energy saving devices to reduce the overall energy required for the development and to eliminate unnecessary lighting.

--Electrical service to outdoor lighting fixtures shall be underground except for fixtures mounted directly to utility poles.

--All commercial and industrial outdoor site lighting levels shall be reduced to the lighting levels required for security lighting within one (1) hour after closing.

--Where commercial or industrial zones abut residential uses, the light levels at the edge of the commercial or industrial property abutting the residential property shall be reduced to a maximum of 0.1 horizontal foot candles (fc) and 0.1 vertical foot candles 5 feet above the ground on a plane parallel to the property line, attributable to the commercial development. The 0.1 fc level shall be measured as an average level measured over any ten (10) foot interval, and the maximum level at any point in this interval shall not exceed 1.0 fc.

--Where commercial or industrial zones abut residential uses, lighting from the commercial or industrial site shall produce no glare or reflectance so as to cause a nuisance on the adjacent residential properties. Each site plan bordering residential uses shall have a note stating that “No lighting, glare or reflected lighting from this site shall be allowed to shine or reflect on to neighboring residential properties.”

(B). Luminaire Designs: Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at more than 900 lumens, shall be full cut-off fixtures.

(C). Lamp Types: Lamp types shall be selected for optimum color rendering index (CRI) as listed by the manufacturer. Lamps with a CRI lower than 50 are not permitted except for security lighting.

(D). General Exceptions:

(i). Any single luminaire with a single lamp or set of lamps rated at a total of 1800 lumens or less, and all single flood or spot luminaries with a lamp or set of lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that if any luminaire of 900 lumens or less is aimed, directed, or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light controlled, as necessary, to eliminate such conditions.

(ii). All hazard warning luminaries required by federal agencies are exempt from the requirements of this regulation to the extent that federal requirements cannot otherwise be achieved.

(iii). Outdoor light fixtures producing light directly by the combustion of fossil fuels, (kerosene, gas, etc.), are exempt from the requirements of this regulation.

(5). Parking Lot Lighting: Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets. Such lighting shall be subject to the following requirements.

(A). All lighting fixtures serving parking lots shall be full cut-off fixtures (luminaries). Metal halide lamps are preferred for color rendition.

(B). Light poles should be incorporated within planting areas or landscape islands to avoid damage from vehicles and plows.

(C). Should the design for a particular site suggest the use of parking lot lighting fixtures of a particular “period” or architectural style, as either alternatives or supplements to the lighting described above, the alternative fixtures shall either be “full cut-off fixtures”, or the maximum lumens generated by each fixture shall not exceed 2000 (equivalent to a 150 watt incandescent bulb).

(D). Parking lot lighting standards shall be as follows:

(i). Minimum Illumination Level (at darkest spot in the paved area, not including access roads) - no less than 0.2 fc;

(ii). Uniformity ratio (Maximum to Minimum) – 20:1 or 15:1 for enhanced security;

- (iii). Uniformity ratio (Average to Minimum) – 4:1; and
- (iv). Minimum CRI – 50.

(6). Lighting of Gasoline Station/Convenience Store Aprons/Canopies: Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations and shall meet the following requirements:

(A). Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking. If no gasoline pumps are provided the entire apron shall be treated as a parking area.

(B). Areas around the pump islands and under canopies to ten (10) feet outside the canopy footprint shall be illuminated so that the maximum horizontal luminance at grade level does not exceed thirty (30) foot candles in the service area and is at least one (1.0) foot-candles and no more than eight (8) foot-candles at the edge of the service area. The uniformity ratio (max to min.) shall be at least 15:1.

(C). Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy so that light is restrained to no more than eighty-five (85) degrees from vertical. (five (5) degrees below horizontal)

(D). Lights shall not be mounted on the top or sides (fascias) of the canopy and the sides of the canopy shall not be illuminated.

(7). Lighting of Exterior Sales/Display Areas: The applicant shall designate on the plan areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. Such areas are subject to the following requirements:

(A). Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas.

(B). Areas designated as exterior display/sales areas may be illuminated so that the average horizontal luminance is no more than twenty (20) foot-candles. The uniformity ratio shall be no greater than 20:1(max. to min) and 4:1(avg. to min.) adjacent to the roadway frontage. The average and minimum shall be computed only for that area designated as exterior display/sales area.

(C). Light fixtures shall be full cut-off luminaries and shall be located, mounted, aimed and shielded so that direct light is not cast onto adjacent properties.

(8). Security Lighting: If security lighting is to be installed, the purpose and need for such lighting must be demonstrated as part of an overall security plan which designates the area to be illuminated for security purposes. The use of sensor (i.e. motion, beam interrupt) activated lights in security systems and dual switching for security purposes is encouraged. Security lighting is also subject to the following requirements:

(A). In addition to the application materials set forth in the general provisions of this Regulation, applications for security lighting installations shall include a written description of the need and purposes for the security lighting. The site plan shall show the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles at which the lights will be directed, and adequate details to show how light will be directed only onto the areas to be secured.

(B). All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast into other areas. In no case shall lighting be directed in a horizontal plane through the top of the lighting fixture and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures is discouraged.

(C). Security lights intended to illuminate a perimeter (such as a fence line) may include motion sensors and be designed to be off unless triggered by an intruder.

(D). Lighting standards in designated secure areas shall be as follows:

(i). Average Horizontal Illumination Level on Ground - no more than 1.5 fc.;

(ii). Average Illumination Level on Vertical Surface measured five (5) feet above the ground- no more than 1.5 fc.; and

(iii). Minimum CRI – 20.

(9). Illumination of Building Facades and Landscaping: In general, the exterior lighting of building facades is discouraged. When buildings are to be illuminated, the design for the illumination shall be approved by the Planning Board and the following provisions shall be met.

(A). The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.

(B). Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only on the building facade. Lighting fixtures shall not be directed toward adjacent streets, roads or properties.

(C). Lighting fixtures mounted on the building and intended to “wash” the façade with light are prohibited.

(D). Lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.

(E). When landscaping is to be illuminated, it shall be part of the landscaping plan approved by the Planning Board. The lighting plan shall show the location of all lighting fixtures and what landscaping features each fixture is to illuminate, and shall demonstrate that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

(10). Sports Lighting: Sports venue lighting is exempt from any lumens per square foot standards for the playing field only. Full-cutoff fixture design is required and the light trespass requirements apply.

(11). References:

(A). Regional Planning Commission, May 1966.

(B). Route NHOSP Technical Bulletin 16, Outdoor Lighting, Summer, 2001.

(C). Outdoor Lighting Manual for Vermont Municipalities, Chittenden County 101A Community Guidebook, Draft 06/10/02.

(D). NH Citizens for Responsible Lighting, New England Light pollution Advisory Group, International Dark Sky Association & Sample Lighting Ordinances, distributed by NHOSP, April, 2002.

(E). Lighting Improvement Ordinance Framework – The Indiana Council on Outdoor Lighting. - http://home.att.net/~icole/ord_framework.html

(F). Model Site Plan Regulations, Nashua Regional Planning Commission, June, 2002.

(G). The IESNA Lighting Handbook, Reference and Applications, 2000 Edition, Illumination Engineering Society of North America.

10.14 Frontage

Proposed sites must contain the minimum area and frontage requirements as specified in the Auburn Zoning Ordinances and Subdivision Regulations in force at the time of approval.

10.15 Fire Protection

Improvements not located within one-half of a mile of an adequate dry hydrant will be required to construct adequate fire protection in accordance with the Town of Auburn Subdivision Regulations.

10.16 Other Improvements

The applicant shall be responsible for improvements or connections to adjoining developed areas unless relieved of that responsibility by the Board. The applicant shall be responsible for such off-site improvements in unaccepted streets as may be necessary, in the opinion of the Board, to achieve continuity of improvements.

10.17 Open Space

- (1). No more than forty (40%) percent of the lot shall be covered by impervious material, including but not limited to, building, concrete, and asphalt.
- (2). A minimum of forty (40%) percent of the development site shall remain as green area or undeveloped.
- (3). Maximum building area coverage shall be twenty (20%) percent of the lot area.

10.18 Solid Waste Storage

Solid waste materials shall be stored in containers and/or buildings specifically designed and constructed for that purpose. Waste storage areas shall be screened from view from the adjacent roadway(s).

10.19 Signs

All signs shall conform to The Town of Auburn Zoning Ordinance.

10.20 Landscaping

- (1) Purpose: The following requirements are intended to enhance the appearance and natural beauty of the Town of Auburn, and to protect property values through preservation of existing vegetation and planting of new screening and landscaping materials. Particularly in retail design, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide privacy from noise and

visual intrusion, and to prevent the erosion of the soil, run-off of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies. These requirements are intended to encourage high quality building design which improves the aesthetic character of the community, to allow diversity of building design and architectural styles, to avoid monotonous and bland buildings typical of strip commercial development and to minimize conflicts between residential and commercial uses.

(2) Definition of Terms:

(A). "Landscaping" shall mean the permanent installation of hardy lawns, trees, shrubs and other plantings. In so far as practical, existing mature trees shall be retained and incorporated into the overall landscape plan. Materials such as bark mulch, chipping, crushed or fragmented stone, etc. may be used for accent purposes. However, such materials shall not be used as ground cover for more than ten (10%) percent of the original lot area.

(B). "Landscape Materials" shall mean any combination of living plant materials and non-binding materials such as mulch, pebbles, decorative walls, fountains and other decorative materials.

(C). "Shade Tree" shall mean a deciduous tree with a minimum of two (2) inch diameter at four (4) feet above grade where the tree is planted and a minimum of six (6) feet tall at planting.

(D). "Evergreen Tree" shall mean an evergreen tree a minimum of six (6) feet high at planting.

(E). "Evergreen Shrub" shall be a minimum of two (2) feet high unless the species is a low-growing variety.

(F). "Deciduous or Flowering Shrub" shall be three (3) feet high, unless the species is a low- growing variety.

(G). "Ground Cover" shall mean a low-growing plant, other than turf or grass, which forms a continuous cover over the ground surface.

(H). "Turf Ground Cover" shall be composed of one or more species of perennial grass which is grown as a permanent lawn.

(3). General Requirements: As a condition of final approval, the applicant must obtain the Planning Board's approval of the design and placement and materials of all landscaping features, to assure that the plan complies with the goals of harmonious existence with the neighborhood and the environment as outlined in the purpose section above.

(4). Landscaping Requirements:

(A). General:

(i). A landscaping plan shall be required upon application for site plan review. The final landscaping plan shall be drawn to scale, including dimensions, and shall show clearly existing features, and the locations, size, description, and common name of all proposed trees and shrubs. Existing trees, shrubs and plant beds that are to be retained can be indicated and described generally.

(ii). All significant features within the site including, but not limited to, large trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the plan. Planning Board approval shall be obtained before removal of such features. Removal of any existing tree exceeding six (6) inch caliper is strongly discouraged.

(iii). All landscaping plans shall incorporate existing trees and landscaping into the proposed site design as is reasonable as determined by the Planning Board.

(iv). Any portion of a developed lot or property which is to be disturbed but is not used for the location of buildings, structures, accessory uses, off-street parking and loading areas, sidewalks or similar purposes, shall be landscaped and maintained in such a manner as to minimize storm water runoff.

(v). Landscaping, trees, and plants required by these Regulations shall be planted in a growing condition according to accepted horticultural practices and shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of this Regulation after the first winter or at any time during the second year after planting, shall be replaced by the developer during the next planting season for the particular plant material. All proposed plantings shall be appropriate for soils, weather conditions and environmental conditions of the specific site. Particular attention should be paid to potential road salt and other deicing chemicals. Plant materials should be of specimen quality conforming to the American Standard for Nursery Stock (ANSI Z60.1-1980 or later revision) and should be guaranteed for at least one and one-half years.

(vi). All landscaping approved under this regulation shall be subject to surety requirements as required by the Planning Board. The surety shall be sufficient to cover the cost of replacement of all

plantings. The term of the surety requirement shall be equal to two (2) years from the time of planting. At the end of the two (2) year period, any unused portion of this surety will be returned to the applicant along with accrued interest. This required surety shall meet the required criteria set forth in Section 8.02 of these Regulations.

(vii). All landscaping, trees, and planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, tree wells, or other means from damage by vehicles.

(viii). Existing landscaping, trees and planting materials to be retained should be protected as necessary during construction to avoid damage. Tree wells over six (6") inches deep or other landscape features that have the potential to present a falling hazard to the public shall have grates, fences or other protective measures installed. All trees where required shall be welled and protected against change of grade. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these Regulations.

(ix). Plastic or other types of artificial plantings shall not be credited against the requirements of these Regulations.

(x). Trash containers, propane storage tanks, transformers and similar above ground utility features shall be screened with vegetation or other method approved by the Planning Board so that they are not visible from off the property.

(xi). On lots or sites abutting State of New Hampshire maintained roads, State regulations for setbacks and sight distances shall take precedence for selection and placement of landscaping features.

(xii). Existing and proposed overhead or underground utilities should be considered when selecting size, type and placement of proposed landscaping to avoid damage or potential future conflicts.

(xiii). All site plans shall include a landscaping plan designed by and stamped with the seal of a New Hampshire licensed landscape architect.

(xiv). No plantings will be allowed within six (6) feet from the outside wall of a proposed or existing structure.

(B). Front Landscaped Areas:

(i). Front landscaping areas are intended to enhance the appearance of the use on the lot but not to screen the use from view. A front landscaped area shall be required. The required landscaped area shall be covered with grass or other ground cover and shall include trees and shrubs all of which shall be selected to withstand salt and other typical roadside pollution. At a minimum, one shade tree having a caliper of two (2) inches and a height of six (6) feet shall be planted for each fifty (50) feet or fraction thereof of lot frontage.

(ii). Where lot size and shape or existing structures make it feasible to comply with a front landscape area for landscaped parking area, the Planning Board may substitute planters, plant boxes for pots containing trees, shrubs and/or flowers to comply with the intent of these Regulations.

(iii). Commercial and Industrial Zones: In all commercial and industrial zones, the required front yard, except for the driveway, shall be landscaped a minimum of ten (10) feet back from the front lot line. View from public streets of large parking lots should be screened with low two and one-half (2 ½) foot to four (4) foot evergreen shrubs, densely twigged deciduous shrubs, evergreen trees, mounds, berms, walls, or a combination thereof, provided that adequate sight distance is maintained.

(C). Buffer Areas:

(i). Buffer areas shall contain sufficient existing vegetation as approved by the Planning Board, or be planted with evergreen-type plantings of such height, spacing and arrangement as, in the judgment of the Planning Board, will effectively screen the activity on the lot from the neighboring residential area. At a minimum, the planting shall consist of trees six (6) feet in height planted at intervals of ten (10) feet on center. Non-evergreen plantings may be included to supplement evergreen planting, but not to take the place of evergreen plantings.

(ii). An earthen berm, wall or fence of location, height, design, and material approved by the Planning Board may be substituted for any portion of the required planting and/or buffer area requirements. All plants in the buffer area shall be permanently maintained by the owner\occupant so as to maintain a dense screen year-round.

(iii). A landscaped area shall be provided along the perimeter of any parking area, except where the parking area is functionally integrated with adjoining parking areas on abutting lots. The landscaped area shall have a minimum dimension of five (5) feet, shall be planted with grass or shrubs, and shall include at least one (1) deciduous tree of not less than two (2) inch caliper, at least six (6) feet in height for every fifty (50) feet along the perimeter of the parking area.

(iv). When the proposed use on a site presents the potential for obtrusive sound or noise pollution to adjoining lots, appropriate sound buffering shall be incorporated into the site design. The use of walls, berms, fencing, dense plantings, or a combination thereof may be required.

(D). Landscaped Parking Areas: In addition to the front landscaped area and buffer area requirements, parking areas shall comply with the following minimum standards:

(i). Landscape areas shall be provided within parking areas to provide visual and climatic relief from broad expanses of pavement.

(ii). All uses providing twenty (20) or more off-street parking spaces shall have at least five (5%) percent of landscaped open area within the paved portion of the parking area. This does not include perimeter planting.

(E). Landscaping of Storm Water Treatment Areas:

(i). All storm water treatment areas, such as,, treatment swales, detention and retention areas, and mitigation areas created to treat storm water runoff, shall be planted with grasses, shrubs and/or other plantings sufficient to prevent soil erosion and to promote proper treatment of the proposed runoff.

(ii). A wetland landscaping plan shall be prepared by a qualified wetland scientist who has been approved by the Conservation Commission. The wetland landscaping plan shall show all proposed storm water treatment areas within the site and the proposed plantings therein. The wetland landscaping plan shall be at a scale of not less than 1"=50'.

(F). Minimum Landscape Coverage: In all applications, a minimum percentage of fifteen (15%) percent of land being developed and reviewed shall remain in its natural state or be maintained as

appropriately landscaped area. Undisturbed wooded areas may be included in this calculation.

10.21 Storage

There shall be no outside storage of equipment and materials.

10.22 Underground Storage Tanks

(1). Design Required: All site plan designs submitted to the Planning Board that include underground storage tanks, as defined by the New Hampshire Code of Administrative Rules Env-Wm 1401-Underground Storage Facilities, must include underground storage tank design with the complete underground storage tank submittal application to New Hampshire Division of Environmental Services Oil Compliance and Initial Response Section.

(2). Specific Design Requirements: The underground storage tank design must comply with all New Hampshire Department of Environmental Services Regulations, (Env-Wm 1401), with the following specific design requirements employed:

(A). Underground Storage Tanks: All underground storage tanks shall have a secondary containment that includes, but is not limited to, a concrete vault meeting H-20 structural loading which shall be designed to resist floatation forces under worst case conditions (i.e. empty, groundwater to the surface of the excavation). The vault must be lined with a water-proofing liner compatible with the anticipated exposures and shall pass a zero leakage test.

In addition, a facility or site with underground storage tanks must have a groundwater monitoring system designed to detect the material contained in the storage tank to at or below the United States Environmental Protection Agency detectable limits. The monitoring system shall communicate electronically with a facility alarm system monitoring for leak detection twenty-four (24) hours per day, seven (7) days per week.

(B). Aboveground Petroleum Storage Tanks: All site plan designs submitted to the Planning Board that include aboveground storage tanks must comply with New Hampshire Code of Administration Rules Part Env-Wm 1402, Control of Aboveground Petroleum Storage Facilities.

10.23 Noise Levels

At all times noise levels within the building shall not exceed recognized state and federal

standards including United States Environmental Protection Agency and F.M.W.A. sound level criteria for the type of operation being performed.

10.24 Temporary Signs

The developer shall obtain and post signs to warn motorists of construction and construction vehicles in the area of any proposed roadway construction. All signage shall be in accordance with the Manual of Uniform Traffic Control Devices published by the Federal Highway Administration.

10.25 Conditions During Construction

The developer shall be responsible for minimizing and avoiding, to the extent possible, conditions which result in hardship, inconvenience or annoyance to early occupants of the development, or to abutters, from construction activities, including but not limited to such conditions as unreasonable hours of operation, erosion, dust, odor, smoke, temporary changes of surface water runoff, or other similar conditions during construction activity. All construction shall take place in conformance with any applicable ordinances of the Town. The developer shall also be responsible for exercising reasonable care to avoid and prevent hazardous conditions on the site during all phases of construction.

In the event the developer fails to take reasonable steps to minimize hardship, or through construction creates an avoidable nuisance, the Building Inspector may issue a Cease and Desist Order requiring immediate corrective action.

The developer and design engineer shall submit written statements to the Planning Board certifying the anticipated uses and noise levels generated as a result of activities on the site. The Planning Board may, in its sole discretion, require the developer to submit a sound level assessment study for the site from a qualified sound engineer. Sites shall be designed to have no adverse noise effects on adjacent properties or nearby residences.

Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities.

10.26 Structural Design Requirements

All structures (i.e. box culverts, bridges, retaining walls, etc.) must comply with the structural design criteria required in the Town of Auburn Subdivision Regulations.

10.27 Village Center District Design Standards

(1). Objectives and Characteristics: The Village Center District is intended to promote a “town center” area which will provide for the harmonious and aesthetically pleasing development of the Town, and where, through the consolidation of municipal services, small-scale retail/commercial development, limited residential use, and mixed use development, the Town’s rural charm and character is preserved. The Village Center District is designed to promote and encourage the most efficient, cost-effective and beneficial consolidation of land development which will: preserve open space; create more cost-efficient roads, utilities, and other public and private infrastructures; and improve the ability of the Town to provide more rapid and efficient delivery of public safety services. This District is also created to provide private property owners with a method for realizing the inherent value of their real property in a manner conducive to the creation of a substantial benefit to the environment and to the Town’s property tax base.

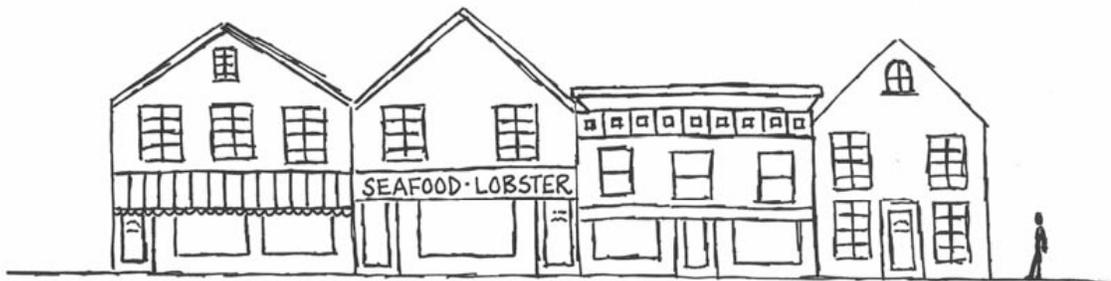
(2). Building Design:

(A). Building Design: Building design within the Village Center District shall conform to the Architectural Design Requirements provided by the Town of Auburn Site Plan Regulations, as adopted and amended by the Planning Board.

(B). Building Massing: Building massing refers to the number of blocks or basic forms that make up the building’s overall shape. Building massing in the Village Center District shall be at a human scale and shall take into account the following criteria:

(i). Height - The design of a building should reduce its perceived height by dividing the building mass into smaller scale components. One way to achieve this breakdown is to provide a well-defined base, middle and top to the building (see example below).

(ii). Bulk - The design of a building should reduce its apparent bulk by dividing the building into smaller masses. Ideally, the internal function of the building may indicate a logical hierarchy for breaking down the mass of the building (see example below).



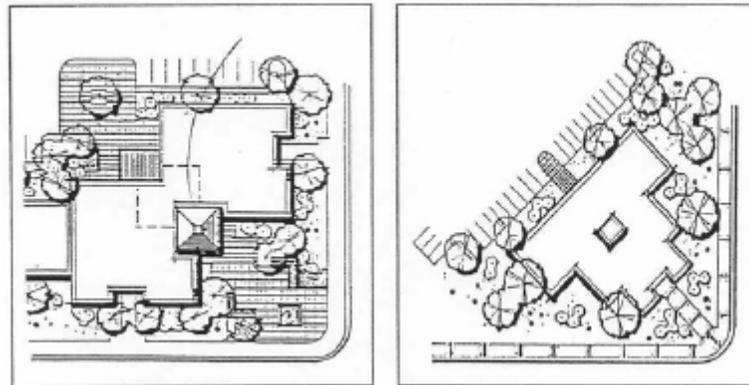
By using different architectural features, the perceived height and bulk are reduced to a more human scale.

(C). Building Orientation:

(i). Building placement, setbacks and building lines on the lot should be consistent and should include adjacent outdoor public space for pedestrians such as plazas, sidewalks, and seating areas.

(ii). Building frontages and sides should be oriented towards the street and adjacent outdoor public areas, presenting an active front to the community (see following corner building orientation examples). Parking and service entrances should be located at the rear of the building.

(iii). Use of grade level display windows, store front entranceways and doors as well as soft building lines and walls are encouraged to promote an easy and comfortable transition for the pedestrian between the building and adjacent public space and parking areas.



By orienting the building to the street, and including adjacent outdoor public space and entranceways, the relationship of the building and the pedestrian, and the building to the street, achieves a more human scale.

(D). Sidewalks and Crosswalks: Sidewalks and crosswalks within the Village Center District shall comply with Americans for Disability Act (ADA) standards and shall be constructed in accordance with the Town of Auburn's most recently amended Subdivision and Site Plan Regulations. Pedestrian crossings and crosswalks should be placed at highly visible and dedicated crossing points. The crosswalk shall be marked to be visible to both the pedestrian and driver. Use of traffic islands and extended curbing to shorten the street crossing is encouraged. Crossings are encouraged at street corners and mid-block, or 100-150 feet apart in

areas of pedestrian activity. New sidewalks and crossings should be linked and connected to existing walkways and bicycle paths.

(3). Village District Lighting:

(A). Streetscape Lighting: Outdoor lighting within the Village Center District shall conform to the Town of Auburn Zoning Ordinance and the Lighting Standards as provided in Section 10.13 of the Town of Auburn Site Plan Regulations. The choice of light fixture design should be compatible with the architectural design of the building, the surrounding neighborhood and overall character of the village. Decorative lighting fixtures are recommended and encouraged (see following photo example). Maximum pole height shall not exceed twenty (20) feet.

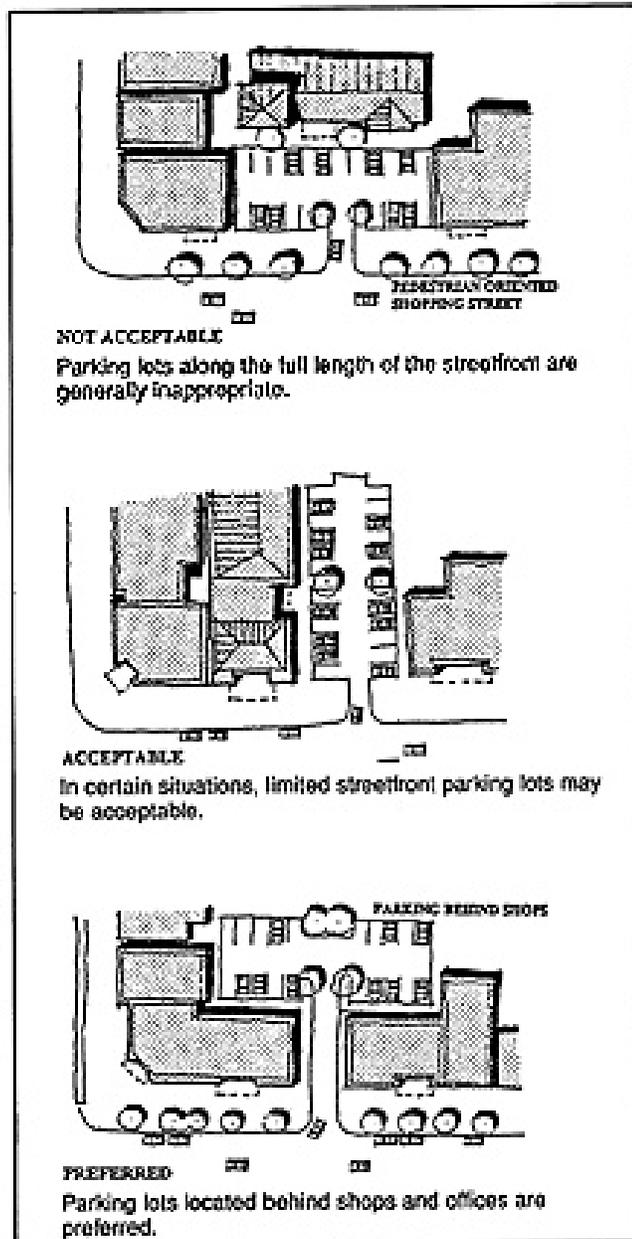


(4). Drainage Design Guidelines within the Village Center District:

(A). Volumetric Analysis: Development in the Village Center District shall not result in an increase in either the peak rate or total volume of stormwater run off.

(B). Stormwater Quality: Storm water designs shall incorporate LID recommendations as necessary to comply with the requirement of the N.H. Alteration of Terrain (AOT) permit with a minimum total suspended solids % removal of eighty (80%) percent.

- (C). Incentive Bonus for Additional Stormwater Controls: If the Applicant can demonstrate through accepted engineering practices that the stormwater system design for a project is providing additional stormwater controls resulting in additional pollution reduction of total suspended solids in excess of eighty (80%) percent, each five (5%) percent increase shall permit an increase in allowable impervious lot coverage of five (5%) percent, to a maximum of seventy (70%) percent.
- (5). Buffer Zone: All developments within the Village Center District that abut a residential zone must have a fifty (50) foot wide non-disturb or landscaped buffer zone between the property being developed and the abutting residential property.
- (6). Lot Coverage Guidelines within the Village Center District:
- (i). Total Impervious Coverage: 60%
- (7). Village Center District Parking Standards: Off-street parking shall be provided in accordance with the requirements of Section 10.07, Parking and Loading Areas, however, a twenty-five (25%) percent reduction in the total number of required spaces may be authorized by the Planning Board for approved multi-family and non-residential uses located within the Village Center District, provided:
- (i). Off-street parking shall be located on the side or rear of all commercial and multi-family buildings (see following illustration of preferred and acceptable examples);
 - (ii). All parking spaces and parking lots are screened by landscaping in accordance with Sections 10.10 and 10.20 of the Town of Auburn Site Plan Regulations; and
 - (iii). Cross-access easements are secured to encourage shared parking between interconnected parking lot areas, if applicable.



Examples of Preferred, Acceptable and Not Acceptable parking lot configuration in obtaining the 25% parking reduction within the Village Center District are provided in the illustration above (Source: Village of Gurnee, Gurnee, IL).

**SECTION 11.00 - STORMWATER MANAGEMENT AND EROSION AND
SEDIMENT
CONTROL REGULATIONS**

11.01 General

The purpose of this Regulation is to control runoff and soil erosion and sedimentation resulting from site construction and development. Unless waived by the Board, Major Site Plans shall include plans for managing stormwater and controlling erosion and sedimentation as provided herein.

11.02 Definitions

The following definitions apply to this Stormwater Management and Erosion and Sediment Control Regulation.

- (1). Best Management Practice (“BMP”): A proven or accepted structural, nonstructural, or vegetative measure, the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of stormwater runoff.
- (2). Critical Areas: Disturbed areas of any size located within fifty (50) feet of a stream, bog, water body, or poorly or very poorly drained soils; disturbed areas exceeding two thousand (2,000) square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding twenty five (25) feet on slopes greater than fifteen percent (15%).
- (3). Development: Any construction or land alteration or grading activities other than for agricultural and silvicultural practices.
- (4). Disturbed Area: An area where the natural vegetation has been removed, exposing the underlying soil.
- (5). Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- (6). Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than or equal to 0.43 in any layer as found in Table 34 of the ‘Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.’
- (7). Project Area: The area within the site plan boundaries.
- (8). Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

- (9). Stabilized: When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass or a good covering of hay or straw mulch (2 tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.
- (10). Stormwater Runoff: The water from precipitation that is not absorbed, evaporated, or otherwise stored within the contributing drainage area.
- (11). Stream: Areas of flowing water occurring for sufficient time to develop and maintain defined channels, but may not flow during dry portions of the year. Includes, but is not limited to, all perennial and intermittent streams located on U.S. Geological Survey maps.

11.03 Applicability

The applicant shall submit a stormwater management and erosion and sedimentation control plan to the Planning Board for any Site Plan, where one or more of the following conditions is proposed:

- (1). A cumulative disturbed area exceeding twenty thousand (20,000) square feet;
- (2). Construction or reconstruction of a street or road; or
- (3). Disturbed critical areas.

11.04 Minimum Requirements

- (1). The Planning Board may waive the requirement for all or part of a stormwater management and erosion and sedimentation control plan if it determines that a plan is unnecessary because of the size, character, or natural conditions of a site.
- (2). All requests for waivers, and actions thereon, shall be made in writing by the applicant in accordance with the requirements for waivers, and shall be accompanied by supporting technical documentation to demonstrate minimal environmental impact.
- (3). The following minimum requirements apply to all projects, regardless of size:

A site drawing of existing and proposed conditions, including:

- (A). Locus map, at the Town map scale, showing property boundaries;

- (B). North arrow, scale (not more than 1"=50'), date;
- (C). Property lines;
- (D). Easements;
- (E). Structures, utilities, roads, and other paved areas;
- (F). Topographic contours (maximum interval of ten (10) feet);
- (G). Critical areas;
- (H). Surface water, wetlands, drainage patterns, and watershed boundaries;
- (I). Vegetation;
- (J). Soils information for design purposes or for determining highly erodible soils shall be determined from a National Cooperative Soil Survey (NCSS) soil series map;
- (K). Temporary and permanent stormwater management and erosion and sediment control Best Management Practices;
- (L). Areas and timing of soil disturbance; and
- (M). A schedule for the inspection and maintenance of all Best Management Practices.

A narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as each applies to the site is also required.

11.05 Design Standards

All drainage designs must comply with the drainage design criteria and technical requirements contained in the Auburn Subdivision Regulations, Sections 10.06 and 10.07.

11.06 Completed Application Requirements

The Planning Board shall require each of the following in the final plan unless the project is deemed of sufficiently minimal impact to qualify for the minimum requirements specified in Section 11.04 of these Regulations.

- (1). Construction drawings:

- (A). Existing and proposed conditions:
- (i). Locus map, including tax map information, at the same scale as the Town tax map, showing property boundaries within 1,000 feet of the subject site boundaries;
 - (ii). North arrow, scale (not more than 1"=50'), date;
 - (iii). Property lines;
 - (iv). Structures, roads, utilities, earth stockpiles, staging areas, equipment storage, and stump disposal;
 - (v). Topographic contours of improved areas at no greater than two (2) foot intervals;
 - (vi). Critical areas;
 - (vii). Within the project area, and within four hundred (400) feet of the project boundary, surface waters, wetlands, drainage patterns, and watershed boundaries;
 - (viii). Vegetation;
 - (ix). Extent of the one hundred (100) year flood plain boundaries, if published or determined;
 - (x). Soils information for design purposes shall be obtained from a National Cooperative Soil Survey (NCSS) soil series map, highly erodible soils shall be determined by soil series;
 - (xi). Easements;
 - (xii). Areas of soil disturbance;
 - (xiii). Areas of cut and fill;
 - (xiv). Areas of poorly and very poorly drained soils, including any portion to be disturbed or filled;
 - (xv). Location of all structural, nonstructural, and vegetative stormwater management and erosion and sediment control Best Management Practices;

- (xvi). Identification of all permanent control Best Management Practices; and
 - (xvii). Tabulated sequence of construction.
- (B). Other plan requirements:
- (i). Construction schedule;
 - (ii). Earth movement schedule;
 - (iii). A proposed schedule for the inspection and maintenance of all Best Management Practices;
 - (iv). Description of temporary and permanent vegetative Best Management Practices, including seeding specifications; and
 - (v). Description of all structural and nonstructural Best Management Practices with detailed drawings of each, as appropriate.
- (2). Report section, including:
- (A). Design calculations for all temporary and permanent structural control Best Management Practices measures;
 - (B). A proposed schedule for the inspection and maintenance of all Best Management Practices;
 - (C). Identification of all permanent control measures and responsibility for continued maintenance;
 - (D). A drainage report with calculations showing the volume, peak discharge, and velocity of present and future runoff; and
 - (E). When detention structures are planned to reduce future condition peak discharge, the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure, the design will conform to the criteria outlined for those types of structures given in the “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.”

11.07 Responsibility for Construction/Installation

- (1). The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion and sedimentation control measures required by this Regulation.
- (2). The Planning Board may require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or the surety.
- (3). Site development shall not begin before the stormwater management and erosion and sedimentation control plan receives conditional approval. Best Management Practices shall be installed as designed and scheduled as a condition of final approval of the plan.

11.08 Plan Review and Approval

- (1). Technical review of any stormwater management and erosion and sedimentation control plan prepared under this Regulation shall be conducted by the Rockingham County Conservation District or other qualified professional consultant, as determined to be appropriate by the Planning Board, at the expense of the applicant.
- (2). The Planning Board shall indicate approval of the stormwater management and erosion and sedimentation control plan, as filed, if it complies with the requirements and objectives of this Regulation. Such approval shall be a component of Site Plan approval. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

11.09 Maintenance and Inspection

- (1). A narrative description of on-going maintenance requirements for water quality protection measures required by stormwater management and erosion and sedimentation control plans, after final Planning Board approval, shall be recorded on the deed to the property on which such measures are located. The description so prepared shall comply with the requirements of N.H. R.S.A. 478:4-a.
- (2). The Planning Board may require routine inspections to verify on-going maintenance of water quality protection measures. Such inspections shall be performed by the designated agent at reasonable times to the landowner.

- (3). If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the District or Superior Court under N.H. R.S.A. 595-B.
- (4). The Board of Selectmen may require a fee for routine inspections of water quality protection measures. The fee shall be paid by the owner of the property. A fee schedule shall be established by the Board of Selectmen, which represents the cost of performing an inspection of various types of water quality protection measures. The procedure for the adoption of the fee schedule shall be as provided in N.H. R.S.A. 41:9-a.

SECTION 12.00 - TELECOMMUNICATIONS FACILITIES

12.01 Authority

These regulations are enacted by the authority granted in N.H. R.S.A. 674:16 and 674:21, and procedurally under the guidance of 675:1, II, and in the interest of the public health, safety and general welfare of the residents of Auburn.

12.02 Purpose and Goals

This Ordinance is enacted in order to establish general guidelines for the siting of telecommunications towers and antennas and to enhance and fulfill the following goals:

- (1). Preserve the authority of the Town of Auburn to regulate and to provide for reasonable opportunity for the siting of telecommunications services to provide such services to the community quickly, effectively and efficiently;
- (2). Reduce adverse impacts such facilities may create, including, but not limited to impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person or property, and prosperity through protection of property values;
- (3). Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future available locations, innovative siting techniques, and siting possibilities beyond the political jurisdiction of the Town;
- (4). Permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, by requiring alternative tower structures;
- (5). Require cooperation and colocation, to the highest extent possible, between competitors in order to reduce cumulative negative impacts upon the Town of Auburn;
- (6). Provide constant maintenance and safety inspections for any and all facilities;
- (7). Provide for the removal by the owner of abandoned facilities that are no longer inspected for safety concerns and Code compliance, and a

mechanism for the Town of Auburn to remove these abandoned towers to protect the citizens from imminent harm and danger; and

- (8). Provide for the removal or upgrade of facilities that are technologically outdated.

12.03 Definitions

- (1). Alternative Tower Structure: Innovative siting techniques that shall mean manmade trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
- (2). Antenna: Shall mean any exterior apparatus designed for telephonic, radio, television, personal communication service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.
- (3). FAA: An acronym that shall mean the Federal Aviation Administration.
- (4). FCC: An acronym that shall mean the Federal Communications Commission.
- (5). Height: Shall mean, when referring to a tower or other structure, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- (6). Planning Board or Board: Shall mean the Town of Auburn Planning Board.
- (7). Pre-existing Towers and Antennas: Shall mean any tower or antenna lawfully constructed or permitted prior to the adoption of this Ordinance. Shall also mean any tower or antenna lawfully constructed in accordance with this Ordinance that predates an application currently before the Board.
- (8). Telecommunications Facilities: Shall mean any structure, antenna, tower or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular/wireless phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services.
- (9). Tower: Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers, The term includes radio and television transmission towers, microwave towers, alternative tower structures, and the like.

12.04 Construction Performance Requirements

- (1). Aesthetic and Lighting: The guidelines in this subsection shall govern the location of all towers, and the installation of all antennas. However, the Planning Board may waive these requirements, in accordance with Subsection 12.09, only if it determines that the goals of this regulation are served thereby.
 - (A). New towers shall be built as alternative tower structures.

- (B). At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and built environment. These buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.
 - (C). If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (D). Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - (E). Towers shall not contain any permanent or temporary signs, writing, symbols or any graphic representation of any kind, with the exception of safety warning signs.
- (2). Federal Requirements: All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Subsection 12.11, of the tower or antenna, as abandoned, at the owner' s expense through the execution of the posted security.
- (3). Building Code Safety Standards: To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, If the owner fails to bring such tower into compliance within thirty (30) days, such action shall constitute an abandonment and grounds for the removal, in accordance with subsection 12.11, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.
- (4). These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

- (A). Setbacks and Separations:
 - (i). Towers must be set back a distance equal to one hundred twenty-five (125%) percent of the height of the tower from any offsite residential structure.
 - (ii). Tower, guys and accessory facilities must satisfy the minimum zoning district setback requirements.
 - (iii). Towers shall not be located within one-quarter (1/4) mile of any existing tower.
- (B). Security Fencing: Towers shall be enclosed by security fencing not less than six (6) feet in height, and shall also be equipped with an appropriate anti-climbing device.
- (C). Landscaping:
 - (i). Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. Natural vegetation is preferred.
 - (ii). In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely.
 - (iii). 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.

12.05 Required Information

In addition to the generally required site plan materials, the applicant shall also be required to submit the information provided for in this Section 12.0.

12.06 Conditions of Approval

In granting Site Plan Approval, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect on the proposed tower on adjoining properties, and preserve the intent of this Ordinance.

12.07 Factors Considered in Granting Decisions

The Planning Board shall consider the following additional factors in the site plan review.

- (1). Height of proposed tower or other structure;
- (2). Proximity of tower to residential development or non4ndustrial zones;

- (3). Natures of uses on adjacent and nearby properties;
- (4). Surrounding topography;
- (5). Surrounding tree coverage and foliage, and the extent to which the tower protrudes above the tree coverage;
- (6). Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7). Proposed ingress and egress to the site;
- (8). Availability of suitable existing towers and other structures as discussed in Section 12.02;
- (9). Visual impacts on view sheds, ridgelines and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures; and
- (10). Availability and use of alternative tower structures and alternative siting locations.

12.08 Additional Information Required

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

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

provided, however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- (4). If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:
 - (A). Substantial Evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted;
 - (B). Substantial Evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why;
 - (C). Substantial Evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 - (D). Substantial Evidence that applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structure would cause interference with the applicant's proposed antenna;
 - (E). Substantial Evidence that the fees, costs or contractual provisions required by the owner in order to share the existing towers or structures are unreasonable, (costs exceeding new tower development are presumed to be unreasonable); or
 - (F). Substantial Evidence that the applicant can demonstrate other limiting factors that render existing towers or structures unsuitable;
- (5). The applicant proposing to build a new tower shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of Auburn, and is grounds for denial.
- (6). The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with N.H. R.S.A. 676:4(g).

12.09 Waivers

- (1). General: Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing regulations, or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under the provisions of these regulations shall be to ensure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:
 - (A). The granting of the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property, and will promote the public interest;
 - (B). The waiver will not, in any manner, vary the provisions of the Auburn Zoning Ordinance or Auburn's Master Plan;
 - (C). Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations; and
 - (D). A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
 - (i). Topography and other site features;
 - (ii). Availability of alternative site locations;
 - (iii). Geographic location of property; and
 - (iv). Size/magnitude of project being evaluated and availability of co-location.
- (2). Conditions: In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.
- (3). Procedures: A request for any such waiver shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant. Failure to submit the petition in writing shall require an automatic denial.

12.10 Bonding, Security and Insurance

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and/or unwilling to remove the tower in accordance with Subsection 12.11. Bonding

and surety shall be consistent with the provision in the Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

12.11 Removal of Abandoned Antennas and Towers

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

SECTION 13.00 - ADMINISTRATION AND ENFORCEMENT

13.01 Occupancy

- (1). No development may be occupied or used unless a certificate of occupancy has been issued by the Building Inspector.
- (2). The Building Inspector shall not issue a certificate of occupancy until these regulations have been complied with and the improvements made or a performance guarantee provided to the Town for unfinished improvements. Failure to construct a site in accord with the approved site plan shall constitute a sufficient reason for withholding a certificate of occupancy.

13.02 Other Ordinances

In addition to complying with the Regulations established, herein the applicant shall comply with all other applicable Town ordinances and State Regulations and laws, particularly, but not limited to, the Town Ordinances, Town of Auburn Zoning Ordinance, Comprehensive Master Plan, and the State of New Hampshire laws and regulations governing pollution. Where applicable, the applicant shall also comply with all federal statutes and regulations.

13.03 Enforcement

- (1). The purpose of this part is to enact locally, the administrative and enforcement procedures set forth in N.H. R.S.A. 676 of the existing planning and land use statutes.
- (2). Any violation of the requirements of these Regulations shall be subject to any and all of the enforcement procedures detailed in N.H. R.S.A. 676 and these Regulations.
- (3). These Regulations shall be enforced by the Planning Board or its duly authorized agent(s), which shall include, but not be limited to, the Board of Selectmen, Town Attorney and Town Building Inspector and/or Zoning Code Enforcement Officer. The designated agent responsible for enforcement on a day-to-day basis shall be the Auburn Building Inspector and Code Enforcement Officer. The Building Inspector is hereby granted authority under the direction of the Planning Board to use all available statutory remedies to enforce these Regulations, including but not limited to: the issuance of Cease and Desist Orders, all common law remedies, the revocation of building permits, the withholding of building permits, actions to secure civil fines, actions for injunctive relief and all statutory remedies as may be available to the Town.
- (4). Written Notice of Violation. A written notice of violation may be issued to the property owner by registered mail or hand-delivery from the designated agent if the agent determines that conditions at the site are in violation of any of the requirements of these Regulations or plans approved under these Regulations. The notice of violation shall:
 - (A) Specify the actions or conditions which violate the requirements of these Regulations or plans approved under these Regulations;

- (B) Identify what needs to be done to correct the violation(s);
- (C) Specify a reasonable time frame within which the violation(s) will be corrected; and
- (D) Be provided to the property owner with a copy to be kept in the official records of the Planning Board.

The issuance of a written notice of visitation shall not be a prerequisite to the issuance of a cease and desist order.

- (5). Cease and Desist Order. The designated agent may issue a cease and desist order to the property owner if the agent determines that conditions at the site are in violation of any of the requirements of these Regulations or any plans approved under these Regulations.
- (6). Revocation: In addition, the Planning Board may, where it deems appropriate, exercise its prerogative under N.H. R.S.A. 676:4-a to revoke site plan approval.
- (7). The Planning Board may also decline to accept new site plan applications submitted by applicants who are not in compliance with regard to the terms and conditions of a prior site plan approval.

13.04 Joint Meetings and Hearings

- (1). An applicant seeking site plan approval may petition the Planning Board and the Zoning Board of Adjustment or other land use boards to hold a joint meeting or hearing when the subject matter of the requested permit is within the responsibilities of those land use boards, Each board shall have the authority on its own initiative to request a joint meeting and each land use board shall have the discretion as to whether or not to hold a joint meeting with any other land use board. The Planning Board chair shall chair joint meetings of the Planning Board that involve the subject matter of the requested permit. In other situations, the boards which are involved shall determine which board shall be in charge of the joint meeting or hearing.
- (2). Procedures for joint meetings or hearings relating to testimony, notice of hearings, and filing of decisions shall be consistent with the procedures established for the individual boards. In the event of a conflict between the respective board's procedures, the boards shall reach an agreement prior to the joint meeting or hearing as to which procedures shall be employed.
- (3). Every local land use board shall be responsible for rendering a decision on the subject matter which is within its jurisdiction.

13.05 Appeal

An appeal from any final decision of the Planning Board with respect to a site plan application is governed by N.H. R.S.A. 677:15. In the event that the Planning Board makes a decision or determination on a site plan application which is based upon any construction, interpretation, or application of the Auburn Zoning Ordinance, which would

be appealable to the Zoning Board of Adjustment if it had been made by an administrative officer, then an applicant may appeal such decision to the Auburn Zoning Board of Adjustment, pursuant to N.H. R.S.A. 676:5, III.

SECTION 14.00 - AMENDMENT, VALIDITY, AND EFFECTIVE DATE

14.01 Amendment

Any amendment to this Ordinance, as proposed by the Planning Board or otherwise, shall be adopted in accordance with the procedures required by N.H. R.S.A. 675:6.

14.02 Validity

If any section, subsection, or phrase of these Nonresidential and Multi-Family Residential Site Plan Review Regulations is found, for any reason, to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

14.03 Effective Date

The effective date of these Regulations shall be June 15, 2011.