

Chapter 233  
SITE PLAN REVIEW REGULATIONS  
for the  
TOWN OF PETERBOROUGH

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**ARTICLE I – General Provisions****§ 233-1. Authority**

Pursuant to the authority vested in the Planning Board by the voters of the Town of Peterborough on March 9, 1971 and re-authorized on March 10, 1981, and in accordance with RSA 674:43 and 44, the Planning Board adopts the following rules governing the development or change or expansion of use of tracts for nonresidential uses, multi-family residential developments, or common land associated with condominium developments as may be applicable.

**§ 233-2. Purpose**

- A. The purpose of these regulations is to ensure that development:
1. does not impose unreasonable costs upon the community;
  2. does not exceed the development capacity of the site or the capacity of community resources and infrastructure;
  3. will not unreasonably impact adjacent properties;
  4. will increase the site's resistance to natural hazards;
  5. will avoid erosion, sedimentation, and flooding;
  6. will provide safe and attractive streets, driveways, parking areas;
  7. will not generate harmful noise, light, dust, or other nuisances, pollutants, or hazards;
  8. will protect rivers, streams, wetlands, floodplains, and drinking water supplies;
  9. fits with surrounding land and buildings, preserves, and is consistent with the architectural heritage of Peterborough; and
  10. will create conditions favorable for health, safety, convenience, and prosperity.
- B. It is also the intent of these regulations to simplify the development process; to provide explicit guidelines as to what the Town does and does not want; and to provide a greater degree of flexibility in meeting the Town's objectives.

**§233-3. Applicability (Amended February 18, 2015)**

When any development or change or expansion of use of land is proposed, site plan approval is required before any construction, land clearing, building development or change is begun, and before any permits are granted. When there is any question as to whether a project requires Site Plan Review, the Planning Board has the responsibility for making that determination. In order to clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed.

- A. Activities That Require Site Plan Review by the Planning Board or its designee
1. New construction of non-residential or multi-family development.
  2. A change of use (e.g. from residential to commercial, or one- or two-family to multi-family).
  3. Projects that entail the development, change, or expansion of more than two thousand (2,000) square feet of buildings, structures, or parking area, including filling, excavation, grading or clearing of any land.
  4. On a Commercial Farm:
    - a. Farm stand in excess of 1000 ft<sup>2</sup> of area. When no greater than 2000 ft<sup>2</sup> in area, the proposal shall be subject to administrative site plan review by the Code Enforcement Officer as set forth in §233-3.C.4 below.
    - b. Community Supported Agriculture operation, "U-pick" operation, or other on-farm distribution operation, all subject to site plan review as set forth in §233-3.C.4 below.

- c. Small scale events with no more than 30 participants, not including staff, subject to administrative site plan review by the Code Enforcement Officer as set forth in §233-3.C.4 below.
- d. Farm Store greater than 2000 ft<sup>2</sup> in area.
- e. Agricultural Business Enterprise Uses subject to a Conditional Use Permit as follows:
  - i. *Farm Stay: Provision of up to six guest bedrooms for overnight guests of the farm. Meals (breakfast, lunch and dinner) may be provided for said overnight guests. [Amended 5/10/16]*
  - ii. Farm to Table Café
  - iii. Event Venue for hosting events and activities with more than 30 participants, not including farm staff.
  - iv. Incidental Farm Related Activity or Amenity that expands to a point where it ceases to be incidental and becomes a significant draw to the commercial farm in its own right.

Particular consideration shall be given to provisions for parking, pedestrian safety, directional signage, noise, odors, smoke, lighting and provision of sanitary facilities. The Planning Board or the Minor Site Plan Review Committee may waive or modify provisions of the Site Plan Regulations if, in the judgment of the Board such waivers or modifications will: properly carry out the spirit and intent of the regulations and the zoning ordinance; ensure the rural character of the neighborhood will be maintained; and ensure public safety is maintained. The Planning Board shall take care to avoid the application of site plan standards or design requirements that are inappropriate for or degrade the rural character of the setting.

B. Activities That Do Not Require Site Plan Review

1. One- and two-family residential development (*except where new street or shared utility development is proposed.*)
2. Internal building modifications to a non-residential use that do not affect the scale or impact of the existing use.
3. Noncommercial Agriculture as defined in §245-4 of the Peterborough Zoning Ordinance, including associated structures.
4. Commercial Agriculture and any permitted accessory uses as defined in §245-4 and set forth in §245-8 of the Peterborough Zoning Ordinance, except as specifically identified in §233-3.A.4 above.

C. Activities That May Be Reviewed and Approved by Staff.

1. *The Community Development Director may approve changes to an approved Site Plan as a result of minor errors in construction.*
2. *The Community Development Director may approve changes to an approved Site Plan of a minor nature that do not affect any of the anticipated impacts of the project.*
3. *The Community Development Director may approve an initial time extension for meeting conditions of plan approval, for commencing construction of an approved Site Plan, and for completing construction of an approved site plan. Such extensions shall not exceed six months for meeting conditions of approval or one year for commencing or completing construction. Subsequent requests for extension must be approved by the Planning Board.*

4. *The Community Development Director may approve a change in use for a property that has received Site Plan review by the Board provided the new use is not different in type or impact.*
5. *The Community Development Director may approve projects of less than two thousand (2,000) square feet of buildings, structures, or parking area, unless otherwise specified herein or in the zoning ordinance, or if in the judgment of the Community Development Director in consultation with the Planning Board Chair, there are potential significant impacts.*
6. Accessory uses on a Commercial Farm as follows:
  - a. Retail sales of agricultural products through a farm stand with a total area of more than 1000 ft<sup>2</sup> but less than 2000 ft<sup>2</sup>; Community Supported Agriculture operation; or “U-pick” operation, or other distribution operation.
    - i. A plan shall be prepared and submitted to the Office of Community Development indicating the location and dimensions of the stand and where the driveway and parking will be accommodated. The plan shall be reviewed and approved by the Code Enforcement Officer, in consultation with the Police Chief, Fire Chief, Public Works Director and Community Development Director as needed. In granting approval, the following standards shall be met:
    - ii. *Sufficient on-site parking is provided (Minimum of 5 spaces);*
    - iii. *Vehicles will be parked on the site so that emergency vehicles are able to gain access to structures on the site.*
  - b. “Small Scale Events” subject to the following:
    - i. Small Events shall be limited to no more than thirty (30) participants and no more than 12 events per year.
    - ii. A plan shall be prepared and submitted to the Office of Community Development indicating the type and number of events that are anticipated, where events will take place, where parking will be accommodated and where sanitary facilities will be provided. The plan shall be reviewed and approved by the Code Enforcement Officer, in consultation with the Police Chief, Fire Chief, and Community Development Director as needed. The approval shall allow up to 12 Small Scale Events per year with not more than 30 participants, not including farm staff. In granting approval, the following standards shall be met:
      1. Sufficient on-site parking is provided (Minimum of 25 spaces); Roadside parking is prohibited.
      2. Vehicles will be parked on the site so that emergency vehicles are able to gain access to structures on the site
      3. Live or recorded music will be permitted, provided that it is accessory to the purpose of the event and, if amplified or loud, is located within in an enclosed structure as necessary to avoid unreasonably noise trespass onto abutting properties.
      4. There will be adequate sanitary facilities.
      5. Litter and solid waste will be properly controlled, and recyclable materials will be properly collected.
      6. Signage for an event will not be excessive or improperly located, but will be sufficient to direct and control traffic to and from an event.

7. The type and intensity of the use is suitable in the Rural District and the neighborhood.
- iii. The Code Enforcement Officer may refer any application to the Planning Board if he determines that there is potential for significant impact to the site or the surrounding neighborhood. The decision of the Code Enforcement Officer may be appealed to the Planning Board.
- iv. A minimum of two weeks prior to the scheduled date of each event, the property owner or his/her agent shall file a “Notice of Intent to Hold an Event” with the Office of Community Development on a form provided by the Office.
  1. The notice shall include at a minimum, the time, date, and duration of the event, a brief description of the type of event, and the number of participants expected to attend.
  2. For recurring regularly scheduled events, only one notice shall be required each year except when there is a change to the schedule.
  3. The Office of Community Development shall forward copies of the notice to the Police and Fire Departments.

**§233-4. Definitions**

- A. As used in this chapter, the following terms shall have the meanings indicated.

AS-BUILT PLAN – A scaled engineering drawing depicting the actual placement of site elements on the landscape.

COMPARATIVE WETLAND EVALUATION – For the purposes of this regulation, this means the 1991 NH Method for evaluating wetlands and assessing functional values.

DEVELOPMENT – The construction or improvements, including grading, on land for nonresidential or multi-family use.

DISTURBED AREA – An area where the natural vegetation has been removed, exposing the underlying soil, or where it has been altered by human activity.

FILL – Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

IMPERVIOUS SURFACE – Any material that substantially reduces or prevents the infiltration of stormwater into the soil.

MULTI-FAMILY STRUCTURE – A building that contains three (3) or more dwelling units.

NEW HAMPSHIRE METHOD FOR THE COMPARATIVE EVALUATION OF NONTIDAL WETLANDS IN NEW HAMPSHIRE – A method uses to determine the value of wetlands that is based on an assessment of the function(s) that the wetland performs.

- B. The definitions contained in the Peterborough Zoning Ordinance, Subdivision Regulations, and Driveway Regulations shall also apply, where applicable.

**§233-5. Zoning**

All projects must comply with the town’s zoning regulations before being approved for site plan review (for example, wetlands, groundwater protection, noise, lighting, etc.). Any approvals required from the Zoning Board of Adjustment must be obtained before a final approval is granted.

**ARTICLE II – Application Procedure****§233-6. Preapplication Review**

Prior to filing a formal application, applicants may engage in an informal discussion with the Board. There are two types of preapplication review, as described below. In no case is either the applicant or the Board bound by any discussion, and any statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

**A. Preliminary Conceptual Consultation**

Preliminary Conceptual Consultation is optional at the request of the applicant, and can only occur at a posted meeting of the Board (except for the exceptions stated below). Such preapplication consultation shall be informal and directed toward:

1. reviewing the basic concepts of the proposal;
2. reviewing the proposal with regard to the master plan and zoning ordinance; and
3. explaining the state and local regulations that may apply to the proposal.

The applicant may use a general map sufficient to explain the concept; such map, however, shall not include any specific design, engineering or surveying information.

**B. Design Review Phase**

Design Review goes beyond the conceptual and general stage, involving more specific design and engineering details of the potential application. The design review phase may proceed only after proper notification, as set forth in §233-13.

**C. Exceptions:**

1. Any project involving more than 20,000 square feet of construction or more than 30,000 square feet of site disturbance must have a preliminary discussion of the project with OCD staff prior to submittal.
2. For very large projects (more than 40,000 square feet of construction) the applicant must also make a preliminary presentation to the Planning Board. The intent of this presentation is to provide members of the Board with a general understanding of the location, scope, duration, and nature of the project. The Board may provide some initial comments, but no comments made at this time shall constitute formal action by the Board or by the applicant. Any Advisory Review shall require notification of abutters and other public notices as required for formal review.

**§233-7. Submission of Application**

- A. A completed application shall be filed with the Office of Community Development according to the schedule posted in that office (generally 21 days prior to the regular scheduled meeting). A completed application shall consist of all data required in §233-17 of these regulations.
- B. At the next meeting for which notice can be posted – or 30 days from the date of delivery – the Board will determine whether the application is complete. If the application is incomplete, the applicant will need to resubmit under a new notification procedure.
- C. Acceptance of an application shall only occur at a meeting of the Planning Board after due notification has been given according to §237-13. Acceptance will be by affirmative vote of a majority of the Board members present.

**§233-8. Board Action on Completed Application**

- A. The Board shall begin consideration of the Completed Application upon acceptance. The Board shall act to approve, conditionally approve, or disapprove the Completed Application within 65 days of acceptance.
- B. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting on an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
- C. Approval of the application shall be indicated in the Notice of Decision, signed and dated by the Chairman of the Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within 144 hours of the decision.

**§233-9. Failure of the Planning Board to Act**

- A. In the event that the Planning Board does not act on an accepted application within the prescribed time period, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days.
- B. If the Planning Board fails to act within 40 days of receiving this directive from the Selectmen, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

**§233-10. Conditional Approval**

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new application. A further public hearing is not required when such conditions:

- 1. are administrative in nature;
- 2. involve no discretionary judgment on the part of the Board;
- 3. involve permits and approvals granted by other boards or agencies, unless any subsequent changes to the plan would constitute grounds for a new application process.

**§233-11. Site Inspections**

- A. Whenever the Board deems it necessary for the consideration of an application to visit the site, a time will be arranged. Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A, and minutes shall be kept.
- B. All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

**§233-12. Public Hearing**

The Planning shall not take action on a site plan without first holding a public hearing, with notice provided as described below in §233-13.

**§233-13. Notification**

- A. Notice of a Design Review, submission of an application, or a Public Hearing shall be given to the abutters, the applicant, any holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat.
- B. Notice shall be by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time, by posting at the Office of Community Development, in the lobby of the Town House, the Peterborough Library, and publication in the local paper of record.
- C. The notice shall give the date, time, and place of the Planning Board meeting at which the application will be formally submitted to the Board, shall include a general description of the proposal to be considered, and shall identify the applicant and the location of the proposal.
- D. If the notice for the public hearing was included in the notice of submission, additional notice of the public hearing is not required. Additional notice is not required for an adjourned session provided that the date, time, and place of the adjourned session are made known at the prior meeting.

**§233-14. Fees**

- A. The applicant is responsible for all fees incurred by the processing of applications (see Chapter 202, §202-4 & 5). Failure to pay such costs shall constitute valid grounds for the Board to not accept the application as complete.
- B. It is the responsibility of the applicant to pay reasonable fees for plan review, special investigative studies, environmental assessments, legal review of documents, administrative expenses, or other matters required by the Board in order to make an informed decision on the application.

**§233-15. Concurrent and Joint Hearings**

The applicant or the Planning Board may request a joint hearing with one or more land use boards in conjunction with a site plan review hearing if approval from all boards is required for the same project.

***ARTICLE III – Minor Site Plan Review***

**§233-16. Minor Site Plan Review Committee**

- A. Pursuant to the authority vested in the Peterborough Planning Board by the voters of the Town of Peterborough on April 29, 1992, and in accordance with RSA 674:43, III, the Planning Board is authorized to delegate its review powers to a Minor Site Plan Review Committee.
- B. The Minor Site Plan Review Committee shall consist of one Planning Board member, the Director of Community Development, the Code Enforcement Officer, the Director of Public Works, the Police Chief, and the Fire Chief, or official designees.
- C. Applications for minor site plans are submitted to the Office of Community Development. Upon receipt the staff will make a determination as to whether the application falls into the minor site plan category. The Director may consult other members of the Minor Site Plan Review Committee to make that determination.
- D. Minor Site Plan applications are subject to the same public notification and hearing procedures as for other applications.
- E. The Minor Site Plan Review Committee may refer any application to the Planning Board if it determines that there is potential for significant impact to the site or on the surroundings.
- F. All decisions of the Minor Site Plan Review Committee may be appealed to the Planning Board.

G. The Minor Site Plan Review Committee is responsible for reviewing projects including but not limited to:

1. Projects that entail the development, change or expansion of more than 2,000 square feet in area but involve less than 50% of the existing developed area.
2. A change in use of an existing non-residential or multi-family establishment.
3. Plans that involve only parking, landscaping, signage and/or lighting.

**ARTICLE IV – Submission Requirements**

**§233-17. Submission Requirements**

A completed application shall consist of the following items unless a written request for waiver(s) is granted by the Board.

A. A completed application form, accompanied by:

1. names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
2. a letter of authorization from the owner, if the applicant is not the owner.
3. names and addresses of all persons whose name and seal appears on the plat;
4. names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
5. payment to cover filing and notification fees; and
6. four paper copies of the plan.

B. The plat shall show the following information:

General Information

1. Names & addresses of owner(s) of record; name & address of applicant, if different from owner; parcel ID number(s).
2. Signature, license number, and/or seal of the preparer of the plan, and every engineer, architect, land surveyor, and soil scientist whose professional seal appears on the plan.
3. Project name, description of project (including existing and proposed uses); the project location, the date the plan was prepared, each revision date with notation of what the revision was; north arrow, scale of the plan.
4. Names & addresses of abutting land owners and of every holder of conservation, preservation, or agricultural restriction.
5. Zoning district for the site and for abutting properties.
6. Schedule of zoning requirements, such as lot area, frontage, setbacks, etc.

Survey Information

7. Lot lines for parent lot and all new lots: metes & bounds description showing dimensions to the hundredths of a foot, bearings to at least minutes, and curve data.
8. Location with metes & bounds description of any new streets, pedestrian right-of-ways, reservations, easements, and areas to be dedicated to public use.
9. Approximate location of driveways and/or roads to abutting properties within 200' of the site.
10. Approximate location of buildings on abutting properties if within 200' of the site.
11. Location of all applicable setbacks.

Natural Features/Environmental Conditions

12. Location of percolation tests and/or other test pits.

13. Location of rivers, streams, ponds, lakes, or other watercourses or bodies of water.
14. Location of Conservation Shoreland Zone Boundary.
15. Location of wetlands and Wetland District Boundary.
16. Groundwater Protection Zone (note on plan if entire site is within the Zone, or show boundary).
17. Location of FEMA-designated floodplain and floodway.
18. Topography (USGS with 5' contour interval or spot elevations for site plans).
19. Soil types and boundaries.
20. Location and approximate size of open space (in acres or square feet).
21. Location of wooded areas, significant tree stands.

Site Conditions – Existing and Proposed

22. Location and width of entrances, exits and driveways.
23. Location, grades, and width of sidewalks and handicapped entrance facilities.
24. Location and surface material of loading zones and storage areas.
25. Location, width of aisles, size and number of parking spaces, and surface material of parking lots.
26. Location and height (in stories) of all buildings and any other structures on the site.
27. Location, size and design of water and sewer utilities, including manholes.
28. Location and type of existing easements.
29. Location of stone walls, architectural or historic features.
30. Grades of all paved areas, direction of flow of runoff.
31. Location and type of drainage system elements: catch basins, culverts, outfalls, etc.

Proposed Development or Improvements

32. Landscaping plan showing the location, type, and size (at time of planting) of proposed new landscaping, and any existing landscaping that will be retained; landscape detail drawings.
33. Location, type, and height of exterior lighting, and foot candle data sufficient to determine compliance with §245-33D.
34. Location, size and design of signage.
35. Snow storage areas and/or plans for removal of snow from the area or site.
36. Temporary and permanent erosion and sedimentation control provisions for construction phase.
37. Fire flow required to protect the proposed building(s); provisions for fire safety.
38. Elevation views of each side of the building, addition, or alteration showing location, shape, size, height, and type of construction of new buildings or additions or alterations to existing buildings, including all mechanical equipment.
39. Construction details (including cross sections) of roads, driveways, parking areas, outdoor storage areas, and sidewalks.
40. General floor plan of the building or addition, in enough detail to determine compliance with parking regulations (§245-32).
41. The phasing schedule if the project will be built in more than one phase.

C. Other information, as applicable:

1. State subdivision approval for septic systems; septic design approval; or certification by septic designer of adequacy of existing system.

2. Site Specific Permit from NH Department of Environmental Services.
3. Plan for Stormwater Management and Erosion Control (See Appendix B of the Peterborough Subdivision Regulations).
4. EPA Phase II approval.
5. State/Town driveway permit.
6. Report from the Fire Chief, Police Chief, and/or Town Conservation Commission.
7. Approval for municipal water/sewer connections.
8. Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board's counsel.
9. Any other local, state and/or federal permits.
10. Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to traffic, school, fiscal and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.

#### **ARTICLE V – Site Plan Considerations**

##### **§233-18. Developments Having Regional Impact**

All applications shall be reviewed for potential regional impacts. Upon such a finding, the Board shall furnish the regional planning commission(s) and any affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Board shall notify the regional planning commission(s) and the affected municipalities by certified mail of the date, time and place of the hearing, and of their right to appear with the status of abutters to offer testimony concerning the proposal.

##### **§233-19. Performance Guarantee**

- A. As a condition of approval prior to issuance of any site development or building permits, the Board shall require the posting of a security in an amount sufficient to defray the costs of construction of streets, *related amenities*, and/or public utilities. The amount of the security shall be based on an estimate of costs provided by the applicant and reviewed by the Public Works **Director** or other designated professional. All costs of such review shall be paid by the applicant.
- B. The *amount and form of the security*, and *any agreement as to the timing and method of its release* shall be approved by the *Public Works Director, Community Development Director* and *Town Attorney*. The amount of the security shall include fees to cover the cost of periodic inspections. *An acceptable form of security shall be either cash or an irrevocable letter of credit issued from a federally insured institution or a cash deposit to be held in escrow by the Town of Peterborough. A letter of credit shall meet the following requirements:*
  1. *The letter of credit shall list as sole beneficiary the Town of Peterborough and shall not expire before fifteen (15) months following the date of plat recordation; The Letter of Credit shall have terms that notify the Office of Community Development of the imminent expiration of the Letter of Credit by Certified Mail no less than 30 days prior to the Letter of Credit expiration date, or shall provide that the Letter shall be automatically extended until such time as the work is completed to the Town's satisfaction or the obligation is released by the Town.*

2. *The release or partial of security shall be conditioned upon installation or construction of facilities and improvements in accordance with the approved plan and installation or construction of all facilities and improvements shall be completed within twelve (12) months from the date the plat is recorded unless otherwise approved by the Planning Board;*
  3. *Where good cause exists, the Planning Board or its designee may extend the period of time for completion for an additional period of time not to exceed twelve (12) months if the Applicant has not completed the required site improvements or completed such improvements in compliance with the approved plan. Any extension of time granted for construction of improvements shall be accompanied by a revised Letter of Credit reflecting the time extension;*
  4. *A sample format of an approved letter of credit is available from the Office of Community Development.*
- C. Where electric lines or other utilities are to be installed by a corporation or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
- D. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the **Public Works Director and the Community Development Director**, in accordance with the plan approved by the Board. *In the case of road construction, the Board may require that a portion of the security stay in place until one full year has passed after completion of the road.*

#### **§233-20. Special Flood Hazard Areas**

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Board shall require that all proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
1. all such proposals are consistent with the need to minimize flood damage;
  2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. adequate drainage is provided so as to reduce exposure to flood hazards.

### **ARTICLE VI – Performance Standards**

**§233-21. Building Design** – Refer to Appendix A.

#### **§233-22. Filling/Excavation**

- A. Applicable site plan applications must include a narrative of the amount (if any) of fill or excavation that will be required for the project. Filling of the site shall be carried out in a manner that will result in a suitable base for construction and in accordance with the following standards.
- B. Fill material must be free of chemical contaminants, organic material such as stumps, branches, and cuttings, demolition debris such as building block, timbers, and siding materials.

- C. Filling must be carried out in a maximum of two (2) foot lifts, compacted after each lift, and may require testing and certification by a Registered Engineer.
- D. The applicant must demonstrate that proposed fill will not intrude on wetland or floodplain areas. If either is involved, the Board will not approve a site plan unless all appropriate Town, State, and Federal permits for such filling have been obtained.
- E. Any filling within the Groundwater Protection Zone shall require special review by the Board and staff, and must comply with the applicable regulations.

**§233-23. Fumes, Smoke, Dust, and Odor**

- A. Fumes, smoke, dust, and odors that would diminish the use of adjacent properties or pose a potential health threat shall not escape the premises on which they originate. Smoke stacks, exhaust fans, and vents shall be located so as to avoid disruption of adjacent properties.
- B. The Board may require air sampling, computer modeling, and/or other technical studies to demonstrate that the proposed project complies with these standards.
- C. Any project requiring Federal or State air quality permits must have obtained those permits, and must include one (1) copy of all submission data as well as a copy of the permit(s) as part of any final site plan approval.
- D. The Board may require a monitoring program, paid for by the applicant, to assure continued compliance with these standards and any permit conditions.

**§233-24. Hazardous or Toxic Materials**

In recognition of discoveries in Peterborough of contamination of soil and groundwater by hazardous or toxic materials, the Board may require that a hazardous/toxic materials evaluation of the site be prepared for the Board by a qualified firm or individual, when in the Board's judgment there is reason to believe that such conditions possibly exist on the site.

**§233-25. Landscaping** – Refer to Appendix C.

**§233-26. Lighting**

- A. Lighting shall be of sufficient intensity and located so as to provide safe passage of pedestrians and vehicles on, to, and from the site. However, excessive lighting is to be avoided, and energy conservation is encouraged.
- B. Lighting must comply with the Town's lighting ordinance.
- C. Lighting fixtures should be of a scale, height, style, and color as to be in harmonious balance with structures and site features.
- D. Fixtures must be installed and maintained in a safe condition and so as to prevent light from shining directly onto adjacent properties or into the eyes of vehicle operators on adjacent public ways.
- E. A plan shall be submitted which shows the light cone or footprint of illuminated areas for all light fixtures to ensure that lighting will not have a disruptive or intrusive impact on adjacent properties or public ways. Recommendations of lighting engineer or similarly qualified professional may be required by the Board at the applicant's expense.

**§233-27. Noise**

- A. The decibel level (dBA) resulting from the use of a site shall comply with Section 245-33C of the Zoning Code.
- B. Air conditioners, heat pumps, compressors, generators, fans, and other devices which produce noise shall be so located and screened as to meet the above noise standard, and so not to be visually offensive to adjacent property owners or as seen from public streets. Each site plan shall indicate the location of all such devices and include a brief description of how this standard will be met.

**§233-28. *Parking*** – Refer to Appendix B.

**§233-29. *Preservation of Natural Features***

All proposals shall, to the greatest extent possible, maximize the preservation of natural features on the landscape and not occur within or cause harm to any land.

**§233-30. *Screening***

- A. Appropriate screening/buffers, as determined by the Planning Board, are to be installed and maintained to provide privacy and noise reduction to residential properties abutting non-residential uses.
- B. Storage and trash collection areas must be fenced or otherwise screened from neighboring properties and from all roads.

**§233-31. *Snow Storage and Removal***

- A. If snow is to be stored on site, storage locations must be shown on the site plan. Drainage systems must not be blocked by snow storage. Retention or detention systems shall be utilized to avoid rapid spring runoff from snow melt, to prevent sediment loading of drainage systems, surface waters, or wetlands, and to allow for the settling out of salts and other potential contaminants prior to leaving the site.
- B. Snow storage is not permitted within parking spaces that are required to fulfill the minimal parking requirements of the Zoning Ordinance. Snow shall be stored and/or removed so as to allow the continued safe passage of vehicles into, out of, and through all travel lanes and parking areas.
- C. Snow shall not be stored so as to accumulate on adjacent properties or so as to result in spring flooding of adjacent properties or public ways.
- D. Snow shall not be stored within required landscaped areas (excluding grass area) or where it will block sight distances at exit points.

**§233-32. *Stormwater Management and Erosion Control***

- A. A stormwater management and erosion control plan is required when any one of the following conditions is proposed:
  - (1) A cumulative disturbed area exceeding one acre or more.
  - (2) Construction of a street or road.
  - (3) A subdivision of more than three building lots.
  - (4) The disturbance of critical areas (as defined in Appendix B).
- B. Standard agricultural and silvicultural practices are exempt from this regulation.
- C. All plans shall be developed in conformance with the Stormwater Management and Erosion Control Regulation contained in the Peterborough Subdivision Regulations, Appendix B and Stormwater Design Standards outlined in Appendix C.
- D. It shall be the responsibility of all applicants to determine whether or not their project requires a National Pollutant Discharge Elimination System permit from the Environmental Protection Agency.
- E. A disturbed area of less than one acre may not need a plan, but must comply with accepted Best Management Practices.
- F. A disturbed area of 100,000 square feet (or 50,000 square feet inside the protected shoreland pursuant to RSA 483-B) requires a Site Specific Alteration of Terrain permit from NH Department of Environmental Services.

- G. Disturbed areas of one acre or more may also require a Phase II permit from the US Environmental Protection Agency.

**§233-33. Stump Dumps**

- A. In accordance with RSA 149-M:1, all locations of on-site burial of stumps incidental to the clearing of land for site plans and subdivisions must be indicated on the formally approved final site plan or subdivision.
- B. The applicant must submit verification that this information has also been sent to the State Director of the Bureau of Solid Waste.
- C. Under no circumstances shall stump burial locations be placed within seventy-five (75) feet of any public or private water system.

**§233-34. Surface Waters**

- A. Any project discharging into the surface water of the Town may require a Section 401 (Clean Water Act) discharge permit from the State, may require a Chapter 485-A: 17 wetland permit from the State, and may require a Section 404 or Section 10 fill permit from the U.S. Army Corps of Engineers.
- B. Any project with pipe discharge into surface waters of the Town must include a description of steps to be taken to avoid back flow of surface waters onto the site.
- C. Any surface waters flowing through Town wellhead protection areas are areas of special concern to the Board, and the Board may require special precautions and/or detailed third party technical review of any proposed site alteration.

**§233-35. Traffic**

- A. The Planning Board shall not approve projects that would reduce the level of service (LOS) at public intersections impacted by the proposed project by two (2) levels or more. Nor will projects be approved if in the Board’s judgment existing conditions do not provide sufficient capacity to support the project, or if approval of the project would result in large expenditures of public funds to address traffic problems caused by approval of the project.

NOTICE: The Board shall normally not approve a site plan which would result in service level “F” during peak hour, or where service level “F” conditions presently exist during peak hour. The Board shall normally not approve site plans which would result in service level “E” during peak hour or where service level “E” exists during peak hour, unless in the Board’s judgment adequate corrective actions are anticipated to be complete by the time of the completion of the site plan.

- B. For purposes of calculating LOS, the Planning Board’s primary reference shall be the latest addition of the Institute of Transportation Engineers Highway Capacity Manual and Trip Generation Manual.
- C. The Board may require a traffic study prepared for the Board by a qualified individual or firm, at the applicant’s expense. Applicants are urged to consult with the Board prior to undertaking any such study to ensure that the appropriate Board concerns are addressed. When the applicant submits a traffic study to the Board, the Board may require a separate review of that study for the Board by a qualified professional, at the expense of the applicant.

**§233-36. Utilities**

- A. The Board may require a detailed analysis of existing utilities and the potential impact of the proposal upon them. Site plans shall not be approved which fail to demonstrate that there is sufficient capacity for all required utilities.
- B. All utilities must comply with the Town of Peterborough Construction Standards.

**ARTICLE VII – Post Approval Procedures**

**§233-37. Off-Site Improvements**

- A. Pursuant to RSA 674:21, V (j), it is the intent of the Town that the uses allowed by the zoning ordinance are permitted with the overriding condition that there be adequate capacity on the site and within the Town to absorb the impacts that such development may generate. The Town wants to protect itself from unsafe conditions, excessive public expenditure of funds, and usage demands beyond the capacity of the Town’s road, sewer, water or drainage systems.
- B. Planning Board Guidelines for Off-Site Improvements.
  - (1) The Board shall utilize objective factual data to determine what, if any, off-site problems will be associated with a proposed development, relative to highway, drainage, sewer and water upgrades.
  - (2) If the Board determines that off-site deficiencies exist which must be improved as part of a proposed development, that the developer will not be able to correct those deficiencies, and that the payment of off-site improvement fees will not result in the correction of those deficiencies, the Board shall have the authority to deny the proposed development.

**§233-38. Off-Site Improvement Fees**

- A. The Planning Board may collect fees towards off-site improvements rather than require that those improvements be undertaken by the developer only when, in the judgment of the Board, the following conditions exist:
  - 1. There is a serious off-site issue that needs to be corrected in order to assure that a proposed development will not exceed the existing capacity of roads, water, sewer, or drainage systems, nor create hazards such as flooding or fire, nor otherwise impose excessive public expense.
  - 2. The necessary improvement(s) require expense beyond that which can reasonably be attributed to the proposed development.
  - 3. The fees to be collected can reasonably be expected to result in the necessary improvements, and that those improvements can reasonably be expected to be completed within five (5) years of the date of the payment of the fee.
- B. Any fees collected under the provisions of this section shall be administered by the Office of Community Development in conjunction with the Public Works Department.

**§233-39. Inspections**

All required site improvements shall be subject to inspection by the Town of Peterborough and/or its properly assigned agents. The applicant shall be charged an inspection fee, which must be paid prior to the issuance of a building permit, unless otherwise authorized by the Planning Board. The amount of this fee will be established by the Public Works Department and shall be utilized to pay the costs of inspections either by Town staff or by agents of the Town. Any funds not utilized for inspection shall be returned to the applicant.

**§233-40. Signing of the Site Plan and Issuance of Building Permit**

- A. A site plan is not formally approved and no building permits, including foundation permits, shall be issued, unless specifically authorized by the Board, until and unless the Site Plan has been signed by the Chairman or Vice-Chairman of the Planning Board.
- B. Prior to signing the Site Plan, the Chair or Vice-Chair shall determine that all required State and Federal permits have been obtained, all “prior to issuance of building permit” conditions have been

met, that required inspection and security fees have been submitted, all application fees have been paid, and that any other conditions established by the Board have been met.

**§233-41. *Compliance with Conditions***

- A. When the Board approves an application, the applicant shall have one hundred twenty (120) days from the date of the meeting at which the application is approved to complete any conditions that are required prior to signing. Failure to complete any conditions within the timeframe established by these regulations or as otherwise established by the Board shall invalidate the Board's approval, and the applicant shall be required to seek a new approval from the Board.
- B. If an applicant feels that additional time is required beyond one hundred twenty (120) days, a different schedule of compliance must be formally requested at the time of application. Unless the Board specifically approves a different compliance schedule, the one hundred twenty (120) day limit shall apply. If an applicant makes a good faith effort to complete established conditions but is unable to comply with the one hundred twenty (120) day deadline, a request for an extension must be submitted to the Planning Board at least thirty (30) days prior to the expiration of the one hundred twenty (120) day period. The Board shall determine whether a reasonable effort has been made to comply and shall then determine what if any extension is adequate.

**§233-42. *Expiration of Approval***

- A. Once the Chairman of the Planning Board signs a site plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within twenty-four (24) months.
- B. Site Plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six (6) months.
- C. Approved site plans are protected from future changes in regulations and ordinances in accordance with RSA 674:39.

**§233-43. *Site Plan Modification***

- A. If due to unanticipated field conditions or for other reasons the applicant needs to adjust the site plan, approval must first be obtained, and three copies of a modified plan reflecting the changes must be provided to the OCD for inclusion in the Planning Board's permanent records.
- B. Minor adjustments which do not substantially modify the approved plan and which do not modify specific conditions established by the Board can be approved by the Director. A written note of any such approvals shall be included in the project files.
- C. Any modification which the Director believes may affect issues of special concern to the Board shall be placed on the next available regular agenda of the Planning Board for review, and abutters shall be notified of such request for modification, at the applicant's expense.
- D. When plans have been modified, an as-built plan shall be submitted to the OCD, reflecting the final proposal as built. When feasible, as-built plans shall be submitted to the Office of Community Development in electronic format. Plans shall be submitted in DWG and PDF format. PDF files should have a resolution comparable to 300 dpi. Drawing files must be referenced to NHSPCS/NAD83 and NVD88. CAD files must be compatible with the Town's GIS software.

**ARTICLE VIII – Administration and Enforcement**

**§233-44. Administration and Enforcement**

These regulations are administered by the Planning Board and enforced by the Code Enforcement Officer. The Public Works Department shall be responsible for the inspection of roads, sewer, water, drainage, pathways, phone, cable, electric service, and sidewalks. The Code Enforcement Officer shall be responsible for the proper inspection of foundations, buildings, landscaping, and parking areas.

**§233-45. Penalties and Fines**

- A. Failure to comply with these regulations can result in penalties in accordance with the provisions of RSA 676:15, RSA 676:17 and RSA 676:17-a.
- B. Failure to comply with the conditions and schedules established by the Board shall constitute a violation of these regulations and shall be grounds for revocation of the Board’s approval, in accordance with the provisions of RSA 676:4-a.

**§233-46. Appeals**

Any person aggrieved by a decision of the Planning Board may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproved application is based on non-compliance with the zoning ordinance, in which case an appeal can be taken to the Board of Adjustment.

**§233-47. Validity**

If any provision of these regulations shall be held invalid for any reason by a court, such holding shall not invalidate in any manner any other provision contained herein.

**§233-48. Waivers and Modifications of Regulations.**

The Planning Board or the Minor Site Plan Review Committee may waive or modify provisions of these regulations if, in the judgment of the Board, such waivers or modifications are consistent with the overall objectives and purposes of these regulations. All requests for modifications or waivers must be requested in writing at the time an application is submitted.

**§233-49. Amendments**

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing.

**§233-50. Effective Date**

These regulations, and any amendments thereto shall take effect upon their adoption, and all other site plan review regulations or parts thereof inconsistent therewith, are hereby repealed and replaced. Upon enactment, these regulations shall be signed by the Chairman or Secretary of the Board and filed with the Peterborough Town Clerk.

**ARTICLE IX – Conditional Use Permits**

**§ 233-51. Conditional Use Permit Process**

**A. General Application Procedures**

**1. Application.**

- a. Conditional Use Permits authorized under the zoning ordinance may be granted only after receipt of a complete application, proper notice, and a public hearing by the Planning Board and subject to the provisions of RSA 674:16, as amended.

- b. Applications for a Conditional Use Permit shall be made on forms provided by the Office of Community Development. Where a subdivision or site plan review is involved, the application and review procedure for a conditional use permit shall be made concurrently and in accordance with the procedures specified in this section and the Subdivision Regulations or Site Plan Regulations as applicable to the particular development.
  - i. The Planning Board may establish special procedures and fees for conditional use applications consistent with RSA 674:16, as it sees fit.
  - ii. Application for a conditional use permit shall be made by the owner of the affected property, or his designated agent.
  - iii. The completed application and fee as set by the Planning Board shall be submitted to the Office of Community Development. Said fee is nonrefundable.
  - iv. The application shall include any requests for modification or waiver of provisions as permitted within Conditional Use Permit sections of the Zoning Ordinance and shall include a citation for the provision to be waived or modified and a brief explanation for how the request will properly carry out the spirit and intent of the Zoning Ordinance and the Planning Board Regulations.
  - v. Prior to submitting an application, the applicant shall make all best efforts to meet with abutting landowners to discuss the proposal, identify concerns, and seek consensus regarding use designs (frequency, scale, scope, size, etc. of the proposed use) and site designs to address the identified concerns.
  
- 2. Pertinent Information. The applicant shall provide all information reasonably necessary for the Planning Board to reach an informed decision. In reviewing an application for a conditional use approval, the Planning Board shall consider the following information, as it may be applicable to the case:
  - a. Compliance with all requirements associated with the proposed conditional use as contained in the applicable sections of the Zoning Ordinance and this article.
  - b. The results of any special investigative or scientific studies prepared in association with the proposed development.
  - c. Special reports or analysis of the project or its impacts, prepared by the town or consultants.
  - d. Applicable findings, goals and objectives of the Master Plan.
  - e. The relationship of the development to the timing, location and cost of public improvements scheduled in the Capital Improvements Program and improvements necessitated by the development;
  - f. Testimony and specific evidence introduced at the public hearing on the application; and
  - g. Any other appropriate information or documentation.

3. Procedure for Consideration.
  - a. After receipt by the Office of Community Development, the application shall be reviewed and evaluated by staff for completeness and compliance with the zoning ordinance.
  - b. Upon determining that the application is substantially complete and complies with the zoning ordinance, staff shall schedule a duly noticed public hearing for the next available regularly scheduled Planning Board meeting date. The public hearing shall be noticed in accordance with the notification process described in §233-13 of the Peterborough Site Plan Review Regulations.
4. Approval of Application and Granting of Conditional Use Permit. Upon rendering a decision to grant a conditional use permit with or without conditions of approval that must be adhered to by the applicant, the Planning Board authorizes the Code Enforcement Officer, following demonstration by the applicant that all conditions precedent to issuance of the permit have been met, to issue the conditional use permit with any conditions of approval itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations and decisions shall then be placed on permanent file in the Office of Community Development. The conditions may, if applicable, include, but not be limited to, the following:
  - a. Front, side, and rear setbacks in excess of the minimum requirements of the Zoning Ordinance.
  - b. Screening of the premises from the street or adjacent property in excess of any minimum requirements of the Zoning Ordinance or Site Plan Standards.
  - c. Landscaping in excess of any minimum requirements of the Zoning Ordinance or Site Plan Standards.
  - d. Modification of the exterior features of buildings or other structures.
  - e. Limitations on the size of buildings and other structures.
  - f. Limitations on the number of occupants or participants, the size or scale of activities or events, the frequency, duration or number of occurrences of activities or events, and times of operation.
  - g. Design and location of access drives, sidewalks, crosswalks, and other traffic features.
  - h. Other performance standards as appropriate.
5. Revocation. In the event of a violation of any of the provisions of these regulations or amendments thereto or in the event of a failure to comply with any prescribed condition of approval or stipulations placed upon such approval, the Code Enforcement Officer shall have the authority to suspend any conditional use permit immediately, shall notify the Planning Board and shall set a date for a hearing to determine if such suspensions shall be lifted or if the conditional use permit shall be revoked. The Planning Board shall be the hearing body. In the case of a revocation of a conditional use permit, the determination of the Planning Board shall be final, unless recourse is sought in a court of competent jurisdiction.

6. Termination and Transferability. Once granted, a conditional use permit, with its terms and conditions, shall:
  - a. Run with the lot, building, structure or use and shall not be affected by changes in ownership.
  - b. Terminate twelve (12) months from the date of authorization if the authorized use has not begun:
    - i. Unless otherwise spelled out in the conditions of approval; or
    - ii. Unless, prior to the termination date, the applicant requests in writing to appear at a public hearing before the Planning Board and can demonstrate good reasons why the permit should be extended.
  - c. Terminate after twelve (12) consecutive months of nonuse.
  - d. Expire and become null and void upon the expiration, lapse, nullification, withdrawal, or repeal of any site or subdivision plan to which the conditional use is attached
7. Denial of application. In the event that an application is denied by the Planning Board, no resubmittal of an application for a conditional use permit for the same or similar use may be made for one (1) year from the date of said denial, unless sufficient new evidence or conditions are offered to the Code Enforcement Officer to demonstrate that the circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original and shall be treated as a new application.
8. Appeals. Any persons aggrieved by a Planning Board decision on a Conditional Use Permit may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment. (RSA 676:5 III).

**§ 233-52. Conditional Use Permit for Uses within the Wetland Protection Overlay Zone**

**A. Application Procedures**

1. The Planning Board may, upon application for a Conditional Use Permit, approve certain uses as described in § 245-15 (K) within the Wetland Protection Overlay Zone (WPOZ) based on the procedure described below.
2. Applications for a Conditional Use Permit shall be made on forms provided by the Office of Community Development. Where a subdivision or site plan review is involved, the application for a Conditional Use Permit may be submitted as part of the other application. In either case, the application will be reviewed at a duly-noticed public hearing subject to the notification process described in Article II.
3. OCD staff will prepare a report based on the information submitted. The application shall include:
  - a. a site plan that is prepared by a person qualified to assess the functions and values of wetlands and shall contain, at a minimum, the following:

- i. Name, address, signature, license number and seal of the professional who prepared the plan.
  - ii. North arrow and date.
  - iii. The wetland limits and associated buffers and setbacks.
  - iv. Locus map with adjacent wetlands and other significant hydrological features.
  - v. Soil and vegetation types.
  - vi. Topographic contours at no greater than 5-foot intervals.
  - vii. Surface drainage patterns, intermittent and year-round.
  - viii. Existing and proposed development, removal of vegetation, and alteration of the land surface.
  - ix. Location of building envelope.
  - x. Computation of the area to be impacted, in square feet of surface area and cubic yards of cut and fill; and
  - xi. A report that documents compliance with the Performance Standards contained in §233-52 (A) below.
4. Upon receipt of the application, the OCD staff shall refer the application to the Conservation Commission for a report. The Conservation Commission may take into consideration any pertinent information and data. The report of the Conservation Commission shall be submitted to the Office of Community Development no later than five days before the officially scheduled time of the meeting on the Conditional Use Permit. It shall be the responsibility of the applicant to provide the Office of Community Development with all required plans, reports, and information pertinent to the preparation of the Conservation Commission's report.
5. The Planning Board reserves the right to require a performance guaranty, as per **§ 233-19**, for street work or utility installations for projects that are not otherwise subject to site plan review.
6. The Planning Board may require periodic inspections of any component of construction, at the applicant's expense, as per **§ 233-39**.

**B. Performance Standards.**

1. Applications for a Conditional Use Permit shall demonstrate compliance with any of the following standards that are relevant to the proposal, or others that the Planning Board deems relevant. Any such information shall be prepared by a NH certified wetland scientist, or other qualified person(s), and will be approved by the Planning Board or its designee qualified to assess the information.
  - a. No net loss of buffer functionality.
    - i. A functional analysis of any wetland areas proposed to be disturbed must be submitted. The functions of wildlife habitat, stormwater control, groundwater recharge, sediment entrapment, pollution removal, and flood control are of particular concern, but all functions must be addressed.
    - ii. The analysis must identify the functions taking place prior to disturbance and the impact on those functions that will result if the proposed project is constructed.

- b. Stormwater Management
    - i. No surface runoff can be directly discharged into adjacent wetlands without preliminary treatment, especially to capture sediment and “first flush” flows.
    - ii. Existing site hydrology must not be modified so as to disrupt adjacent wetland hydrology. Adequate flow must be maintained. The applicant must provide evidence that this standard can be achieved and maintained over time.
  - c. Low Impact Development Techniques. In considering any application for a Conditional Use Permit, the Board will take into consideration the use of any Low Impact Development Techniques recognized by the NH Department of Environmental Services, including but not limited to the following:
    - i. Conservation Designs
    - ii. Infiltration Practices
    - iii. Runoff Storage or Conveyance Practices
    - iv. Low Impact Landscaping
  - d. Mitigation
    - i. Exceptions under this section shall not be granted if functional impacts cannot be mitigated to the satisfaction of the Planning Board.
    - ii. Any mitigation measures must address impacts during construction, impacts after construction, and how any mitigation measures will be enforced over time.
2. Where streets, roads, access ways, driveways and utility rights-of-way or easements are proposed that would cross a buffer, the Board will consider whether the crossing is essential to the productive use of the land outside of the WPOZ and that no better alternative exists. In any case, every effort shall be made to minimize any detrimental impact on the WPOZ.
3. Steep Slope Adjustments. If the buffer contains an area that has a slope of 10% or more for more than 10 linear feet in a direction perpendicular to the edge of the wetlands, the property owner may be required to increase the amount of buffer area, as shown below. In no case shall there be any net loss in shoreline or bank stabilization due to disturbance, erosion, or loss of vegetation of the land bordering the wetland, watercourse, lake, or pond. In addition, steps shall be taken to repair existing point erosion or lack of vegetation within the impact area of the project upon the resource area’s shoreline or bank. In making the determination, the Board will take into consideration opportunities to mitigate or minimize the impact of the slope.

<u>Side Slope (%)</u>	<u>Additional Buffer Distance</u>
10 – 19.9%	10% increase
20 – 29.9%	15% increase
30 – 39.9%	20% increase
40% or steeper	25% increase

4. In addition to the Performance Standards specified above, the applicant or the Planning Board may rely on an assessment of the functional values of the wetland(s) in question in order to determine the most appropriate and best management techniques for the overall proposal. If applicable, the November 2009 Moosewood Report may be utilized.

**C. Wetland Monumentation.**

1. The area within 200 feet in all directions of the buffer edge shall be identified on the submitted plan. Within this area buffer monumentation will be provided, the extent of which will be determined by the Planning Board during the review process. In general, the areas of concern will be those that are closest to the proposed disturbed area(s).
2. The edge of the wetland buffer shall be monumented for all proposals that are being reviewed under the Conditional Use Permit process, according to the following:
  - a. The length of the upland limit of the wetland buffer in the area of construction shall be marked with highly visible silt fencing, or other appropriate technology, prior to and maintained for the full duration of, any construction-related activities.
  - b. The outer edge of the buffer area based on the wetland reference line will be permanently monumented by tags provided by the Office of Community Development. The tags shall be affixed to trees or other durable objects at intervals along the buffer edge; please refer to the "*Wetland Buffer Identification Techniques*" brochure available at the OCD for more detailed information.
  - c. All monumentation must be permanently maintained by the property owner to provide evidence of the buffer boundary. Any wetland mapping that has been created for the application shall be filed with the Town's application file.

**§ 233-53 Conditional Use Permit for Uses within the Shoreland Conservation Zone  
[Amended 5/10/16]****A. Application Procedure**

1. *The Planning Board may, upon application for a Conditional Use Permit, approve certain uses as described in §245-12D within the Shoreland Conservation Zone based on the procedure below.*
2. *Applications for a Conditional Use Permit shall be made on forms provided by the Office of Community Development. Where a subdivision or site plan review is involved, the application for a Conditional Use Permit may be submitted as part of the other application. In either case, the application will be reviewed at a duly-noticed public hearing subject to the notification procedure described in Article II.*
3. Upon receipt of an application for *Conditional Use Permit* under this paragraph, the OCD staff shall refer the application to the Conservation Commission for a report. The Conservation Commission may take into consideration any pertinent information and data. The report of the Conservation Commission shall be submitted to the Office of Community Development no later than five days before the officially scheduled time of the meeting on the *Conditional Use Permit*. *It shall be the responsibility of the applicant to provide the Office of Community Development with all required plans, reports, and information pertinent to the preparation of the Conservation Commissions report.*
4. *OCD staff will prepare a report on the information submitted. The application shall include a site plan and shall contain, at a minimum, the following:*
  - a. *Name, address signature, license number and seal of the professional who prepared the plan.*
  - b. *North arrow and date.*
  - c. *The Shoreland Conservation Zone limits as described in §245-12A.*

- d. *Wetland Limits and any associated buffers and setbacks*
  - e. *Topographical contours at no greater than 5-foot intervals.*
  - f. *Existing and proposed development, removal of vegetation, and alteration of the land surface.*
  - g. *Location of existing and proposed streets, roads, access ways, and driveways, including storm water management systems.*
  - h. *Computation of the area to be impacted, in square feet of the surface area and cubic yards of cubic yards of cut and fill.*
5. *The Planning Board reserves the right to require a performance guaranty, as per §233-19, for any proposed development in the Shoreland Conservation Zone for projects that are not otherwise subject to site plan review.*
6. *The Planning Board may require periodic inspections of any component of construction, at the applicant's expense, as per §233-39.*
- B. *Criteria that applies to proposed Crossings or Other uses.*
- 1. *Crossings:*
    - a. *All proposed crossings shall be essential to the productive use of land not within the Shoreland Conservation Zone.*
    - b. *All proposed crossings shall be located and constructed so as to minimize and avoid to the maximum extent practicable, any detrimental impact of such uses upon the Shoreland Conservation Zone.*
  - 2. *Other Uses:*
    - a. *Other uses may be allowed if, in the opinion of the Board, the purposes set forth in §245-12B are not adversely affected.*
    - b. *No proposed use of undeveloped properties shall encroach closer than fifty (50) feet from the high-water mark at any point, nor shall it encroach into the Shoreland Conservation Zone by more than thirty percent (30%) of the total area within the Shoreland Conservation Zone on the property.*
    - c. *For any expansion of existing developed properties, no new pavement shall encroach closer than twenty-five (25) feet from the high-water mark at any point, and no new structures, whether freestanding or building additions, shall encroach closer than twenty-five (25) feet from the high-water mark.*
    - d. *The proposed use will not destroy wildlife habitat or adversely affect the ecology of the body of water or the adjacent banks or have other detrimental environmental impact.*
    - e. *The proposed use will not cause pollution or soil erosion or otherwise detrimentally impact the public health or safety.*
    - f. *The proposed use will preserve the aesthetic beauty of the shore.*
    - g. *The regulations of §245-13, Floodplain District, shall be met.*
    - h. *The regulations of §245-15, Wetlands Protection Districts, shall be met.*
    - i. *The regulations of §245-14, Groundwater Overlay Zones, shall be met.*

**§ 233-54. Conditional Use Permit for Agricultural Business Enterprise Uses**

- A. Criteria that applies to all Agricultural Business Enterprise Uses, taking into consideration the factors listed in Zoning Ordinance Section 245:8-E.1.d.
1. Structures and principal event areas for Agricultural Business Enterprise Uses shall be located on parcels of a commercial farm where the majority of agricultural activities are located. Uses may not be located on parcels that are not directly adjacent to the parcels where the primary agricultural activities are located.
  2. All structures used for Agricultural Business Enterprise uses shall comply with applicable building codes and fire codes. All applicable sections of the zoning ordinance shall apply, unless otherwise waived or modified by the Planning Board as set forth in Zoning Ordinance Section 245:8-E.1.g of the zoning ordinance.
  3. Vehicular flow and pedestrian ways on the site shall be designed to ensure public safety.
  4. Adequate fire protection as determined by the fire Chief or his designee shall be provided for buildings or structures to be utilized for the Uses, for any fuel storage areas, and for any areas where campfires will be located. On-site water storage may be required to ensure adequate fire protection if municipal water of adequate volume and pressure is not available at a hydrant at the site.
  5. Parking areas.
    - a. Roadside parking is prohibited and must be controlled by landscaping, fencing, or directional/informational signage.
    - b. To the greatest extent possible, parking shall be to the side or rear of buildings and screened from abutting residential properties not owned or leased by the Commercial Farm.
    - c. Primary parking areas shall be sufficiently sized and designed to appropriately accommodate traffic volumes associated with normal daily activities and uses. Overflow parking areas shall be sufficiently sized to accommodate additional parking requirements associated with infrequent larger events and activities that may be permitted. All parking shall be located on-site in a safe, convenient and organized manner.
    - d. Infrequently used overflow parking areas may be located on fields or pastures provided that travel lanes and parking areas are marked with stakes and flagging and traffic control personnel shall be provided as directed by the Planning Board.
  6. Sanitary facilities: Adequate sanitary facilities for employees and for visitors must be provided within 300 feet of the primary activity area.
  7. Solid waste disposal facilities: Adequate solid waste disposal facilities must be provided which are screened from the road and adjacent properties and which include provisions for recycling.

8. Protection of areas of special environmental sensitivity: Compliance with all related zoning ordinance overlay districts shall be required. Areas of special environmental sensitivity, such as rivers, brooks, streams, ponds, lakes, wetlands, floodplains, well fields or steep slopes, will be adequately protected from encroachment and direct storm water runoff.
  9. Exterior lighting shall be the minimum necessary to safely accommodate pedestrians, utilize full cut-off residential style fixtures, and located and shielded to prevent light trespass and glare onto adjacent properties and public ways.
  10. New structures or additions to existing structures to be used for Agricultural Business Enterprise Uses shall be designed to be compatible with the architecture of the existing structures on the property.
  11. Landscaping and screening required shall be determined by the Planning Board based on the characteristics of the site. In general, screening should be accomplished to the greatest extent possible with existing and native vegetation. Any subsequent cutting or removal of existing vegetation that serves as screening may necessitate replanting or installation of other screening.
  12. Service of Alcohol is permitted subject to the following:
    - a. All service shall be provided in accordance with state law.
    - b. When alcohol is served in a Café or Event Venue, all service must end at least one half hour prior to closing or the official end of the event.
  13. Applicants shall make all best efforts to meet with abutting landowners to discuss the proposal, identify concerns, and seek consensus regarding use designs (frequency, scale, scope, size, etc. of the proposed use) and site designs to address the identified concerns.
- B. Farm Stay
1. May provide meals (breakfast, lunch, and dinner) for guests of the Farm Stay, but may not serve as a restaurant open to the general public unless the conditional use permit specifically includes approval of a Farm-to-table Café as part of the Farm Stay Operation.
  2. Shall be limited to no more than six (6) guest bedrooms
  3. Shall provide minimum parking of 1 spaces per guest bedroom
- C. Farm to Table Café
1. The size and scale of the café including the number of tables provided, the number of seats available, the area of the cafe, and the operating hours for the café may be limited by the Planning Board as needed to ensure compliance with the criteria and factors set forth in the Section 245-E.1.c. and d. of the zoning ordinance.
- D. Event Venue
1. Events held on a commercial farm are subject to size, scale, frequency, number of people attending and operating hours limitations set by Planning Board based on the consideration of the criteria and factors set forth in the Section 245-E.1.c. and d. of the zoning ordinance and any applicable criteria in Section 233-53. Events sizes are

categorized by number of participants in attendance and the frequency of each event size per year shall be limited to within the range listed as follows:

- a. Small events are those with less than 30 people, not including farm staff, in attendance (12 events to unlimited per year)
  - b. Medium size events are those with more than 30 people and less than 75 people in attendance. (4 to 16 events per year)
  - c. Large events are those with more than 75 people in attendance and an upper limit determined by the Planning Board. (0 to 8 events per year).
2. Time limitations.
    - a. All guests must be off-site within 1 hour after the official end of an event.
    - b. No outdoor activities requiring artificial lighting shall be held after 10:00 p.m.
  3. Use of fireworks in conjunction with Events held at an Event Venue shall only be permitted with the express approval of the Planning Board based on their consideration of site and neighborhood characteristics.
  4. Any conditions of approval for an Event Venue shall include the following: A minimum of two weeks prior to the scheduled date of each event, the property owner or his/her agent shall file a "Notice of Intent to Hold an Event" with the Office of Community Development on a form provided by the Office.
    - a. The notice shall include at a minimum, the time, date, and duration of the event, a brief description of the type of event, and the number of participants expected to attend.
    - b. For recurring regularly scheduled events, only one notice shall be required each year except when there is a change to the schedule.
    - c. The Office of Community Development shall forward copies of the notice to the Police and Fire Departments.

#### **§233-55. Bed and Breakfast Establishment [Amended 5/10/16]**

- A. *Criteria to be evaluated by the Planning Board before issuing a Conditional Use Permit*
  1. *Compatibility. The use, size and scale of the use, and site design are compatible with the neighborhood, the public or private roads used to access the site, and the surrounding area; the property is otherwise reasonably well suited for the proposed use;*
  2. *Aesthetic Character. The use will not adversely impact the aesthetic quality of the streetscape or neighborhood;*
  3. *Nuisances. The use and site design will not result in any substantial adverse impacts including but not limited to noise and light trespass, or place any undue burden on any abutter;*
- B. *Standards to be applied to all Bed and Breakfast Establishments*

1. *The Single family dwelling in which the Bed and Breakfast is located, or a legal accessory dwelling unit associated with the single family dwelling, shall be the principal residence of the owner and manager of the establishment.*
2. *The establishment shall be limited to up to, but no more than twelve (12) guest bedrooms. In establishing appropriate conditions of approval, the Planning Board shall have the authority to limit the number of guest bedrooms based on consideration of the neighborhood characteristics, the site characteristics and design, and the criteria set forth in Paragraph A above.*
3. *Adequate provisions for water supply and sewage disposal for the Bed and Breakfast Establishment in accordance with RSA 485-A:38 shall be demonstrated by the applicant prior to approval of the Conditional Use Permit.*
4. *The minimum off-street parking requirement for the dwelling and establishment shall be two (2) parking spaces for the residents of the dwelling and 1.2 parking space per guest bedroom.*
5. *Visibility of parking and service areas from public streets and neighboring dwellings should be minimized through site design, landscaping or screening.*
6. *All Single Family dwellings converted to a Bed and Breakfast shall comply with applicable building, health, and life safety codes.*
7. *A morning meal may be provided for guests of the Bed and Breakfast, but may not serve as a restaurant open to the general public.*
8. *Proposed projects for Bed and Breakfast Establishments shall be subject to Site Plan Review by the Planning Board concurrent with evaluation of the Conditional Use Permit.*
9. *The applicant shall demonstrate compliance, to the satisfaction of the Code Enforcement Officer, with all State regulations and issuance of all required State permits, if any, for a bed and breakfast establishment prior to issuance of the Conditional Use Permits. Said compliance and permits shall be maintained throughout the life of the bed and breakfast operations.*

**APPENDIX A:****BUILDING DESIGN**

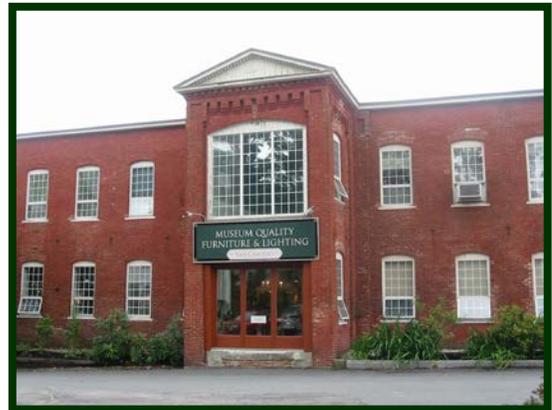
- A. **Purpose and Applicability:** In order to "... provide for the harmonious and aesthetically pleasing development of the municipality and its environs..." (NHRSA 674:44, II (b)), these regulations are intended to preserve the distinctive appearance of Peterborough, and implement a vision of the Town that has been expressed through the Master Plan process. The Planning Board believes that by implementing these regulations, the character of Peterborough will be preserved, the property values will be maintained, and the community will benefit overall from aesthetically pleasing development.
- B. It is the intent that these guidelines shall apply only to commercial development. However, the Board reserves the right to review other non-residential or multi-family developments under this section, as it deems reasonable.
- C. **General Guidelines:** An application is considered to meet the aesthetic considerations of these regulations if the Planning Board, in its judgment, determines that the application overall demonstrates reasonable conformity with the Purpose, above, and the General Guidelines that follow. Following are photographic examples of Design Elements of buildings located in Peterborough, offered for consideration by the Board.
1. Recognizing that every property, every proposal, and every situation is unique, the Planning Board may waive, modify, or soften any of the standards herein as it reasonably deems appropriate, based upon the individual circumstances of any application. No particular style is stipulated and innovative, contemporary, and distinctive designs are encouraged, provided they are respectful of general design principles and context.
  2. It is recognized that many national and regional chain businesses seek to build a standard design across the country or region without regard to local conditions. However, the Planning Board will evaluate all proposed designs for their compatibility with our own local community character and for conformance with the purpose of these regulations. It shall be the obligation of the applicants to develop designs that are compatible with our community character; the Town of Peterborough need not make adjustments to accommodate these template designs.
  3. Buildings should be compatible with traditional New England architecture. They should be articulated to express an architectural identity, will be handsome and dignified and significant enough to be worth saving into the future.
  4. Buildings should possess an overall integrity. Architectural details should not give the impression of being tacked on but rather should be integral to the overall design. (For example, use of undersized shutters on a picture window or installation of an elaborate classical portico or cupola on an otherwise clearly utilitarian big box would be discouraged.)
  5. The reuse of existing structures that have special architectural, historical, cultural, or contextual value by the applicant is strongly encouraged.
  6. Modifications and additions to existing buildings should be harmonious with the character of the existing building when the existing building would reasonably be considered to be in general conformance with the goals of these regulations.
- D. **Design Elements:** The purpose of these standards is to encourage architecture that draws its inspiration from traditional New England examples. Building design should reinforce a human-scaled environment through careful consideration of architectural forms, massing, detailing, number and use of materials, and color. The Planning Board strongly encourages consideration of these design elements.

- E. **Roofs.** Monotony of design or warehouse style structures shall be avoided. Variation in detail, form and siting shall be used to provide visual interest. In order to prevent the construction of warehouse style buildings (i.e. long horizontal roof lines), all new buildings and additions should be pitched roofs or gabled roofs, where practical. Shed, gambrel and barn style roofs are also acceptable. Roofs should have appropriate overhangs. Dormers are encouraged.
- F. **Building materials.** Exterior surfaces of building should be covered with traditional materials or products which simulate natural materials, including but not limited to clapboards, shingles, stone, brick, or architectural concrete masonry units. Exposed plain cinder block, corrugated steel, sheet plastic, or sheet fiberglass are not acceptable. Pitched roofs should be constructed of shingles, metal roofing, or other materials traditionally used in this region.
- G. **Awnings.** Brightly colored or illuminated franchise type awnings are not acceptable. Awnings may be made of transparent materials (glass or clear Plexiglas type products). Awning covers designed for shade should be made of fabric or simulated fabric-like material.
- H. **Architectural details.** Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches are among the details to be considered and encouraged. All features and details should be in proportions with the building.
- I. **Windows.** Windows should be incorporated on front and side facades to humanize the building. It is preferable that the windows be vertical or at least no more squat than square. The use of large picture-type windows for first-floor retail uses is strongly encouraged. Windows may be used for either interior illumination or for display purposes.
- J. **Entrances.** Articulation of the entrance is encouraged through the use of a portico, canopy, awning, sidelights, surround, or other device.
- K. **Fencing.** Fences made of traditional New England materials are encouraged. (i.e. picket, split rail, wrought iron, brick, stone). Chain link security fences may be allowed where appropriate, but their use is generally discouraged.
- L. **Color.** Subtle, neutral colors should be used on larger, plain buildings. Paint colors should relate to the natural colors of building materials, such as brick, stucco, etc. Complimentary colors on architectural details are encouraged, as are historic colors. Bright, franchise colors are discouraged.

**APPENDIX A: EXAMPLES**

The purpose of these standards is to encourage architecture that draws its inspiration from traditional New England examples. Building design should reinforce a human-scaled environment through careful consideration of architectural forms, massing, detailing, number and use of materials, and color. The Planning Board strongly encourages consideration of these design elements.

- ❖ It shall be the obligation of the applicants to develop designs that are compatible with our community character; the Town of Peterborough need not make adjustments to accommodate these template designs.
  
- ❖ Buildings should be compatible with traditional New England architecture. They should be articulated to express an architectural identity, will be handsome and dignified and significant enough to be worth saving into the future.
  
- ❖ Buildings should possess an overall integrity. Architectural details should not give the impression of being tacked on but rather should be integral to the overall design. (For example, use of undersized shutters on a picture window or installation of an elaborate classical portico or cupola on an otherwise clearly utilitarian big box would be discouraged.)
  
- ❖ The reuse of existing structures that have special architectural, historical, cultural, or contextual value by the applicant is strongly encouraged.



Noone Falls Plaza, US 202 South



Grove Street, Downtown Peterborough

- ❖ Modifications and additions to existing buildings should be harmonious with the character of the existing building when the existing building would reasonably be considered to be in general conformance with the goals of these regulations.



**AWNINGS**

Brightly colored or illuminated franchise type awnings are not acceptable. Awnings may be made of transparent materials (glass or clear Plexiglas type products). Awning covers designed for shade should be made of fabric or simulated fabric-like material.

Depot Square

**ENTRANCES**

Articulation of the entrance is encouraged through the use of a portico, canopy, awning, sidelights, surround, or other device.



The Millard Group, Vose Farm Road



Peterborough Savings Bank, Main & Grove St.

**WINDOWS**

- Windows should be incorporated on front and side facades to humanize the building. It is preferable that the windows are vertical or at least no more squat than square.
- The use of large picture-type windows for first-floor retail uses is strongly encouraged.
- Windows may be used for either interior illumination or for display purposes.



IDG Building, Route 101 & Elm St.

**ROOFS**

Monotony of design or warehouse-style structures shall be avoided. Variation in detail, form and siting shall be used to provide visual interest. In order to prevent the construction of warehouse-style buildings (i.e. long, horizontal roof lines), all new buildings and additions should be pitched or gabled roofs, where practical. Shed, gambrel and barn-style roofs are also acceptable. Roofs should have appropriate overhangs. Dormers are encouraged.



Rivermead, US 202 South



IDG Building, Rte. 101 & Elm St.



Guernsey Building, Main Street

**BUILDING MATERIALS**

- Exterior surfaces of buildings should be covered with traditional materials or products which stimulate natural materials, including but not limited to clapboards, shingles, stone, brick, or architectural concrete masonry units.
- Exposed plain cinder block, corrugated steel, sheet plastic, or sheet fiberglass are not acceptable.
- Pitched roofs should be constructed of shingles, metal roofing or other materials traditionally used in this region.

**ARCHITECTURAL DETAILS**

Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets,



Peterson's Real Estate, Grove Street

skylights and arches are among the details to be considered and encouraged. All features and details should be in proportion to the building.

**FENCING**

Fences made of traditional New England materials are encouraged (i.e. picket, split rail, wrought iron, brick, stone). Chain link security fences may be allowed where appropriate, but their use is generally discouraged.



Dunkin' Donuts, US 202 North

**COLOR**

- Subtle, neutral colors should be used on larger, plain buildings.
- Paint colors should relate to the natural colors of building materials, such as brick, stucco, etc.
- Complimentary colors on architectural details are encouraged, as are historic colors.
- Bright, franchise colors are discouraged.



IDG Building, Rte. 101 & Elm Street



Scott's Clocks, Grove Street

**APPENDIX B:****PARKING****A. Parking Design.**

1. The parking requirements contained in the Peterborough Zoning Ordinance are minimum standards. The Board may require additional parking spaces.
2. Parking lots shall be designed so as to assure safe flow of vehicles and pedestrians, to allow unobstructed access for emergency vehicles, and so as to be visually attractive.
3. The Board shall normally not approve parking which backs directly onto a public street.
4. Loading. Loading zones shall be located so they will not interfere with the public use of sidewalks, streets, or parking areas.
5. Surfacing. All parking areas and driveways thereto shall be paved or graveled for year-round use and must be graded and drained so as to carry off all surface water. Pervious surfaces are encouraged for parking areas, unless there are overriding environmental limitations, or the parking is intended to serve a high traffic-volume area (<500 ADT).
6. Bicycle and Pedestrian Accommodations.
  - a. All parking lots shall be designed to provide safe and convenient pedestrian and bicycle access.
  - b. A minimum of one bicycle parking space shall be provided for each 20 off-street parking spaces.
  - c. Safe and convenient pedestrian access shall be provided by such features as well-articulated crosswalks, separation of walkways from motor vehicle traffic, and lighting.
7. Every attempt shall be made to locate parking lots to the side and/or rear of the building.
8. Parking lot lighting shall comply with the provisions of §245-33D.

**B. Parking Lot Landscaping.**

Purpose: Landscaping in a parking lot enhances the visual environment; protects and preserves the appearance, character, and value of surrounding areas; promotes public safety by guiding vehicles and pedestrians within a site; moderates heat, wind, and other local climatic effects produced by parking lots; and minimizes nuisances such as noise and glare. To achieve those purposes, all parking lots containing ten (10) or more parking spaces shall be required to be landscaped as follows:

1. Perimeter Requirements. Landscaping in perimeter setbacks is intended primarily to screen parked vehicles from the roadways or abutting properties, and secondarily to enhance the visual quality of the development. Perimeter landscaping may include but not be limited to: low berms covered with groundcover, small shrubs, flowers, etc.; low hedges of plants suitable for creating a dense screen; or low fences; provided that the type of landscaping relied upon for screening shall be at least three (3) feet in height and no greater than four (4) feet in height at maturity; or a combination of those types of screens with taller bushes or trees. Existing trees shall be saved whenever possible. Additional trees or groups of trees shall be planted to provide shade and visual breaks in the parking lot.
2. Interior requirements. At least ten percent (10%) of the interior area shall be unpaved planting areas, each forty (40) square feet or larger, providing at least one (1) tree per eight (8) parking spaces or fraction thereof, with a diameter of at least *two (2) inches as measured*

- 4.5 feet from the ground when installed, located to assist in guiding traffic, providing shade, or preserving existing trees. At the Board's discretion, some of these trees may be planted along the parking lot perimeter. (Amended June 12, 2017)*
3. Additionally, one (1) tree at least three (3) inches in diameter *4.5 feet from the ground when installed* shall be required at the ratio of one (1) tree per ten (10) parking spaces. Tree groupings of three (3) or more trees at least six (6) feet tall or two (2) inches in diameter as measured *4.5 feet from the ground when installed*. *These trees may be located either along the parking lot perimeter or within the parking lot interior.* Trees must be protected from vehicular damage and salt damage. . (Amended June 12, 2017)
  4. For projects having parking lots of fifty (50) spaces or more, the following additional landscaping standards are required.
    - a. The interior of the parking lot shall include landscaping covering not less than ten (10) percent of the total area of the parking lot. Such landscaping shall be in addition to any required buffer zone landscaping.
    - b. The primary landscaping material used in parking lots shall be trees which provide shade or which will provide shade at maturity. Shrubs or other live planting material may be used to complement the tree landscape, and are encouraged.
    - c. At least sixty (60) percent of the required parking lot landscaping shall be either in continuous landscape strips or in large planting islands located entirely within the paved area of the parking lot, in order to break up the visual expansiveness of the lot.
    - d. At least sixty (60) percent of the planting areas shall be at least eight (8) feet wide. Berming, curbs, or other protection must be provided to prevent damage to trees and shrubs. Provisions must be included to assure that rain can reach the root zone.
  5. All parking lots of fifty (50) spaces or more which abut a public right of way or residential zone shall provide a landscaped buffer along at least seventy-five (75) percent of the length of the right-of-way or portion abutting the residential zone, at least eight (8) feet wide. Berming is encouraged to provide screening of cars and paved areas.
  6. Trees should be placed so as to avoid above-ground and below-ground utilities whenever possible.
  7. All landscaping areas shall be properly maintained by the owner of the property or his agent. Shrubs, trees, or plantings that die shall be replaced within one (1) growing season. Landscaped areas shall be kept free of all debris, rubbish, weeds, and tall grasses (except ornamental grasses).
  8. Landscaping requirements may be reduced to less than that stipulated herein if, in acting on site plan review, the Planning Board or Minor Site Plan Review Committee determines that a smaller amount would be adequate to comply with the purpose stated above, and the site is situated in such a manner that full compliance would provide little or no benefit to the public or the users of the site.

**APPENDIX C:**

**LANDSCAPING**

- A. It is the intent of the Planning Board that each site plan shall have attractive and well-maintained landscaping. The Board recognizes that industrial, commercial, and multi-family residential sites vary considerably, and, thus, a specific landscaping standard other than for parking areas has not been established. The following guidelines are provided as indicators of Board concerns and requirements.
  - 1. Landscaping and/or a solid visual barrier shall be used to screen loading areas and trash disposal areas and for other areas that are likely to generate noise, dust, or other potentially disruptive conditions.
  - 2. Landscaping shall be used to form a buffer between non-residential and residential uses, and between single-family and multi-family projects, especially when multi-family units are different in height, form, and/or material than adjacent single-family units.
  - 3. Landscaping shall be used to establish and/or maintain an attractive streetscape adjacent to roadways.
  - 4. Landscaping shall be designed to allow for screening of vehicular headlights in parking areas.
  - 5. Landscaping shall be utilized to minimize erosion and sedimentation.
  - 6. Landscaping shall be maintained so that it continues to provide its designed function(s).
- B. All landscaping required by these provisions shall be kept in good condition and replaced as necessary to the standards herein, and be kept free of refuse and debris by the owner.
- C. A full landscaping and maintenance program prepared by an arborist, landscape architect, or other qualified individual or firm may be required by the Board. Security to ensure proper installation may be required to extend up to twelve (12) months subsequent to final construction.
- D. The Board may require snow fencing or other protective devices to be installed prior to the start of site clearing in order to assure that mature trees or other important nature resources or landscaping features of the site are protected from vehicles, fill, storage of materials, or construction activities.

**Certification**

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*In accordance with NH RSA 675.6, these Site Plan Regulations were **adopted** by affirmative vote of the Peterborough Planning Board following a duly noticed public hearing held on Monday, June 12, 2017, and are certified of a majority of the Planning Board Members:*

*Ivy Vann, Chair* \_\_\_\_\_

*Joe Hanlon, Vice Chair* \_\_\_\_\_

*Ed Juengst, Selectmen* \_\_\_\_\_

*Alan Zeller* \_\_\_\_\_

*Rich Clarke* \_\_\_\_\_

*Jerry Galus* \_\_\_\_\_

*Bob Holt* \_\_\_\_\_