

Milton, New Hampshire

Site Plan Review Regulations



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ARTICLE I GENERAL PROVISIONS

Section I-1 Title

This chapter shall be known as the “Site Plan Review Regulations of the Town of Milton, New Hampshire.”

Section I-2 Authority, Adoption and Amendment

These regulations have been prepared in accordance with the authority vested in the Town of Milton Planning Board by a vote of the Town Meeting on March 12, 1994 and in accordance with the provisions of NH RSA 674:43 and 44, as amended.

Section I-3 Purpose

In accordance with RSA 674:44, the Site Plan Review Regulations of the Town of Milton:

- A. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety or prosperity by reason of: inadequate drainage or conditions conducive to flooding of the property or that of another; inadequate protection for the quality of groundwater; undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; inadequate provision for fire safety, prevention, and control; and the inadequacy of vehicular and pedestrian safety;
- B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
- C. Provide for open spaces and green spaces of adequate proportions;
- D. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- F. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the planning board for approval;

- G. Require that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health;
- H. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity; and
- I. Require innovative land use controls on lands, if and when, supported by the master plan.

Section I-4 Applicability

- A. These Regulations shall apply to all site plans for non-residential development, multifamily development, expansion of an existing nonresidential or multifamily use and a change of non-residential or multifamily use located within the Town of Milton.
- B. Neither a non-residential nor multi-family residential land development shall commence until:
 - 1. The owner / applicant has obtained final approval of the site plan; and
 - 2. The Town has received an adequate performance guarantee, if required.
- C. Notwithstanding these regulations, any person may, without Planning Board approval, record a plan of the type described in NH RSA 676:18, II and II-a, provided that no other information is included therein except as authorized by state statute and certified in accordance with NH RSA 676:18 III.
- D. No tree cutting or land disturbance shall occur in anticipation of site plan approval; such activity may only occur after the Milton Planning Board has granted final site plan approval.

Section I-5 Appeals

- A. Any person aggrieved by any decision of the Planning Board upon these regulations may appeal to the Superior Court as provided by NH RSA 677:15.
- B. Any person aggrieved by any decision of the Planning Board concerning site plan approval or disapproval may appeal to the Zoning Board of Adjustment if the decision was based upon the terms of the Milton Zoning Ordinance, as provided in NH RSA 675:5, III.

Section I-6 Waiver Provision

The planning board may only grant a waiver if the board finds, by majority vote, that:

- A. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

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

The applicant / owner shall request the waiver request in writing and provide sufficient justification for the waiver request. In all instances where the Planning Board votes to grant an applicant waivers from one or more requirements of these Regulations, the basis for such waiver(s) shall be recorded in the minutes of Board's proceedings; and the Board shall require that the applicant include a notation on the final plat acknowledging any and all modifications or waivers granted by the Planning Board. The requirements of these Regulations pertaining to "Special Flood Hazard Areas" shall not be waived by the Planning Board.

ARTICLE II

WORD USAGE & DEFINITIONS

Section II-1 Word Usage

For the purposes of these Regulations: the word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the words “shall” and “will” are mandatory; and the word “may” is permissive. Terms and words that are not defined herein shall have their common meaning.

Section II-2 Definition of Words & Terms

For any word or term not defined in these Regulations, the definition, if any, given in the Milton Zoning Ordinance, Milton Subdivision Regulations, or applicable State Statutes shall prevail. Words and terms not specifically defined shall have their common meaning. In the event a conflict is found to exist between the meaning or definition of any word or term which may be defined in these Regulations and either the Milton Zoning Ordinance or applicable State Statute the definition provided in either the Zoning Ordinance or Statute, as applicable, shall prevail. For the purposes of these Regulations, the following definitions apply:

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For the purposes of receiving testimony only, and not for the purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For the purpose of receipt of notification by the Town of a scheduled Planning Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term of “abutter” means the officers of the collective or association as defined in RSA 356-B:3, XXIII. For the purpose of receipt of notification by the Town of a Planning Board hearing, in a case of an abutting property being under a manufactured park from of ownership as defined in RSA 205-A:1, II, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the Planning Board.

Applicant: The owner of record of the land to be subdivided and/or that person’s agent who has been duly authorized by the owner to file an application under the authority and jurisdiction of these Regulations.

Application, Complete: An executed application form, together with all drawings, other information and fees required under these Regulations, which in the opinion of the Planning Board, is sufficient to invoke their jurisdiction pursuant to RSA 676:4, I.

Approval, Final: Recognition by the Planning Board certified by its Chair's signature on the final plat, that a site plan meets the requirements of these Regulations as well as all precedent conditions of approval.

Approval, Conditional: Recognition by the Planning Board that an application will receive final approval once all precedent conditions of approval have been satisfied.

Area of Special Flood Hazard: Land subject to a one-percent or greater probability of flooding in any given year as identified on the most current Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA).

As-Built Plans: Drawings which depict and define the location, dimension, elevation and extent of improvements once constructed.

Buildable Lot: An existing lot of record, or a lot created by subdivision, upon which a specific use or structure may lawfully be located and used in accordance with applicable land use ordinances and regulations of the Town.

Building Inspector/Code Enforcement Officer: An individual, designated by the Town of Milton, having the authority to enforce building codes, zoning ordinances, health ordinances, and related ordinances and regulations.

Building: The word "building" shall include the word "structure" unless the context unequivocally indicates otherwise. "Building" shall also mean any three-dimensional enclosure by any building materials of any space for use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground except fences and field or garden walls or embankment retaining walls.

Building Permit: A document issued by the Building Inspector for the purpose of authorizing the construction, repair, alteration, or addition to a building or structure.

Capital Improvement Program: Those planning documents or any portion thereof, prepared and maintained by the Planning Board pursuant to RSA 674:5 through RSA 674:8.

Certificate of Occupancy: A document issued by the Building Inspector permitting the occupancy and use of a building for a specified use.

Certified Soil Scientist: A person who, by reason of special knowledge of pedological principals, acquired by education and practical experience, as specified in RSA 310-A:84, I & II, is qualified to identify, classify, and prepare soil maps according to the standards of the National Cooperative Soil Survey or the New Hampshire Department of Environmental Services, and who has been duly certified by the New Hampshire Joint Board of Licensure and Certification.

Certified Wetland Scientist: A person who, by reason of special knowledge or hydric soils, hydrophytic vegetation, and wetland hydrology acquired by education and practical experience, as specified in RSA 310-A:84, II-a & II-b, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for the identification and delineation of wetlands adopted by the U.S. Army Corps of Engineers and the New Hampshire Department of Environmental Services, and who has been duly certified by the New Hampshire Joint Board of Licensure and Certification.

Code Enforcement Officer: The official designated by the Board of Selectmen to enforce all building, health and land use regulations, including zoning in the Town of Milton. The individual shall have the authority as prescribed in NH RSA 676:17 and in the Town of Milton Zoning Ordinance.

Conditions of Approval, Precedent: Specific conditions of approval imposed by the Planning Board pursuant to RSA 676:4, I(i), which must be satisfied in order to achieve final approval.

Conditions of Approval, Subsequent: Specific conditions of approval imposed by the Planning Board pursuant to RSA 676:4, I(i), which must be satisfied subsequent to final approval.

Construction Plans: Those drawings accompanying a site plan plat which depict the locations, elevations and other specific details of those improvements to be completed or installed in accordance with the requirements of these Regulations, or as a subsequent condition of approval granted by the Planning Board under the authority of these Regulations.

Deed Restriction: See definition of Restrictive Covenant.

Design Review Phase: Non-binding review and discussion of a subdivision proposal by the Planning Board beyond conceptual and general discussions with the applicant, conducted in accordance with RSA 676:4, II(b), which may involve more specific design and engineering details.

Development: Any man-made change to improved or unimproved real estate including but not limited to construction of new buildings, substantial improvements to existing buildings, or other structures, the placement of manufactured housing, paving, mining, dredging, filing, grading, excavation, drilling operations or similar activities.

Driveway: A private way intended to provide vehicular access from a public or private street to a parking space, garage, dwelling or other structure.

Easement: Authorization by a property owner for another to use that owner's property for a specified purpose.

Frontage: That side of a lot abutting a street which provides a legal and useable access and which is not a limited access state highway. Lot frontage shall be a continuous line between abutting side lot lines measured along the edge of the street right-of-way.

Improvements: Site grading, construction of streets, utilities, stormwater management facilities and the construction or installation of other betterments and infrastructure specified on approved construction plans or otherwise required under the land use ordinances, regulations and codes of the Town of Milton, or by State or Federal agencies having jurisdiction.

Irrevocable Letter of Credit: An engagement by a bank or other financial institution within the meaning of Article 5 of the Uniform Commercial Code (RSA 382-A:5-101, et seq.) accepted by the Town of Milton as a performance guarantee for the full and complete construction or installation of improvements.

Licensed Land Surveyor: An individual duly licensed to practice land surveying by the New Hampshire Joint Board of Licensure and Certification.

Licensed Professional Engineer: A person duly licensed to practice professional engineering by the New Hampshire Joint Board of Licensure and Certification.

Lot: The whole area of a single parcel of land with ascertainable boundaries in single or joint ownership, undivided by a street, established by deed(s) of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved and recorded at the Strafford County Register of Deeds.

Lot Area: Land wholly within the boundary of a lot.

Lot Line: A horizontal line marking the boundary between two or more lots.

Maintenance Guarantee: An irrevocable letter of credit or cash, posted with the Town by an applicant at the time of public acceptance of improvements, intended to serve as a performance guarantee for the continued proper performance of improvements for a specified period of time.

Master Plan: Documents or any portion thereof adopted by the Planning Board pursuant to RSA 674:2 through RSA 674:4.

Multi Family Housing: A residential building containing four (4) or more dwelling units not to exceed six (6) units per building. Each of the units shall have separate entrances and exits and shall be separated by a common fire wall.

Off-Site Improvements: Improvements to public streets, utilities and infrastructure determined to be necessary for proper accommodation of a proposed site plan development, located beyond the boundaries of the site to be developed.

Owner: The person or persons who hold title to the land in question.

Parcel: See definition of Lot.

Performance Guarantee: An irrevocable letter of credit, cash, or performance bond accepted by the Town as a financial guarantee for the complete and satisfactory construction and installation

of all improvements required as a result of site plan approval. The value of a performance guarantee shall include the estimated cost of construction of said improvements, engineering inspection and testing fees, as well as an allowance for those administrative and legal fees which may be incurred by the Town in administering the surety.

Planning Board: The Milton Planning Board established by the Town of Milton under the provisions of NH RSA 673:2.

Preliminary Conceptual Consultation Phase: An optional and non-binding discussion conducted by the Planning Board and an applicant in accordance with RSA 676:4, II (a) in regard to the basic concepts of a site plan proposal.

Public Hearing: A public meeting, properly noticed and advertised in accordance with the requirements of RSA 676:4, I(d) and open to the public, with the public given an opportunity to testify in person or in writing pursuant to the provisions of RSA 676:4, I(e).

Public Meeting: Any regularly scheduled meeting of the Planning Board.

Public Roads, Highways or Streets: A way laid out, constructed, dedicated, accepted or used for public travel in a manner described in RSA 229:1.

Restrictive Covenant: A restriction on the use of land typically established by deed or other recorded instrument.

Road Agent: The designated individual responsible for maintaining roads and streets in the Town of Milton.

Site Plan: The drawing meeting the requirements of these Site Plan Review Regulations on which the applicant's plan of development for nonresidential or multi-family development is presented to the Planning Board for approval and, if approved, shall be signed by the Chair of the Planning Board and placed on file at the Milton Town Offices.

Site plan determination: A request by a business or land owner, submitted on the appropriate form, that seeks the Board's determination if the planned activity requires a formal site plan review application. See Section III-1 A.

Structure: A combination of materials constructed or erected which requires location on or in the ground, or attached to something having location on or in the ground, including, but not limited to underground tanks, signs, billboards, towers, framework, platforms, swimming pools and the like.

Town: The Town of Milton, New Hampshire; a municipal corporation established under the laws of the State of New Hampshire.

Town Engineer: A licensed professional engineer employed by or under contract with the Town of Milton to review site plan proposals, including expansion of use and change of use and to inspect the construction of improvements required by the Planning Board.

Town Planner: A planning professional employed by or under contract with the Town of Milton.

Tract An area, parcel, site, piece of land or property, which is the subject of a development proposal and application.

Use, change of: A change from one existing non-residential or multifamily use to another permitted use that includes additional development or an increase in activity or a change in the character of the site.

Use, expansion of: The replacement or expansion of an existing land use with a new approved or expanded use that includes either additional development of the site, or an increase in activity or a change in character of the existing site.

ARTICLE III

APPLICATION PROCEDURES & REQUIREMENTS

Section III-1 General Provisions and Requirements

- A. Residents and business owners, who may from time to time seek to change or amend the use of or minimally alter or expand existing non-residential or multi-family buildings or sites, may apply for site plan determination. The Planning Board may, after submittal of an executed application for site plan determination, conduct a duly noticed public hearing and grant approval to such applications without benefit of formal site plan review. In order for any proposal to be eligible for approval through site plan determination, the site or building to be modified or expanded must have previously received site plan approval from the Planning Board. Proposals eligible for approval through site plan determination shall be similar in nature to those involving one or more of the following activities: (1) change of use of an existing building or site from one permitted use to another permitted use; (2) additions to and/or renovations of existing structures such that the gross floor area of any existing structure does not increase by more than 10-percent or 2,000 square feet, whichever is less; (3) proposed site improvements or modifications which alter not more than 15,000 square feet of terrain; and (4) other minor site plan proposals which the Planning Board may elect to consider. All non-residential development or multi-family residential land use proposals which do not have benefit of prior site plan approval or contemplate a scope of work or an activity which exceeds the limitations specified above must obtain formal site plan approval from the Planning Board prior to issuance of a building permit and/or commencement of construction as applicable.
- B. Prior to submission of an application for either site plan determination or site plan review by the Planning Board, applicants and/or their representatives are encouraged to meet with the Town Planner or Land Use Clerk in order to discuss their proposals and gain the Town Planner's advice in regard to conformance with applicable requirements of Milton's land use ordinances and regulations.
- C. Any application for review and consideration by the Planning Board shall be filed with Planning Board's Land Use Clerk not less than seventeen (17) calendar days prior to the date of the regular meeting of the Planning Board at which the applicant seeks such consideration. After an application has been submitted to the Planning Board's Secretary, the applicant may not supplement, revise or modify the application after notice of public hearing has been given. The applicant may provide additional information upon

affirmative vote of the Planning Board at a noticed public hearing. However, the applicant may withdraw the application prior to public hearing. In the case of withdrawal, any and all application fees paid by the applicant prior to the date of withdrawal shall be forfeited and the applicant shall remain liable for any expenses incurred by or on behalf of the Planning Board in processing or technical review of the application prior to the time of withdrawal.

- D. By filing any application under these Regulations, the owner and applicant acknowledge and consent to: (1) unobstructed entry to and viewing of the land that is the subject of the application by public officials, including members of the Planning Board, their staff, consultants or others so authorized by the Board; and (2) third party review of plans and application materials, pursuant to RSA 676:4-b, which have been submitted to the Board as part of the application.

Section III-2 Classification of Applications

Under the provisions of these Site Plan Review Regulations and applicable statute, the Milton Planning Board shall receive and act upon site plan review applications for:

- Non-residential and multifamily development;
- Site plan determination.

In recognition of the varying degree of complexity typically associated with each type of application, these Regulations provide for separate and distinct procedures for applicants and the Planning Board to follow in the submission, review and consideration of each type of application.

Section III-3 Non-Residential and Multifamily Development

- A. Applicants for new non-residential uses or multifamily buildings shall file an application for site plan review in accordance with all applicable provisions of these Regulations.
- B. If a site plan review application is determined to be complete by the Planning Board, it shall be accepted for formal consideration pursuant to RSA 676:4, I(c); and the Board shall act to approve, conditionally approve, or disapprove that application. Although it is the intent of these Regulations to facilitate timely review and approval of applications which comply with applicable requirements of the Milton Zoning Ordinance and these Regulations, applicants are encouraged to engage in preliminary conceptual consultation or design review with the Planning Board prior to the submittal of an application for final site plan approval. In the event any applicant wishes to pursue preliminary conceptual consultation or design review with the Planning Board, the Planning Board shall provide that opportunity consistent with the procedures and limitations described herein.
- C. Preliminary Conceptual Consultation Phase – Recommended

In order to afford applicants proper guidance as well as an opportunity to potentially save time and expense when advancing an application for final site plan approval, an applicant may request an opportunity to engage in preliminary conceptual consultation with the Planning Board prior to submitting an application for formal review and consideration by the Board. Those wishing to engage in preliminary conceptual consultation with the Planning Board may make such a request to the Planning Board Secretary. Upon receipt of such a request, the Board's Land Use Clerk shall place an applicant on the agenda of an upcoming public meeting of the Planning Board. All discussion occurring during preliminary conceptual consultation shall be directed at and limited to a review of basic concepts of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of types of development and proposals under the Master Plan. Preliminary conceptual consultation may occur without the necessity of giving formal public notice pursuant to RSA 676:4, I (d), however, such consultation may occur only at a public meeting of the Board.

D. Design Review Phase – Recommended

The Planning Board may engage in nonbinding discussions with the applicant, beyond conceptual and general discussions, which involve more specific design and engineering details, provided, however, that design review phase may proceed only after notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public pursuant to RSA 676:4, I (d). If an applicant desires to proceed with design review, arrangements for this phase may be made by filing an executed application form, together with three copies of plans conforming to the requirements of Section III-3.E (3) of these Regulations, and payment of applicable fees with the Planning Board's Land Use Clerk not less than seventeen (17) calendar days prior to a regular meeting of the Board. After undertaking design review at a public meeting, the Planning Board may determine the design review phase of an application has ended and shall inform the applicant in writing within ten (10) calendar days of such determination. Statements made by Planning Board members during the design review phase shall not be the basis for disqualifying said members or invalidating any action taken.

E. The Planning Board's Land Use Clerk shall receive applications not less than seventeen (17) calendar days prior to a regularly scheduled meeting of the Planning Board. In order to be deemed complete pursuant to RSA 676:4, I(c) an application for final site plan approval must include the following information:

- 1) An executed Site Plan Review application on a form supplied by the Planning Board, together with a list of all parties requiring public hearing notice pursuant to RSA 676:4, I(d) and payment of all required application fees;
- 2) Draft copies of any proposed easement deeds, restrictive covenants, or similar legal instruments;

- 3) Five (5) copies of all project plans and drawings containing the following information and data:
 - a) An existing conditions plan which includes the following information:
 1. A title block identifying: (a) the name or identifying title of the site plan proposal; (b) the location of the site; (c) the tax map & lot numbers of all subject parcel(s); (d) the names, addresses & deed reference of the owner, and if different, the applicant; (e) the date of preparation & latest revision, if any; (f) plan scale (either 1" = 20' or 1" = 40'); (g) consecutive plan sheet numbers (i.e. Sheet 1 of 5); and (h) the name, address & telephone number of each individual or firm who prepared provided information;
 2. A graphic (bar) scale;
 3. A Planning Board approval block, together with a note which reads: "The Zoning Ordinance and Site Plan Review Regulations of the Town of Milton are a part of this plat, and approval of this plat is contingent upon completion of all of the requirements of said Zoning Ordinance and Site Plan Review Regulations, excepting only any waivers granted by the Planning Board, or variances granted by the Zoning Board of Adjustment, which may be acknowledged in notes appearing on this plat";
 4. The sealed certification by a Licensed Land Surveyor attesting to the accuracy of boundary information depicted on the drawing (Maximum error of closure of 1:10,000);
 5. All boundaries of each subject parcel, as defined by metes & bounds, together with the type and location of any existing or proposed boundary monuments;
 6. Match lines, if applicable;
 7. The tax map and lot numbers of the all proposed & abutting parcels, together with the names & addresses of all abutting property owners;
 8. The names, status, right-of-way & travelled way widths of all adjoining streets;
 9. The location of adjoining or affected municipal boundaries, if any;
 10. The purpose, location, dimension and source of all existing easements on, adjacent to, or benefiting the subject property, as well as similar information regarding any proposed easements, restrictive covenants or deed restrictions;
 11. The total area of the lot (in acres & in square feet) shall be noted. In addition, the plat shall indicate the areas of the lot comprised of poorly drained soil and very poorly drained soil/water bodies;
 12. A north arrow with a specified reference bearing;
 13. A recitation of all reference plans relied upon in preparation of the plat;

14. A locus map having a scale of not less than 1" = 1,000' accurately showing the dimensions of all subject parcels in relation to abutting parcels as well as in relation to adjoining streets. An applicant is encouraged to utilize the Milton Assessors Maps when preparing a locus map;
15. The location of jurisdictional wetlands, as delineated, defined and sealed by a Certified Wetland Scientist;
16. A notation indicating when, by whom & under what criteria those wetlands shown on the plat were delineated & defined;
17. The limits & dimensions of all required yards, setbacks & buffers required under the Zoning Ordinance;
18. The location of all existing structures, wells, septic systems, drives and similar manmade improvements, as well as the location of existing tree lines, stonewalls, ledge outcroppings and other significant natural and manmade features of the site;
19. The location and name, if any, of all streams & water bodies;
20. The location of all areas of special flood hazard, together with a notation citing the source of any such data shown. If no areas of special flood hazard are present, a note must be provided acknowledging the same;
21. The location of all existing drainage improvements and utilities (overhead and underground);
22. Two-foot contour interval topographical survey mapping with elevations referenced to NGVD of 1929 datum, as well as a minimum of two temporary or permanent benchmarks;
23. NRCS or Site Specific Soil Survey Mapping together with a corresponding legend of soil types as well as a notation describing the source of such mapping. In the event Site Specific Soil Mapping is provided, the stamp of the Certified Soil Scientist who prepared the same shall be provided;
24. The location and results of each soil test pit if applicable; and
25. Plan notes indicating: (a) the tax map & lot number of the subject parcel(s); (b) the existing area of each subject parcel; (c) the names of all zoning districts within which the subject parcel is situated, or abuts; (d) minimum lot area, frontage & yard dimensions for each applicable zoning district; (e) the purpose of the site plan; (f) intended utility accommodations; and (g) an acknowledgement of any variances, special exceptions, conditional use permits, or waivers granted in response to the proposal by the Planning Board and/or Zoning Board of Adjustment.

- b) Site Plan drawings, stamped by a Licensed Professional Engineer or other licensed design professionals as applicable, which fully depict the extent of all proposed site improvements to include the following information:

1. The limits of land clearing proposed as well as identification of any existing natural and manmade site features or improvements to be razed or removed in order to accommodate planned site development;
2. Location and exterior dimensions and height of existing and proposed buildings and accessory structures;
3. Notes indicating total gross floor area of each existing or proposed building to remain, as well as a breakdown of the total gross floor area for each building by use classification;
4. Access points and service loading areas for all buildings;
5. Location and layout of all existing and proposed driveways, parking areas, fire lanes and walks;
6. Detailed parking lot design with supporting calculations;
7. Solid waste storage areas, snow storage areas, traffic control signs and pavement markings;
8. An exterior lighting plan together with details of all proposed lighting fixtures;
9. A detailed landscape design plan;
10. A detailed erosion and sedimentation control plan;
11. Commercial signage details and locations;
12. Construction details of all site improvements;
13. A detailed site grading plan;
14. Detailed off-site improvement plans, if applicable;
15. Drainage calculations prepared and sealed by a Licensed Professional Engineer together with a design plans and details for all stormwater management improvements;
16. Subsurface sewage disposal system design plan;
17. Water supply design calculations and corresponding plan of proposed water supply system improvements;
18. Traffic impact statements (TIS), when required. TIS scope shall be as determined by the Town Planner in cooperation with the Town Engineer;
19. Traffic circulation including the adequacy of the streets, intersections, entrances, exits and sight distances among other items; the applicant's agent shall provide information on pedestrian access and safety, loading, emergency vehicle access and any off-site improvements necessitated by the proposed development;
20. Location and design of fire protection accommodations;
21. Location, type and size of proposed utility service connections and appurtenant fixtures and equipment;
22. Location and specifications of proposed fencing, guardrail and amenities;
23. Detailed architectural elevation drawings of all proposed or renovated buildings and structures; and

24. A notation acknowledging receipt of each required local, State or Federal project permit shall be provided on the final site plan and a hard copy of each such permit transmitted to the Planning Board prior to signature of the final site plan by the Chairperson.

F. Pursuant to RSA 676:4, I(c), the Planning Board shall, at its next regular meeting, or within thirty (30) calendar days following the receipt of an application by the Board's Secretary, for which proper notice can be given in accordance with the requirements of RSA 676:4, I (b), determine if the submitted application is complete according to these Regulations and shall vote upon its acceptance. In the event the Board determines an application is complete, the Board shall begin formal consideration and shall act to approve, conditionally approve, pursuant to RSA 676:4, I(i), or disapprove at that time or at another time within sixty-five (65) calendar days, subject to extension or waiver as provided in RSA 676:4, I(f). Alternately, if the Board determines the application to be incomplete according to these Regulations, the Board shall notify the applicant of that determination in accordance with RSA 676:3, with such notice describing the information, procedure, or other requirement necessary for the application to be complete.

Section III-4 Site Plan Determination

A. Residents and business owners, who may from time to time seek to change or amend the use of or minimally alter or expand existing non-residential or multi-family buildings or sites, may apply for site plan determination. The Planning Board may, after submittal of an executed application for site plan determination, conduct a duly noticed public hearing and grant approval to such applications without benefit of formal site plan review. In order for any proposal to be eligible for approval through site plan determination, the site or building to be modified or expanded must have previously received site plan approval from the Planning Board. Proposals eligible for approval through site plan determination shall be similar in nature to those involving one or more of the following activities: (1) change of use of an existing building or site from one permitted use to another permitted use; (2) additions to and/or renovations of existing structures such that the gross floor area of any existing structure does not increase by more than 10-percent or 2,000 square feet, whichever is less; (3) proposed site improvements or modifications which alter not more than 15,000 square feet of terrain; and (4) other minor site plan proposals which the Planning Board may elect to consider. All non-residential development or multi-family residential land use proposals which do not have benefit of prior site plan approval or contemplate a scope of work or an activity which exceeds the limitations specified above must obtain formal site plan approval from the Planning Board prior to issuance of a building permit and/or commencement of construction as applicable.

Section III-5 Issuance of Decision, Plat Certification and Recording

A. The Planning Board shall issue a final written Notice of Decision which either approves, conditionally approves pursuant to RSA 676:4, I(i), or disapproves any application for

site plan review or site plan determination. If an application is not approved, the Board shall provide the applicant with written reasons for such disapproval. Whenever the Planning Board votes to approve, conditionally approve, or disapprove an application, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefore, shall be placed on file in the Board's office and shall be made available for public inspection within five (5) business days of such vote pursuant to the requirements of RSA 676:3, II.

- B. In the event the Planning Board votes to conditionally approve any application pursuant to RSA 676:4(i), all conditions precedent to final approval must be satisfied within six (6) months of the granting of such approval unless a different maximum period of time is specified in the Notice of Decision. In the event an applicant fails to satisfy such conditions within the applicable time frame, the approval shall become null and void unless an extension of time, not to exceed an additional six (6) months is granted by majority vote of the Board prior to expiration.
- C. Pursuant to RSA 676:3, III whenever a plat is recorded in order to memorialize an approval issued by the Planning Board, the final Notice of Decision, including all conditions of approval, shall be recorded with or on the final plan.
- D. Upon approval, or in the case of conditional approval, upon successful demonstration that all conditions precedent to final approval have been fulfilled, the applicant shall file with the Board's Land Use Clerk five (5) complete sets of project plans, as approved by the Board, printed on paper, together with two additional sets of the same plans printed on mylar. Upon receipt of such plans, the Planning Board Chair or his/her designee shall determine if such plans fully conform to all applicable requirements and conditions of the Board's approval. Once such a determination has been made, said plans shall be signed by the Planning Board Chair or his/her designee.
- E. Neither the approval of a site plan application nor the subsequent recording of any approved plat or plan shall be deemed to constitute or affect an acceptance, or an obligation for future acceptance, of any dedicated street, utility, land or easement, which may be shown on said plat or plan, by the Town of Milton.

III-6 Application Fees and Costs

- A. Upon receipt of an application, the Planning Board Land Use Clerk shall determine the amount of those application fees, payable at the time of application delivery, and shall not place an application on the Board's agenda for consideration unless and until the full amount of such fees have been paid in full.
- B. Pursuant to RSA 676:4, I(g) reasonable fees, in addition to fees for causing notice to be given pursuant to RSA 676:4, I(d) may be collected by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required in regard to particular applications. The Planning Board shall indicate the amount of all application, notification and recording

fees payable at the time of application delivery on those application forms provided by the Board and may periodically vote to amend these fees if and when necessary to insure that the amount of such fees are sufficient to cover the Board's costs.

- C. Pursuant to RSA 676:4-b the Planning Board shall require an applicant to reimburse the Board for expenses reasonably incurred by obtaining third party review and consultation during the application review process.
- D. It is the normal practice of the Milton Planning Board not to record site plans at the Strafford County Registry of Deeds. However, if the applicant or owner desires to record the plan at the Strafford County Registry of Deeds, at the time final plans and mylars are transmitted to the Board's Land Use Clerk for signature and recording, the applicant shall also submit a check, in the amount of \$25.00, payable to the "Strafford County Registry of Deeds". The Board Land Use Clerk shall in turn forward this check to the Registry of Deeds at the time of plat recordation in order to satisfy the New Hampshire Land Conservation Investment Program (LCHIP) surcharge fee, payable under New Hampshire law.
- E. No approved plat or plan shall be signed by the Planning Board Chair or his/her designee, nor recorded at the Strafford County Registry of Deeds unless and until all fees payable to the Planning Board by the applicant shall have been received by the Board's Land Use Clerk.

ARTICLE IV DESIGN AND CONSTRUCTION STANDARDS

Section IV-1 Access and Circulation Requirements

A. General Requirements for Site Access.

1. Every property, subject to Planning Board review under these Regulations, shall be afforded safe and efficient vehicular and pedestrian access to and from public streets access drives, private streets, driveways, and where appropriate, sidewalks. The design and construction of all access drives, private streets, driveways and walks shall be adequate, in the opinion of the Planning Board, to safely accommodate anticipated traffic volumes generated by the proposed development.
2. Applicants for non-residential and multi-family sites accessed from public streets under the jurisdiction of the New Hampshire Department of Transportation (NHDOT) shall be required to obtain a valid NHDOT driveway permit prior to final approval for such development. In cases where a proposed non-residential or multi-family site is to be accessed from a public street under the jurisdiction of the Town of Milton, the applicant shall be required to obtain a local driveway permit from the Town of Milton Road Agent as part of site plan review.
3. All private streets, and access drives to non-residential and multi-family sites shall be afforded sight distance sufficient to fulfill the requirements of Section IV-B (4) (b) (6) of the Milton Subdivision Regulations.
4. All private streets shall be constructed in accordance with **Section IV-4 Design and Construction Standards for Streets & Driveways** of the Milton Subdivision Regulations and shall be constructed in accordance with the requirements of “A Manual on Uniform Traffic Control Devices,” latest edition, as published by the U.S. Department of Transportation, Federal Highway Administration.
5. Sidewalks shall be constructed or maintained along the frontage of non-residential or multi-family sites at locations where the Town of Milton or NH-DOT presently maintains sidewalks, where construction of such walks is planned in the future, and at other locations where directed by the Planning Board. All sidewalk construction within public right-of-ways under the jurisdiction of the Town of Milton shall be in accordance with the requirements of Section IV-4 A. 5 of the Milton Subdivision Regulations. Sidewalk construction within public right-of-ways under the jurisdiction of the NH DOT shall be in accordance with the requirements of the NH DOT.

B General Requirements for Site Circulation

1. All non-residential and multi-family structures and associated parking areas shall be afforded access via private roads or internal access internal drives having a minimum width of 20-feet.
2. In general all roadways shall be constructed and paved in accordance with the same specifications included in Section IV-4 C 2 of the Milton Subdivision Regulations.
3. All non-residential and multi-family sites shall be afforded fire lanes and emergency vehicle access sufficient to fulfill the requirements of the Milton Fire Department.
4. All retail establishments, restaurants, banks and service businesses which offer drive-through facilities shall be equipped with a designated drive through lane for each individual window or piece of equipment intended to serve drive through patrons. Each lane shall be at least 11-feet in pavement width, be striped and signed properly for the intended use and shall be capable of accommodating a minimum of six passenger sized vehicles without blockage of site circulation drives and parking spaces outside of the drive through area.
5. Pedestrian access to all non-residential or multi-family structures shall be provided via paved walkways constructed in a manner consistent with the requirements of the Americans with Disabilities Act (ADA). In cases where non-residential or multi-family developments front on public streets with sidewalks, on site walks, also constructed in accordance with the requirements of the ADA, shall be constructed so as to provide safe and convenient pedestrian access to the development.

C. Private roads or access drives may be permitted within an approved site plan by the Planning Board. The following note shall appear on the site plan:

“The ways shown on this plan are intended by the applicant and the Town of Milton to be platted, constructed and maintained as private ways. The recording of this plan shall not be construed as an offer of dedication of those ways as public highways under New Hampshire Law of Dedication and Acceptance.”

Section IV-2 Parking Requirements

A. General Parking Requirements.

1. No non-residential, multi-family residential site or structure shall be erected, enlarged, or be subject to a change of use unless such site conforms with off-street parking requirements contained within this Section.

2. All on site parking spaces, service or delivery aisles, interior drives, aisles and vehicular access ways shall be setback a minimum of 20 feet from all side and rear property lines and a minimum of 30 feet from all front property lines in the Town of Milton.
3. All parking facilities shall be designed and constructed in compliance with all applicable provisions of the Americans with Disabilities Act (ADA).
4. All required parking spaces, aisles and drives shall be paved and constructed in accordance with the requirements of this Section.
5. A minimum of 10% of the interior area of any proposed parking area and aisles shall be provided as interior landscaped green space in all parking lots containing more than 20-parking spaces.
6. All parking areas serving non-residential uses shall be illuminated to a minimum of a ½ foot candle hour during hours of operation of said non-residential use.

B. Parking Density Requirements.

1. All non-residential and multi-family residential sites shall provide on-site parking facilities meeting the requirements of this Section.
2. Where the computation of required parking density results in a fractional number of spaces, the required number of spaces shall be rounded upwards to the nearest whole number (i.e. a computed density of 39.2 or 39.8 spaces results in a requirement for 40 spaces).
3. In cases where a single site is comprised of varying uses, parking requirements, for each use shall be calculated in accordance with the requirements of this Section and the total number of required on-site parking spaces shall be the sum of requirements for each individual use.
4. Parking density requirements by use:
 - a. Multi-family dwellings, including independent adult communities —
 1.25 spaces per bedroom or a minimum of two spaces per dwelling unit
 - b. Senior housing: 1.5 spaces per dwelling unit
 - c. Hospitals: 3 spaces per bed
 - d. Congregate Care Facilities, Assisted Living Facilities, Convalescent or nursing home:
 There shall be 0.5 parking space per bed, plus

1 parking space per employee.

- e. Hotel, motel or inn: 1.25 spaces per room, plus one space per 50 square feet of function, meeting or conference space
- f. Retail store, shopping center, supermarket, grocery store or bank:
1 space for each 250 square feet of gross floor area
- g. Service establishments: 1 space for each 250 square feet of gross floor area
- h. Churches, theaters, and other places of assembly: 1 space for each 3 seats
- i. Restaurants, eat-in: 1 space for each three seats plus one space for each employee of the largest shift
- j. Cocktail lounges in restaurants, bars & nightclubs: 1 space for each 2 seats plus one space for each employee of the largest shift.
- k. Day care facility: 2 spaces for each employee plus appropriate off-street area for drop-off and pickup of children.
- l. Gasoline station / Convenience Store: 1 space per fueling position plus one space per employee of the largest shift, plus 1 space for each 250 square feet of retail space
- m. Community center / Membership Club: 1 space per 150 square feet of gross floor area
- n. General offices, professional offices and medical clinics: 1 space for each 250 feet of gross floor area
- o. Warehouses: 1 space per 1,200 square feet of gross floor area
- p. Wholesaling: 1 space per 500 square feet of gross floor area
- q. Manufacturing: 1 space per 1,000 square feet of gross floor area
- r. Uses not listed: To be determined in consultation with the Town Planner

C. Dimensional Requirements.

1. Standard parking spaces shall be a minimum of nine feet wide by 18 feet long.
2. Handicapped parking spaces shall conform to the dimensional requirements of the ADA.

3. Two-way parking aisles shall be a minimum of 24-feet wide. One-way parking aisles shall be a minimum of 18-feet wide.

D. Construction Requirements.

1. All parking spaces shall be striped with white or yellow traffic paint (8 inch minimum line width).
2. All parking surfaces, aisles and drives shall be paved with a minimum thickness of 3 inches of hot bituminous pavement (2 inch binder course and one inch wearing course).
3. All parking pavement shall be placed on a compacted gravel surface consisting of a minimum of 4 inches of crushed gravel placed over a minimum thickness of 8 inches of bank run gravel.

Section IV-3 Landscape and Buffering Requirements

A. General Requirements

1. All plant materials required under this Section shall be standard nursery stock, installed in accordance with accepted horticultural standards and be regularly maintained after installation. All plant materials specified on any site plan approved by the Planning Board shall be annually inspected by the owner or owner's agent. Any required plant materials found to be dead or diseased shall be replaced in kind. Failure to complete this requirement may result in a violation of site plan approval.
2. All areas disturbed by construction shall be covered with a minimum thickness of four inches of friable topsoil and be seeded with grass seed, covered with sod or planted with ground cover. In general, establishment of turf shall be limited to those areas that may be regularly maintained as lawn. Ground covers, mulch and other suitable materials shall be applied to areas which are not intended to be regularly maintained as lawn.
3. Approximately, twenty percent (20%) of the gross lot area utilized for any non-residential or multi-family development shall be reserved as green space. Areas reserved as green space may be vegetated with grass, landscape plantings, ground covers or native vegetation.

B Landscape Standards

1. The applicant shall provide adequate landscaping to further the quality of the natural features of the site. Landscaping shall screen and soften the parking area, provide a setting for the building and buffer the various uses. Minimum landscaping on the street shall be 25 feet from the property line.

2. A minimum of one deciduous or ornamental tree, with a minimum caliper diameter of 2.5 inches, per 30 feet of building perimeter shall be planted within the developed portion of any site. Trees shall be located so as to maximize the aesthetic quality of the site.
3. A minimum of one deciduous or evergreen shrub, with a minimum height and diameter of 18 inches, per two required parking spaces shall be planted within the developed portion of any site. Shrubs shall be located so as to maximize the aesthetic quality of the site.
4. In order to promote the preservation of mature specimen trees as part of the design and construction of new non-residential and multi-family residential sites, healthy deciduous trees having a diameter of at least 8 inches at breast height may be preserved and used to fulfill the minimum tree planting requirements of subsection B 1 through 3 above.

C. Residential Buffering Requirements

1. **General Requirements.** All non-residential and multi-family residential sites shall provide for a residential buffer conforming with the requirements of this Section.
2. **Residential Buffer Dimensions.**
 - a. A continuous residential buffer, having a width of not less than 20 feet, shall be provided.
 - b. Structures, pavement, utility construction, signage and similar hardscape improvements shall not be permitted to encroach on any residential buffer unless specifically permitted by the Planning Board.
3. **Design Requirements for Residential Buffers.** In general, the design intent for residential buffers shall be to diminish the effects of the more intensive use of non-residential and multi-family sites on abutting residential properties. In order to achieve these goals, applicants of proposed non-residential and multi-family residential sites may select one or more of the following options for development of affective buffering:
 - a. **Retention of Existing Vegetation and Forest Canopy.** In cases where existing forest exists along a boundary subject to the residential buffering requirements of this section, existing, healthy forest canopy and associated under story vegetation may be used to fulfill the requirements of this section. In cases where existing vegetation is insufficient to provide for an effective visual screen, the Planning Board may require supplemental landscape plantings for the purposes enhancing the natural buffering capabilities of the native vegetation.

- b. Use of Fencing. An applicant may elect to erect a continuous length of solid fencing of a type and style acceptable to the Planning Board. Fencing used to fulfill this requirement shall not be less than six feet in height, nor impede proper sight distances at intersections of driveways and streets. In cases where applicants elect to utilize this option, a minimum of one deciduous or evergreen shrub, with a minimum height and diameter of eighteen inches, shall be planted along the face of said fencing at a spacing not to exceed an average of one shrub per 10-feet of fence.

D. Screening of unsightly site features

1. General screening requirements. Refuse storage areas, stockpiled materials, tractor trailers used for storage and other unsightly materials and objects situated on any non-residential or multi-family residential site subject to review and approval under these regulations, shall be located so as to be out of view from abutting properties and public streets where possible. In cases where such positioning is not possible, those items shall be effectively screened. A minimum screening shall be achieved by use of landscape plantings, fencing or enclosures of a height at least as tall as the item or items to be screened.
2. Screening requirements for loading and receiving areas. Loading docks and receiving areas shall be situated so as to be out of view from abutting properties and public streets where possible. Where such provisions are not possible, the applicant shall propose a method of screening and buffering acceptable to the Planning Board.

Section IV-4 Design and Construction Standards for Drainage and Stormwater Management Facilities

A. Analysis and Design of Improvements:

1. All analysis and corresponding calculations prepared and submitted for the purposes of demonstrating fulfillment of specific requirements of these Regulations shall be prepared and sealed by a Licensed Professional Engineer. For the purposes of these Regulations, the applicable minimum standard for stormwater analysis and design shall be identical to requirements established by the New Hampshire Department of Environmental Services, under Chapter ENV-Wq 1500 of the New Hampshire Code of Administrative Rules, whether or not an Alteration of Terrain Permit is required pursuant to the authority of those Rules. To the extent applicable, all drainage and stormwater management facilities and infrastructure shall be designed so as to comply with these same Rules.
2. Design Calculations corresponding to the 10, 25 and 50-year return frequency design storm events shall be prepared and incorporated into a Stormwater Management Report submitted as part of any Site Plan Review application. For the purposes of these Regulations, the design engineer shall rely upon

calculations performed for the 10-year return frequency design storm in the comparison and pre and post-development peak stormwater discharge volumes to downstream and abutting properties; and in the design of stormwater treatment accommodations. A 25-year return frequency design storm shall be used in the design of all storm sewers and culverts. All culverts shall also be checked for the 50-year return frequency design storm event and be up-sized if and when necessary to ensure such culverts remain functional throughout a storm of that intensity. All bridges shall be designed for the 50-year return frequency design storm.

3. The peak stormwater discharge volume, for the 10-year return frequency design storm event, from any subdivision approved pursuant to these Regulations, to any downstream privately or publicly owned property or street shall not be increased as a result of construction unless it can be demonstrated, to the satisfaction of the Planning Board, that no adverse impact to such properties will result, or appropriate flowage easements have been secured.

B. Design and Construction Standards for Stormwater Management Improvements:

1. All culverts, storm drains, drainage structures and related improvements furnished and installed shall conform to applicable provisions of Standard Specifications for Road and Bridge Construction (latest edition), as published and amended by the New Hampshire Department of Transportation.
2. All culverts, storm drains and driveway culverts shall have a minimum diameter of 12-inches and be constructed of either reinforced concrete or high-density polyethylene.
3. A minimum of three (3) feet of soil cover shall be maintained over all culverts and storm drains situated beneath streets. A minimum of twelve (12) inches of soil cover shall be maintained over all driveway culverts situated within the right-of-way of a street.
4. Concrete or mortar-rubble masonry headwalls shall be furnished and installed on the inlet ends of all culverts of any diameter. Similar headwalls shall be furnished and installed on the discharge ends of all culverts 24-inches or greater in diameter. Flared end-sections may be installed in lieu of headwalls on the discharge end of culverts and storm drains having a diameter of less than 24-inches. Appropriate outlet protection shall be provided at all stormwater discharge points.
5. Stormwater flow velocities for all road side ditches, stormwater conveyance channels and swales shall be checked by the design engineer. Suitable surface protection shall be provided within all ditches, channels and swales anticipated to have a flow velocity of more than 2.5 feet-per-second during the 10-year return frequency design storm.

6. In instances where stormwater detention ponds, retention basins, or infiltration basins are planned, such facilities shall be designed and constructed in accordance with recommendations contained in a publication entitled Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, published by the NHDES.
7. All stormwater treatment accommodations shall be designed and constructed in accordance with recommendations contained in a publication entitled Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, published by the NHDES.

Section 1V-5 Design and Construction Standards for Utilities

A. Subsurface septic system

The construction of on-site subsurface wastewater disposal system shall fully comply with all applicable requirements of the New Hampshire Code of Administrative Rules regarding such. The applicant shall receive all required permits from the New Hampshire Department of Environmental Services for water supply before the Planning Board can grant final approval.

B. Water supply

The construction of the on-site water supply shall fully comply with all applicable requirements of the New Hampshire Code of Administrative Rules regarding water supply. The applicant shall receive all required permits from the New Hampshire Department of Environmental Services for water supply before the Planning Board can grant final approval.

C. Other utilities.

All proposed on-site utilities (electric, telephone, cable T.V., etc.) shall be installed underground in accordance with the specifications of the individual utility companies involved and in accordance with all applicable local codes, unless otherwise permitted by the Planning Board.

Section IV-6 General Site Design Standards

A. Exterior Lighting Provisions.

1. All non-residential and multi-family residential site design plans presented to the Planning Board for approval shall include a lighting plan which provides for a method and level of lighting appropriate for the proposed use or uses as determined by the Planning Board. All such lighting plans shall, as a minimum, identify the location, number, height, type and intensity of all exterior lighting fixtures to be installed. Proposed exterior lighting fixtures shall provide for a level of illumination appropriate

for the proposed use or uses. Illumination patterns proposed shall be such that all sites subject to these regulations will enjoy an adequate level of lighting to insure user safety and security. However, care shall be taken to avoid lighting patterns and intensities which “over light” a site, creating nuisance and glare at abutting properties, public streets and the neighborhood in general. All lighting plans shall be subject to review and approval by the Planning Board. No changes or modifications in approved lighting plans may be proposed without the specific approval of the Board.

2. Unless otherwise approved by the Planning Board, all pole mounted lighting fixtures shall be fed electricity by the use of underground electrical lines installed in accordance with applicable electrical code.

B. Solid Waste Storage Provisions

1. All solid waste storage areas shall be screened and shall be located a minimum of 20 feet from any boundary line of a site.
2. In recognition of the fact that varying non-residential uses often produce waste, which must be temporarily stored on site until the time of disposal, of varying type and quantity, provisions for adequate storage shall be reviewed by the Planning Board on a case by case basis. In general, the Planning Board shall:
 - a. Require applicants to disclose anticipated volumes and types of wastes to be produced by their proposed uses;
 - b. Find that the applicants’ proposal for storage and disposal of waste conforms with any and all applicable local, state and federal requirements;
 - c. Find that the applicants proposal for storage and disposal of waste has incorporated reasonable safeguards insuring that such wastes will not become an undue threat to the environment nor create a public nuisance; and

C. Snow Storage Provisions.

1. All site plans presented to the Planning Board for approval shall identify an area or areas of sufficient size and composition to allow for safe and convenient storage of snow volumes anticipated to be provided by winter site maintenance, or include a note indicating that snow is to be removed from the site.
2. Snow storage areas shall not be specified at locations where: accumulated volumes of snow will produce a visual nuisance or impede proper lines of sight; inevitable snow melt will create a nuisance on-site or to abutters; inevitable snow melt will result in the flow of water onto a public street. Snow shall not be stored in areas of jurisdictional wetland or in parking spaces, aisles, fire lanes, access drives nor other areas of a site where accumulated snow volumes would prevent proper use of a site in terms of these regulations or in the judgment of the Planning Board.

- D. Commercial Signage Provisions. Each site plan presented to the Planning Board for approval shall identify all proposed commercial signage and successfully demonstrate that the proposed sign fully complies with the Town of Milton Zoning Ordinance.
- E. Erosion and Sedimentation Control Provisions. Each site plan presented to the Planning Board for approval shall include an erosion and sedimentation control plan which identifies a series of effective temporary and permanent best management practices for prevention and/or minimization of soil erosion during and after site construction. All erosion and sedimentation control plans shall conform to the National Pollutant Discharge Elimination System (NPDES) Program, Phases I and II as required by the Environmental Protection Agency (EPA). Prior to any construction activity, the developer shall submit a Storm Water Pollution Protection Plan (SWPPP) completed by a Registered Professional Engineer to the Public Works Department and made available on the site for review by the EPA. Once the SWPPP is complete, a Notice of Intent (NOI) must be filed with the EPA by both the owner and the contractor of the project and be approved following a seven (7) day review period before construction can begin.
- F. Prohibition and Mitigation of Offensive Uses. Applicants seeking non-residential or multi-family residential site plan approval under these Regulations shall disclose any proposed use of that site which has the potential to be deemed an offensive use, in terms of its visual characteristics, excessive noise, odor or potential as a nuisance. No site plan shall be permitted by the Planning Board until the applicant has demonstrated to the satisfaction of the Planning Board that the proposed use or uses of that site will not be offensive. In cases where a proposed use or uses of a site have the potential to be offensive, the applicant to install appropriate mitigation safeguards and/or implement Best Management Practices (BMPs).

Section IV-7 Special Flood Hazard Areas

- A. All development proposals which contain lands designated as Special Flood Hazard Area by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the Town of Milton, NH” together with the associated Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps dated May 17, 2005, shall meet the requirements of this Section.
- B. 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.
- C. The Planning Board shall require that the development proposals include within such proposals base flood elevation data, if applicable.
- D. Sufficient evidence (construction, drawings, grading and land treatment plans) shall be submitted so as to allow a determination that:

1. All such proposals are consistent with the need to minimize flood hazards;
 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.
- E. In order to obtain the approval of the Planning Board, the applicant must affirmatively demonstrate to the Board, by a preponderance of the credible evidence presented at a public meeting or meetings, that all the requirements of this section have been met and that the procedures set forth in these regulations have been followed.
- F. No development which affects wetlands and thus requires approval by the Planning Board will be permitted unless applicant has applied for and received a Conditional Use Permit (CUP) under the provisions of Article XIII D. Conditional Uses of the Milton Zoning Ordinance and has demonstrated that there will be minimal detrimental impact upon the wetlands.

**ARTICLE V
PERFORMANCE GUARANTEE REQUIREMENTS & CONSTRUCTION
PROCEDURES**

Section V-1 General Requirements

- A. Pursuant to RSA 674:44 II (d) the Planning Board may stipulate, as a precedent condition of approval, that a performance guarantee, in an amount and form acceptable to the Board, be received and filed with the Board of Selectmen prior to signature of a final plat by the Board Chairman. Specific requirements and procedures governing such performance guarantees are provided in Section V-2 of these Regulations.
- B. No land clearing for the facilitation of construction, construction of roadway or infrastructure improvements specified on a site plan, nor building construction shall commence unless and until a final plat of such site plan has received final approval from the Planning Board and the Board Chair has signed the plan.
- C. In the case of site plans involving the construction or installation of betterments on existing public lands or within an existing public right-of-way, the contractor or entity who will be performing such work shall provide the Town of Milton with a copy of a certificate demonstrating said contractor possesses insurance coverage conforming to the following minimum limits: (1) General Liability - \$1,000,000; (2) Automotive Liability - \$1,000,000; and (3) Workers Compensation and Employers Liability – Statutory Limits.
- D. In the case of site plans involving the platting of public streets and/or public easements of any kind, the applicant shall submit, at the time final plans and mylars of such site plan are transmitted to the Planning Board for signature by the Board Chairman, executed deeds for the conveyance of platted street rights-of-way and/or public easements to the Town of Milton. Such deeds shall be in a form acceptable to Town Counsel and be suitable for recording at the registry of deeds.
- E. Approval of a site plan by the Planning Board shall not constitute public acceptance nor imply an obligation for the eventual public acceptance of any streets or infrastructure specified on the plat or otherwise required under such approval. However, at such time as the construction or installation of streets or site improvements shown on a plat has successfully occurred, the Planning Board can so state its satisfaction and recommend that the Board of Selectmen consider public acceptance of the same.
- F. No Building Permit shall be issued for the construction of a structure or dwelling intended to be accessed by a platted or improved street until such time as construction of that street has progressed to a point where the Building Inspector has determined the condition of such street, access area or roadway is sufficient to safely accommodate construction traffic and emergency services personnel. No Certificate of Occupancy shall be issued for any structure or dwelling to be accessed by a platted street until such time as

construction of such street or suitable driveway or access way has progressed through installation of the binder course of hot bituminous pavement.

- G. Commencing on the date of issuance of the initial Certificate of Occupancy for any structure or dwelling served by the site, the owner(s) of the development shall cause timely and proper maintenance of the entire site. In the event the owner(s) fail to conform to this requirement, the Town of Milton may cause such maintenance activities to be provided and call upon any performance guarantee given by the owner to reimburse the Town for its expenditures.

Section V-2 Performance Guarantee Requirements and Procedures

- A. In such instances where the Planning Board stipulates that, as a precedent condition of subdivision approval, the applicant shall provide a performance guarantee to serve as financial surety for appropriate restoration of the site should the owner / developer be unable to complete the project. The Town Engineer shall provide the Planning Board with a recommendation as to the amount of such surety, which shall be presented to the Board in the form of the Performance Guarantee Worksheet. In most cases, the performance guarantee will consist of the following:
 - 1. A restoration surety in the amount of \$10,000 per acre of disturbed lot area;
 - 2. A sum equal to 110% of the anticipated cost of installation and maintenance of those erosion and sedimentation control measures specified by applicant's engineer; and
 - 3. A sum equal to 110% of the anticipated cost of completion of improvements planned within the public right-of-way, if any.
- B. The Planning Board shall accept a performance bond, irrevocable letter of credit, cash, or other form of surety which may be acceptable to the Board. In all instances, the form or instrument of surety provided shall be acceptable to Town Counsel. In all instances, the form of the surety instrument shall specify the term and duration of the surety, include an "automatic call" and evergreen provision, and acknowledge that the surety shall neither lapse nor terminate until released in writing by the Board of Selectmen, Town of Milton.
- C. However, in the event improvements for which a performance guarantee has been required remain incomplete or are found to have been completed in an unacceptable manner at the conclusion of the term of the surety, the Town of Milton shall enjoy the right to call the performance guarantee and utilize the proceeds of the same to cause the required improvements to be completed and/or repaired in an acceptable manner.
- D. As the site work and site improvements of the work for which a performance guarantee has been required are completed, the Planning Board may, upon receipt of a recommendation from the Town Engineer, recommend that the Board of Selectmen release all or a portion of the performance guarantee. In no case shall the performance guarantee sum be released to an amount less than 110-percent of the anticipated cost of

completion of remaining work, or 10-percent of original surety value, which ever is greater.

- E. Upon receipt of confirmation from the Town Engineer, that all site improvements shown on the approved site plan have been satisfactorily completed, the Planning Board may recommend that the Board of Selectmen vote to release any remaining performance guarantees. Upon affirmative vote of the Board of Selectmen to release the remaining performance guarantee, the amount of the surety may be reduced to a sum not less than 10-percent of original surety value. This residual surety shall continue to be held by the Town of Milton as a maintenance guarantee for a period of one additional calendar year and shall serve as a financial guarantee for the repair of latent defects in the site work which may become evident within one year of public acceptance. If no evidence of latent defects in the improvements is reported to the Board of Selectmen by the Public Works Director within the following one year period, the Board of Selectmen shall vote to release the maintenance guarantee in full

Section V-3 Inspection Requirements and Procedures

- A. Prior to commencement of construction of site work, utilities, off-site improvements, or other site development infrastructure, the owner or his/her contractor shall contact the Town Engineer and request that a preconstruction conference be scheduled. Upon receipt of such a request, the Town Engineer shall promptly schedule a preconstruction conference, which shall be attended by the Public Works Director, the Town Engineer, the owner or owner's representative, the contractor and other parties invited by the owner or Town Engineer. At the time of the pre-construction conference, the Town Engineer shall review applicable Town construction requirements and procedures with attendees and confirm that all items prerequisite to the commencement of construction have been satisfied.
- B. During the construction period, the Town Engineer shall serve as the Planning Board's field representative observing and reporting to the Planning Board on the progression of the work. During this period, the Town Engineer shall promptly report to the Planning Board and the owner any perceived construction defect or deviation from the terms of the approval of approved project plans. In such instances, the Town Engineer may also offer recommendations for the remedy of such defects or deviations.
- C. The Town Engineer shall periodically invoice the Planning Board for his firm's services during the course of construction; and the Planning Board shall in turn require the owner to reimburse the Board for such costs. In the event the owner fails to reimburse the Planning Board in a timely manner for the cost associated with the Town Engineer's services, the Planning Board may request that the Building Inspector/Code Enforcement Official issue a *Stop Work Order* which shall not be withdrawn until the Planning Board has been reimbursed in full for the Town Engineer's services. In the event an owner fails to reimburse the Planning Board for the Town Engineer's services, the Planning Board may call upon any performance guarantee given by the owner to satisfy such costs.

D. If during the construction of a site development, changes in the design of streets, parking areas, drainage systems or other site development infrastructure are proposed, the owner shall notify the Town Engineer in advance of proceeding with such change. Upon receipt of a request for a design change, the Town Engineer shall make a determination as to whether or not the request represents a significant change in the approved plans and specifications. If the Town Engineer makes the determination that a requested change is significant, the owner shall not proceed to make such change without the approval of the Planning Board. If the Town Engineer makes the determination that the requested change represents a minor field change which will not adversely affect the outcome of the work and will not cause a departure from the requirements of the approved project plans or these Regulations, the Town Engineer may approve such change and promptly report that decision to the Planning Board. In instances where there is any uncertainty on the part of the Town Engineer as to whether or not a requested change is significant, the Town Engineer shall defer decision on approval of the requested change to the Planning Board.