

**Proposed Site Plan Review Regulations  
Town of Madbury, NH**

**Suggested Definitions (we can either start a new section on definitions or make reference to the Madbury Zoning Ordinance as is done in the Subdivision Regulations—Article VII):**

**Best Management Practice (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.

**Land Disturbance:** The removal of vegetation or vegetative ground cover from any site, parcel or lot except when land is cleared and cultivated for bona fide agricultural or horticultural use. Mowing, trimming, pruning, or removal of vegetation to maintain it in a healthy, viable condition is not considered land disturbance.

**Low Impact Development:** A land development technique that employs alternative designs for the treatment and management of stormwater that minimize disturbance to the natural drainage patterns on the landscape and require high standards for water quality discharge and recharge. These techniques include treatment of stormwater runoff using low-maintenance methods such as vegetated swales, rain gardens and subsurface infiltration devices.

**Stormwater:** Water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other drainage facility.

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**Article I  
Authority**

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Pursuant to the authority vested in the Madbury Planning Board by the 1975 Town Meeting, and consistent with NH RSA 672-677, as amended, the Madbury Planning Board adopts the following regulations governing the review of multi-unit dwellings and non-residential development.

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**Article II  
Purpose**

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The purpose of these regulations is:

- A. To protect the public health, safety and welfare
- B. To promote balanced growth
- C. To prevent premature and uncoordinated development of land lacking the adequate provision of public services and facilities
- D. To ensure sound site utilization
- E. To avoid development which may result in negative environmental impacts

F. To guide the character of development

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### Article III Scope Of Review

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Proposal for multi-unit residential buildings (i.e. more than two units) and/or nonresidential development that involves the construction of new commercial/industrial structures or the expansion of the building footprint of an existing commercial/industrial structure are subject to these Site Plan Review Regulations. Prior to the issuance of a Building Permit, all such development shall be subject to review and approval by the Madbury Planning Board.

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### Article IV Procedure

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Site Plan Review shall be subject to the same procedural requirements which govern land subdivision, as specified in the Madbury Subdivision Regulations. The Madbury Planning Board shall not grant Site Approval until the proposal complies in all respects with the requirements of Federal, State and local regulations and statutes. The Site Plan shall be accompanied by an application fee of \$200 in accordance with the **Schedule of Fees of the Madbury Planning Board**.

*Note: The Board has agreed to eliminate fees in the regulations and prepare a schedule of fees.*

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### Article V Submission Requirements

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The following items shall be included on the Site Plan and submitted to the Planning Board for review:

- A. Sheet size shall conform to the recording requirements of the Strafford County Registry of Deeds;
- B. Scale: 1 inch = 100 feet to the inch may be required by the Planning Board if deemed necessary to provide adequate detail;
- C. Match lines when needed;
- D. The entire property and all facilities shall be shown (proposed changes shall be clearly indicated);
- E. Original Mylar and three paper copies of the plan, whether blue line or black line;
- F. Date, title, scale, north arrow and locus map;
- G. Names and addresses of developer, licensed engineer, owner of record and abutters;
- H. Name, license number and seal of licensed land surveyor and/or engineer;
- I. Topographical plan with existing and proposed contour lines at two-foot vertical intervals;
- J. Benchmark from USGS datum;
- K. All easements and rights-of-way;
- L. Existing and proposed landscaping, including natural features, watercourses, water bodies, trees, other vegetation, topographical features and proposed open space;

- M. Plans of all buildings with their type, size, location, setbacks and elevation;
- N. Access/egress ways, showing width, curbing and paved areas;
- O. Streets within and around the site;
- P. Water supply and sewage disposal facilities, showing size and proposed location, areas for future expansion, and distances from existing facilities, buildings, wetlands, surface water and aquifers;
- Q. Type and location of solid waste disposal facilities;
- R. Surface drainage facilities, showing location, elevation and layout;
- S. Signs showing location, size and design;
- T. Utilities showing the size and location of lines for gas, electricity, telephone, fire alarms, water and sewer;
- U. Lighting, showing the size and location of all lighting apparatus; and
- V. A ground survey with sufficient data to readily determine the location, bearing and length of every existing and proposed street line, lot line, boundary line and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed 1 to 10,000. Such survey must meet or exceed the minimum precision requirements for survey classification "U" as set forth in Table 500.1 of the New Hampshire Code of Administrative Rules of the Board of Licensure for Land Surveyors, latest revision or successor document.

*Note: Signs were part of Section "R". Moved to Section "S" and re-ordered subsequent sections. Additional language in Section "V" consistent with revised Subdivision Regulations.*

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## Article VI Standards

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### Section 1. OFF-SITE IMPACTS

Development proposal shall be reviewed so as to minimize traffic congestion, traffic hazards, unsightliness, annoyance to abutters, erosion, surface water drainage and other effects detrimental to abutters, the neighborhood and the Town.

### Section 2. LANDSCAPING

- A. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
- B. Appropriate buffers shall be maintained or installed to screen the use from neighboring properties.
- C. Landscape treatment shall consist of natural vegetation or ground cover, shrubs or trees as deemed appropriate by the Planning Board.
- D. Site landscaping shall consist of native plantings appropriate for the site conditions: grasses, shrubs and/or other native plants in sufficient numbers and density to screen the site, prevent soil erosion and achieve the water quality treatment requirements of this section.

*Note: Standards A & D are proposed to complement the effort to minimize soil erosion (Section 5 below) and stormwater runoff (Section 6 below).*

**Section 3. PARKING**

Each parking space shall be not less than 8.5' x 19'.

*Note: At some future point, I suggest that the Board consider/adopt standards for the number of parking spaces based on use and structure squarer footage.*

**Section 4. LOADING**

Adequate off-street loading space shall be provided, including off-street areas for maneuvering the anticipated truck traffic.

**SECTION 5. EROSION AND SEDIMENT CONTROL**

Measures shall be taken to minimize the dust, erosion and storm water run-off that could have a detrimental effect on neighboring properties or the environment.

**A. Soil Erosion and Sedimentation Control Plan**

1. All developments disturbing greater than 40,000 square feet of area, or 25,000 square feet within 100 feet of a waterbody, shall submit a Soil Erosion and Sedimentation Control Plan with an application for site plan review. The Plan, which shall be prepared by a licensed New Hampshire, professional engineer, shall address and comply with the requirements of this Section and as specified by the Planning Board.
2. The Plan shall address conditions during construction, provide permanent post-development protection of water quality, and implements incorporate best management practices consistent with, and as recommended in, the NH Department of Environmental Services *New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction* and *Volume 2: Post-Construction Best Management Practices Selection and Design* (2009, as amended).

B. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from sediment.

C. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the *NHDES Stormwater Manual Volume 3* guidelines (2009, as amended).

D. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 3 days following the completion of final grading of exposed soil areas.

D. Timing of control measures. All temporary control measures (such as silt fencing or silt socks) shall be installed concurrently with site development activity. Areas where construction activity temporarily ceases for more than twenty-one (21) days will be stabilized with temporary seed and mulch within fourteen (14) days of the last disturbance. Once

construction activity ceases permanently in an area, all temporary control measures will be removed once permanent measures are established. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.

## Section 6. STORM WATER RUN-OFF

~~In no case shall post-development run-off velocity be permitted to exceed the pre-development rate.~~

### A. Stormwater Management Plan

1. All developments disturbing greater than 40,000 square feet of area or 25,000 square feet within 100 feet of a waterbody, shall submit a Stormwater Management Plan (SMP) with an application for site plan review. The SMP, which shall be prepared by a licensed New Hampshire, professional engineer, shall address and comply with the requirements of this Section and as specified by the planning board.
2. Development on residential lots that disturb less than 40,000 square feet or 25,000 square feet within 100 feet of a waterbody, should incorporate the best management practices from the *NHDES Homeowner's Guide to Stormwater Management* (2011, as amended).
3. The SMP shall implement best management practices consistent with, and as recommended in, the NH Department of Environmental Services *New Hampshire Stormwater Manual Volume 1: Stormwater and Antidegradation* (2009, as amended) and *Volume 2: Post-Construction Best Management Practices Selection and Design* (2009, as amended).

### B. Design and Construction Standards For Stormwater Management System

1. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff for the 2-year, 10-year and 25-year, 24-hour storm events. At the discretion of the Planning Board, the applicant may be required to determine the post-development peak rate of runoff for the 50-year, 24-hour storm event.
2. The design of the stormwater drainage system shall provide for the management of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
3. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable in order to reduce the generation of the stormwater runoff volume for both new development and redevelopment projects.
4. All areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for vector control.

5. Redevelopment or reuse activities shall not infiltrate stormwater through materials or soils containing regulated or hazardous substances

### C. Operations & Maintenance Plan

An Operations and Maintenance (O&M) Plan shall be incorporated as part of the conditions for subdivision and site plan review approval to ensure long-term effectiveness of the stormwater system.

The O&M plan shall, at a minimum, identify the following:

1. Stormwater management system owner(s),
2. The party or parties responsible for operation and maintenance,
3. A schedule for inspection and maintenance.
4. A checklist to be used during each inspection.
5. The description of routine and non-routine maintenance tasks to be undertaken, and
6. A plan showing the location of all stormwater management facilities covered by the O&M plan.

### ~~D. Applicability for Redevelopment~~

- ~~1. Redevelopment or reuse of previously developed sites must meet the stormwater management standards set forth in this Article to the maximum extent possible as determined by the planning board. To make this determination the planning board shall consider the benefits of redevelopment as compared to development of raw land with respect to stormwater.~~

### D. Recording

The applicant shall provide covenants for filing with the Registry of Deeds in a form satisfactory to the Planning Board. Such covenants shall provide that the obligations of the Operations and Maintenance Plan run with the land.

***Note: The current regulations do not have a provision for recording and inspection of sites. The above statements could be re-worded to provide a more general statement in a new article or section of these regulations.***

### E. Easements

1. Where a site is traversed by, or requires construction of a watercourse or drainage way, an easement of adequate width is required for such purpose.

2. The applicant shall file with the Registry of Deeds such legal instruments as are necessary to allow the Town of Madbury to inspect or maintain the stormwater management systems for compliance with the Operation & Maintenance Plan.

~~1. There shall be at least a ten-foot wide maintenance easement path on each side of any stormwater management system element. For systems using underground pipes, the maintenance easement may need to be wider, depending on the depth of the pipe.~~

**Section 7. NUISANCES**

Light, glare, odors, noise and vibrations shall not be discernible off the premises, except for indirect lighting on permitted signs or security lighting approved by the Planning Board. Such lighting shall not shine directly on abutting properties or on public highways.

**Section 8. HIGHWAY ACCESS**

Access to public highways shall meet the standards set forth in the Madbury Subdivision Regulations.

**Section 9. WATER AND SEWAGE**

Water supply and sewage disposal facilities shall be sized to adequately meet the needs of the proposed use under the regulations of the NH Department of Environmental Services and the Madbury Subdivision Regulations.

**Section 10. UTILITIES**

All utilities shall be installed underground.

**Section 11. EMERGENCY SERVICES**

Prior to site approval by the Planning Board, the applicant shall submit a written statement from the Madbury Fire Chief ascertaining that the proposal has adequate fire lanes, emergency site access and other appropriate provisions to ensure public safety, as determined by the Fire Chief.

**Section 12. HAZARDOUS MATERIALS**

A comprehensive inventory of hazardous materials, anticipated for storage or use on-site, shall be submitted to the Planning Board and Fire Chief. The Planning Board shall not approve proposals, which, in the Planning Board's judgment, pose significant risk to neighboring properties.

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**Article VII**  
**Compliance With Other Laws**

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Prior to issuance of Site Plan Approval, the applicant shall demonstrate to the satisfaction of the Madbury Planning Board that the proposed development meets the standards of all applicable codes, and that all applicable State and Federal permits have been secured.

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**Article VIII**

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## Traffic Impact Analysis

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All proposed development subject to these regulations shall be reviewed by the Planning Board to ascertain that adequate provisions have been made to ensure traffic safety. To facilitate this review, the Planning Board may require the applicant to submit a Traffic Impact Analysis, as deemed necessary by the Board due to the proposal's size, location or traffic generating characteristics. Traffic Impact Analyses shall address the following:

- A. Traffic circulation and access, including adequacy of nearby streets and intersections,
- B. entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or
- C. recommended traffic signalization;
- D. Pedestrian safety and access;
- E. Off-street parking and loading;
- F. Emergency vehicle access

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## Article IX Special Studies

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In addition to the application fee of \$200, the Planning Board, at its discretion, may require the applicant to reimburse the Town for the cost of special investigations, the review of documents and traffic studies, as authorized by NH RSA 674:44V. No plan shall be approved until such fees are paid in full.

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## Article X Construction Bonds

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Before approval of a site plan by the Planning Board, the applicant shall submit a bond in an amount deemed sufficient by the Planning board to cover the cost of all required improvements, both on-site and off-site, including those related to highways, access ways, stormwater and erosion control facilities, utilities and landscaping. This bond shall be approved as to form and sureties by Town Counsel, and shall be conditioned on the completion of all improvements within 2 years of the date of the Planning Board's approval.

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## Article XI Administrative Provisions

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### Section 1. EXPIRATION OF APPROVALS

Site Plan approvals shall expire thirteen months after issuance of said approval by the Planning Board. The Planning Board may grant extension(s) of site plan approvals, if in the Board's judgment, good reason therefore is shown.

### Section 2. WAIVERS

The proposed development shall conform to the Zoning Ordinance of the Town of Madbury. Where strict conformity to these Site Plan Review Regulations would cause undue hardship or injustice to the applicant, a subdivision plan substantially in conformity with regulations may be approved by the Board provided that the spirit of the Regulations and public convenience and



welfare will not be adversely affected. Such approval shall require a 2/3 vote of the entire Board.

**Section 3. AMENDMENTS**

These regulations may be amended or rescinded by the Planning Board but only following public hearing on the proposed change. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Strafford County Registry of Deeds.

**Section 4. VALIDITY**

If any Article, section, subsection, sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portion of these Regulations.

**Section 5. EFFECTIVE DATE**

These Regulations shall take effect after passage by the Madbury Planning Board.

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**Article XII**

**Special Flood Hazard Area Requirements<sup>2</sup>**

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The Special Flood Area Requirements of the Subdivision Regulations apply to the Site Plan Review.

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<sup>2</sup> Article XII added December 16, 2009