



Town of **Canterbury**  
NEW HAMPSHIRE

# 2024 Land Development Regulations, Town of Canterbury

Canterbury Planning Board

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## SECTION 1 GENERAL PROVISIONS

### Section 1.1 Introduction

The Planning Board, after a public hearing, adopted these development regulations. They include, in one integrated format, the application and review process and development standard requirements for the Planning Board's review and approval of both subdivisions and site plans. It is recognized that these Regulations are a living document subject to amendment by a vote of the Board in accordance with RSA NH RSA 675:7, as may be amended from time to time.

The subdivision process is required for new or separate real estate ownership, a new tax map parcel or the establishing of a new boundary line. Subdivisions include the creation of new land parcels, lot line adjustments and ownership opportunities such as condominiums. Condominium ownerships are, for example, those where condominium unit owners also own shares in amenities, common land or some recreational facility. Whether the lot is to be owned, rented, or leased is not germane.

The subdivision process includes consideration of the impact, access, and utility of those lots being proposed, the potential impacts of the subdivision on the natural environment, as well as all legal documentation necessary to put the subdivision into effect. Approval must address all required construction, both public and private, and both on-site and off-site, including, for example, roads, sidewalks, provisions for fire protection and emergency access, landscaping, and recreation facilities. The subdivision process is not required, however, for voluntary lot mergers. This is where a property owner merges adjacent lots into a single lot, usually for tax purposes. A subdivision is required, however, to undo voluntarily merged lots.

Site plan review, on the other hand, does not create separate ownership opportunities. Site plans show the proposed development on a parcel of land, including, for example, buildings, parking, sidewalks, service areas, drainage, lighting, waste disposal, and landscaping. Approved site plans are required for any development, except single-family homes or a single duplex building to be constructed on a single parcel of land.

The impact of the proposed development subject to site plan review includes an evaluation of the impacts on public facilities including but not limited to streets and roadways, water, sewer, and storm drainage. In Canterbury, the appearance of proposed buildings and site improvements is important to the community and is evaluated during the site plan review process. The site plan review process includes consideration of and mitigation of impacts to both public facilities and private utilities both on-site and off-site, natural resource impacts and mitigation, and the harmonious integration of the new development into the community.

Some subdivision proposals may include the consolidation and re-subdivision of land, or lot line adjustment and the subdivision of one or more of the re-configured parcels in two separate steps. Likewise, some development proposals may require both subdivision and site plan approvals. In all of these cases, it is recommended that one combined review process be utilized, so that the applicant has either an approval or a denial of the full proposal. It should also be noted that these regulations do not modify the requirements of the Canterbury Zoning Ordinance, or any local or state building code requirements, or the need to obtain any local, state, or federal permit(s).

## Section 1.2 Authority

Pursuant to the authority vested in the Canterbury Planning Board by the voters of the Town of Canterbury and in accordance with the Chapter 674, Sections 35-42, as from time to time amended, the Canterbury Planning Board adopted regulations governing the subdivision of land in the Town of Canterbury, New Hampshire. On March 10, 1964, article 13 of the town meeting warrant authorized the Planning Board to regulate the subdivision of land. On March 8 and 12 of 2016, article 27 of the town warrant revised the authority of the Planning Board to adopt Subdivision Regulations.

Pursuant to the authority vested in the Planning Board by the voters of the Town of Canterbury on March 10, 1970 and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Canterbury Planning Board hereby adopts the following regulations governing the development or change or expansion of use of land, including non-residential uses and residential uses, whether or not such development includes a subdivision or resubdivision of the site. The Certificate of Adoption is provided as a component of these Site Plan Review Regulations.

Pursuant to Article 12 of the Town of Canterbury Zoning Ordinance the Board of Selectman are given the authority to appoint the Building Inspector to perform the duties of administrative officer.

## Section 1.3 Title

These regulations shall be known and may be cited as “**Land Development Regulations, Town of Canterbury, New Hampshire.**”

## Section 1.4 Purpose

1. To promote the development of an economically sound and stable community by preventing such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, sewerage, municipal solid waste disposal, transportation, schools, fire department, or other public services or necessitate excessive expenditures of public funds for the supply of such services;
2. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through proper arrangement and coordination of with existing or planned streets;
3. To assure, in general, the wise development of areas in harmony with the Master Plan of the Community;
4. To promote the amenities of the Town through provisions for parks, playgrounds, or other public areas, preservation of trees and natural or historic features and planting of street trees;
5. To secure equitable handling of all applications by providing uniform procedures and standards for the applicant and the Planning Board;
6. Protecting the health, welfare, safety, and general convenience of the inhabitants of the Town of Canterbury;

7. Ensuring compliance with zoning, health regulations, driveway permit regulations, building standards, and other applicable laws;
8. Ensuring compliance with the State of New Hampshire's health regulations, sewage disposal regulations and other applicable regulations;
9. Securing adequate provisions for water, drainage, electricity, and other required utilities;
10. Reducing danger to life, limb, and property from the operation of motor vehicles;
11. Lessening congestion in the streets;
12. Providing adequate parking facilities;
13. Preventing pollution of air, brooks, streams, ponds, lakes, and groundwater supplies;
14. Preventing blighted areas;
15. Securing safety in the case of fire, flood, panic, and other emergencies by providing adequate access for fire trucks and other emergency vehicles;
16. Promoting neat, attractive businesses and industries that will be compatible with their surroundings and in keeping with the character of the Town of Canterbury;
17. Encouraging the development of businesses and industries that will broaden and strengthen the tax base of the Town of Canterbury; and
18. All of the foregoing purposes are to be accomplished with a minimum expenditure of public funds.

## **Section 1.5 Approval Required before Work Begins**

After the proposed project's plans and application have been found complete and taken under jurisdiction of the Planning Board, no utility installation, no grading or construction of roads, no grading of land or lots, no clearing land of natural vegetation, including trees, no placing of fill nor performing any other act or acts which will alter the natural state of the land or environment, and no construction of buildings shall be done on any part of the land or lots within a development unless:

1. A plan of such development has been submitted, declared complete, reviewed, and approved by the Planning Board.
2. The Planning Board's Authorized Agent has verified that the final plans are in compliance with all conditions of approval and are signed by the Planning Board Chair.
2. Where applicable all legal documents and financial guarantees have been provided to the Town.
3. For subdivision plats, said plats shall be properly endorsed and recorded in the Merrimack County Registry of Deeds, along with any legal documents including the Notice of Decision, easements and rights-of-way.
4. All permits required from State and Federal agencies have been obtained.
5. Permits required by other Town regulations and ordinances have been obtained.



Nothing precludes the Board from approving a development constructed in phases provided that each phase can function independently with safe and sufficient access, adequate public facilities, and erosion and sediment control measures are installed and maintained including revegetation of any disturbed areas.

## **Section 1.6 Conformity with Master Plan and Zoning Ordinance**

Subdivisions and site plans shall conform to the substance and intent of the Town of Canterbury Master Plan and Zoning Ordinance.

## **Section 1.7 Site Plan Review Required**

Applications requiring building or occupancy permits, or other land development permits within the Town of Canterbury are subject to Site Plan Review by the Town of Canterbury Planning Board, except as defined as being exempt as set forth in Section 1.8 as follows.

Whenever any development or change or expansion of use of a site is proposed, or, whenever any changes are proposed that differ from an existing site plan as previously approved by the Planning Board; before any construction, land clearing, building development or change is begun and before any permit for the erection of any building or authorization for development on such site shall be granted, the owner of the property or his authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation.

## **Section 1.8 Minor Site Plans**

Non-residential development shall be subject to minor site plan review under the purview of these regulations:

1. Any development activity or combination of activities that, within any four (4) year period, results in the construction of the following:
  - a) Less than 1,000 square feet of new gross floor area;
  - b) Between 500 and 5,000 square feet of new impervious surface; or
  - c) A total of less than 5,000 square feet of gross floor area and impervious surface.
2. Changes of use that affect less than 5,000 square feet of gross existing floor area.
3. Construction of accessory buildings and structures of less than 1,000 square feet of gross floor area.
4. Home Occupations which do not conform to zoning ordinance subsections (i) through (x) as set forth in Article IV Use and Dimensional Regulations, Section A.5.a. Home Occupations or are not solely residential.

## **Section 1.9 Major Site Plans**

All other Non-residential development and Multi-family Development consisting of four (4) or more dwelling units shall be subject to major site plan review under the purview of these regulations. Any plan exceeding the threshold in Section 1.8 shall be considered a major site plan.

## **Section 1.10 Site Plan Exemptions**

The following activities or use(s) shall be considered exempt from the requirement for site plan review:

1. The construction, renovation or addition to a single family or duplex residential dwelling unit on an individual lot of record .
2. Business use of residential property that meets but does not exceed the requirements of Home Occupation, as defined by the Zoning Ordinance.
3. A business owner or tenant who intends to occupy an existing building or space where no change of use is proposed, and no alterations are proposed to the existing site or building.
4. A business owner or tenant proposes a new use in an existing building which is allowed by right in the Zoning Ordinance, or for which a Special Exception has been granted, and the existing site conforms to the requirements of these Land Development Regulations and the Zoning Ordinance. The new use shall be equal or lesser intensity than the existing use, as determined by the Planning Board, with no increase in the number of employees, no increase in septage loading, and no increase in noise or traffic or changes in exterior illumination.
5. The renovation, repair and maintenance of existing buildings, structures, and site improvements where no building additions in the amount of impervious surface on site are proposed.
6. The expansion of an existing building or structure, or the construction of an accessory building or structure of not more than 499 square feet of impervious surface, or the total disturbed area of the site does not exceed 1,000 square feet.
7. Home Occupations that fully conform to subsections (i) through (x) as set forth in Article IV Use and Dimensional Regulations, Section A.5.a. Home Occupations and are solely residential.

The Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan Review. An applicant may petition the Board for a determination of whether a Site Plan Application is necessary by requesting to be placed on the agenda at least 21 days prior to a regular meeting of the Board.

### **Section 1.11 Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of Canterbury, NH.

### **Section 1.12 Conflict with other Public Provisions**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of those regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

### **Section 1.13 Conflict with Private Provisions**

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provision of the easement, covenant, or private agreement or restriction imposes duties and obligations more restrictive or imposes higher standards than

the requirements of these regulations, or in enforcing these regulations and such private provisions are consistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations.

### **Section 1.14 Separability**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portions thereof, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

### **Section 1.15 Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Site Plan Regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town except as shall be expressly provided for in these regulations.

### **Section 1.16 Conformance to Applicable Laws, Rules, and Regulations**

No subdivision, site construction, or change of use of land subject to site plan approval, shall occur in violation of these regulations and the Town of Canterbury Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval, including financial guarantees. The Building Inspector shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to be in compliance with the approved subdivision and/or site plan and the conditions of Planning Board approval.

In addition to the requirements established herein, all developments shall comply with the following laws, rules, regulations, and adopted plans:

1. All applicable State statutes and Federal law and all rules and regulations promulgated in accordance with such statutes and laws;
2. The Zoning and Health Ordinances, Building and Housing Codes, and all other applicable ordinances and regulations of the Town of Canterbury.

### **Section 1.17 Self Imposed Restrictions**

If the owner either voluntarily before the Planning Board or as a condition of approval, places on any property restrictions which are greater than those required by the Zoning Ordinance or by these regulations, such restrictions shall be noted or otherwise described on the plan and shall be formally established by either an easement to be conveyed to the Town, or to other responsible parties as may be required by the Planning Board, to be recorded at the Merrimack County Registry of Deeds in a form to be approved by the

Planning Board Chair and the Town; or a formal written agreement between the Town and the applicant, binding the applicant and successors in title to said restrictions, to be recorded at the Merrimack County Registry of Deeds in a form to be approved by the Planning Board Chair and Town Counsel.

### **Section 1.18 Planning Board Rules of Procedure**

The Planning Board's Rules of Procedure are adopted under the authority NH RSA 676:1, as amended. The Board's Rules of Procedure address the duties of officers, quorums, administrative procedures, the procedures for testimony by the public and applicants at public hearings, and the overall conduct of public meetings. The Rules of Procedure are available on the Town's website under the Planning Board's pages.

## **SECTION 2 PLANNING BOARD REVIEW PROCESS**

### **Section 2.1 General Requirements**

Applications shall be filed at the Town Municipal Offices with the Planning Board twenty-one (21) days before the next regular meeting of the Planning Board with the proper application, notice, and review fees.

An application may be withdrawn prior to the hearing; however, all application fees and third party consultant fees shall be forfeited and the applicant shall remain liable for all consultants' fees incurred prior to withdrawal of the application.

By filing an application with the Board, the applicant, including all the applicant's agents, consultants and representatives, consents to the review of the application by independent consultants retained by the Board at the applicant's expense for the purpose of, and not limited to:

1. Confirming that the application conforms with the applicable state and local requirements; and
2. Any additional studies or investigations and/or information from land surveyors, engineers, architects, appraisers, attorneys, soil scientists, wetland scientists, or other with expertise in a particular field, and which could facilitate the Board's actions on the application.

### **Section 2.2 Pre-Application/Conceptual Plan Review**

For any site development or subdivision, the Applicant is strongly encouraged for all proposed applications to request a conceptual review at least twenty-one (21) days prior to the next regularly scheduled Planning Board agenda, to be placed on the agenda for a non-binding discussion, conducted in general terms, of the basic concept of the proposed development. The Applicant or the Board may end the conceptual review at any time. Public notice of the conceptual review is not required but any discussion must occur in a regular Advertised Public Meeting of the Planning Board.

At the time of requesting a conceptual review, the Applicant shall provide the following information accurately and clearly in the form of a sketch the following information:

1. Existing property lines of the parcel under review and the abutting properties;
2. General topography, to include highlight of slopes in excess of 25%;
3. Prominent natural features of the site, to include but not limited to tree lines, specimen tree types, water bodies, watercourses, floodplains, and wetlands;

4. Existing physical improvements, and in conceptual terms only, the locations suitable for proposed buildings and/or lots, parking areas, roadways, drainage areas, or open lot uses; and,
5. Any required setbacks or buffers.

The conceptual review shall be limited to a discussion of the concept in general terms, for the purpose of familiarizing the Board with the location and type of development and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the proposed development is an allowed use in the Zoning Ordinance. The Board shall consider whether the development is compatible with existing and proposed development in the area, whether sufficient roads, utilities, and services are available, or could be provided by the applicant, to serve the proposed development. The Board shall consider if the proposed development fits into the natural environment and the cultural landscape, including historical resources. The Board may advise the applicant what types of supporting studies are likely to be required for this type and scale of an application. Such a conceptual discussion shall cease after not more than two meetings.

## Section 2.3 Design Review Plan

Preliminary Design Review meetings are strictly optional, but such meetings can be helpful in identifying and resolving problems in an application prior to major design investments by the applicant. The applicant may request a meeting with the Board to discuss a proposal in more specific form and terms prior to completing final engineering and architectural plans. The following information must be submitted at a minimum for the Board to consider a Preliminary Design Review Application:

1. A complete application including the information set forth in Section 4: Submittal Requirements for All Applications. As applicable, Section 5: Site Plan Specifications for Plans and Documents, and Section 6: Subdivision Specifications for Plans and Documents.
2. A Development Impact Summary Report as set forth in Section ~~5.1~~ 5.4 and 6.7 along with a graphic (photos), and narrative site inventory.
3. A conceptual plan drawn to scale and clearly showing all significant existing site features, including, but not limited to: buildings, parking, abutting roads, existing utilities and drainage, vistas, ridge lines, wetlands, vernal pools, floodplains, slopes, stone walls, significant rock outcrops, tree masses and/or tree lines, rare and endangered species habitats, streams, and other water bodies. The conceptual plan shall show the approximate location and size of proposed site alterations and improvements, including to but not limited to buildings, parking areas, new and improved streets, internal private drives, driveways, proposed drainage improvements and the approximate location of storm water retention/detention facilities and outlets, conceptual site grading and clearing limits, the location and size of new utility services including on-site wells and septic systems, and the approximate location and size of any new lots.
4. The application shall be based on an existing condition survey and shall show the proposed layout of the site prior to completing final engineering.
5. The applicant shall show significant site features on abutting properties within 100 feet of the site boundary.

The Board and Applicant may engage in non-binding discussions beyond conceptual and general discussions, addressing more specific design, planning and engineering details provided that the design

review may proceed only after formal public notice is provided. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. Design reviews shall cease after not more than two meetings.

## Section 2.4 Final Application Submissions and Procedures

Development Review for subdivision and site plan applications conducted in accordance with the following procedures:

1. A complete application shall be provided.
2. The application materials to be included in a completed application shall include the information set forth in Section 4: Subdivision Application Requirements or Section 5: Site Plan Review Application Requirements, as applicable. See Checklist in Appendix.
3. All application fees, including fees placed in escrow for independent review of plans, documents and specifications, and special studies.
4. Provided that an application is received at least 21 calendar days before a regular Planning Board meeting, a determination as to its completeness shall be made at that meeting and a public hearing date set.
5. The Board shall begin formal consideration of the application within 35 days after the application is declared complete.
6. Throughout the process of Board consideration of an Application, the Board may consult with independent consulting engineers, architects, soil scientists, attorneys, planners, or others, at the expense of the Applicant.
7. Before approval of an application is given, the Planning Board may solicit written statements from, or request a department head meeting with the following Town Officials or committees regarding the proposed application and other town officials as determined by the Planning Board:
  - a. Obtain a Determination Letter from the Building Inspector Certifying Zoning Compliance.
  - b. The Police Chief, or representative, as to vehicular and pedestrian traffic safety and access for emergency vehicles;
  - c. The Fire Chief, or representative, shall indicate compliance with NH State Fire and Life Safety Codes. The Fire Department review will include adequacy of water supply, road details including width, grade, and vertical clearance, and other safety items. as to adequacy of fire protection and access for emergency vehicles;
  - d. The Conservation Commission as to the impacts of the development on protected wetlands, floodplains and other sensitive environmental areas and features;
  - e. School Board District Administrator, or representative, as to potential school impacts, as needed.
  - f. Town Officials may attend the regular Planning Board meeting to express their concerns regarding the application.

8. A public hearing shall be held on the application prior to any action by the Planning Board.
9. After consideration of public comments, the applicant's testimony, comments from Town officials, independent consultant reviews, as well as staff review comments and recommendations, the Board shall act to approve, conditionally approve, or disapprove within 90 days after submission. However, the applicant may waive the requirement for Board action within a time period specified and consent to such extensions as may be mutually agreeable. The Planning Board may apply to the Select Board for an extension not to exceed an additional 90 days before acting upon the application.
10. A Notice of Decision shall be prepared within five (5) working days including any conditions attached to the application by the Planning Board and sent to the applicant and the Town Clerk.
11. If the Board acts to disapprove any application, the reasons for the disapproval shall be outlined in the Notice of Decision.

### **Section 2.5 Joint Hearings**

1. The Planning Board may hold a joint public hearing on an application requiring Site Plan Review and a Subdivision plat. A separate action by the Board is required for each application.
2. In accordance with the adopted Rules of Procedure, the Planning Board may hold a public hearing at the same time and place that a hearing for a Special Exception is held for the project by the Zoning Board of Adjustment. Separate actions by each Board are required in this circumstance.
3. In accordance with the adopted Rules of Procedure, the Planning Board may hold a joint public hearing with the Planning Board of an adjacent municipality for an application that is located in both communities. Separate actions by each Board are required in this circumstance.

### **Section 2.6 Voluntary Lot Mergers**

1. Any owner of two (2) or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them for municipal regulation and taxation purposes may do so by applying to the Planning Board in accordance with RSA 674:39-a, as amended.
2. The Planning Board shall act on any voluntary lot merger at a Advertised Public Meeting.
3. Except where such merger would create a violation of existing ordinances or regulations or increase the non-conforming status under the terms of the Canterbury Zoning Ordinance, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the Chair of the Board, shall be filed for recording in the Merrimack County Registry of Deeds, and a copy shall be mailed to the municipality's assessing officials.
4. No such merged parcel shall thereafter be separately transferred without subdivision approval.
5. The Town of Canterbury may not merge preexisting subdivided lots or parcels except upon the consent of the owner.
6. See Section 6.3 of these Regulations for additional information and application requirements.

## Section 2.7 Expiration

1. Any site plan for which a Building Permit has not been obtained, and/or the approved change of occupancy, within one (1) year of the date of final approval of the site plan shall be considered void unless the Planning Board grants an extension for good cause. The Planning Board may approve a second one (1) year extension provided that the approved Site Plan remains in compliance with the current zoning and site plan regulations. If significant construction has not commenced, then the Site Plan approval shall be considered void.
2. The Planning Board may grant extensions, upon written request filed with the Planning Board at least thirty (30) days prior to expiration of conditional approval, stating the requested length of extension and the extenuating circumstances justifying an extension. Planning Board consideration of extensions shall be noticed and shall include a public hearing. Time limit extensions are typically one (1) year in length. Additionally, while an appeal of Planning Board decision pursuant to RSA 677:15 stays proceedings upon the decision appealed from, the time limits of this section are not tolled during the pendency of such an appeal.
3. If building permits have been issued within the one-year period, the applicant shall have an additional year from the date of the issuance of the building permit to substantially complete the approved development before the site plan approval expires. If construction has commenced within the authorized site plan approval period, but site development has ceased for a period longer than one (1) year and the project is not substantially complete as defined herein, the Site Plan approval shall also expire.
4. Any subdivision plat not recorded in the Merrimack County Register of Deed within two (2) years of the date of approval of the Subdivision shall be considered void unless the Planning Board grants an extension for good cause. At the request of the applicant, the approval of a Subdivision may be extended for one (1) year by the Planning Board. The Planning Board may approve a second one (1) year extension provided that the approved Subdivision remains in compliance with the current zoning and site plan regulations. Once an extension has been granted, if the subdivision plat has not been recorded in the Merrimack County Registry of Deeds within the extension period, then the approval for the Subdivision shall expire.
5. If an approved Site Plan or Subdivision has been deemed to have expired, a complete new Site Plan or Subdivision application, as applicable, must be provided.

## Section 2.8 Revision to Approved Plans

1. In the event of any proposed change in an approved Site Plan, or a Subdivision Plat, the applicant shall notify the Planning Board in writing of such change. The Planning Board shall at an Advertised Public Meeting determine whether the proposed change is an immaterial change or a material change. If the Planning Board determines that the change is an immaterial change, then the Planning Board may act to approve said change with or without additional conditions. If the immaterial change requires the submittal of a revised or corrected plat, the applicant shall submit to the Town a revised plat for recording. The applicant shall be responsible for all recording and processing fees.



2. For immaterial changes, digital copies of all revised plans and documents in format as set forth herein, shall be submitted. In addition, three (3) copies of revised plan drawings, along with any revised or amended supporting documentation and studies, shall be provided.
3. Any material changes shall require public and abutter notice and shall be considered only at a public hearing. The applicant shall be required to submit a new site plan or subdivision application to the Planning Board with appropriate supporting documentation and fees for notices and independent consultant review.

## **Section 2.9 Appeals from a Planning Board Decision**

Any Planning Board action may be appealed to the Merrimack County Superior Court as set forth in Section 10.9.

## **Section 2.10 Subsequent to Board Approvals**

Once an application is approved, the applicant shall revise the plans and supporting documents to address the Planning Board's conditions of approval in compliance to these regulations as set forth in Section 10.1 Process and Procedures after Approval, and the Town of Canterbury Zoning Ordinance.

# **SECTION 3 BOARD PROCEDURES, PUBLIC NOTICE, AND OTHER CONSIDERATIONS**

## **Section 3.1 Board Determination of Application Type**

The Planning Board may, without notice to abutters, determine whether a proposed change of occupancy is sufficient to be a change of use requiring site plan review. The Planning Board may determine, without notice to abutters, that a proposed subdivision is being considered as a major subdivision. The Board may, but is not required to hold a public hearing as part of its determination.

## **Section 3.2 Determination of Completeness**

1. Upon receipt of a site plan or subdivision application, the Planning Board shall determine if the application is complete. Provided that an application is received at least 21 calendar days before a regular Planning Board meeting, a determination as to its completeness shall be made at that meeting. The Planning Board may, without further notice to abutters, continue the consideration of completeness to a future meeting (up to 90 days), if they feel that progress has been made by the applicant in addressing missing information. Such a continuation must be agreed upon between the applicant and the Planning Board.
2. The Planning Board must determine an application complete prior to setting the Application for public hearing and consideration by the Planning Board. The determination of completeness by the Planning Board shall be at an Advertised Public Meeting of the Planning Board and notice shall be provided in the same manner as the public hearing on a subdivision or site plan application set forth below. The Planning Board may consider any reports from Town staff, consultants, Town boards or committees, or department heads, as applicable, prior to making a determination.

3. The application can request in writing that a Determination of Completeness by the Board be deferred for a specific time frame with the intent of improving the application provided that the request is received prior to public notice.
4. If a major subdivision or site plan application is declared complete, the Board shall set a date, time, and place for the public hearing within 35 days from the date the application is determined complete.
5. If a minor subdivision, lot line adjustment, or site plan, is declared complete, the Board may open the public hearing at the same meeting or it set a date, time, and place for the public hearing within 35 days from the date the application is determined complete. Such a scheduling decision shall be made at the discretion of the Planning Board.
6. If the application is determined incomplete, and the applicant desires to continue with the proposed development, the applicant shall submit a completely new application, with the required application and review fees along with an updated abutters list.

### **Section 3.3 Notice to Applicant, Abutters and Public**

Once an application is deemed sufficiently complete for review by the Board, a public hearing shall be set within 35 days from the date the application is determined complete.

1. The notice shall include a general description of the proposed site plan that is the subject of the application; shall identify the Applicant and the location of the proposed development; and shall state the day, time, and place of the public hearing/meeting.
2. Notice shall be sent to the Owner, Applicant, if different from Owner, Abutters, Holders of conservation, preservation, or agricultural restrictions, professionals involved in the preparation of the plans and supporting documents; and other persons required by RSA 676:4 I(d). The applicant shall furnish the names and addresses for all persons, corporations, associations, etc. required to be noticed.
3. For the purpose of these Regulations, in counting days, the day notice is given, and the day of the public hearing/meeting are excluded.
4. Notice shall be sent by Certified Mail at least 10 days prior to the public hearing/meeting. The 10-day notice period shall not include the date of the mailing or the date of the hearing.
5. Notice to the general public shall be given by posting in the town office and on the municipal website at least 10 days prior to the public hearing/meeting.
6. Notice of Regional Impact shall be provided to the CNHRPC, and affected communities as set forth in section 3.5.
7. The applicant shall be responsible for all costs associated with the required notification(s) and any additional notifications.
8. The applicant is responsible for creating the abutters list.
9. One or more site walks may be held by the Planning Board.

Any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.

### Section 3.4 Notice for Personal Wireless Service Facility

In addition to the “Notice to Abutters and General Public” and in accordance with RSA 12-K:7, for any proposed personal wireless service facilities that will be visible from any other New Hampshire municipality within 20 miles, notice shall be sent to the governing body and Planning Boards of those municipalities having such visibility, and notices shall be published in the newspaper customarily utilized by those municipalities for their legal notices stating the specifics of the application and its public hearing date. Publication shall be not less than 7 days, or more than 21 days, prior to the public hearing. For the purpose of this requirement, the following municipalities are within 20 miles of Canterbury:

Allenstown	Concord	Hopkinton	Sutton	Center Harbor	Bridgewater
Andover	Deerfield	Loudon	Tilton	Moultonborough	Bristol
Auburn	Deering	Manchester	Warner	Tuftsboro	Alexandria
Barnstead	Epsom	New Boston	Weare	Wolfeboro	Hill
Belmont	Franklin	Newbury	Webster	Alton	Danbury
Boscawen	Gilmanton	Northfield	Laconia	New Durham	Wilmot
Bow	Goffstown	Northwood	Gilford	Brookfield	New London
Bradford	Henniker	Pembroke	Meredith	Middleton	Springfield
Candia	Hillsborough	Pittsfield	Sanbornton	Farmington	Grafton
Chichester	Hooksett	Salisbury	New Hampton	Strafford	Milton

The applicant shall also provide notice to the Central New Hampshire Regional Planning Commission, the Southern New Hampshire Regional Planning Commission, Lakes Region Planning Commission, Rockingham Planning Commission, and Strafford Regional Planning Commission.

Notice is required even if Planning Board review and approval is not required per RSA 12-K:7. The applicant is required to submit an application, an application fee, and any review fees including fees to cover the costs of public notice.

### Section 3.5 Determination of Regional Impact (DRI)

Concurrently with the Planning Board’s consideration on the completeness of an application, the Planning Board shall determine whether the proposed development has a potential for regional impact, pursuant to RSA 36:54.

The Planning Board shall determine whether the application, if approved, could reasonably be construed as having the potential for regional impact pursuant to the provisions of RSA 36:54. Doubt concerning the potential regional impact of a development shall be resolved in a determination that the development has a potential impact. The Planning Board shall determine an application to have the potential for regional impact on neighboring municipalities because of factors including, but not limited to, the following:

1. Proximity of the proposed site plan to the municipal boundaries.
2. Access to, and egress from, the proposed site plan via regional arterial routes, and/or roadways that cross municipal boundaries.

3. Proximity of the site plan to aquifers, surface waters, or other water resources that transcend municipal boundaries.
4. Proximity of the site plan to existing public water supplies of other municipalities.

If the Planning Board determines the application to be complete, and the project is a DRI, then notice shall be provided to the Central New Hampshire Regional Planning Commission (CNHRPC) and the potentially impacted communities. The applicant shall provide a copy of the development application including all plans, supporting documents and studies, to the CNHRPC, and those towns the Board deems to be affected, 21 days prior to the public hearing scheduled on the application to allow for timely review and comment. Notice of public hearing on a DRI shall be as set forth herein, except that DRI notices shall be sent by certified mail at least twenty-one (21) days prior to the date of the public hearing.

### **Section 3.6 When Approvals from the Zoning Board of Adjustment are Required**

When the Canterbury Zoning Ordinance requires approvals from the Zoning Board of Adjustment, the Applicant shall first obtain such approvals before applying for either subdivision and/or site plan approval. Any applications submitted without the necessary zoning approvals shall be deemed incomplete. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall be controlling.

### **Section 3.7 Phased Development**

The approval procedure for phased development is:

1. The entire site shall be approved under these Regulations.
2. The Planning Board's required improvements set forth in the Notice of Action shall be constructed and installed for each phase. The plan for phasing shall be submitted to the Board and approved as part of the Notice of Action on the site plan approval.
3. The Applicant shall provide a phasing and construction schedule that shall become part of the approval. If unable to construct within one (1) year of the approved construction schedule for Phase 2 and within one (1) year of all other dates for subsequent phases, then the Applicant shall resubmit the site plan to the Board.
4. The Board may grant an extension for not more than two years. In doing so, the Board shall then review the originally approved site plan against changes that have since occurred in the Town of Canterbury. The Board may modify or condition the original approval in order to address the current situation.
5. In the event of any change after Phase 1 in the approved development, including changes in phases and construction schedules, the Applicant shall notify the Board in writing of such change. The Board shall determine whether the proposed change is an immaterial change or a material change. If the Board determines that the change is an immaterial change, then the Board may review the proposed change. All material changes shall require notice and a public hearing. In the event of approval of any change, the Applicant shall be required to submit a revised site plan to the Board.

### **Section 3.8 Special Investigations and Studies**

The Planning Board has the authority to require additional studies as set forth in Section 5.4 Supporting Documentation for Major Site Plan and Section 6.7 Supporting Documentation for Major Subdivision. Any cost for the Town's review of any special investigation or study, including both staff time and consultants utilized by the Town, is the responsibility of the applicant pursuant to Section 11: Fees.

### **Section 3.9 State and Federal Permits**

The Town shall be provided with copies of all applications submitted for state or federal permits. While permits need not be approved prior to a Determination of Completeness, a copy of each application for a required permit should be included with the Applicant's submission. The Board, on review of the application, may determine an application is not complete without the required permit application if the Board finds that the application for permit is premature or there is an indication in the Board's opinion that significant changes may be forth coming to the application.

### **Section 3.10 Premature and Scattered Development**

An application for approval of a subdivision or site plan may be deemed scattered or premature by the Board where either of the following conditions are found to exist:

- (1) The proposed development will occur in a location where municipal services or facilities are overburdened or will become overburdened by the placement of additional demand thereon; or
- (2) The proposed development is located where adequate municipal services are not available and are not yet included in municipal plans of the Town.

Where the Board finds the proposed subdivision to be scattered or premature, the Board may require that the proposed subdivision be altered, reduced, phased, or deferred until the condition which causes it to be judged premature is corrected, removed, or otherwise no longer exists.

### **Section 3.11 Public Improvements**

The Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for any development. If the Planning Board requires the construction or installation of public improvements then a financial guarantee shall be provided, in accordance with the requirements of these Regulations, as described in Section 7: Financial Guarantees, Inspections, and Acceptance of Public Improvements

### **Section 3.12 Construction and Occupancy**

No building construction or site development including land clearing, excavation or land filling shall take place prior to a determination by the Building Inspector that all the pre-construction conditions of Planning Board's approval have been satisfactorily complied with. No Certificate of Occupancy of any site, building, structure or change of use approved by the Planning Board shall be allowed to commence without being in full compliance with the approved site plan including any condition of Site Plan approval.

## SECTION 4 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS

### Section 4.1 Requirements for All Applications

The following shall apply unless waived by the Board in accordance with Section 10.8 of these Regulations.

The applicant shall file with the Planning Board in accordance with the established application deadlines, a request for consideration of a subdivision plan or site plan. Application forms are available in the Town Office and on the Town of Canterbury web site.

The requirements for a voluntary merger are set forth in Section 6.3: Voluntary Lot Merger.

It is strongly recommended that the applicant meets with the Board prior to filing an application package in accordance with Section 2.2.

The following items shall be submitted for all site plan and subdivision applications, except for Voluntary Lot Mergers:

1. A completed application form endorsed by the owner or submitted by his/her agent where written authorization has been provided by the owner.
2. Name of project or identifying title; and tax map and lot number(s).
3. An application fee, and fees for independent review, as set forth in Section 11: Fees, which are due and payable upon submission.
4. An abutters list including a list of names and addresses of all abutters as indicated in the records of the Town's Property Assessor not more than five (5) days before the filing of the application; holders of deed restrictions, conservation easements, preservation easements, or agricultural restrictions; and, the names, company name, title, and address of any professionals involved in the preparation of the site plan, application materials, and any supporting documentation.
5. Current zoning classifications for the site and note any zoning classification change within 200 feet of the site.
6. Building, wetland or shoreland setbacks.
7. Water courses, base flood elevations and flood hazard areas, based on available Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps for Merrimack County, NH, if relevant. The one-hundred year and five-hundred-year flood elevation line(s) shall be shown along with the required minimum finished floor elevations where applicable.
8. Five paper copies of plans and documents and one electronic copy of all documents shall be required as well.
9. All plans shall meet the following minimum specifications:
  - a. Shall be legibly prepared.
  - b. North arrow shall be near the top of the plan.
  - c. Preparation date shall be on the plan.

- d. Revision date shall be indicated, as may be applicable.
  - e. Property lines with bearings and distances shall be depicted.
  - f. Site Plans drawings shall be drawn to scale, shall be provided at a scale of 1" =10', 1"= 20' and 1"=30', 1" =40' or 1" =50'. Architectural renderings shall be drawn to scale and shall show all proposed materials and colors including wall mounted, roof mounted or ground mounted mechanical equipment.
  - g. The site plan drawings shall have an outside dimension of 22" x 34". When more than one sheet is necessary to show the entire plan, include an index plan that shows the entire area. The site plan drawings shall have a minimum ½" margin on all sides.
  - h. Title block containing the following in the lower right-hand corner: project name, site address, tax map and lot number, sheet number, name of applicant(s) and name of owner(s) (if different from applicant), name, address, e-mail address and telephone number of design firms preparing the plan sheet.
  - i. Existing and proposed topographic contours at 2 foot intervals, including those on site and within 200 feet of the site, with spot elevations where necessary.
- 10. A vicinity sketch (locus map) showing the location of the site in relation to the surrounding public street system (suggested scale: one (1) inch equals five hundred (500) feet). Said vicinity sketch shall be included on each plan or the cover set when more than one sheet is required for an application.
  - 11. Proof of legal access to a minimum of a Class V Town road, and, a classification of the roads on the plan.
  - 12. Colored photographs of all buildings and the site showing their relationship to abutting properties and adjacent streets and public ways.
  - 13. Copies of applications or permits received from state and federal agencies, referenced in Section 4.2.
  - 14. Any requests for waivers as set forth in Section 10.8: Waivers.
  - 15. The following tabulations shall be shown on the plan.
    - a. Lot area in square feet and acres.
    - b. Ground floor area of all buildings.
    - c. Total floor area, floor area for each building, and floor area for each use by floor.
    - d. Existing and/or required parking spaces.
  - 16. The location of all easements on the property, their purpose, and Book and Page Number(s) in the Merrimack County Registry of Deeds where they are recorded.
  - 17. The location of any common area, or limited common area, or land units within a condominium.
  - 18. The Board may require additional information addressing potential adverse impacts including, but not limited to impacts from light, noise, surface and groundwater contamination, and traffic.
  - 19. The Board may require one or more site walks on the property.

## Section 4.2 State and Federal Permits

Where required, the following permits shall be obtained prior to the start of any site construction, clearing, or issuance of a building permit. The Town shall be provided with copies of all applications submitted for state or federal permits.

1. NH DES State Septic System Approval.
2. NH DES Subdivision Approval
3. NH DES Site Specific Permit (Alteration of Terrain Permit).
4. NH Wetland Permit.
5. NH DOT Driveway Permit, and/or Town of Canterbury Driveway Permit.
6. Any other state or federal (see Section 3.9) permits needed, including but not limited to, EPA Notices of Intent.

## Section 4.3 Other Submittal Requirements

For additional submittal requirements and specifications, please refer to Section 5 for Site Plans or Section 6 for Subdivisions.

# SECTION 5 SITE PLAN SPECIFICATIONS FOR PLANS & DOCUMENTS

A completed site plan application consists of the following items unless the Board grants a written request for waiver(s) made on a waiver request form.

## Section 5.1 Change in Use or Occupancy Only

Projects not requiring a subdivision, or the addition to or significant changes to an existing building or structure, or new buildings or changes to the exterior dimensions of existing buildings, (see Section 1.10 for Exemptions) shall submit the following information:

1. The application requirements as set forth in Section 4.1: Submittal Requirements for All Applications.
2. A site plan consisting of a sketch of site drawn to scale showing:
3. Parcel boundaries and dimensions, existing natural features including water courses and water bodies, trees and other vegetation, topographical features.
4. The location of all buildings with their type, size and location shown with setbacks.
5. The location of off-street parking and loading spaces with a layout of the parking indicated.
6. The location, width, curbing and type of access ways and egress ways (driveways), plus streets and sidewalks within and around site.
7. The type and location of solid waste disposal facilities.
8. An elevation view or photograph of all buildings indicating their height, width, and surface treatment.



9. The location, size and design of proposed signs and other advertising or instructional devices.
10. Lines of all existing adjoining streets with street names and town classification.
11. Water supply and septic systems.
12. The zoning districts and boundaries for the site and within 200 feet of the site.
13. One hundred year flood elevation line shall be included where applicable.
14. Descriptions of any existing or proposed sprinkler or other fire suppression systems, or smoke alarm or other warning systems, if applicable.
15. Any other exhibits or data that the Planning Board may require to adequately evaluate the proposed development for Site Plan Review.

## Section 5.2 Required Plan Information – Minor Site Plan

The following information shall be provided on all minor site plans (see Section 1.8) unless waived by the Board given the unusual nature of a site or an application.

1. All information required in Section 4.1: Requirements for All Applications.
2. The shape, size, height, dimensions, location, and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
3. Existing natural and man-made features including those on site and within 200 feet of the site including: streams and ponds, standing water, rock ledges & boulders, stonewalls, foliage lines, impervious surfaces, or other natural or man-made site features.
4. List of soil types, wetland delineations, and identification of slope more than 15%.
5. Identification of existing and proposed access to the site with dimensions shown, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets.
6. Location and dimensions of existing and proposed parking bays and aisles, loading spaces and handicapped spaces, with tabulations.
7. Plan of all buildings with their type, size, location, building setback boundaries, and elevation of first floor indicated: (assume permanent on-site elevation).
8. The size and location of all public service connections: gas, power, telephone, fire alarm, overhead or underground.
9. The location of all storm water management facilities including catch basins, drainage pipes, swales, culverts, retention/detention facilities, or other drainage facilities existing or to be provided on site.
10. A landscape plan, describing the number, location, types, and size of all existing and proposed landscaping and screening.
11. A plan for exterior lighting and for the location of signs.
12. The plan shall show the proposed mounting height of all exterior lighting fixtures, as well as analyses and luminance-level diagrams, to include foot-candle measurements, showing that the proposed

installation conforms to the lighting-level standards in these Regulations. Light levels shall not exceed 0.2 foot candles at any property line and luminaires exceeding 1800 lumens shall be mounted at a height of no more than twenty (20) feet.

13. The plan shall also include drawings of all relevant building elevations, showing the fixtures, the portions of the walls to be illuminated, the illumination levels of the walls, and the aiming points for any remote light fixtures.
14. Location of existing and proposed well(s), with 75-foot well radius, and septic systems on the site and within 200 feet of the site.
15. The size and location of all existing and proposed water mains, sewers, culverts, proposed connections, or alternative means of providing water supply and disposal of sewage and surface drainage.
16. Fire protection measures identified including the provision of sprinkler systems, the location and distance to any fire hydrants, fire ponds or cisterns.
17. Plan for Storm Water Management and Erosion Control.
18. Solid Waste disposal and recycling facility measures and locations.
19. Description and location of any solar, wind or other types of on-site power generation, fuel, or propane storage tanks, or other mechanical or service equipment.
20. Existing and proposed fences, walls, and vegetative buffers.
21. Snow Management Plan.
22. Elevation drawings of proposed buildings.
23. Drawings/samples of proposed signage and fencing.
24. Outside storage and sales areas including surface preparations, fencing, screening, and buffers.
25. The location of fire lanes, fire access, emergency access as may be required by the Canterbury Fire Department, including descriptions of any existing or proposed sprinkler or other fire suppression systems, or smoke alarm or other warning systems.
26. Drainage Information including summary and drainage calculations with measures to be used to control both the quantity and quality off-site drainage. Drainage reports and plans shall be prepared by a licensed professional civil engineer.

### **Section 5.3 Required Plan Information – Major Site Plan**

A professional engineer, architect, or land surveyor, as applicable, who is licensed to practice in the State of New Hampshire, shall prepare all plans submitted for review. The following information shall be provided on all major site plans (see Sections 1.8 & 1.9) unless waived by the Board given the unusual nature of a site or an application.

1. All information required in Section 4.1: Submittal Requirements for All Applications, and all information required in Section 5.2: Required Plan Information- Minor Site Plan.
2. Existing and proposed monumentation

3. Engineered construction plans for all or modified parking and loading areas, pedestrian access, driveways and roadway improvement, storm water drainage, water and sewer improvements, private utilities, landscaping, lighting, along with construction and typical details and specifications.
4. Certification, signature, and stamp of the professionals who prepared each plan or report including where applicable including Licensed Land Surveyor, NH Licensed Civil Engineer, Wetland Scientist, Soil Scientist, Landscape Architect, Architect, or other licensed design professional.
5. Any other exhibits or data that the Planning Board may require to adequately evaluate the proposed development for Site Plan Review.

## Section 5.4 Supporting ~~Documentation~~ Development Impact Summary Report for Major Site Plan

The following supporting studies shall be provided by board-approved professionals unless waived by the Board given the unusual nature of a site or an application.

1. Building size both existing and proposed (total and by building).
2. Total impervious surface and ground floor area of all buildings in square feet.
3. Floor area in square feet of existing and proposed uses.
4. Number of existing and proposed residential dwelling units, by type and number of bedrooms, and total number of dwelling units in the development and in each building.
5. Traffic Generation for existing and proposed uses for AM, PM peak hours and Saturday Peak Hours for retail only, and total Average Daily Trips (ADT) and a traffic study for projects which generate over 20 Peak Hour Trips or 200 Average Daily Trips (ADT).
6. Community Facility Impacts.
7. For residential uses an estimated number of school age children.
8. Amount and disposal method for solid waste and recycled materials.
9. Estimated value added by development, tax status, estimated Current Use Penalty, if any.
10. Public Safety Report – Reports from the Police and Fire Departments indicating their ability to serve the proposed application, and any unusual or possibly hazardous issues raised by the proposed buildings, structures or uses.
11. Environmental Report.
12. Fiscal Impact Study.
13. Report from the Conservation Commission.
14. Any additional reports or studies deemed necessary by the Board to make an informed decision.

## Section 5.5 Legal Documents for Site Plans

The following legal documents may need to be submitted, reviewed, approved, and executed as a condition of approval by the Planning Board before the issuance of any building permit or change of occupancy. The legal documents shall be approved by the Planning Board in regard to content and the Town Counsel to form. When the Site Plan Review process creates easements, they shall be indicated with metes and bounds on the site plan or on a plat recorded with the Merrimack County Registrar of Deeds. The Applicant is responsible for the recording fee(s). The Planning Board's Authorized Agent shall be responsible for recording all public easements, right-of-way documents, and agreements. The applicant will be responsible for recording all other documents.

1. Condominium Documents and Bylaws to ensure that condominium owners have the rights to and responsibility to maintain all common areas and facilities and, as maybe applicable, limited common areas and access roads. The condominium association shall have the right to grant additional utility and other easements which shall be compatible for the proposed common areas and to reasonably control activities occurring in the common areas.
2. Conservation or Open Space Easements.
3. Deeds or easements for land to be used for public purposes.
4. Easements and rights-of-way necessary to serve off-site properties for access, parking, utilities, and drainage purposes.
5. Off-site easements and rights-of-way necessary to serve the proposed development.
6. Deed restrictions as voluntarily agreed to by applicant.
7. Any additional deeds, easements or joint agreements deemed necessary by the Board Conditions of Site Plan approval.

## SECTION 6 SUBDIVISION SPECIFICATIONS FOR PLANS & DOCUMENTS

A completed subdivision application consists of the following items unless the Board grants a written request for waiver(s):

### Section 6.1 Boundary Line Agreement

A boundary line agreement involves the filing of a survey document at the Merrimack County Registry of Deeds where a property boundary has been in dispute between two or more abutting landowners. A boundary line agreement does not result in a subdivision where new lots are created, nor results in a Lot Line Adjustment where a portions of one property is taken from one property and added to another. The Boundary Line Agreement shall be prepared in compliance with RSA 472:1 through 472:3.

A copy of the recorded Boundary Line Survey shall be provided to the Planning Board's Authorized Agent and the Town Assessing Official.

## Section 6.2 Lot Line Adjustment

A Lot Line Adjustment is a change in lot lines whereby lots are altered in size or shape, but no new lots are created, nor is the zoning non-conformity of any lot increased, and no streets or public improvements are to be constructed.

The application requirements are the same as for a minor subdivision as set forth in Section 6.5 below.

## Section 6.3 Voluntary Lot Merger

Any owner of two (2) or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them may do so by applying to the Planning Board, except where such merger would create a violation of then-current ordinances or regulations.

A Notice of the Merger suitable for recording, shall be submitted sufficient to identify the relevant parcels, and shall bear the notarized signature of the property owner or authorized agent and be accompanied by the required processing fee. The Notice of Merger shall be endorsed in writing by the Chair of the Planning Board and shall be recorded in the Merrimack County Registry of Deeds by the Town. The cost of recording and processing the Notice of Merger shall be the responsibility of the landowner.

A copy shall be provided to the municipality's assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval.

## Section 6.4 Submission Requirements for All Subdivision Plats

A NH Licensed Land Surveyor shall prepare each subdivision plat and shall certify the Error of Closure. Said plat shall bear the seal and signature of the NH Licensed Land Surveyor and shall be prepared suitable for recording in the Merrimack County Registry of Deeds.

1. All Items described in Section 4.1 shall be on the plat.
2. If one sheet is not of sufficient size to contain the entire area for the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. A cover sheet shall be included which shows the overall subdivision and the boundary of each sheet.
3. The Plat shall show or be accompanied by the following:
  - a. A title block containing the following in the lower right-hand corner: project name, site address, tax map and lot number, date of plan and date of any revisions, sheet number, name of applicant(s) and name of owner(s) (if different from applicant), name, address, e-mail address and telephone number of design firms preparing the plan sheet.
  - b. Date of survey, error of closure, name and legal description of Subdivision, locus maps superimposed on the Town Tax map (at appropriate scale) showing the relation of the proposed Subdivision to existing streets, and surrounding property within two hundred feet (200'), name of owner of record and Subdivider, and graphic scale.
  - c. Tract boundary lines, right-of-way lines of streets, street names with town classification, easements and other rights-of-way, park areas, or land to be reserved or dedicated to public use. All lot lines with accurate dimensions, bearing or deflection angles and radii, arc, length

and central angles of all curves and deflections if not tangent. All dimensions shall be shown to hundredths of a foot and bearing to at least the nearest thirty (30) seconds. The error of closure shall not be more than one to ten thousand (1:10,000). Compass and tape methods may be used for the remaining pieces of subdivisions larger than ten (10) acres, provided that the property lines shall be predominately bounded by physical evidence shall possess a minimum number of angle points and have an acceptable length to width ratio.

- d. The shape, size, height, dimensions, location, and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
- e. Wetland boundaries shall be delineated by a NH Certified Wetland Scientist who shall sign and seal the plan upon which the wetland boundaries are mapped.
- f. Location of any existing or proposed easements and their legal documents.

### Section 6.5 Required Plan Information – Minor Subdivision Plat

The following information shall be provided on all minor subdivision plans unless waived by the Board given the unusual nature of a site or an application:

1. All information required in Section 4.1: Submittal Requirements for All Applications, and Section 6.4: Submission Requirements for All Subdivisions.
2. Existing natural and man-made features including those on site and within 200 feet of the site including: streams and ponds, standing water, rock ledges & boulders, stonewalls, fences, foliage lines, impervious surfaces, or other natural or man-made site features.
3. Soils and steep slopes more than 15% and 25%.
4. For proposals with new roads, a soils map with the identification, classification, and delineation of soil types shall be prepared by a NH Certified Soil Scientist who shall sign and seal the plan upon which the soils are mapped.
5. Identification of existing and proposed access to the site with dimensions shown, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets.
6. The size and location of all public service connections: gas, power, telephone, fire alarm, overhead or underground.
7. For road improvements or new roads, engineered drawings shall be required.
8. The location of all existing and proposed engineered storm water management facilities including catch basins, drainage pipes, swales, ditches, culverts, retention/detention facilities, or other drainage facilities existing or to be provided on site.
9. Location of existing and proposed well(s), with 75-foot well radius, and septic systems on the site and within 200 feet of the site.
10. The size and location of all existing and proposed water mains, sewers, culverts, proposed connections, or alternative means of providing water supply and disposal of sewage and surface drainage.

11. Fire protection measures identified including the provision of sprinkler systems, the location and distance to any fire hydrants, fire ponds or cisterns.
12. Description and location of any solar, wind or other types of on-site power generation, fuel, or propane storage tanks, or other mechanical or service equipment.
13. Existing and proposed fences, walls, and vegetative buffers.
14. The location of fire lanes, fire access, emergency access as may be required by the Canterbury Fire Department, including descriptions of any existing or proposed sprinkler or other fire suppression systems, or smoke alarm or other warning systems.
15. The Applicant shall obtain and furnish a letter stating agreement by the public utilities to serve the site.
16. Any other exhibits or data that the Planning Board may require to adequately evaluate the proposed subdivision.

### **Section 6.6 Required Plan Information – Major Subdivision Plat**

A NH Licensed Land Surveyor shall prepare each subdivision plat and shall certify the Error of Closure. A professional engineer licensed to practice in the State of New Hampshire shall prepare all construction plans for improvements for review. The following information shall be provided on all major subdivision plans unless waived by the Board given the unusual nature of a site or an application.

1. All information required in Section 4.1: Submittal Requirements for All Applications, and all information required in Section 6.4: Submission Requirements for All Subdivisions.
2. All information required in Section 6.5: Submission Requirements for Minor Subdivisions.
3. Certification, signature, and stamp of the professionals who prepared each plan or report including where applicable Licensed Land Surveyor, NH Licensed Civil Engineer, Wetland Scientist, Soil Scientist, Landscape Architect, Architect, or other licensed design professional.
4. Construction plans for any proposed public improvements, utility extensions and improvements, drainage improvements, including construction details.
5. Construction Cost Estimates.
6. Easements and other necessary legal documents.
7. The location and type of lighting for all outdoor facilities, including direction and area illumination, including pole and fixture details.
8. The location, size and design of proposed signs and other advertising or instructional devices.
9. Any other exhibits or data that the Planning Board may require to adequately evaluate the proposed development for Subdivision.

## Section 6.7 Supporting ~~Documentation~~ Development Impact Summary Report for Major Subdivision

The following supporting studies shall be provided by a board-approved, licensed professional unless waived by the Board given the unusual nature of a site or an application.

1. A report containing the following information:
  - a. Building size both existing and proposed (total and by building).
  - b. Total impervious surface and ground floor area of all buildings in square feet.
  - c. Floor area in square feet of existing and proposed uses.
  - d. Number of existing and proposed residential dwelling units, by type and number of bedrooms, and total number of dwelling units in the development and in each building.
  - e. Drainage Information including summary for major projects and for minor projects drainage calculations with measures to be used to control both the quantity and quality of off-site drainage.
  - f. Traffic Generation for existing and proposed uses for AM, PM peak hours and Saturday Peak Hours for retail only, and total Average Daily Trips (ADT).
  - g. Community Facility Impacts.
  - h. For residential uses an estimated number of school age children.
  - i. Amount and disposal method for solid waste and recycled materials.
  - j. Estimated value added by development, tax status, estimated Current Use Penalty, if any.
  - k. Public Safety Reports – Reports from the Police and Fire Departments indicating their ability to serve the proposed application, and any unusual or possibly hazardous issues raised by the proposed buildings, structures or uses.
2. Drainage Study Report.
3. Traffic Study for projects which generate over 20 Peak Hour Trips or 200 Average Daily Trips (ADT).
4. Environmental Report for projects over 20,000 sq. ft. of impervious surface area, or projects within protected shoreline areas, or which have wetland or wetland buffer impacts.
5. Fiscal Impact Study for projects with twenty (20) or more dwelling units.
6. School Impact Analysis. Where a development contains twenty (20) or more dwelling units, the Applicant shall submit an analysis of the impact of the development on the school system with the Application.
7. Report from the Conservation Commission – for projects over 20,000 sq. ft. of impervious surface area, or projects within protected shoreline areas, or Aquifer Protection or Natural Resource Zones, or which have wetland or wetland buffer impacts.



8. Archaeological/Historical Studies (AHC). The Applicant of each development containing ten (10) or more dwelling units shall submit a report from the New Hampshire Division of Historical Resources which identifies the existence of notable historic or cultural resources in or near the proposed subdivision with the preliminary application. If any notable occurrences are identified within or adjacent to the subdivision, an AHC addressing the impacts on these resources and plans to preserve them shall be submitted with the Application.
9. Any additional reports or studies deemed necessary by the Board to make an informed decision including but not limited to the following:
  - a. Noise Generation Study shall include estimates of noise generation, including pre-and post-construction data as necessary.
  - b. Hazardous Materials Assessments shall include an inventory of those materials anticipated on-site and remediation measures.
  - c. Pollution Study shall include anticipated smoke, soot, odors, particulates, or any discharge into the environment which might prove harmful or offensive to persons, structures, neighboring properties, or the natural environment and remediation measures.
  - d. Lighting

## Section 6.8 Legal Documents for All Subdivisions

The following legal documents may need to be submitted, reviewed, approved, and executed as a condition of approval by the Planning Board before the recording of subdivision plat. The legal documents shall be approved by the Planning Board in regard to content and the Town Counsel to form. When the subdivision creates right-of-way documents, utility, drainage or access easements, or conservation or common facilities, they shall be indicated with metes and bounds on the on a plat recorded with the Merrimack County Registrar of Deeds. The applicant is responsible for all recording fee(s). The Town shall be responsible for recording all public easements, right-of-way documents, conservation or open space easements, other deeds and easements for public purpose, and any additional deeds, easements or joint agreements deemed necessary by the Board condition of subdivision approval. The applicant will be responsible for recording all other documents such as:

1. Condominium Documents and Bylaws to ensure that condominium owners have the rights to and responsibility to maintain all common areas and facilities and, as may be applicable, limited common areas. The condominium association shall have the right to grant additional utility and other easements which shall be compatible for the proposed common areas and to reasonably control activities occurring in the common areas.
2. Off and on-site easements and rights-of-way necessary to serve off-site properties for access, parking, utilities, and drainage purposes.
3. All deed restrictions.

## Section 6.9 Special Provisions for Condominium Subdivisions

Condominium applications shall be classified as a major or minor subdivision with regards to the application process and submission requirements, as set forth in Section 3.1: Board Determination of Application Type

herein. Condominium applications shall be prepared and submitted in compliance with NH RSA 356-B, Condominium Act.

1. In addition to the requirements for a minor or major subdivision plat, as applicable, the following additional elements pertain specifically to Condominium subdivisions:
  - a. Site Plan
  - b. Floor Plans
  - c. Common Facilities and
  - d. Condominium Declaration and By-Laws, including declaration of any short term rentals.
2. A condominium site plan shall be prepared by a NH Registered Land Surveyor. The contents of the site plan shall include the requirements of the minor or major subdivision submittal requirements, as well as the contents specified in NH RSA 356-B:20. The bearings and dimensions for all condominium land units shall be provided on the condominium site plan, along with necessary ties to property corners.
3. Floor plans of condominium building units shall be provided at a scale of 1" = 5', 1" = 10' or 1" = 20' showing the location and horizontal and vertical dimensions of each unit and common area. The floor plans shall be prepared, signed, and stamped by a NH Licensed Land Surveyor, a NH Licensed Architect, or a NH Licensed Professional Engineer in a format suitable for filing in the Merrimack County Registry of Deeds. The floor plans shall include a standard Planning Board approval block. The exterior walls of each unit shall be shown and provisions for ingress to and egress from each unit to common areas shall be shown.
4. Common Facilities: All common and limited common areas and their dimensions shall be shown on the final plat and building floor plans. The following information shall be included on the final plat and building plans:
  - a. The location of all common facilities on the site shall be shown on the final plat, including all parking, driveways, landscaped areas, walkways, signs, solid waste facilities, fire hydrants, mailboxes, light poles, above ground utilities, fences, and other pertinent common facilities.
  - b. The location, dimension, and purpose of each common area, and limited common area shall be shown on the final plat
  - c. Acceptable means for water metering, water service, and sewer service including existing and proposed water and sewer service connections.
5. Two (2) copies of all condominium documents, including the declaration of condominium and by-laws shall be provided for review and approval.

Condominium documents shall be reviewed and approved by the Town's Attorney at the applicant's expense. All original signed condominium declarations, by-laws, articles, site/subdivision plans, and condominium floor plans are to be reviewed, approved, and recorded at the New Hampshire Attorney General's Office. The approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat without further review and approval by the Board of a revised subdivision application.

## **Section 6.10 Cluster Neighborhoods**

Pursuant to Article 6. Cluster Neighborhoods of the Canterbury Zoning Ordinance, the Planning Board is granted the authority, in accordance with RSA 674:21, to review Cluster subdivisions and site plans, adopt, modify with terms and conditions, or deny said subdivisions or site plans.

# **SECTION 7 FINANCIAL GUARANTEES, INSPECTIONS, AND ACCEPTANCE OF PUBLIC IMPROVEMENTS**

## **Section 7.1 General Requirements**

All work necessary for the construction of required improvements and the repair of damage to existing public improvements shall conform to the requirements of these regulations. Such work shall be performed in a good and workmanlike manner and shall be free from faults and defects. All materials incorporated in such construction shall conform to the requirements of these regulations and shall be of good quality.

## **Section 7.2 Town Engineer**

The Town Engineer, or in the absence of a town engineer, an engineer licensed in the State of New Hampshire designated by the Planning Board, shall inspect all improvements that have been designed by a professional engineer. The developer shall pay said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the Engineer. A letter certifying the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the site plan or subdivision application. The Engineer shall be the Town's representative during the construction of all required public improvements whether or not they are part of an approved Subdivision or Site Plan. The Engineer shall at all times have access to the site when the work is in preparation and progress. The Engineer will make periodic visits to the site to familiarize themselves generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the requirements of these Regulations.

The Applicant shall provide the Engineer in advance with a schedule of work to be performed and give the Engineer timely notice of the completion of each major stage in the construction of any required improvement so that the Engineer may inspect the work so completed prior to the covering thereof, and the Engineer shall make all such inspections with reasonable promptness so as to cause no delay in the work. In particular, the Applicant shall in the case of streets, give timely notice to the Engineer of the completion of subgrades, drainage, and installation of utilities, base course, and base and final surfacing.

## **Section 7.3 Inspections of Public and Private Improvements and Corrective Actions**

1. The Town Engineer, or in the absence of a town engineer, an engineer licensed in the State of New Hampshire designated by the Planning Board, shall inspect all site improvements with the assistance of the Building Inspector or Designee. The developer shall pay the cost of any inspection(s) and test(s) deemed necessary by the Engineer, Fire Chief, Building Inspector, or the Planning Board.
2. The Applicant shall deposit an amount in escrow with the Town for the expected cost of any inspections. The escrow amount shall be reviewed periodically to assure that sufficient funds are available to cover all inspection costs. The Applicant shall deposit additional funds as requested. An Applicant's failure to pay any such amounts within seven (7) days of request for payment shall

constitute grounds for issuance of a stop work order, and revocation of any approval previously granted by the Planning Board.

3. The Engineer will make periodic visits to the site to familiarize themselves generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the requirements of these Regulations and the Site Plan or Subdivision Plat.
4. The Applicant shall provide the Engineer in advance with a schedule of work to be performed and give the Engineer timely notice of the completion of each major stage in the construction of any required improvement so that the Engineer may inspect the work so completed prior to the covering thereof, and the Engineer shall make all such inspections with reasonable promptness so as to cause no delay in the work. In particular, the Applicant shall in the case of streets, give timely notice to the Engineer of the completion of subgrades, drainage, and installation of utilities, base course, and base and final surfacing.
5. Any work or materials not conforming to the required standards may be considered defective and rejected by the Engineer. All work and materials rejected by the Engineer as defective shall be removed and corrected by the Applicant. The Applicant shall promptly remedy any defects in any required improvement due to faulty workmanship or materials which appear within a period of one (1) year.
6. All work shall be completed within the time limits, if any, specified by the Planning Board, but in the absence of such specified limits and in all events no later than two (2) years from the date of the approval of the Plat or major site plan, unless the time limit is extended by written mutual agreement of the Planning Board and the Applicant.
7. Notwithstanding the on-site observations and inspections and any approvals of required improvements issued by the Engineer, the Applicant shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these Regulations and the Engineer shall have no responsibility for the failure of the Applicant.
8. Due to weather conditions, the Building Inspector may issue a Temporary Certificate of Occupancy to defer site improvements such as landscaping and final paving due to winter conditions provided that safe and adequate access to the site shall be provided for both the public and emergency vehicles, and a Performance Guarantee is provided based on an approved estimate of the deferred site improvements. The Performance Guarantee shall be provided as set forth in Section 7.5 except that the guarantee may be released in full by the Building Inspector upon a determination that the site improvements have been completed in conformity with the Board's approval.

## Section 7.4 Inspection Fees

The applicant shall upon demand, promptly reimburse the Town for the expense of all inspection work performed by the Engineer. The applicant shall file with the Town a cash deposit of such amount as the Engineer may reasonably require as security for such reimbursement, and if the applicant fails to make reimbursement when required the Town may appropriate such cash deposit as necessary to affect reimbursement. Said cash deposit shall be held by the Town in a separate non-interest bearing account.

The applicant may request that the Town utilize the cash deposit held in escrow to reimburse the Engineer for the cost of inspections provided the escrow account is not depleted below 25% of the initial deposit.

## Section 7.5 Performance Guarantee

As a condition of the approval of a major subdivision Plat by the Board, or as a condition of Site Plan Approval where public improvements are required, or where a performance guarantee is required in these regulations for private improvements, the applicant shall provide the Town with a Performance Guarantee to assure the Town of the completion of improvements required under these Regulations. In accordance with RSA 674:36 III, the Performance Guarantee shall be posted and in full effect prior to final approval per RSA 674:36.III.B.

The developer shall prepare a final detailed estimate and compilation inclusive of the advice and comments of said individuals or agencies reviewing the plans which address the terms and conditions of Planning Board approval. This estimate shall be submitted to the Town Engineer in an itemized fashion clearly summarizing all probable costs associated with the construction of the required improvements, and an additional estimate, if deemed necessary, to allow for any foreseeable wear or damage to existing public property during construction.

The Performance Guarantee shall be in an amount equal to one hundred and fifteen percent (115%) of the estimated cost of required improvements and potential damages to public improvements, and shall be upon conditions and in such form as described in RSA 674:36, as may be amended from time to time.

Any Performance Guarantee shall remain in full force and effect until the expiration of thirteen (13) months after the date of the approval by the Engineer of the completion of all required improvements and repair of all damages to public improvements in accordance with the provisions of these Regulations, or the date that all latent defects have been corrected by the applicant and approved by the Engineer, whichever is later.

In the case of a Letter of Credit, cash deposit or an assignment of a savings bank deposit book, the amount on deposit may be reduced by the Select Board by resolution when portions of the required improvements have been installed and certified by the Town Engineer as being satisfactorily completed, provided a sufficient amount not to exceed twenty-five percent (25%) of the total is retained to cover the correction of any latent defects which may appear within one (1) year following the approval by the Engineer of any required improvements.

## Section 7.6 Default

If the required improvements and repairs to public improvements have not been installed and completed in accordance with the requirements of these Regulations, or if any latent defects in such improvements or repairs appearing within a period of one (1) year after approval thereof by the Engineer, in that event the Performance Guarantee consists of cash deposit or savings bank deposit it may be used to complete the improvements or correct the latent defects. In the event the Performance Guarantee is in the form of a Performance Bond, Letter of Credit, cash escrow, or other surety, the Town shall be entitled to exercise its rights under the appropriate documents to require the surety or issuer of the letter of Credit to provide the Town with sufficient funds to complete such work.

## Section 7.7 Maintenance of Improvements and Facilities

The recipient of Subdivision and/or Site Plan approval, or their successor shall be responsible for maintaining all improvements or facilities required by this regulation or conditions of Planning Board approval. A document detailing all maintenance responsibilities must be approved by the Planning Board and recorded at the Merrimack County Registry of Deeds. As illustrated, and without limiting the generality of the foregoing, this means that streets, parking areas, and water, sewer, storm water, and recreation facilities must be properly maintained so that they can be used in the manner intended. All vegetation required for screening, landscaping, or erosion and sediment control must be replaced if it dies or is destroyed.

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

## SECTION 8 STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS

### Section 8.1 General Requirements

The design of development should fit the existing natural and man-made environments to best preserve the rural character of the town. Site preparation is to be conducted with minimal disturbance to existing topography, vegetation, and visual buffers.

### Section 8.2 Standards and Specifications

In addition to the standards and requirements contained within the Town of Canterbury Zoning Ordinance, the following standards are to be utilized in the construction of public and private improvements:

1. "Standard Specifications for Road and Bridge Construction" of the NHDOT, as most recently promulgated.
2. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the U.S. Department of Transportation, Federal Highway Administration, as most recently published.
3. "The Architectural Barrier Free Code" shall mean the Accessible and Useable Building and Facilities Code of the International Code Council, as most recently adopted.
4. NHDES Alteration of Terrain (AOT) (Chapter Env-Wq 1500) regulations.
5. Sewer Discharge Permits shall mean the NHDES Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities (Chapter Env-Wq 700).
6. Standards for Septic Systems shall mean the NHDES Subdivision and Individual Sewage Disposal System Design rules (Chapter Env-Wq 1000).
7. Standards for potable wells shall mean NH Water Well Board Standards for the Construction, Maintenance and Abandonment of Wells (Chapter Env-Wq 600).

### Section 8.4 Unsuitable Land

Any Unsuitable Land, as defined in these Regulations, shall not be built upon, though may be part of the parcel considered for development, provided all dimensional requirements of the Canterbury Zoning Ordinance and these Regulations are met.

## Section 8.5 Lots

All lots in a subdivision shall be consecutively numbered. Prior to recording any subdivision where new lots are created each lot shall bear the Town of Canterbury's Map and Block numbers assigned by the Town's Tax Assessor.

1. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance, or as required by soil or topography conditions, whichever is greater.
2. Where there is a reasonable question about the suitability of a lot or lots for its or their intended use due to shape or the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soil or soils, and inadequate capacity for sanitary sewer disposal, the Planning Board may, by majority vote, withhold approval of such lot or lots.
3. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
4. Insofar as is practical, side lot lines should be at right angles to straight streets, and radial to curved streets.
5. Lots shall be graded in such a manner to prevent the collection of water at low points exclusive of engineering practices thereon.

## Section 8.6 Streets

All streets, driveways, or vehicle circulation areas, whether on or off-site, shall be designed to provide safe vehicular and pedestrian travel.

1. Streets shall be designed to conform to the minimum design standards established in the Canterbury Road Design Standards, and in the Typical Roadway Cross Section established in Appendix 1: Typical Construction Standards and Details.
2. Average daily traffic shall be determined by the manual entitled "Institute of Transportation Engineers-Trip Generation." The average daily traffic as determined by the manual may be supplemented by actual traffic data compiled for street networks and applicable to the proposed project.
3. For streets where the planning board has reason to expect higher average daily traffic than the table of minimum design standards shows, such as streets that have the potential to extend to other lands or to other potential street networks, the board may require higher design standards than the table of minimum road design standards and the typical roadway cross section show.

4. New Hampshire Department of Transportation specifications shall apply to road-design matters or road-construction matters that the subdivision regulations do not cover.
5. Steep Grades: Where Street profiles exceed 5%, the Planning Board shall give special consideration to drainage and to protection from erosion and sedimentation. This protection may require curbing and special means such as riprap or other means.
6. Utilities: Utilities shall be placed underground after the project has been brought to subgrade and after rough slope work has been completed. The respective utilities companies shall inspect the lines. See Section 8.13 of these Regulations.
7. The Streets in a subdivision shall be properly arranged and coordinated with other existing or planned streets.
8. Before any clearing has started on the right-of-way, the centerline of the new road shall be staked and side-staked at fifty (50) foot intervals. Side-stakes to be set back off the right-of-way at right angles from the centerline of the road. Limits of clearing shall be marked by stakes or flagging. Distance from the centerline to be obtained from the cross-section.
9. The Planning Board shall ensure that there is adequate through circulation for emergency vehicle access and overall traffic circulation. Traffic circulation patterns for service and streets shall be designed to discourage through traffic from taking shortcuts through residential neighborhoods.
10. Every highway right-of-way shall be at least 60 feet wide and shall be wider where conditions require a wider right-of-way. The apportioning of the highway width among the traveled way, sidewalks, and possible grass strips shall be subject to the Planning Board's approval.
11. A tree canopy should be maintained as much as possible with tree clearing and grading for a new road only as necessary.
12. Stone walls shall not be removed, except as needed for new driveways.
13. Subdivisions that adjoin or include existing streets that do not conform to the width shown on the comprehensive plan or official maps or the street width requirements of these Regulations shall dedicate the differential width along either or both sides of said existing streets. Subdivision is along one side only, one-half (1/2) of the differential width shall be dedicated. Setbacks shall be measured from the new or future right-of-way line.
14. Intersections:
  - a) The angles of Intersecting streets shall be at least 75 degrees. The preferred angles of intersection shall be 90 degrees.
  - b) Every two streets joining opposite sides of another street shall either lie directly opposite each other or be offset from each other by at least 200 feet.
  - c) The radius of the driveways intersecting a street, except for single family or duplex units, shall be at least 20 feet.
15. Dead End Streets:



- (a) Dead-end streets shall be provided with an approved turnaround, as determined by the Planning Board whether the dead-end street is planned to be temporary or permanent.
  - (b) Every temporary or permanent dead-end street shall have a turnaround at the closed end as shown in Appendix A: Typical Construction Standards and Details.
  - (c) The right-of-way width for a temporary dead-end shall be maintained to the end of the improvements and further, to the property line, if so ordered by the Board.
  - (d) Every dead-end Street shall have a maximum length of 1,000 feet as measured from the nearest edge of the nearest town-maintained class V or better intersecting highway, then along the center line of the traveled way in the dead-end street, and then to the closest edge of the furthest traveled way.
  - (e) Serial dead-end roads or cul-de-sacs are prohibited.
16. The Planning Board shall require curbing where it is necessary for drainage, slope stability, or pedestrian safety. Curbing shall be either straight granite or sloped granite.
17. The Planning Board may require sidewalks where they are necessary for pedestrian safety or pedestrian convenience.
18. Where sidewalks are required, they shall be at least 4 feet wide and shall conform to the grades of the street.
19. Street identification signs shall be located at all intersections. All signs within any public right of way must conform to the MUTCD and with design features acceptable to the Board. The applicant shall provide and install signs, signposts, and traffic lights as required by the Planning Board.
20. No street shall have a name which duplicates, or which is substantially similar to the name of an existing street. The continuation of an existing street, however, shall have the same name. Proposed street names shall be submitted to the Select Board for review and approval. Every new street name shall conform to the requirements of the enhanced 911 telecommunications system. Submittals shall be on the form and in the manner prescribed by the Select Board.
21. Storm drains, catch basins and drop inlets, culverts, and related installations, shall ensure adequate drainage of all low points along streets, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of area drained.
22. All utilities shall be installed within existing or proposed rights-of-way or shall be installed within utility or drainage easements.
23. Private Roads.
- a. Private roads shall be designed, and performance guarantees shall be developed in accordance with the regulations established in Section 7.5 of these Regulations.
  - b. Language for the responsibility of maintenance of a private road shall be submitted which will be recorded in the deeds of the lots that will be using the road.

- c. Maintenance agreement language shall be inserted as applicable into covenant agreements.
- d. A note shall be added to the plan referencing the private road and responsibility for maintenance.
- e. All private road language shall be subject to review and approval by Town Counsel at the expense of the applicant.
- f. The Planning Board shall ask the Fire Department, Road Agent, and Police Department to provide review and comment on the private road plan.
- g. The Planning Board shall secure the services of Town Engineer to review and comment on the private road plan at the expense of the Applicant.

## Section 8.7 Street Construction Standards

Streets in Canterbury shall be constructed pursuant to the standards set forth in Appendix A: Typical Construction Standards and Details of these regulations; and the “Standard Specifications for Road and Bridge Construction” of the NHDOT, as most recently promulgated; and the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the U.S. Department of Transportation, Federal Highway Administration, as most recently published.

## Section 8.8 Drainage

All subdivision and site plans shall make adequate provisions for the management of the quality and quantity of storm water runoff, and, the volume of storm water runoff shall not exceed pre-development conditions.

Drainage improvements shall be constructed within or outside of the proposed development to permit the unimpeded flows of all natural water courses. Storm drainage shall be designed to manage the rate of runoff, the amount of runoff and to maintain or enhance the quality of storm water runoff as set forth herein.

1. Adequate storm drains, culvert, catch basins and drop inlets, retention and detention basins, and related installations shall be installed as set forth in the “Road Construction Procedures Manual”, Town of Canterbury, NH, as most recently promulgated, and the Town of Canterbury “Typical Construction Details.”
2. “Standard Specifications for Road and Bridge Construction” of the NHDOT, and NHDES Alteration of Terrain (AOT) (Chapter Env-Wq 1500) regulations, shall be utilized where applicable, or where deemed appropriate by the Engineer.
3. Drawings and specifications for each proposed soil erosion and sediment control measure acceptable to the Engineer shall be incorporated into the final plan set prior to final approval by the Planning Board of any site plan or subdivision plat.
4. Grading and filling must be conducted to minimize the alteration of surface and subsurface

drainage to, toward or across abutting properties, unless the written consent of the abutting owner is obtained (easement), and is to be conducted in accordance with the provisions of RSA 485-A:17, written proof of which shall be required.

5. Where a development is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water courses, drainage way, channel or stream, and provide for construction and permanent maintenance of associated storm water control facilities such as rip-rap, flow dissipaters, headwalls and catch basins. The storm water easement shall also include the 25-foot buffer required to be maintained from all wetlands.
6. Drawings, details and specifications for proposed flood hazard prevention measures and structures shall be incorporated into the final plan set prior to final approval by the Planning Board of any site plan or subdivision plat.
7. Road drainage and stormwater management shall be designed in accordance with Appendix A of these Regulations.

## Section 8.9 Erosion Control

The applicant shall ensure that stripping of vegetation, or other existing material within the proposed development will be done in such a way that will minimize soil erosion. Temporary seeding and/or mulching may be required by the Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained around the border of the proposed development and shall remain untouched or manipulated so as to provide a natural buffer.

1. Class C stone per NHDOT Standard Specifications for Road and Bridge Construction shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Engineer.
2. All disturbed areas shall be provided with at least four (4) inches of topsoil and shall be stabilized by seeding and mulching or planting.
3. No topsoil shall be removed from a development site without written approval of the Planning Board.
4. Stripped topsoil is to be piled and reused on the site where needed.
5. The site shall be adequately landscaped. Landscape treatment shall consist of native, noninvasive natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as necessary to preserve the town's rural character.
6. Sediment in the run-off water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins, and other such devices, shall be constructed prior to any on-site grading or disturbance of existing surface material.

7. All site plans or subdivision plans shall include erosion control measures both during construction and any permanent controls to remain after construction.

## Section 8.10 Groundwater

1. The Planning Board shall determine that the proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water available to abutting properties or to public water supply systems. Outdoor storage of State of New Hampshire regulated substances, as defined in Env-Wq 401.03(h), shall be protected from exposure to precipitation and shall be located at least 50 feet from surface waters or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius or wellhead protection area of wells used for public water supply, as per Env-Wq 401.04.
2. Secondary containment shall be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of State of New Hampshire regulated substances are stored outdoors, as per Env-Wq 401.03(i).
3. Containers in which State of New Hampshire regulated substances are stored shall be clearly and visibly labeled and shall be kept closed and sealed when material is not being transferred from one container to another, as per Env-Wq 401.03(g).
4. Underground and Aboveground Fuel Storage Tanks (USTs & ASTs) shall comply with the standards of the NH Department of Environmental Services, as set forth in Part Env-Wm 1401 and 1402 NH Code of Administrative Rules and with NFPA 30, 30A and 31.

## Section 8.11 Onsite Waste Storage and Disposal

All waste material shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. A solid waste closed container such as a dumpster shall be placed upon a concrete pad and enclosed by a fence. The owner shall be responsible for keeping such land free of refuse. All exterior trash containers shall be screened on each side and shall not be visible from any street. Screening shall be in accordance with the provisions of Section 8.21 Screening and Buffering. No person shall use or allow land or property under his or her ownership and/or control to be used for waste disposal purposes except at operations for which a license for disposal has been granted. All storage and disposal of waste, whether hazardous or nonhazardous, shall be in accordance with applicable Federal, State, and local regulations.

## Section 8.12 Sewage Disposal

The Planning Board shall determine that the proposed development can be served by an on-site disposal system designed in accordance with all applicable local, state, and federal requirements. All non-residential sewage disposal systems shall be designed, constructed, and operated in a manner that will prevent the spread of disease and illness; prevent the pollution of the municipality's brooks, streams, ponds, lakes, and groundwater table; and assure an adequate supply of potable and palatable water for human consumption.

1. All developments shall provide for reasonable, and accessible adequate toilet and lavatory facilities properly constructed and ventilated and kept in proper sanitary condition. All toilets, lavatories, sinks and other plumbing fixtures having drains shall be connected to an approved on-site system.
2. All waste disposal systems shall be designated and installed in accordance with the rules, regulations, and design criteria of the NH Department of Environmental Services (NH DES) Env-Ws 1000

Administrative Rules. No waiver by the NH DES shall be binding on the Board unless concurred on by a two-thirds vote of the Board. All waste disposal systems that use a standard leach field shall be designed by a New Hampshire licensed septic designer. A certified New Hampshire professional engineer shall design all other systems, including those that utilize aeration chambers.

3. Septic tanks, leach beds, aeration chambers, dry wells, and sewer lines shall be designed in accordance with NH DES regulations.

### **Section 8.13 Utilities**

Every application proposing a new street or new development more than 300 feet from a public way shall submit to the planning board preliminary approval from the utility companies (electricity, telephone, and cable television). The applicant shall submit this preliminary approval prior to the board's final approval of the application.

Easements for utilities across lots, or centered on rear or side lot lines, shall be provided where necessary and shall be at least twenty (20) feet wide. Where new streets are proposed, all electrical and telecommunication utilities shall be placed underground.

Within private developments, except for junction boxes, meters and existing overhead utility lines, all utilities should be underground.

### **Section 8.14 Public Safety and Water Supply**

Applications shall be required to address public safety issues including police, ambulance and rescue services, and firefighting including water supply needs for fire protection.

- 1) The Fire Chief shall implement all applicable provisions of the National Fire Prevention Association's Standard on Water Supplies for Suburban and Rural Fire Fighting.
- 2) All proposed developments must adequately address and satisfy any public safety concerns raised by the Police Chief and Fire Chief as directed by the Planning Board.
- 3) The subdivider/developer is responsible for the construction of the fire suppression water source. Once a water source has been identified by the developer, and approved by the authority having jurisdiction, then either the town, the condominium association, or the property owner for a non-residential development must assume responsibility for maintaining the water source, piping, and hydrants.
- 4) Fire suppression requirements are considered unique to each subdivision or site plan due to topography, geology, number of dwelling units, type of proposed uses, length of roads, size of sites, and greater-area-community needs. Because of these variables, application and design must be researched and derived by discussion with the Fire Dept., and/or a fire protection-engineering firm, and the Planning Board on a case-by-case basis at the applicant's expense.
- 5) In some proposed subdivisions a combination of methods may be appropriate. In all cases, prior to establishing a comprehensive fire suppression design plan, applicants must seek a recommendation, in writing, from the Fire Dept., and/or a Fire Protection Engineering consultant, prior to deliberative discussions with the Planning Board regarding this requirement.

## Section 8.15 Illumination

The Board shall review and approve the lighting design as part of the site plan process for new development and redevelopment proposals.

These regulations do not apply to individual dwelling units, except for common areas, which shall be reviewed by the Board during the site plan or subdivision process. Examples of common areas include, but are not limited to pathways, clubhouses, shared driveways, parking lots and play areas.

These regulations do not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the community.

Flags of the United States and the State of New Hampshire shall be illuminated from below.

General Requirements. Lighting is an important component of site development. Excessive lighting can produce glare and adversely impact abutting properties, as well as contribute to light pollution. The following performance standards shall apply to exterior lighting designs for all site plans:

- 1) A qualified lighting engineer shall review exterior lighting designs. All costs shall be borne by the Applicant.
- 2) Lighting fixtures shall be positioned to prevent undesirable incidental illumination of abutting properties, the street, and the nighttime sky. Glare, directions, and light level should be considered in design of illumination plans. The total cutoff of light should occur within the property lines of the parcel to be developed.
- 3) Security, parking lot, and sign lighting shall be shielded or otherwise designed to ensure the light is directed downward.
- 4) Indirect lighting should be used on signs advertising goods or services offered on the premises.
- 5) Moving, fluttering, blinking, or flashing lights or signs are not permitted. For additional restrictions, refer to Section 2.6 of the Canterbury Zoning Ordinance, Signs.
- 6) Exterior Lighting Plan Requirements. The Applicant shall submit to the Planning Board sufficient information, in the form of an overall exterior lighting plan, to enable the Planning Board to determine that the applicable provisions will be satisfied. The exterior lighting plan shall include at least the following:
  - a) The location and type of any outdoor lighting luminaries, including the height of the luminaire.
  - b) The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, and photographs/drawings.
  - c) Energy-efficient lighting shall be used, as practical.

- d) A photometric plan showing the intensity of illumination at ground level, expressed in foot candles, and documenting that the cut-off point for each fixture shall not spill onto any street or abutting lot using the proposed luminaires.

## Section 8.16 Landscaping

The intent of landscaping regulations is to achieve a high-quality site appearance, to assure design compatibility, to direct character and form, to conserve water, and to enhance the overall value of the community. The purpose of specific provisions contained in these standards is to enhance the aesthetics of non-residential and multi-family developments, create a pedestrian-friendly environment, break up the mass of buildings and impervious areas, soften architectural and structural materials, provide screening of service structures (dumpsters, etc.), enhance the public or private streetscape, provide visual and climatic relief from broad expanses of pavement and define areas for pedestrian and vehicular circulation, control airborne particulates such as soot and dirt, provide buffers between incompatible land-uses or sites, retain as much of the original vegetation as possible and incorporate into site design, and encourage preservation and enhancement of community character.

- 1) Existing non-native invasive plants (including grasses, shrubs, and trees) shall be removed and destroyed.
- 2) Revegetated areas shall be replanted with hardy non-invasive species appropriate to the site.
- 3) Existing landscaping, trees, and planting materials to be retained shall be protected as necessary during construction to avoid damage.
- 4) Planting Requirements. The purpose of planting requirements is to enhance the long-term survival prospects of the plant materials used in site landscaping. These standards are also meant to ensure that the benefits of site landscaping (buffering, aesthetic enhancement, erosion control, etc.) are realized as early after planting as possible. Native plantings, as listed by the University of New Hampshire Cooperative Extension, shall be utilized. The following standards for planting requirements shall apply:
  - a. Evergreen trees shall be hardy with a minimum 6-foot height at planting, full and well branched, unless otherwise specified by the guidelines. Evergreen trees are typically planted in groups of a minimum of three trees, diagonally spaced according to the species requirements.
  - b. Evergreen shrubs shall be a minimum of 2½ feet high at planting, full and well branched, unless otherwise specified by the guidelines.
  - c. Deciduous or flowering shrubs shall be planted at 3½ foot height, full and well branched, unless otherwise specified by the guidelines.
  - d. Ground cover shall be a low growing plant, other than turf or grass, which forms a continuous cover over the ground surface.
  - e. All local and state requirements for setbacks and sight distance shall take precedence for selection and placement of landscaping features, as applicable.

- f. Plant materials shall be massed for maximum effect. Public utility easements and open surface drainage easements shall not occupy more than twenty (20) percent of the required landscape area, as shown on the plan.
  - g. Mechanical installations may be used, provided that they do not encroach more than five (5) feet into the landscape area in accordance with this Section. Such equipment shall be 100% screened with landscape material from any view from a public right-of-way, pedestrian walkway, or off-site area requiring buffering.
- 5) Deciduous or shade trees shall be hardy, drought and salt tolerant, 12 feet tall at planting. Such trees shall be planted at 2½ to 3-inch diameter.
  - a. Shade trees shall be required along streets, parking and drives as specified in these regulations.
  - b. Street tree areas shall be planted in a continuous fifteen (15) foot wide strip parallel to the lot frontage.
  - c. One evergreen tree shall be included for every 15 feet of lot line, and one shade tree for every 40 feet of lot line, spaced not less than twenty (20) feet apart. Trees may be clustered.
  - d. The placement of shade and street trees shall incorporate berms, fences, and walls, as necessary.
- 6) Maintenance and Replacement of Landscaping.
  - a. Avoid replacing landscape materials in the period from November – March.
  - b. A maintenance financial guarantee in accordance with Section 7.5, Performance Guarantee, to cover the cost of replacement plant materials and maintenance equipment shall be provided for two years after the date of final inspection.
- 6) Buffer Requirements:  
See Section 8.21 of these Regulations for screening and buffering requirements.

## Section 8.17 Shoreland Protection

In addition to those requirements of RSA 483-B, Comprehensive Shoreline Protection Act (CSPA) effective April 1, 2008, all land located within 250 feet of the reference line of public waters must adhere to the following:

- 1. A copy of the CSPA application for qualified activities, including construction, excavation, or filling activities, within the protected areas shall be submitted to the Board as well as a copy of the approved permit.
- 2. No establishment or expansion of salt storage yards, auto junk yards, solid waste and hazardous waste facilities are permitted.

## Section 8.18 Surface Waters and Wetland Resources

All aspects of the Application shall be designed so that:



1. All applicable provisions of the Shoreland Protection Act have been adequately addressed pursuant to RSA 483-B.
2. Additional provisions from Section 8.17 Shoreland Protection;
  - a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, leach, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters.
  - b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall meet the standards of the New Hampshire Department of Environmental Services (NH DES), including but not limited to Env-Wq 401.
  - c. Projects of such magnitude as to require a US EPA Phase II Permit or a US EPA NPDES General Permit for stormwater discharge from construction activities shall comply with the standards of the NH DES and the US EPA with respect to the export of total suspended solids and/or phosphorous. If the project does not require a stormwater permit, it shall be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.

### **Section 8.19 Parking, Loading and Pedestrian Safety**

Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties. Applicants may pursue Alternative Parking Solutions in accordance with NH RSA 674:16-a to provide parking.

- 1) Sufficient off-street loading and/or unloading space must be provided including off-street areas for maneuvering of anticipated trucks or other vehicles, which shall be designed to ensure the safety of vehicles and pedestrians on the site.
- 2) Maneuvers for parking and/or loading or unloading spaces must not take place from a public street.
- 3) Except for single-family residences, paved sidewalks a minimum of four (4) feet wide shall be provided for pedestrian traffic to provide connection between the main entrances to business, housing or industrial establishments and parking areas or roadways shall be at least six (6) inches above grade and protected by curbing.
- 4) Off-Street Parking Lots and Spaces. Parking lots shall be designed as set forth in these regulations and approved by the Planning Board. The number of parking spaces shall be provided as set forth in Table 1, or as required by the Planning Board.
- 5) Standard Parking Spaces. Each standard parking space shall contain a rectangular area of at least twenty (20) feet in length and nine (9) feet in width, except where the spaces are located parallel to the travel aisles. In this situation, the length shall be increased to twenty-two (22) feet.
- 6) Compact Automobile Spaces. Parking spaces for compact automobiles shall contain a rectangular area of at least fifteen (15) feet in length and eight (8) feet in width, except where the spaces are located parallel to the travel aisles. In this situation these spaces must be conspicuously designated as reserved for compact automobiles by a sign located such that it will not be obscured by a vehicle parked in the space.

- 7) Handicapped Accessible Spaces. Parking spaces for passenger vehicles carrying disabled individuals shall contain a rectangular area of at least twenty (20) feet in length and nine (9) feet in width together with an access way of five (5) feet in width immediately adjacent to the parking space. Parking spaces for vans carrying disabled individuals shall contain a rectangular area of at least twenty (20) feet in length and nine (9) feet in width together with an accessway of eight (8) feet in width immediately adjacent to the parking space. Two (2) adjacent parking spaces for disabled people may share one (1) accessway. All handicapped accessible parking shall be designated as such by a sign bearing the symbol of accessibility, located such that it will not be obscured by a vehicle parked in the space.

Table 1 – Parking Space Guidelines

Zoning Use Category	Minimum Spaces	Per Unit of Measure
<b>RESIDENTIAL</b>		
Single family dwelling	2	dwelling unit
Two Family Dwelling	2	dwelling unit
Multi-family dwelling	2	dwelling unit
Manufactured housing unit	2	dwelling unit
Pre-site built housing unit	2	dwelling unit
Home occupation	1	Per non-resident employee
Home occupation (commercial)	1	Per 300 sf
Accessory dwelling unit	1	dwelling unit
Manufactured housing park	2	dwelling unit
<b>AGRICULTURAL</b>		
Agriculture, horticulture, floriculture	1	500 sf gross floor area or per employee
Retail sale of agriculture or farm products	1	300 sf gross floor area or 500 sf of outdoor sales area
Livestock, poultry, and swine	1	1,000 sf gross floor area or per employee
Riding academy and stables	1	two stalls
Veterinary office, animal hospital, or kennel	1	300 sf gross floor area
<b>COMMERCIAL</b>		
Bank	1	300 sf gross floor area
Barber or beauty shop	1	seat plus 1 per employee
Bed and breakfast inns	1	each guest room plus
Camping areas	1	campsite plus 1 per employee
Outdoor Recreation Facility	Based on parking study	As required by Planning Board

COMMERCIAL cont.		
Eating and drinking establishments without drive up service	1	four seats or per 100 sf gross floor area
Funeral parlor	1	three seats plus 1 per employee
Convenience Store with gas or other fueling stations	1	300 sf gross floor area plus 2 stacking spaces for gasoline fueling station, 1 space for other fueling stations
General service establishments	1	300 sf gross floor area
Hotel	1.1	guest room plus 1 per 400 sf meeting /banquet area
Motel	1.1	guest room plus 1 per 400 sf meeting /banquet area
Office	1	300 sf gross floor area
Personal service establishment	1	250 sf gross floor area
Recreational facility	1	four seats or per 500 sf gross rec area
Retail store	1	250 sf gross floor area
Service club	1	four seats
Theater	1	four seats
Automobile Sales	1	campsite plus 1 per employee
Wholesaling	1	1,000 gross floor area plus 1 per employee
INDUSTRIAL		
Extraction operations	1	employee
Large Scale Farm Operation including greenhouses, poultry houses, composting facilities, feed lots, etc.	1	Minimum 5 and as may be required by Planning Board
Lumber yards	1	500 sf gross floor area plus 1 per 1,000 sf warehouse area
Manufacturing	1	400 sf gross floor area or per employee
Research and development	1	300 sf gross floor area
Sawmills and wood processing	1	500 sf gross floor area plus 1 per employee
Warehousing	1	1000 sf gross floor area
PUBLIC/INSTITUTIONAL		
Church	1	three fixed seats or per 8' bench length
Clinic	1	250 sf gross floor area
Educational institution	1	three students plus 1 per employee
Municipal buildings	1	300 sf gross floor area plus 1 per employee

PUBLIC/INSTITUTIONAL cont.		
Public utilities	1	employee
Public parks (active recreation) and playgrounds	1	2,000 sf land area
Day care	1	ten pupils plus 1 per employee
Family care	1	ten patients plus 1 per employee

- 8) Minimum Aisle Width. Aisles in parking lots shall be at least twenty-four (24) feet in width for two-way traffic. Aisles shall be provided at the minimum widths shown in *Table 2 - Minimum Aisle Width* for one-way traffic. Parking spaces at an angle of less than ninety (90) degrees shall provide for one-way traffic flow.

**Table 2 – Minimum Aisle Width**

Angle to Aisle (Degrees)	Minimum Aisle Width
90	24 feet (two-way)
60	18 feet (one-way)
45	15 feet (one-way)
30	15 feet (one-way)
0	15 feet (one-way)

- 9) Driveway Widths. Driveways connecting parking lots to a street, or another parking lot shall be at least twenty-four (24) feet in width for two-way traffic flow and at least twelve (12) feet in width for one-way traffic flow. No driveway shall exceed twenty-eight (28) feet in width.
- 10) Striping. Parking spaces shall be clearly marked with paint striping a minimum of 4 inches in width.
- 11) The Board may require a bicycle rack and/or spaces for other two-wheeled vehicles such as motorcycles or scooters.
- 12) Off-Street Loading. Whenever new off-street loading zones are established, they shall conform to the provisions of this Section. Off-street loading spaces shall be designed to a minimum of fourteen (14) feet in width by twenty-five (25) feet in length and shall be provided on the same lot as the principal use they are intended to serve. In no case shall an off-street loading space be counted as part of an area to satisfy the off-street parking requirements and vice versa. To the maximum extent possible, loading areas for truck deliveries shall be away from customer parking and drive through lines.
- 13) Drive Through Facilities. Any proposed facility which services its clients or customers from structures accessible to drivers while in their vehicles shall have sufficient length and width of access road to accommodate a minimum of three (3) and a maximum of five (5) waiting vehicles in single file. Such waiting areas:
- Shall provide a minimum of 8 feet x 20 feet and a maximum 9 feet x 22 feet per vehicle.

- b) Shall not obstruct or interfere with access or egress from any regular parking spaces or pedestrian or accessible route that may be required because of regular business use.
- c) Shall not be located between the principal structure and a public street.

## Section 8.20 Driveway and Access Standards

1. Only one driveway is permitted per lot, regardless of lot size or frontage, and minimum distance of 100 feet is required from driveways on adjacent lots.
2. Separation of Driveways on streets. All driveways entering such streets shall be located at least one hundred (100) feet from street intersections, and at least one hundred (100) feet from other existing driveways on the same lot or an adjacent lot. One driveway is permitted for lots with up to one hundred (100) feet of lot frontage. Where compliance cannot be achieved with these standards, the Planning Board may grant a waiver from these requirements.
3. Restrictions on Backing into a Street. Except in connection with single-family detached dwellings and two-family dwellings, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may enter and exit the parking area without backing within or into a street, and without inhibiting pedestrian safety.
4. Copies of NH DOT State driveway permit applications shall be submitted as part of any application where an accessway is proposed on a state highway.
5. Common Driveway. Two (2) or fewer dwelling units may be served by a common driveway.
  - a. Language for a common driveway easement shall be submitted which states that the shared driveway is a private agreement and not under the jurisdiction of the Town, which will be recorded in the deeds of the lots that will be using the common driveway.
  - b. Common driveway language shall be inserted as applicable into covenant agreements.
  - c. A note shall be added to the plan referencing the easement or covenant.
  - d. All driveway language shall be subject to review and approval by Town Counsel at the applicant's expense.
  - e. Common driveways shall be constructed as specified by the Planning Board, Fire Department, Town Engineer, and Road Agent.
6. Deeded Access: Lots that do not have frontage on a Class V or better road and receive a variance for frontage shall obtain a 50' wide deeded access to the lot proposed to be developed. Such a deeded access shall be recorded at the Merrimack County Registry of Deeds as a condition of approval.
7. Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the town, as adopted and amended.

## Section 8.21 Screening and Buffering

A buffer/screening area of fifty (50) feet is to be maintained or installed to provide privacy and noise reduction to residential areas abutting non-residential or multi-family development sites.

1. Screening shall be a year-round visually impermeable barrier that may be either existing, constructed, or a combination thereof.
2. Screens may consist of natural topographic landforms, rock outcrops, or vegetation that is dense enough to be visually impermeable.
3. Constructed screens may consist of built screens, such as solid walls or fences, topographic screens, such as berms or landforms, vegetative screens consisting entirely of evergreen material, or a combination thereof.
4. Vegetative screens shall be visually impermeable year-round. Vegetative screens shall be a minimum of two shrubs deep, to a minimum depth of six (6) feet and spaced at such an interval to achieve a visually impermeable screen within three growing seasons (i.e., spacing to be determined by expected rate of growth, not the shrub's mature size). The minimum height of a screen is three (3) feet upon installation in car parking areas and six feet in other locations. A higher height shall be required if the parking area, loading dock, exterior storage, or other unsightly area is at an elevation lower than the public way, residences, and principal entrances of buildings on abutting lots. The height of screens can be the result of combining landforms or natural elevation changes with vegetative material. Screens shall not be located to impede vehicular or pedestrian traffic. Vegetative screening shall be noninvasive.
5. Trails and other passive recreational amenities may be located in buffer strips upon review by the Board.
6. Refer to Section 8.,16 of these Regulations for full landscaping requirements.

## **Section 8.22 Reserved**

## **Section 8.23 National Flood Insurance Requirements:**

1. For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP), 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.
2. The Planning Board shall ensure that all site plans and subdivisions are approved in conformity with Article 12 Floodplain Ordinance of the Town of Canterbury Zoning Ordinance.
3. The Planning Board shall require that all proposals for development include Base Flood Elevation (BFE) data within such proposals (i.e., floodplain boundary and 100-year flood elevation).
4. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading, and land treatment plans) so as to allow a determination that:
  - a. All utilities and service facilities, such as sewer, gas, heating, ventilation, plumbing, air conditioning, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
  - b. Adequate drainage is provided to reduce exposure to flood hazards; and
  - c. The lowest floor (including the basement) is elevated or floodproofed to or above the base flood level.

## Section 8.24 Snow Management

A Snow Management Plan must be included that provides adequate areas for on-site snow storage and/or off-site snow removal which is acceptable to the Planning Board.

1. As a rule, a minimum area equal to 25% of the parking, travel and driveway areas will be needed for snow storage.
2. The Planning Board will consider the following conditions in reviewing the adequacy of the on-site snow management plan:
  - a. Lines of vision and sight distances for drivers or pedestrians exiting the property shall not be impaired by snow above its natural depth.
  - b. No snow is to be pushed, piled, or allowed to infringe on any town or state property, road, sidewalk, crosswalk, or the property of abutters without written permission from said entity.
  - c. The areas used for snow storage shall be practical to use considering the topography and accessibility of the site.
  - d. The snow storage area is wide enough to function as a snow storage area, with 12' generally being the narrowest acceptable width.
  - e. On-site snow storage may not block more than 10% of the required parking spaces for more than 24 hours.
  - f. The removal of snow around dry hydrants and official fire protection elements and water sources shall be part of the plan.
  - g. The snow storage area shall not cover any catch basin, utility, service cover, water shut off or other appliance.
  - h. Use of the area for snow storage will not adversely affect neighboring properties as a result of runoff.
  - i. The snow storage area shall not adversely impact landscaping, including fences and signs, on-site or of neighboring properties, traffic safety, either on or off site; any other area deemed to be a hazard by the Road Agent and/ or public safety officials.
3. If the Planning Board determines the on-site snow storage plan is not adequate, the applicant shall make provisions acceptable to the Planning Board for snow to be removed to an off-site storage area.
4. Whether the snow storage area is on site or off site, any accumulated sand, salt, trash, or debris remaining shall be satisfactorily cleaned up and removed not more than 14 days after the final melt of the season.
5. In the case of a development where the Town of Canterbury will be responsible for snow removal, plans for said development shall be referred to the Road Agent.
6. The necessity for a snow management plan may be waived in the case of a property where one has been filed by a previous occupant provided that the applicant agrees to abide by the conditions expressed in a previously approved Snow Management Plan for that property, or the applicant is a tenant in a building where another entity is responsible for snow removal.

## **Section 8.25 Noise**

The Planning Board shall determine that the proposed development will not contribute to unreasonable nuisances to the general public, both during construction and after the development has been completed and may require a noise study. For additional restrictions, refer to Section 2.1 of the Canterbury Zoning Ordinance, Obnoxious Uses.

## **Section 8.26 Signs**

The Planning Board will ensure that all signs are designed in accordance with Article 2.6 Signs of the Canterbury Zoning Ordinance.

## **Section 8.27 Traffic**

The Planning Board shall determine that the proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or existing or proposed public roads and that the traffic associated with the development shall maintain the Existing Level of Service, per highway engineering standards, within 200 feet of any existing or proposed curb-cut. A traffic study may be required.

# **SECTION 9 ARCHITECTURAL DESIGN REVIEW**

## **Section 9.1 Purpose**

The goal of the architectural design review is to maintain high quality standards of design and appearance, where applicable, and to improve the overall quality of design and community appearance consistent with the location and use proposed. Consideration is given as part of Site Plan Review of the appearance of new or revised buildings and structures, site design and signage.

## **Section 9.2 Applicability**

Architectural design review is required as part of Site Plan Review for all non-residential structures and for all residential structures where the total number of dwelling units, whether in one or more structures, in one development exceeds three (3). This includes all new construction, building additions, and alterations to buildings if those alterations would significantly affect the exterior appearance of the building. Design review is required only for building elevations and portions of structures that would be visible from a public street or path or from neighboring residential properties. All applicable developments must conform to these regulations as reasonably interpreted and applied by the Board. Architectural design review is not conducted for development related to single family or two-family structures unless they are within a cluster neighborhood, routine repair or maintenance of structures, any work on the interior of a building, any existing structures for which no exterior alterations are proposed, and modifications solely for the purpose of providing safe means of egress or access.

## **Section 9.3 General Review Criteria**

The Planning Board shall determine that the proposed development shall be compatible with its surroundings in terms of its size, scale, mass, and design. Site plans shall portray the design of all buildings and the relationship of the development to surrounding properties, buildings, natural features and built features. All site plans shall adhere to the specifications and guidelines set forth in these regulations. The



requirement for the preparation of an architectural plan will be based upon the finding of the Board that the development site complies with the standards below, as applicable. When an architectural plan is required, all buildings and outbuildings shall be designed by a professional registered architect or other acceptable professional as determined by the Board at the cost of the Applicant.

1. No architectural style is stipulated except within the Center Historic District (CHD), Farmstead Alternative, Commercial District (C), Canterbury Depot Commerce Park, and the Shaker Museum Preservation District (SVMPD).
2. The Historic District Commission pursuant to Article 13 of the Canterbury Zoning District has the authority to review and approve any alteration to a site or building in the CHD or SVMPD districts whether or not the Planning Board has review authority.
3. Buildings should be compatible with traditional New England architecture. They should be articulated to express an architectural identity and ideally will be handsome and dignified.
4. It is recognized that many national and regional chain businesses seek to build a standard design across the country or region without regard to local conditions. However, the Board will evaluate all proposed designs for their compatibility with Canterbury's character and for conformance with the goals of these Regulations. It shall be the obligation of the Applicants to develop designs that are compatible with the Town's character.
5. Buildings should possess an overall integrity. Architectural details should not give the impression of being tacked on, but rather should be integral to the overall design. (For example, use of undersized shutters on a picture window, or installation of an elaborate classical portico or cupola on an otherwise clearly utilitarian big box structure would be discouraged.)
6. The reuse of existing structures that have special architectural, historical, cultural, or contextual value by the Applicant is strongly encouraged, while it cannot be required under these regulations.

## Section 9.4 Siting

The siting of all buildings and accessory structures shall be in accordance with the requirements of the Zoning Ordinances and these regulations and shall follow the following design principles:

1. **Natural Features.** Buildings, lots, impervious surfaces, and accessory structures shall be sited in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, natural drainage and infiltration areas, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers, shall be maintained and preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
2. **Building Orientation.** Building facades shall be oriented parallel or perpendicular to the street and maintain a consistent street edge in relationship to adjacent structures. Buildings shall be sited so that buildings create pedestrian plazas and gathering places. Buildings shall be sited so that entrances are clearly identifiable and directly accessible. Buildings shall be accessible for pedestrians and accommodate bicycle storage.

## Section 9.5 Elements of Design

Proposed designs should be harmonious with neighboring structures that have a visual relationship with the subject building in terms of mass, width, height, proportion, spacing, setback, and all the other elements of design discussed below when those neighboring structures would reasonably be in general conformance with the goals of these regulations. Building design - signage, landscaping, lighting, fencing, outbuildings, etc. - should blend with other features of the site to the extent practical.

- 1) **Building Heights.** The Applicant shall ensure that building heights are compatible with and transition from the height of adjacent development. The building height and number of floors shall comply with the dimensional requirements of the Zoning Ordinance, Section 5.2.G.
- 2) **Building Scale and Proportion.** Every effort should be made in the design of the building to provide an appropriate scale both in their overall size and in their details. If practical, it is preferred that buildings contain at least two stories. Alternatively, a single-story building should have a relatively steep roof or a high parapet. Buildings and their details should be well proportioned in accordance with commonly accepted design principles to create a sense of order and balance.
- 3) **Building Massing, Forms and Pedestrian Scale.** Large structures should be broken into smaller masses to provide human scale, variation, and depth. Construction of unadulterated warehouse style “big boxes” should generally be avoided. In cases of facades 50 feet or more in length, the Applicant shall incorporate the following architectural features and treatments to visually diminish the building mass:
  - a) Variations in color and/or texture.
  - b) Variations in roof forms and height of roof elements.
  - c) Emphasis on the rhythm and pattern of windows, columns, and other architectural features.
  - d) Enhanced definition of each floor of the building through terracing, articulated structural elements, changes in materials, belt courses and horizontal trim bands.
  - e) Avoidance of blank walls at ground-floor levels through the use of windows, trellises, wall articulation, arcades, materials changes, awnings, or other features.
  - f) Use of materials , including but not limited to brick, tile, modular stone, glass, and decorative tiles.
  - g) Use of significant architectural features, including but not limited to columns, pilasters, canopies, porticos, awnings, brackets, or arches.
  - h) Use of windows that reveal indoor amenities, activities and displays.
- 4) **Building Materials.** The use of natural materials or materials that appear natural is preferred. Materials should be high quality and durable. Wood (clapboard and shakes), brick, and stone are the preferred materials, although fabricated materials which effectively imitate the character of these materials is acceptable. Conventional vinyl siding arranged in a horizontal clapboard pattern is acceptable.

- 5) Sheet plastic, sheet fiberglass, T1-11 plywood, and similar materials should not be used. Use of highly reflective plastic or metal surfaces are inappropriate. Prefabricated metal wall panels and undressed concrete/cinder block should not be used except in industrial park areas. When these materials are used in industrial park areas it is preferable to minimize the area over which they are used, minimize their use on front facades, and to combine their use with other materials, such as installing metal walls over a foundation of textured block.
- 6) Roof Forms and Materials. Rooflines shall not run in continuous planes of more than fifty (50) feet. Flat roofs are discouraged. Where flat roofs are used, however, there should be a distinct cornice and/or parapet to emphasize the top of the building. Extensive areas of visible roof should be broken up with dormers, cross gables, cupolas, chimneys, parapets, balustrades, and towers. All roofs shall provide adequate overhangs for pedestrian activity. Roof materials shall be composed of high quality, durable and architecturally consistent materials, including but not limited to concrete tile, asphalt shingles and standing seam metal.
- 7) Roll roofing, tar and gravel, plastic or fiberglass materials shall not be used for roofing. Use of false or partial mansard roofs, unconventionally shaped roofs, overly bright colors, disproportionately sized building elements, or crudeness of features is not appropriate.
- 8) Building Façade. Much attention should be given to creating an attractive building facade. Broad expanses of blank walls are inappropriate. Traditionally, the parts of a facade that might be embellished, or at least articulated in some fashion include:
  - a) the horizontal base where the building meets the ground;
  - b) the horizontal top where the building meets the sky (such as a projecting cornice with brackets);
  - c) a horizontal section (such as a belt course between stories);
  - d) the vertical corners (such as corner boards or quoins);
  - e) vertical articulation in the middle (such as pilasters);
  - f) the area around the door/entry (such as a portico); and
  - g) the areas around the windows (such as window surrounds)
  - h) Depth may be created for the facade through the use of porches, projecting or recessed sections, bay windows, or arcades.
- 9) Windows. Windows and entry areas shall cover a minimum of sixty (60) percent of the entire façade length. Large plate glass windows shall be broken up with mullions or muttons. Windows and doorways shall be encased with trim. Walls facing streets and pedestrian approaches shall have display windows, recessed windows, detailed entry areas, awnings, or prominent sills. Windows shall reflect a vertical scale with a height to width ratio of at least 3:2. Shutters, where appropriate, shall be sized properly for the window opening.
- 10) Building Entrances. The entrance is an important element in defining a building. Generally, there should be an entrance, if not the primary entrance, located on the front facade. All building

entrances shall be clearly defined and highly visible with a minimum of three of the following details:

- a) Porticos
  - b) Canopies
  - c) Overhangs
  - d) Arcades
  - e) Recesses or projections
  - f) Raised cornice parapets over door.
  - g) Arches with detail (tile work or moldings) integrated with building.
  - h) Outdoor patios
  - i) Display windows
  - j) Integral planters
  - k) Wing walls with planters or seating
- 11) Building Color. The color of buildings is reviewed for non-residential, multi-family properties, and developments with three or more residential units only. Generally, it is preferable to use two or three colors. The main color(s) on a building should generally be nature blending, earth tone, neutral, or pastel in character. Bright colors should be limited to accent areas. High intensity colors, metallic colors, or fluorescent colors shall not be used. Subtle colors are appropriate on larger, plain buildings whereas smaller buildings with more detailing can more effectively incorporate brighter colors.
- 12) Building Screening. All rooftop air conditioning, heating equipment and other large mechanical equipment shall be screened from public view. The screening may be part of the articulation of the building.
- 13) Signage. Signs should be visible and legible through the use of appropriate details and proper locations. Sign backgrounds and colors shall be compatible with the building architecture. Allowable sign areas, specifications, and locations are detailed in Article 2:6 of the Town of Canterbury Zoning Ordinance.

## SECTION 10 ADMINISTRATION AND ENFORCEMENT

### Section 10.1 Process and Procedures after Approval

Once an application is approved, the applicant shall revise the plans and supporting documents to address the Planning Board's conditions of approval in compliance with these regulations and the Town of Canterbury Zoning Ordinance. The Planning Board's Authorized Agent shall certify that the plans and documents provided by the applicant are in conformity with the Board's approvals.

### Section 10.2 Verification of Planning Board Conditions of Approval

The following shall be submitted prior to any verification of the Planning Board's Conditions of Approval by the Planning Board's authorized agent(s) prior to the issuance of a Building Permit.

1. Complete electronic files of all drawings in the plan set in the latest PDF format, or other acceptable format approved by the Town, shall be provided.

2. Copies of all state and federal permits along with the final plans and application materials referenced in the permits.
3. Originals of all legal documents, suitable for recording in the Merrimack County Registry of Deeds, shall be submitted to the Planning Board's authorized agent. Said documents shall bear the notarized signature of the property owner, and any mortgage holders where appropriate.
4. Performance or financial guarantees shall be provided prior to final approval.
5. Where subdivision plats are to be recorded, two (2) copies of a Mylar or equivalent material shall be provided for the Chair's signature.
6. The following paper copies shall be provided:
  - a. For a minor subdivision including a lot line adjustment, one (1) paper copy of the final plan set and supporting documentation.
  - b. For a minor site plan, one (1) copy of the final plan set and supporting documentation.
  - c. For a major subdivision or a major site plan, two (2) copies of the final plan set and supporting documents.
7. Recording fees in the form of checks payable to the Merrimack County Registry of Deeds.
8. Funds to establish an escrow account to pay for inspection fees where public improvements are proposed.
9. Financial guarantees for any public improvements.
10. Submission of construction schedule with estimated schedule of inspections.

### Section 10.3 As-built Plans

1. Prior to final approval of any site plan or subdivision, where new construction occurs and changes in grade occur, digital information from the plat shall be provided to the Town for incorporation into the Town of Canterbury's tax maps. The digital information shall be submitted in a format and media conforming to standards acceptable to the Town. The following layers shall be submitted, as applicable, referencing New Hampshire State Plane Grid Coordinates and shall be based on North American Vertical Datum 1988 (NAVD 88):
  - a. Right-of-Way lines with bearings and dimensions;
  - b. Property lines with bearings and dimensions;
  - c. Any zoning boundary within 200' of the property;
  - d. Road classifications, as officially designated;
  - e. Deeded accessway lines with bearings and dimensions;
  - f. Conservation easements with bearings and dimensions;
  - g. Water bodies, including the edges of lakes, ponds, rivers, and streams;

- h. Wetlands, wetland buffers and Shoreline Protection District Boundaries;
- i. Utility, drainage, and slope easements;
- j. Finished floor elevations in Flood Hazard Districts;
- k. Topographic information with 2-foot contours;
- l. Location of buildings, parking, and other paved areas;
- m. Construction drawings of the public improvements acceptable to the Planning Board's Authorized Agent, and Town Engineer; and,
- n. Book and page for all deeds and easements.
- o. Engineered plans for road betterment, including drainage and all public improvements.

### Section 10.4 Recording of Plans and Documents

The Planning Board's agent shall record all subdivision plats, site plan notices of decision, legal documents and agreements. Any recording fees shall be provided by the applicant prior to recording.

Upon execution of any subdivision plat the Town shall retain one copy in the Planning Board's records and shall forward a copy of the signed plat to:

1. The Canterbury Tax Assessor.
2. The consulting firm(s) or agency charged with updating the Canterbury Tax Map (digital copy).
3. The third-party site inspector(s) (if required).

If prior to a site plan approval there was not a boundary survey of this property on record at the Merrimack County Registry of Deeds, a boundary survey shall be prepared as part of this application. The boundary survey shall contain the information required by RSA 676:18 (III), shall be recorded in the Merrimack County Registry of Deeds by the applicant. One mylar copy shall be provided to the Town in accordance with RSA 676:18(IV).

### Section 10.5 Applying for Construction Permits

Once the applicant has received a Verification of Planning Board Conditions of Approval, the applicant may then apply for permits for site and building construction including land clearing and grading.

1. For subdivisions, no building permits for the construction of buildings or structures on any new lots may be issued until the subdivision plat is recorded along with all legal documents, and all financial guarantees have been provided to the Town. For a subdivision containing single family or duplex housing, once the subdivision plat is recorded then the applicant can begin the process for applying for building permits on the lots within the recorded subdivision plat.
2. For all other types of development involving multi-family, and non-residential site plans, once a Verification of Planning Board Conditions of Approval has been obtained, the applicant can then begin the process to apply for permits for site and building construction including land clearing and grading.

The Final Approved Site Plan shall display a signature box in the lower right-hand corner of the plan containing the following certification:

CERTIFICATION THAT THIS SITE PLAN CONFORMS TO THE APPROVAL GRANTED BY THE CANTERBURY PLANNING BOARD AT AN OFFICIAL MEETING HELD ON \_\_\_\_\_

DATE \_\_\_\_\_

CHAIRPERSON OF THE CANTERBURY PLANNING BOARD

## **Section 10.6 Reserved For Future Use**

## **Section 10.7 Reserved For Future Use**

## **Section 10.8 Waivers**

The Planning Board may waive any requirements listed in these Regulations, except those required by state or federal law, where it finds that such a requirement is not necessary to satisfy the purposes of these regulations. The Applicant shall present the request in writing with a full justification why the waiver should be granted.

Where strict conformity to these regulations would cause undue hardship or injustice to the owner of the land requesting development approval, an application substantially in conformity with these Regulations may be approved by the Board, provided that the proposed application:

1. Conforms with the Town of Canterbury Zoning Ordinance.
2. The application is consistent with the intent of these Regulations and the Town of Canterbury Master Plan; and
3. The public's health, safety and welfare is not adversely impacted.

## **Section 10.9 Appeals**

Pursuant to RSA 677:15, any persons aggrieved by any decision of the Planning Board concerning an application may present to the Superior Court a petition, duly verified, setting forth the grounds upon which action by the Board are claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the filing of the Notice of Decision by the Board.

## **Section 10.10 Amendments**

Amendments to these Regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, as may be amended from time to time. The Planning Board Chair shall transmit a record of any changes, so authorized, to the Town Clerk.

## **Section 10.11 Inspections, Certificate of Occupancy, and Acceptance of Public Improvements**

Inspections by the Planning Board's Authorized Representative(s) shall be required to ensure compliance with the approved plans and conditions of the Planning Board prior to any acceptance of any public improvements, or the issuance of any Certificate of Occupancy, or the use of any building or site subject to approval by the Planning Board.

The Inspection and Acceptance of any Public Improvements shall be as set forth in Section 10: Administration and Enforcement. Any public improvements constructed as part of a site plan shall be inspected in the same manner as set forth in Section 10: Administration and Enforcement.

### **Section 10.12 Substantial Development**

In approving any application, the Planning Board may specify the threshold level of work, which constitutes “substantial development” for the purpose of determining the minimum amount of work required to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations. Substantial development, in the absence of a specific finding by the Planning Board, shall be deemed to have occurred when at least fifty one percent (51%) of the total building foundations or one building foundation, whichever is greater, on the site has been installed, inspected and approved by the Building Inspector, utilities have been extended to the site, and a certified plot plan of the foundation has been submitted. All erosion control measures as specified on the approved plan for the area of disturbance must be installed.

### **Section 10.13 Enforcement**

These regulations shall be enforced by the Select Board, its duly authorized agent or as otherwise set forth in statute or zoning ordinance.

A written notice of violation shall be issued to the property owner by registered mail from the Select Board or their designated agent if they determine that conditions at the site are in violation of any of the requirements of this regulation or plans approved under this regulation and that the violation is not an immediate threat to public health and safety. The notice of violation shall:

1. Specify the actions or conditions that violate the requirements of this regulation or plans approved under this regulation.
2. Identify what needs to be done to correct the violation(s).
3. Specify a reasonable time frame within which the violation will be corrected; and
4. If the tenants are different than the property owner, if possible, a copy will be provided to the tenants either by regular mail or by posting on the site.
5. A copy to be kept in the official records of the Planning Board and the Select Board.

Enforcement action may include, Cease and Desist Orders, in accordance with RSA 676:17-a, or Local Land Citations, in accordance with, RSA 676:17-b, or other legal remedies available to the Town of Canterbury.

### **Section 10.14 Penalties**

As provided in RSA 676:15 & 17, as from time to time amended, any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives



written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a separate offense. Penalties shall be paid prior to any final approval.

In any legal action brought by a municipality to enforce, by way of injunctive relief as provided by RSA 676:15 or otherwise, any local ordinance, code or regulation adopted under this title, or to enforce any planning board, zoning board of adjustment or building code board of appeals decision made pursuant to this title, or to seek the payment of any fine levied under paragraph I, the municipality shall recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action. For the purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to, inspection fees, expert fees, and investigatory expenses. If any violation of a local ordinance, code or regulation, or any violation of a planning board, zoning board of adjustment or building code board of appeals decision, results in the expenditure of public funds by a municipality which are not reimbursed, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the municipality for such funds so expended. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

The Building Inspector or other local official with the authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title may commence an action under paragraph I either in the district court pursuant to RSA 502-A:11-a, or in the superior court. The prosecuting official in the official's discretion may, prior to or at the time of arraignment, charge the offense as a violation, and in such cases the penalties to be imposed by the court shall be limited to those provided for a violation under RSA 651:2 and the civil penalty provided in subparagraph I (b) of this section. The provisions of this section shall supersede any inconsistent local penalty provision.

## **SECTION 11 FEES**

### **Section 11.1 Application Review Expenses**

All expenses incurred by the Town of Canterbury in processing an Application for Board Action shall be borne by the Applicant. The cost of recording the plat with the Registry of Deeds, cost of any required publication, cost of posting notices, cost of mailing notices of hearing, the reasonable anticipated cost of the consultation by the Board with any expert or specialist, and the reasonable anticipated costs to the town for the services of the Board's designated agent, planning consultant, its attorney, its engineer, or other surveyors, engineers, consultants, lawyers and their design professionals retained by the Board. All additional costs incurred during review of the Application shall be paid prior to approval. Failure to pay these costs as specified will be valid grounds for refusal to accept the Application as complete, or for disapproval of the Application.

1. If renotification is required, the applicant may be required to pay the full cost of postage.
2. The amounts deposited under this Section shall be held by the Town Treasurer for the purpose of paying the Town's expert or consultant.

3. Any amount deposited under this Section, and not used for the purposes stated herein, shall be returned to the applicant upon approval or disapproval of the Final Plan by the Board.
4. All work performed and all opinions rendered by these professionals shall be solely for the use and benefit of the board. No employment or other contractual relationship shall exist between the professional and the applicant.

### Section 11.2 Application Fees

Fees are assessed to cover the costs of administering these regulations are to be made in a manner acceptable to the Town of Canterbury. They can be found on the Town's website here: [https://www.canterbury-nh.org/sites/g/files/vyhli366/f/uploads/fee\\_schedule\\_1.pdf](https://www.canterbury-nh.org/sites/g/files/vyhli366/f/uploads/fee_schedule_1.pdf)

**Please Note: Separate checks are to be made payable to Merrimack County Registry of Deed for both Recording Fees and LCHIP surcharge.** *LCHIP (Land Community Heritage Investment Program) Effective July 1, 2008, NHRSA 478:17-g*

### Section 11.3 Construction Monitoring Fees

The Planning Board shall require that the applicant of any site or subdivision plan, approved by the Board, provide funds for construction monitoring; all professional fees and expenses associated with the work shall be borne by the applicant.

1. Such monitoring may include construction on the site, according to the approved plan, the construction of any off-site improvement approved as part of the plan and review of revised plans, as-built plans, and applicable field changes.
2. Such monitoring may include the construction of buildings, utilities, roads, and/or any other construction that in the opinion of the Board requires monitoring to ensure that the construction is done according to the standards established by the Town, and in accordance with the approved plan.
3. The construction monitoring shall be provided by the Town or consulting engineer and/or planner and the estimated cost of said monitoring shall be provided to the Planning Board's Authorized Agent prior to the recording of any plat or the issuance of any permits for site and building plans for any approved site plan.
4. If at any point during the construction process the escrow is depleted all construction activity shall cease until additional escrow is provided.
5. The Planning Board may require additional financial guarantees as a condition of Planning Board approval.
6. A separate account must be established with the Town for the funds received for construction monitoring, or to ensure the completion of all required improvements including site stabilization, inspection of construction work in progress, and for compliance with the approved plans.
7. Any amount deposited under this Section, and not used for the purposes stated herein, shall be returned to the applicant upon issuance of Final Approval for the completed development.
8. Any judgment as to the adequacy of such construction shall be made by an agent authorized by the Town.

## SECTION 12 DEFINITIONS

### Section 12.1 Zoning Ordinance Definitions

For the purpose of these regulations the definitions in Article XII, Definitions of the Town of Canterbury Zoning Ordinance shall apply to these regulations unless contrary intentions or a specific definition is included in these regulations.

### Section 12.2 Word Usage

For the purpose of these regulations, certain terms and words shall have the meaning given here. Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended" or "offered" to be used or occupied; the words "building", "structure", "lot", "land" or "premise" shall be construed as though followed by the words "or any portion thereof"; the word "may" is permissive; and the word "shall" is always mandatory and not merely directory.

Words and phrases not defined in this section but defined in other regulations of the Town of Canterbury or by State statute will have meanings as defined by those regulations or statutes unless a contrary intention clearly appears.

Words not otherwise defined shall have their common meaning.

### Section 12.3 Definitions

Terms not otherwise defined below are defined in the Zoning Ordinance.

**Abutter:** Abutter means any person whose property adjoins or is directly across the street or stream from the land under consideration by the Planning Board or such person as defined by NH RSA 672:3 and NH RSA 676:4. Abutters do not include property owners across a great pond as defined by the State of NH, including Rocky Pond, Upper Shaker Pond, Shaker Pond#2, New Pond, Morill Pond #1 and #2, Lyford Pond (Dam), Long Pond, Kimball Pond, Forest Pond, Crane Neck Pond, The Channel and the Merrimack River.

For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Board of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

**Advertised Public Meeting:** A meeting of a quorum of the Planning Board in accordance with NH RSA 92.A.

**Applicant:** The owner or designated agent of the owner of land proposed to be subdivided or otherwise developed who seeks Planning Board approval as specified in these Regulations. A designated agent may be an individual, firm, association, syndicate, co-partnership or corporation, trust, or other legal entity with written approval by the property owner(s).

**Application Form:** The form provided by the Board to be submitted by an applicant to request approval of a subdivision or site plan.

**Approval:** Formal vote of the Planning Board on the merits of a proposal following a public hearing. Approval can include an approval with or without conditions.

**Approval, Final:** Signing of the site plan or subdivision plat once conditions are met, if any were designated.

**As-built Plan:** A survey carried out during or immediately following a construction project to establish a record of the same, to facilitate the evaluation of completion of work, and to allow for release of a financial guarantee, or issuance of a Certificate of Occupancy. The as-built plans reflect all changes made to the development during the construction process and show the exact dimensions, geometry, and location of all elements of the work completed. As-built plans shall be provided in a format as set forth in these Regulations.

**Blight:** Unsightly condition including the accumulation of debris, litter, rubbish, or rubble; fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

**Board:** The Planning Board of the Town of Canterbury, New Hampshire.

**Buildable Land:** All land except that which is defined or described as Unsuitable for subdivision or building purposes as defined herein. Easements for existing power lines, natural gas lines, or other utilities are defined as buildable, but may not be built upon.

**Changes, Immaterial:** Changes that do not meet the definition of CHANGES< MATERIAL, below.

**Changes, Material:** Any human-caused change to improved or unimproved real estate that requires a permit or approval from the Town or State, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, or excavation.

**Dead End Street, Permanent:** The permanent termination of a street that will not, or cannot, be extended. This classification shall be made by the Planning Board after initial review and consultation.

**Dead End Street, Temporary:** The area constructed at the termination point of any street which, in the foreseeable future, will be extended, either further onto the developer/owner's holdings or onto abutting properties. This classification shall be made by the Planning Board after initial review and consultation.

**Engineer:** The duly designated engineer of the Town of Canterbury, or other official who shall be an engineer licensed in the State of New Hampshire.

**Foot Candle:** A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

**Impervious Surface Area:** The total impervious area of a lot or site is defined as the total area of any paved parking lots, streets, driveways, roof area, decks, paved walkways, and any concrete, stone, brick, asphalt surface, or compacted gravel surface which substantially prevents the infiltration of stormwater.

**Invasive Species:** Plants and species as defined in the most recent University of New Hampshire list of invasive species.

**Lot Line Adjustment:** A minor adjustment of the location boundary between two or more lots which results in no new Lots and does not change the conformity of the lot, which involves no construction of new Streets or other public improvements, and which is not a re-subdivision.

**Lumen:** A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

**Lux:** A unit of illumination equal to the direct illumination on a surface that is everywhere one meter from a uniform point source of one candle intensity or equal to one lumen per square meter.

**Master Plan:** A composite of the mapped and written proposals recommending the physical development of the Town which shall have been duly adopted by the Planning Board.

**Non-Residential Development:** Any development, use or change in the use of land other than single or two-family residential development, whether or not such development includes a subdivision or re-subdivision of the land.

**Public Hearing:** A public hearing, noticed in accordance with the provisions of RSA 675:7.

**Select Board:** The Governing Body of the Town of Canterbury, New Hampshire.

**Site Plan, Major:** As defined in Section 1.9 of these Regulations.

**Site Plan, Minor:** As defined in Section 1.8 of these Regulations.

**Site Plan Review:** The review by this Board of an Applicant's plans for Non-residential Development including Multi-family Development pursuant to these regulations.

**Street:** Includes any street, right-of-way, avenue, road, boulevard, lane, alley, viaduct, highway, freeway, and other public ways. Street shall include the entire right-of-way.

**Subdivision:** The division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose.

**Subdivision, Minor:** Any Subdivision which creates three (3) or fewer lots or condominium units, which does not require the construction of any new street or the extension of municipal facilities, and which is not in conflict with any duly accepted or approved street, plan, or map. For the purposes of determining the applicable requirements of these Regulations, a Lot Line Adjustment shall be deemed to be a Minor Subdivision.

**Subdivision, Major:** Any subdivision not classified as a Minor Subdivision.

**Subdivision, Re-subdivision:** A change in a map of an approved or recorded Subdivision plat if such change affects any street layout on such, map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions.

**Substantially Complete:** When 51% of the floor area of the principal structure, or, 51% of the residential units are completed.

**Substantial Development:** In approving any application, the Planning Board may specify the threshold level of work, which constitutes “substantial development” for the purpose of determining the minimum amount of work required to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations. Substantial development, in the absence of a specific finding by the Planning Board, shall be deemed to have occurred when at least twenty percent (20%) of the total building foundations or one building foundation, whichever is greater, on the site has been installed, inspected and approved by the Building Inspector, utilities have been extended to the site, and a certified plot plan of the foundation has been submitted. All erosion control measures as specified on the approved plan for the area of disturbance must be installed.

**Use, Change of:** The replacement of an existing use by a new use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

**Unsuitable Land:** Land not suitable for development including wetlands, steep slopes over 15%, conservation easements or land where development is otherwise legally restricted, and flood hazard areas.

**Voluntary Lot Merger:** A voluntary merger, in accordance with RSA 674:39-a, as amended, initiated by the land owner(s), of two or more contiguous preexisting approved or subdivided lots or parcels into one new lot.

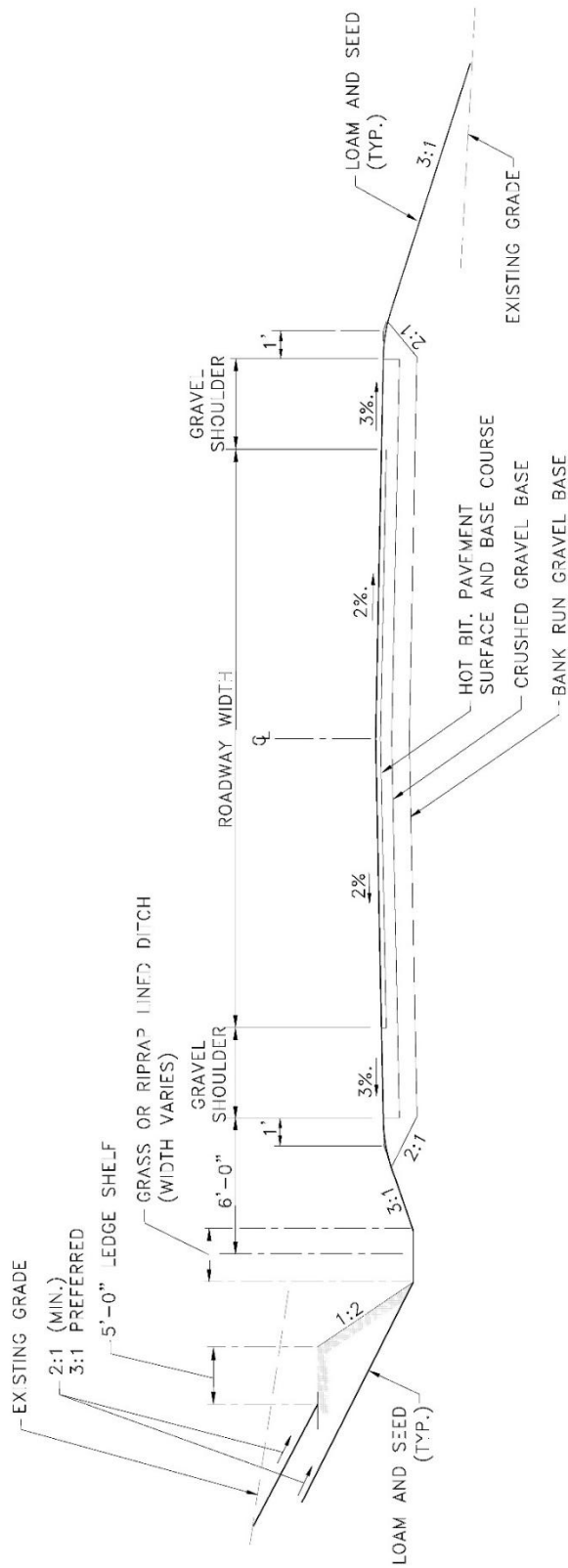
**Wetland:** As defined by RSA 482:A:2, X, wetlands mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.



# Land Development Regulations

## Canterbury Planning Board

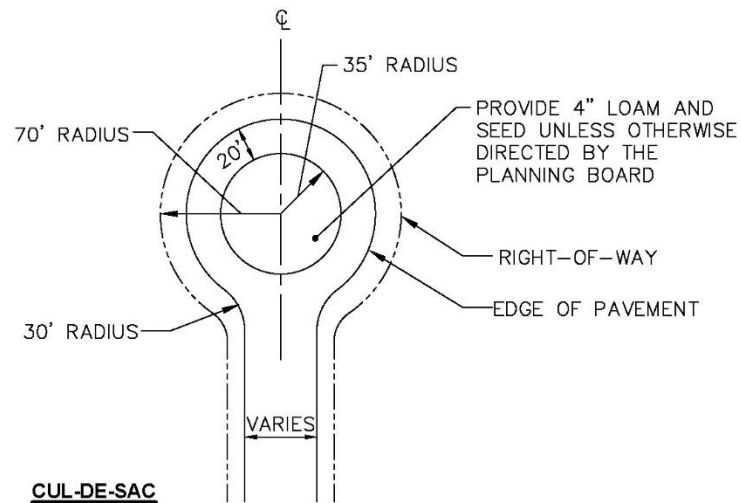
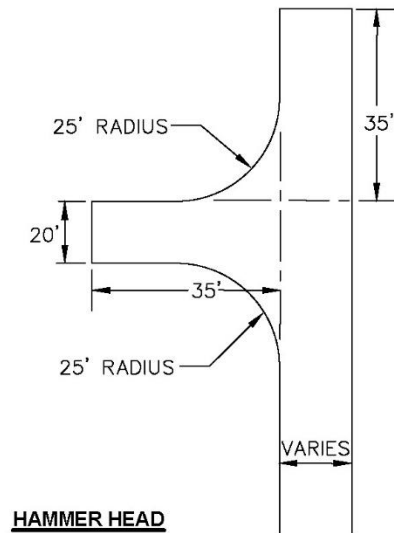
### APPENDIX A: TYPICAL CONSTRUCTION STANDARDS AND DETAILS



## TOWN OF CANTERBURY

TYPICAL PAVED ROADWAY SECTION





**TOWN OF CANTERBURY**

ROADWAY DETAILS

A. **Minimum Street Design Standards:**

1. **General**

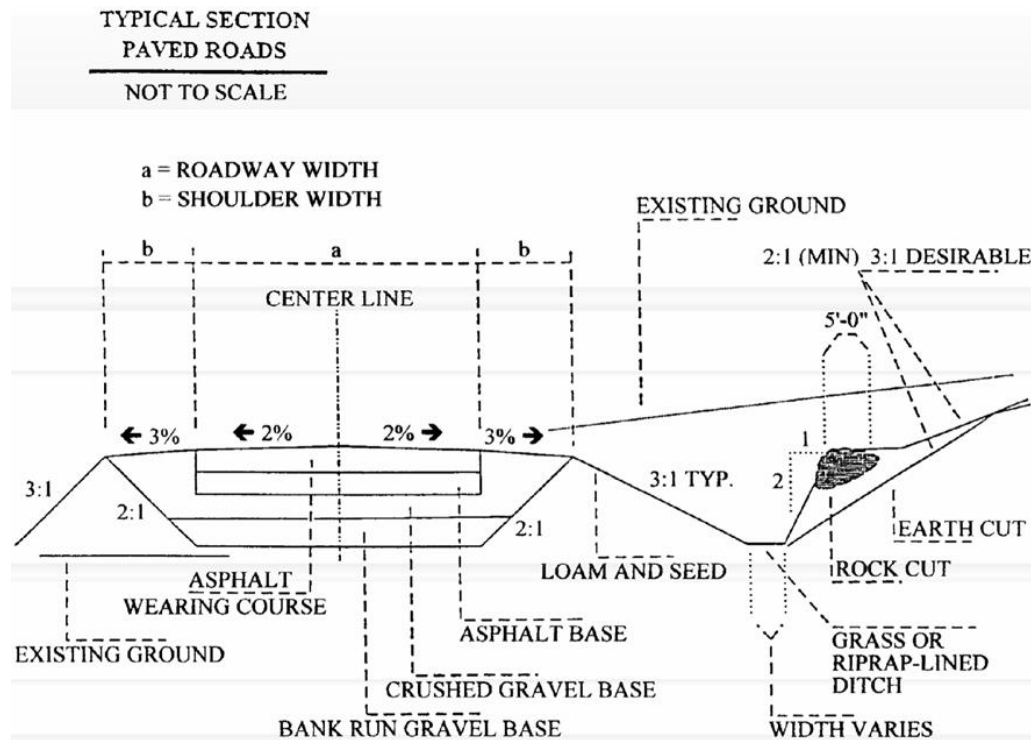
- A. Streets shall be designed to conform to the minimum design standards established in the *Table of Minimum Road Design Standards*, and in the *Typical Roadway Cross Section* below.
- B. Average daily traffic shall be determined by the manual entitled *Institute of Transportation Engineers - Trip Generation*. The average daily traffic as determined by the manual may be supplemented by actual traffic data compiled for street networks and applicable to the proposed project.
- C. For streets where the Planning Board has reason to expect higher average daily traffic than the table of minimum design standards shows, such as streets that have the potential to extend to other lands or to other potential street networks, the board may require higher design standards than the table of minimum road design standards and the typical roadway cross section show.
- D. New Hampshire Department of Transportation specifications shall apply to road-design matters or road-construction matters that the subdivision regulations do not cover.
- E. Steep Grades: Where Street profiles exceed 5%, the Planning Board shall give special consideration to drainage and to protection from erosion and sedimentation. This protection may require curbing and special means such as riprap or other means.
- F. Utilities: Utilities shall be placed after the project has been brought to subgrade and after rough slope work has been completed, except for underground utilities. The respective utilities companies shall inspect the lines.

Table of Minimum Road Design Standards

	Traffic Load (Average Daily Traffic)	
	Private Roads of Dead Ends	All Other Roads
Design Speed (miles per hour)	20	30
Center Line Curve Radius (feet)	120	250
Roadway Width (feet)	22	24
Shoulder Width (each side) (feet)	3	4
Vertical Curve		
Crest:	15	30
Sag: K values (minimum)	24	40
Sight Distance (feet)	150	300
Sight Distance at Road Intersections (feet)	200	350
Profile Grade (%)		
Minimum:	0.5	0.5
Maximum:	8	8
Minimum Platform at Road Intersections	2%-50 ft	2%-100 ft
Minimum Pavement Radius at Road Intersections (feet)	30	35
Bank Run Gravel Base Course Depth (inches)	18	18
Crushed Gravel Course Depth (inches)	10	10
Bituminous Concrete Base Course Depth (inches)	2	2
Bituminous Concrete Wearing Course: Depth (inches)	1	1

Drainage standards are located in Section 3 of this Appendix.

## TYPICAL ROADWAY CROSS SECTION



### 2. Dead-End Streets:

- A) Every permanent dead-end street shall have a turnaround at the closed end as shown in the Typical Cul-de-Sac Diagram.
- B) Every temporary dead end street shall have a minimum 50 foot by 50 foot right of way on each side ("ears") at the end of the right of way which will be deeded temporarily to the Town and will be discontinued when the road is extended in the future and the easement area restored.
- C) Within each "ear" a minimum 35 foot deep by 20 foot wide paved extension on each side of the of the street shall be constructed with a 25' radius to allow for service and emergency vehicles sufficient maneuvering room to reverse direction.
- D) Every dead-end street shall have a maximum grade of 5%.
- E) Every dead-end street shall have a maximum length of 1,000 feet as measured from the nearest edge of the nearest class V Town Road or better intersecting highway,

then along the center line of the traveled way in the dead-end street, and then to the midpoint of the traveled way in the cul-de-sac turnaround.

### 3. Storm Water Management, Erosion and Sedimentation Control

- A) Storm water runoff shall be calculated by the United States Department of Agriculture Natural Resources Conservation Service method or by the rational method. *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*, 1992, chapter 6, Estimating Runoff, describes these two methods. (In 1992, the United States Department of Agriculture Natural Resources Conservation Service was called the United States Department of Agriculture Soil Conservation Service.) The rainfall intensity to be used with either of these two methods of calculating storm water runoff shall be as follows:
  - 1. (A) 25-year frequency, 24-hour duration storm for residential areas.
  - 2. 50-year frequency, 24-hour duration storm for commercial or industrial areas.
  - 3. 100-year frequency, 24-hour duration storm for Special Flood Hazards.
- B) The design of streets shall follow the guidelines in the *Manual on Drainage Design for Highways*, published by the New Hampshire Department of Transportation, revision date April 1998.
- C) All streets that are not highways under state or federal jurisdiction shall be considered as minor state aid highways and betterments for the purposes of applying the *Manual on Drainage Design for Highways*.
- D) Culverts shall be placed at the locations as determined by the Road Agent, Town Engineer, and the Planning Board.
- E) Culverts without headwalls or drop inlets shall extend to the intersection of the side slope with the old ground in an earth fill section; or with the back slope in an earth cut section governed by the cover over the culvert. Culverts with headwalls may be shorter as governed by the intersection as street side slope with the back of the headwall 5 inches below the top of the headwall. Culverts may be terminated by catch basins.
- F) The minimum inside diameter of every culvert under any street shall be 15 inches; a larger size may be required as a result of the rainfall information discussed and designs required in these regulations, as well as the general necessity for adequate disposal of surface water.
- G) The minimum diameter of every culvert under any single-family driveway where the driveway joins a street shall be a minimum of 12 inches. Culverts shall be placed on prepared bedding of fine granular material to fit the lower 10% of the pipe height and to ensure that the flow line of the pipes will conform to the required grade line within the street side swale or ditch. The minimum culvert slope required to maintain a self-cleaning water velocity is 0.4%. Acceptable material for culvert pipes and closed drainage system pipes shall be smoothbore PVC (polyvinyl chloride) pipes. Locking bands for field jointing sections shall meet the manufacturer specifications.
- H) Underdrains: The planning board may require the applicant to provide underdrains within a street to remove water from the roadway subgrade.

- I) Ditch Grades: Roadside ditch grades shall not be less than .5% to prevent ponding. Steep roadside ditch grades may require energy absorbing crushed stone or cross culvert relief if anticipated flow is significant.
- J) Headwalls and Catch Basins: A stone or masonry headwall on the inlet end of a culvert, when required, shall be designed to prevent physical damage to the culvert pipe and shall have a base below the pipe to avoid seepage and erosion below the culvert. Headwalls on the outlet end of the culvert may be required, but without a deep base. Catch basins or drop inlets may be required in developments with curb inlets or located in normal ditch lines of an earth cut section. All stone or masonry headwalls shall be constructed in accordance with New Hampshire Department of Transportation Standard Specifications. All drainage catch basins, drop inlets, and manholes shall be precast reinforced concrete constructed to New Hampshire Department of Transportation Standard Specifications. All frames and grates shall be cast iron and shall meet or exceed New Hampshire Department of Transportation Standard Specifications.
- K) Backfilling: All backfill material for culvert trenches, headwalls, drop inlets, catch basins, and manholes shall be soil approved by the planning board or its agent. Backfill material shall be free of hard lumps or clods larger than 3 inches in diameter and shall be free of rocks and stumps. Uniformly fine material shall be placed next to every culvert, headwall, and basin that may otherwise dent or break.
- L) Backfill shall be in layers not exceeding 6 inches thick at near optimum moisture content, and care shall be taken to backfill under the haunches of culverts and in firm contact with the sides. Compaction shall not be less than 95% in the vicinity of pipes.
- M) Intersections: Special consideration will be needed where new streets or private driveways intersect established streets or existing private ways to provide proper drainage and to avoid conditions leading to accumulation of ice during freezing weather.
- N) Guardrails: Guardrails shall be required where slopes drop more than 3 feet vertically from the height of the break in shoulder to the original grade on a slope steeper than 4:1 or in other hazardous areas as the planning board or its agent deems necessary. Where a guardrail is required, it shall be constructed and placed in accordance with New Hampshire Department of Transportation construction specifications and the Roadside Design Guide of the American Association of State Highway and Transportation.

#### **4. Paving Standards**

- A) Upon completion of excavation, placement of embankment, and installation and backfilling of drainage structures, the subgrade shall be fine graded to conform to the subgrade profile and cross slope. High spots shall be honed down, and low spots shall be filled with material that the planning board or its agent approves. Vibratory compacting shall continue until no further depressions result. Slopes and ditches shall be shaped to reasonable smooth surfaces in keeping with the character of the adjacent terrain and to merge into the adjacent terrain without any noticeable break. Culverts and waterways shall be cleared of all obstructions. Rubbish, brush, loose rock, boulders, and all other debris from the construction work shall be removed and disposed of as the board or its agent specifies. The entire roadway must present a uniformly finished appearance at the completion of fine grading. The applicant shall notify the planning board or its agent so that the board or its agent

can inspect the fine grading of the subgrade, side slopes, back slopes, and ditches before any further work may progress.

- B) Base courses shall be furnished and placed on previously prepared subgrade or base course. The materials shall be free of organic materials and shall conform to the following gradations:
- C) Bank Run Gravel: The base course shall consist of bank run gravel to the minimum depth specified in the Table of Minimum Road Design Standards. 25% to 70% of the gravel shall pass the number 4 sieve, and of that passing, no more than 12% shall pass the number 200 sieve. The maximum size of any stone with the gravel shall not exceed 75% of the compacted depth of the gravel specified.
- D) The top aggregate base course shall consist of crushed gravel to the minimum depth specified in Table of Minimum Road Design Standards. The following table states the required grading:

Sieve Size	Percentage by Weight Passing
3 inch	100
2 inch	95-100
1 inch	55-85
number 4	27-52
number 200 (based on the fraction passing the number 4 sieve)	0-12

At least 50% by weight of the materials retained in the 1-inch sieve shall have a fractured face. If the crushed gravel is to be paved with bituminous concrete, then the crushed gravel shall be "washed" to remove fines.

- E) The subgrade shall be built to the specified crown and grade and shall be maintained in a smooth condition, free from holes and ruts. If the hauling equipment should cause ruts in the subgrade or previously placed base course, then the hauling equipment shall be operated only on the course being placed, behind the spreading equipment.
- F) Care shall be taken to avoid segregation when placing bank run gravel and crushed gravel. When base course material is dumped in piles, it shall be dumped in the course being placed and spread at once onto the previously placed layer. If spreading equipment is not available, then dumping will not be permitted. All segregation that occurs shall be remedied, or the materials shall be removed and replaced at the applicant's expense.
- G) Every entire layer of bank run gravel shall be thoroughly scarified for the depth of the layer to bring all oversized stones to the surface for disposal before the subsequent course is placed. Such scarifying will not be required when the contractor's method of operation is such that oversized stones are not delivered to the project.
- H) Before the fine grading happens, hard spots in the surface of the top layer shall be eliminated by scarifying the top 4 inches.
- I) Previously tested and accepted materials that no longer meet applicable requirements because the materials have been contaminated by earthen, organic, or other foreign matter or because the

materials have been degraded by hauling equipment shall be removed and replaced or otherwise made acceptable at the applicant's expense.

- J) To prevent segregation of crushed gravel during spreading and to help in reaching the required density of the mixture, water shall be added to the crushed gravel before the grading operations happen. The course shall be maintained in a moist condition until it is covered. Water shall be uniformly applied over the other base courses during compaction in the amount necessary for proper consolidation.
- K) The compaction of bank run gravel and crushed gravel shall be done with an approved vibratory roller until 95% of maximum density is achieved.
- L) Source Approval: The sources of bank run gravel and crushed gravel must have the approval of the planning board or its agent before the applicant brings the materials to the job site.
- M) Fine Grading of Top Course: The top course of 4 inches of crushed gravel shall be fine graded to conform to the profile grade of this course and the cross slope. High spots shall be removed, and low spots shall be filled with approved material. Rolling shall continue until no further depressions result.
- N) All streets and commercial and multi-family parking lots shall be surfaced with bituminous materials or approved equivalent. The base course and the wearing surface of bituminous concrete shall have the thicknesses specified by article in the Table of Minimum Road Design Standards.
- O) Approvals: The paving contractor and materials to be used shall be approved by the planning board or its agent for all proposed public roads. No paving shall be done until the top course of the base courses has been approved.
- P) Paving On Public Roads:
  - 1. Roads: Mixtures shall be placed only when the underlying surface is substantially dry and frost free and when the surface temperature is at least 40 degrees Fahrenheit and rising.
  - 2. In the case of sudden rain, the planning board or its agent may permit the placing of mix then in transit from the plant if the mix is laid on a base free from pools of water and if all other specifications are met. No load shall be sent out so late in the day that spreading and compaction cannot be completed during daylight.
  - 3. Wearing course shall not be placed after October 1 of any year.
  - 4. In special instances, when the board or its agent determines that it is in the best interest of the town, the board may waive the weather-limitations requirements of subparagraph.
  - 5. All material cooler than 250 degrees Fahrenheit when delivered to the spreader shall not be used.
  - 6. Immediately after the bituminous mixture has been spread and struck off and surface irregularities have been adjusted, the bituminous mixture shall be thoroughly and uniformly compacted by rolling. The initial rolling shall be done with a static steel- wheeled roller followed by the use of a vibratory roller. The minimum weight of static steel-wheeled rollers shall be 8 tons. A vibratory steel-wheeled roller shall have a minimum applied dynamic force of 27,000



pounds (manufacturer's rated capacity). Vibratory rollers shall have separate controls for energy and propulsion and shall be specially designed to compact bituminous mixtures. When a vibratory roller is being used, the vibration shall be stopped while the roller is stopped or reversing its direction of travel.

7. Base courses shall be rolled until all roller marks are eliminated. The wearing course shall be rolled until all roller marks are eliminated and until a minimum density of 95% of laboratory specimens, made by the American Association of State Highway and Transportation Officials T-24 method in the proportions of the job-mix formula, has been obtained.