

**FARMINGTON SITE PLAN REVIEW REGULATIONS
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ARTICLE I: GENERAL PROVISIONS**Section 1. Authority.**

Pursuant to the authority vested in the Planning Board by the voters of the Town of Farmington at the March 11, 2003 Annual Town Meeting and in accordance with the New Hampshire Revised Statutes Annotated (NH RSA), Chapter 674:43-44 as amended, the Planning Board adopts the following regulations governing the review of site plans for multi-family dwellings and non-residential uses. These regulations shall be entitled, "Site Plan Review Regulations."

Section 2. Purpose.

The general purpose of this chapter is to guide the character of non-residential and multi-family development, re-development, expansion, and change of use in order to provide for the health, safety, convenience, prosperity, and general welfare of the Town's inhabitants, businesses and visitors. Throughout these regulations, the Board seeks to balance the demand for growth, development and change with the need to preserve and enhance those qualities, which make Farmington a safe and desirable place to live, work and visit. In keeping with this general purpose, the following are specific objectives of this chapter:

- A. To evaluate the landowner's rights to use their land while considering the corresponding rights of abutting landowners and the public at large to be protected from undue hazards, disturbances, nuisances, pollution and diminution of property values;
- B. To protect public safety by means such as requiring appropriate provision and arrangement of roads, driveways, sidewalks, traffic aisles, parking, loading areas and emergency vehicle accesses;
- C. To provide for fire safety and prevention;
- D. To promote the harmonious and aesthetically pleasing development of the Town, ensuring visual harmony of neighborhoods, providing adequate provision of greenspace and open space, protecting the natural beauty of the Town and enhancing the quality of life for residents;
- E. To maintain the vitality of the tourist economy while allowing economic growth in all sectors of the economy;
- F. To protect environmental quality by means such as controlling erosion and providing for sanitary sewage disposal; and
- G. To ensure the provision of adequate facilities and services as are necessary to serve the proposed uses.

Section 3. Definitions.

Abutter: any person or municipality whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use Board. "Abutter" shall also include holders of conservation, preservation, and preservation/agricultural restrictions as defined in RSA 477:45. 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.

Applicant: the owner of the property, or an agent with owner's written authorization. All actions of the agent shall be binding upon the owner.

Bonding: any acceptable form of financial security. The specific dollar amount, the form, and any associated agreements or stipulations shall be negotiated directly with the Board of Selectmen.

Certificate of Occupancy: a statement signed by an authorized town official setting forth that a building or structure complies with this chapter, the Zoning Ordinance in effect as of the date of site plan approval, the town building code and other relevant codes and regulations of the Town and with the applicant's plan as approved.

Date of Official Submittal: an application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the appropriate application procedure.

Designee: a person designated by the Planning Board to perform any function under this ordinance, said expense to be assessed against the applicant.

Development: the construction or improvements or change of use on a tract or tracts of land for nonresidential and/or multi-family use.

Disturbed Area: the area of land, excepting that covered by greenspace and building(s), changed by human construction activities.

Escrow Agreement: a conditional delivery of money by a developer to a bank to be held until such time as the condition of a final site approval has been satisfactorily.

Greenspace: a permeable area of vegetated ground surface.

Multi-family: three or more residential units in one building.

Non-residential: a land-use of a commercial or industrial nature as well as commercial residential use, exempting however, the construction of single family and multi-family units of no more than two (2) dwelling units on a parcel of land.

Plan: any plan sheet other than a site sketch, along with supporting materials.

Plat: a plan sheet to be recorded at the Strafford County Registry of Deeds to indicate final approval.

Plat Standards: standards, which dictate the content and presentation of plats and/or plans.

Site Sketch: a scale drawing of a site.

Section 4. Applicability.

There are three possible applications of this code to development of a non-residential or multi-family site to be determined by the Board:

- . The code is NOT APPLICABLE;
- . The Planning Board provides a MINOR REVIEW; or
- . The Planning Board provides a FULL REVIEW.

The following criteria specify the level of review necessary for a proposal to develop a commercial or multi-family site:

- A. Not Applicable. The determination of "not applicable" by the Board shall mean that no site plan review approval is necessary, although other types of approvals or permits may be necessary to comply with other municipal codes and an application shall be kept on file. The Site Plan Review Regulations shall be deemed not applicable for the following:
 1. Temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site as determined by the Board; or
 2. Special events approved by the Board of Selectmen.
- B. Minor Review. A Minor Review by the Planning Board shall be required for any development, which does not qualify to be not applicable, or full review.
- C. Full Review. A Full Review by the Planning Board shall be required for the following:
 1. establishment of non-residential use where no non-residential use currently exists;
 2. establishment of multi-family use where no multi-family use currently exists;
 3. reduction in greenspace on the lot exceeds 1,000 square feet; or
 4. the increase in structure floor space exceeds 1,000 square feet or 25% of existing floor space, whichever is less.

ARTICLE II: APPLICATION PROCEDURES**Section 5. Minor Review.**

The application for a Minor Review shall be made to the Planning Board. The applicant shall follow the process specified in Section 8 through Section 19 of this Chapter. In the case of approved Minor Review applications, plans will not be recorded at the Registry of Deeds, unless required by the Planning Board. The following shall apply:

- A. Submit to the Planning Board a complete application. Applicants are advised to utilize the Minor Review Application Checklist, attached hereto, to avoid submitting incomplete applications, which will cause delays. Note that other governmental approvals must be applied for at the time of application submission, though the actual permit or approval may be a condition of Site Plan Review approval.
- B. Plan of existing conditions to scale and features consistent with this regulation.
- C. Board members may visit the site to familiarize themselves with the site.

Section 6. Full Review.

The application for a Full Review shall be made to the Planning Board. The applicant shall follow the process specified in Section 8 through Section 19 of this Chapter. In the case of approved Full Review applications, approved plans shall be signed and recorded at the Strafford County Registry of Deeds. The following shall apply:

- A. Submit to the Planning Board a complete application as defined in the Full Review Application Checklist, attached hereto. Applicants are advised to utilize this checklist themselves to avoid submitting incomplete applications which will cause delays. Note that other governmental approvals must be applied for at the time of application submission, though the actual permit or approval may be a condition of Site Plan Review approval.
- B. Plans and plats shall be stamped by New Hampshire licensed surveyors and/or professional engineers, as appropriate, for a Full Review Application. The following are the standards, which shall be met:
 - 1. Sheet Size. Sheet size shall not exceed 22" by 34".
 - 2. Scale. The scale of all plats shall be no less than 1" = 100'.
 - 3. Supplemental Plans. In the event that there are plan sheets accompanying the primary site plan plat, and because only the plat will be recorded at the Registry of Deeds, all supplemental plan sheets shall be referenced by title and latest date of revision on the plat to be recorded.
 - 4. NH Licensed Surveyors and Professional Engineers. The detailed boundary survey and other related survey information including but not limited to setbacks, building

locations and topography, shall be certified by a NH licensed surveyor regarding its accuracy. Road design, drainage, and floodplain construction shall be certified by a NH licensed professional engineer to meet all applicable standards and regulations. Certification shall be indicated on plans by professional stamp and the accompanying signature. In all cases, the plat to be recorded shall be certified by the surveyor and the professional engineer, where required.

- C. The Planning Board may conduct a site visit prior to application approval.

Section 7. Pre-Application Meetings.

Pre-application meetings are highly recommended by the Board. Such meetings can identify potential problems in an application prior to major investments in site design by the applicant. Pursuant to RSA 676:4,II, all pre-application meetings are optional at the applicant's discretion, and are separate and apart from the formal consideration of the application. The following shall apply:

- A. Preliminary Conceptual Consultation. This meeting shall be directed at a review of the basic concept of the proposal and suggestions, which might be of assistance in resolving problems with meeting requirement during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board.
- B. Design Review. The Board and applicant may engage in nonbinding discussions beyond conceptual and general discussions which involve more specific design, planning and engineering details; provided that the design review may proceed only after formal public notice to the public and all abutters. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in Section 8.B, and shall provide all required materials and information required for public notice per Sections 12 and 13.

Section 8. Fees.

In accordance with RSA 676:4,I (g) and RSA 674:44,V, the applicant shall pay the fees in accordance with the fee schedule most recently adopted by the Planning Board and available from the Planning Department to compensate the Town for its expenses in processing, noticing and reviewing each application. These fees include:

- A. Application Fee (Check made payable to “Town of Farmington”): This fee is assessed pursuant to RSA 676:4(I)(g) to off-set general administrative expenses associated with the processing of an application:
- B. Notice & Recording Fee (Check made payable to “Town of Farmington”): This fee is assessed pursuant to RSA 673:16 to cover costs of statutory notice requirements, recording of final plans and conditions of approval, and updating town and tax maps with new information as required by the application.
- C. In accordance with RSA 676:4 I (g), the Board shall also require an applicant to reimburse the Town for costs associated with special investigative studies. Such costs may be encountered in the following instances:
 - 1. Time spent for technical review of plans, meetings with the applicant subsequent to application, and other reasonable expenses directly accountable to the particular application. The rate shall reflect the current hourly rate paid by the Town when performed by the Town Planning Department or, in the event services are provided by a Consulting Planner the rate shall be the actual cost to the town for such services. All charges to the applicant shall be supported by a detailed accounting of the services performed.
 - 2. Engineering review of plans, roadway design, drainage and stormwater management, and erosion and sediment control plans by an agent appointed by the Planning Board.
 - 3. Periodic construction inspections and/or tests.
 - 4. Witnessing of test pits by an agent designated by the Planning Board.
 - 5. Legal review of documents associated with the application, including, but not limited to, easement language, deed language, and association documents.
 - 6. Review of traffic impact analysis.
 - 7. Other studies and/or review of studies reasonably required and associated exclusively with the application.

Section 9. Submission of Application Materials.

All materials to be submitted to the Planning Board for consideration shall be submitted prior to the meeting so that Board members and abutters may have sufficient opportunity to review the application without unnecessarily delaying the proceeding of the meeting. When applicable, a copy of all materials, including updates, shall be provided to the Conservation Commission for their review and comment. The following shall apply:

- A. Application Acceptance. In accordance with RSA 676:4,I (b), all materials required to constitute a Complete Application shall be submitted to the Town at least 30 days prior to the meeting at which it will be considered for Application Acceptance.
- B. Other Public Hearings. New materials shall be submitted to the Town at least 15 days prior to a meeting when a new public notice is required.
- C. Continued Meetings. When consideration of an application is continued and new or revised information is required, the new or revised information shall be submitted to the Planning Department fifteen (15) days prior to the date of the continued hearing.

All applicants shall submit the following as part of their application package:

- Five (5) full size plan sets, one (1) of which shall be color;
- Fourteen (14) copies of the completed and signed Planning Board-approved application form and accompanying checklists;
- Fourteen (14) copies of a project narrative;
- Fourteen (14) 11" x 17" reductions of full plan sets;
- One (1) copy of the certified abutters list on the form approved by the Planning Board;
- Three (3) sets of mailing labels pre-addressed for each abutter;
- Three (3) sets of mailing labels pre-addressed for the applicant, property owner (if different), the agent (if applicable), and each licensed professional stamping/signing the plan set; and
- Payment of fees in full at the time of submission.

Section 10. Application to Other Governmental Units.

The Planning Board shall not grant a final approval to an application until all other government permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior local approval. All applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining Town final approval. The Planning Board may consider a grant of *conditional approval* per Section 17 when an application is pending state approvals not subject to local jurisdiction.

Section 11. Public Notice.

Public notice pursuant to RSA 676:4,I (d) shall be required for all applications. The Public Notice shall identify the property owner, the location, and a general description of the proposal.

- A. Public notice shall be required for the following:
 - 1. design review meetings;
 - 2. meetings at which an application is considered for acceptance; and
 - 3. meetings at which a public hearing is conducted.
- B. Public notice shall be mailed to the applicant, the applicant's authorized representative, and each abutter at least 10 days prior to the meeting for which the notice is required. Such notification shall be mailed by certified mail.
 - 1. Using the Abutters List form provided by the Town, the applicant shall prepare a list of abutters using Town records no sooner than 5 days prior to the submission the application; and
 - 2. The applicant shall provide an adhesive mailing label for each party on the Abutters List, including the applicant and authorized representative.
- C. Public notice shall be posted at Town Hall at least 10 days prior to the meeting.
- D. Public notice shall be published prior to the meeting in a newspaper of general circulation. This notice shall be sent to the newspaper at least ten (10) days prior to the meeting.
- E. Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior hearing, the Board shall state the location, date, time at which the continued session will resume, and deadlines for the submission of new or updated materials.

Section 12. Application Acceptance.

Before an application is reviewed by the Board, it must be accepted by a formal vote of the Board. The applicant shall attend this meeting to ensure that questions can be answered and issues clarified if necessary. Per RSA 676:4,I (b), the Board shall vote to accept the application only if it determines that the application is complete per this chapter, and such decision must occur within 30 days of application submission per RSA 676:4,I(c). Upon acceptance, review of the application may proceed. If an application is not accepted, the Board may proceed with Design Review, but as stated in Section 8, such discussion shall not be binding on the applicant or Board. The Design Review meeting may be continued to another date for Application Acceptance without further notice.

Section 13. Applicant's Presentation (Optional).

Following application acceptance, at each meeting, the Board shall offer an applicant a brief opportunity in which to make a general presentation to the Board and the audience. The applicant is solely responsible for bringing any audio-visual materials and equipment needed. This

presentation should include a description of the proposed project and a general description of the design, layout, and so forth. This is not the forum to raise specific issues, therefore, the presentation should remain general in nature.

Section 14. Public Hearing.

The Board shall open a public hearing following application acceptance and the applicant's presentation (if any). The purpose shall be to solicit public input, comments, questions and concerns. The Chairman may temporarily suspend public comment during the public hearing to allow the Board time to deliberate, vote on waivers, and so forth. The public hearing may be continued if an additional meeting is required. Only when all pertinent, new public input is complete shall the hearing be closed. The applicant shall be responsible for attending the public hearing, including all continuations, to ensure that questions can be answered and issues clarified if necessary.

Section 15. Decision.

Pursuant to RSA 676:4,I(c), the Board shall issue a decision within sixty-five (65) days of application acceptance, subject to time extensions per RSA 676:4,I (f). Applications which are not accepted require no decision. The Board must approve, conditionally approve, or deny the application, as follows:

- A. Approval. The Board shall grant approval to an application when it fully complies with this chapter, including both design standards and compliance with procedures, subject to waivers granted and grandfathered rights.
- B. Conditional Approval. The Board may grant conditional approval to an application when minor additional action by the applicant will bring the application into full compliance for Approval. This may include payment of fees, changes in design, and other matters, subject to the requirements of RSA 676:4,I (i):
 - 1. minor plan changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
 - 2. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
 - 3. conditions with regard to the applicant's possession of permits and approvals granted by other governmental units; or
 - 4. bonding, filing fees, or other required fees; or
 - 5. conditional approval shall be valid for a period of one (1) year. The Planning Board may, at its discretion, extend the Conditional Approval beyond one year, in one-year increments. Extensions beyond the second year shall only be granted if the only outstanding conditions are State approvals and the applicant can demonstrate that such approvals were requested in a timely fashion.

- C. Disapproval. The Board shall disapprove an application when it fails to comply with the design standards or procedures of this chapter, for failure to meet reasonable deadlines established by the Board, or for failure to pay fees. If the Board includes the phrase "without prejudice" in the motion to disapprove, it signifies that the application was denied for procedural reasons rather than design reasons, and that it may be re-submitted without design changes as a new application to the Board at a later date.

If requested in writing, the applicant may waive the requirement for planning board action within the time periods specified above and consent to such extension as may be mutually agreeable (RSA 676:4,I (f)); or

The planning board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application (RSA 676:4,I (f)).

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Selectmen may order the planning board to act within 30 days. If the board still fails to act, the Selectmen must approve the plan within 40 days, unless it can state in writing some specific regulation with which the application does not comply with. The failure of the Selectmen to act on such order shall, upon petition of the applicant, constitute grounds for the Superior Court to issue an order approving the application, if the Court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.

Section 16. Notice of Decision.

As required by RSA 676:3, within five (5) business days of the meeting at which an approval is granted, the Town shall issue a Notice of Decision which states the final decision reached by the Board regarding the application. In the case of a conditional approval, the Notice of Decision shall state all conditions to be met for final approval. Upon fulfillment of the stated conditions the Board shall issue a new Notice of Decision stating that all conditions have been satisfied, and shall sign and record the plats if applicable. In the case of a denial, the Notice of Decision shall state the reasons for denial as required by RSA 676:4,I(h) and RSA 676:3,I.

Section 17. Appeals.

Any person aggrieved by any decision made in the course of applications pursuant to this chapter may appeal to Strafford County Superior Court in accordance with RSA 677:15.

ARTICLE III: DESIGN STANDARDS

Section 18. Specific Plan Requirements.

In order for the Board to comprehensively evaluate a site plan proposal, the applicant is required to show the following information as part of the site plan, unless granted a waiver in accordance with Section 43, Waivers.

Existing Site Conditions

- A. Location of site including tax map and lot, names, and addresses of current owners of record and current abutting landowners. A separate list of current names and addresses of abutters must also be provided.
- B. Name and address of person(s) or firm preparing the plan. The plan must contain the date of preparation, title, north arrow, scale, legend and zoning district(s). Name and address of person(s) or firm preparing other data and information if different from the preparer of the map. Plans shall also contain a signature block for Board approval.
- C. Property survey prepared and certified by a New Hampshire licensed surveyor.
- D. Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than two percent (2%).
- E. The location of existing drainage systems, structures, and drainage easements, if any.
- F. The shape, size, height, location and use of all existing structures on the site and approximate locations of structures within 100 feet of the site.
- G. Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, and other significant environmental features, including wetland soils.
- H. Man-made features such as, but not limited to, existing roads and structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.
- I. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.
- J. A vicinity sketch showing the location of the site in relation to the surrounding public street system, to be shown within a distance of 1,000 feet.
- K. Wetlands and or Soil Delineation of the entire site, or the portion determined by the board, shall be delineated by a licensed wetland scientist or soil scientist.
- L. Location and description of all existing easements and/or rights of way.

- M. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Board for historic significance.

Proposed Site Conditions

- A. Proposed grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than two percent (2%).
- B. The location and layout of proposed drainage systems and structures, including elevations for catch basins.
- C. The shape, size, height, and location of all proposed structures, including expansion of existing structures on the site, first floor elevation(s), building elevation(s), and a rendering of the proposed structure(s).
- D. Construction drawings, including, but not limited to, pavement, sidewalks, steps, curbing and drainage structures.
- E. Location and timing patterns of proposed traffic control devices, including painted road indicators, and all signage.
- F. The location, width, curbing and paving of proposed streets, driveways and sidewalks with indication of direction of travel for one-way streets. Including the radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.
- G. The location, size and layout of on and off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.
- H. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire hydrants and alarm connection, underground storage tanks, and other utilities.
- I. The location, type and size of all proposed landscaping, screening and open space areas.
- J. The location and type of lighting.
- K. The location, size and exterior design of all proposed signs to be located on the site.
- L. The type and location of all solid waste disposal facilities and accompanying screening.
- M. Location of proposed on-site snow storage.

- N. Location and description of proposed easement(s) and/or rights-of-way.
- O. Note indicating that "all road and drainage work to conforms to The NH Dot Road and Bridge Standards, and the Town of Farmington regulations".
- P. Location, projection direction, and decibel level of all sound reproduction devices located on the site.
- Q. Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:
 - (1) Calculations relating to stormwater runoff.
 - (2) Information on the composition and quantity of wastewater generated.
 - (3) Information on air, water, or land pollutants discharged.
 - (4) Estimates of noise generation.
 - (5) Grading, drainage and erosion and sediment control plan.

Section 19. Traffic Impact Analysis.

All proposed commercial, industrial, or multi-family development shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the applicant for traffic safety. To facilitate this review the Planning Board may require a traffic impact analysis when warranted by the size, location or traffic generating characteristics of the development. The traffic impact analysis shall address each of the following:

- A. Traffic circulation and access, including adequacy of adjoining streets and intersections, entrances and exits, traffic flow, site distances, curb cuts, turning lanes and existing or recommended traffic signals.
- B. Trip generation analysis, pre & post development level of service estimates, and impact on road classification.
- C. Pedestrian safety and access.
- D. Off-street parking and loading.
- E. Emergency vehicle access.
- F. Off site improvements necessitated and to be constructed by the developer.
- G. Any other traffic concern the Planning Board specifies.

The Planning Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development

plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4(g) that the applicant reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

Section 20. Driveways/Vehicular and Pedestrian Access.

To ensure site safety and to protect the safety and capacity of the road network, the following standards are established to control site access:

- A. Any property having access onto a State Highway shall obtain a State Driveway permit, or a letter from the NHDOT stating that such permit is not necessary given the scope of the current application.
- B. Any property having access onto a Town Highway shall obtain a Town Driveway Permit, or a letter from the Road Agent stating that such permit is not necessary given the scope of the current application.
- C. A lot shall have no more than one driveway onto each road on which it fronts, except that a pair of one-way driveways (one each entrance and exit) which are adequately designed, signed and marked as being one-way may be substituted for a single two-way driveway. Any additional driveways must be approved by the board.
- D. All commercial driveways shall be paved with bituminous concrete. The Board may allow the use of permeable pavement if it is found necessary to reduce the need for the installation of drainage facilities to accommodate runoff.
- E. Driveways (two-way) shall be no wider than 36 feet; one-way driveways shall not exceed 18 feet in width. The maximum grade of a commercial driveway shall not exceed 5% for 50' from the main road, and shall maintain a negative grade until it is beyond the ditch line.
- F. For commercial sites, there shall be connecting drives (not considered driveways when calculating the limit on the number of driveways) provided to the property boundaries of adjoining commercial sites to permit access to adjacent properties without forcing patrons to travel on the road network.
- G. In the case of a concurrent subdivision and site plan or where otherwise feasible, shared driveways for adjacent lots shall be required. All shared driveways shall require a recorded cross-easement for access.
- H. The Board may require the frontage of the property and the driveway to be curbed if it will improve traffic control and safety. Curbing shall be granite or concrete.

Sidewalks

- (1) In the interest of safety for all residents and visitors to the Town of Farmington, adequate sidewalks must be provided for all new construction, and rehabilitation of

- existing construction, required to come before the Planning Board for either Site Plan Review or Subdivision approval.
- (2) Sidewalks shall be installed along sides of all streets, public or private, in accordance with Table 20(I)/4.19 to adequately provide customer and employee access, and connecting all principal commercial buildings to all public or private ways.
 - (3) All sidewalks shall be constructed in conformance with the Americans with Disabilities Act (ADA), and all standards contained therein, and Table 20(I)/4.19, whichever is the more stringent standard.
 - (4) Where sidewalks are proposed to cross streets, adequate crosswalks shall be installed in conformance with all ADA standards, and/or those standards contained in Table 20(I)/4.19. The Planning Board may require a higher standard than those contained in the ADA requirements, including signalization and lighting, when deemed appropriate by the Board.
 - (5) Unless otherwise designated in Table 20(I)/4.19, sidewalks shall be made of concrete, with vertical granite curbing, unless waived by the Planning Board. In the event of a waiver, the minimum standard for sidewalks shall be bituminous concrete with vertical concrete curbing.
 - (6) Where permitted by the Planning Board, and if permitted within the Right Of Way, sidewalks may take the form of pedestrian accessways, separated from the roadway by a vegetated buffer. Such accessways shall be either paved or gravel, and shall accommodate pedestrian and other non-motorized means of transportation. Such accessways shall only be permitted by the Planning Board in zones outside of the Village Center (VC) District.
 - a. In the event that a vegetated swale and separated pedestrian accessway are proposed, the curbing requirements may be waived by the Planning Board.
 - (7) When along a private road, sidewalk maintenance shall be the responsibility of the Homeowners Association, or other similar body of ownership. All sidewalks shall be maintained to allow for adequate pedestrian access in all seasons, including snow removal, and shall be repaired, as necessary, to ensure a safe, useable surface for pedestrian access. The above requirements shall be included in a Covenant, Homeowners Association Bylaws, or other similar legal document, acceptable to the Town, and shall run with the land, in perpetuity, unless or until accepted by the Town.
 - (8) The Planning Board may, where it deems appropriate for pedestrian circulation and safety, waive a portion of the sidewalk requirements within a site and require that pedestrian accessways be installed adjacent to the site to better accommodate pedestrian safety and access to the site and to connect up with existing or proposed infrastructure adjacent to the site. Such improvements shall be completed by the developer, and may constitute up to 100% of the valuation of the sidewalk waiver

within the site.

- (9) Pedestrian Rights Of Way not less than fourteen (14) feet wide may be required by the Planning Board where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. All sidewalks within a 1.5 mile radius of schools shall be required to follow the guidelines of the Village Center (VC) District detailed in Table 20(I)/4.19, and shall accommodate a fourteen (14) foot Pedestrian Right Of Way, or if a fourteen (14) foot Pedestrian Right Of Way cannot be accommodated, the Pedestrian Right Of Way shall be the widest extent possible, up to Fourteen (14) feet.
- (10) To ensure safe pedestrian accommodations for all school children and parents, for all developments with 1.5 miles of a public school, the Planning Board shall require sidewalk construction to be constructed according to the standards of the Urban Residential (UR) District (below). These standards shall not be waived. Any additional safety features (crosswalks, signalization, guardrails, etc.) shall be required at the discretion of the Planning Board.
- (11) The Planning Board may require a higher standard than those contained in the Americans with Disabilities Act (ADA).

Table 20(I):

All sidewalks shall be constructed according to the following minimum standards. Where sidewalk curbing permitted is vertical or sloped granite, the Planning Board shall determine the type of curbing to be used.

Agricultural Residential (AR) District:

For residential developments with new interior roads and seven (7) or more dwelling units, sidewalks shall be required to meet the standards of the Rural Residential (RR) District (below). Any requests for waivers from these standards may be considered by the Board on a case-by-case basis. Unless specified by the Planning Board, no sidewalks are required for other types of development in this district.

Suburban Residential (SR) District:

- | | |
|---|--|
| a. Min. Width: | 5 Feet |
| b. Base Course (Gravel) | 8 inches deep |
| c. Surface (Concrete) | 4 inches deep (Reinforced)
6 inches deep (Non-Reinforced) |
| Or | |
| (Bituminous Concrete): | 2 inches deep |
| d. Curbing Height Above
Finish Road Grade: | |
| (Vertical or Sloped Granite): | 6 inches |
| Or | |
| (Concrete) | 6 inches |

All sidewalks to be installed on at least one (1) side of the street, unless otherwise determined by the Planning Board.

Rural Residential (RR) District:

- | | |
|--|--|
| a. Min. Width: | 5 Feet |
| b. Base Course (Gravel) | 8 inches deep |
| c. Surface
(Concrete) | 4 inches deep (Reinforced)
6 inches deep (Non-Reinforced) |
| Or
(Bituminous Concrete): | 2 inches deep |
| Or
(Compacted Gravel): | 6 inches deep (Not Encouraged) |
| d. Curbing Height Above
Finish Road Grade:
(Vertical or Sloped Granite): | 6 inches |
| Or
(Concrete) | 6 inches |

All sidewalks to be installed on at least one (1) side of the street, unless otherwise determined by the Planning Board.

Urban Residential (UR) District:

- | | |
|--|--|
| a. Min. Width: | 6 Feet |
| b. Base Course (Gravel) | 8 inches deep |
| c. Surface
(Concrete): | 4 inches deep (Reinforced)
6 inches deep (Non-Reinforced) |
| d. Curbing Height Above
Finish Road Grade:
(Vertical Granite): | 6 inches |

All sidewalks to be installed on both sides of the street for all internal roadways, unless otherwise determined by the Planning Board.

Village Center (VC) District:

- | | |
|--|--|
| a. Min. Width: | 6 Feet |
| b. Base Course (Gravel) | 8 inches deep |
| c. Surface
(Concrete): | 4 inches deep (Reinforced)
6 inches deep (Non-Reinforced) |
| d. Curbing Height Above
Finish Road Grade:
(Vertical Granite): | 6 inches |

All sidewalks to be installed on both sides of the street for all internal roadways, unless otherwise determined by the Planning Board.

Commercial Center (CC) District:

- | | |
|-------------------------------|--------------------------------|
| a. Min. Width: | 6 Feet |
| b. Base Course (Gravel) | 8 inches deep |
| c. Surface | |
| (Concrete): | 4 inches deep (Reinforced) |
| | 6 inches deep (Non-Reinforced) |
| d. Curbing Height Above | |
| Finish Road Grade: | |
| (Vertical or Sloped Granite): | 6 inches |
| Or | |
| (Concrete) | 6 inches |

All sidewalks to be installed on at least one (1) side of the street, unless otherwise determined by the Planning Board.

Office Research Business (ORB) District:

- | | |
|-------------------------------|--------------------------------|
| a. Min. Width: | 6 Feet |
| b. Base Course (Gravel) | 8 inches deep |
| c. Surface | |
| (Concrete) | 4 inches deep (Reinforced) |
| | 6 inches deep (Non-Reinforced) |
| Or | |
| (Bituminous Concrete) | 2 inches deep |
| d. Curbing Height Above | |
| Finish Road Grade: | |
| (Vertical or Sloped Granite): | 6 inches |
| Or | |
| (Concrete) | 6 inches |

All sidewalks to be installed on at least one (1) side of the street, unless otherwise determined by the Planning Board.

Industrial Business (IB) District:

- | | |
|-------------------------------|--------------------------------|
| a. Min. Width: | 6 Feet |
| b. Base Course (Gravel) | 8 inches deep |
| c. Surface | |
| (Concrete) | 4 inches deep (Reinforced) |
| | 6 inches deep (Non-Reinforced) |
| Or | |
| (Bituminous Concrete) | 2 inches deep |
| d. Curbing Height Above | |
| Finish Road Grade: | |
| (Vertical or Sloped Granite): | 6 inches |
| Or | |
| (Concrete) | 6 inches |

All sidewalks to be installed on at least one (1) side of the street, unless otherwise determined by the Planning Board.

All public and private streets, roads, driveways, sidewalks, pedestrian ways and bikeways shall be submitted as specified in the Farmington Subdivision Regulations - "Road Design and Construction Specifications".

Section 21. Parking.

Off-street parking shall be provided for all new construction, expansions, and changes of use in accordance with the requirements and standards found in this section. Off-street parking shall be considered an accessory use when required or provided to serve any legal use located in any zone.

Parking for multi-family dwellings may be arranged in a stacked layout so that access to one space is over another space(s), provided the parking spaces are assigned to units and the access to one unit's parking space is not obstructed by the parking space of another unit.

In order to ensure compliance with this section, the CEO shall require a plan showing the physical layout of all required off-street parking areas. Any change in the evidence or conditions upon which the plan is approved shall nullify such approval.

- A. Off-street parking spaces shall be provided in accordance with these specifications for any change of use, new use, or expansion of use. In no case shall on-street parking be credited for any site because its availability is subject to change over time based on the public need to use the right-of-way for other, possibly conflicting, uses.

1. Number of Spaces. Each site shall provide at least the minimum number of parking spaces for the site, determined as follows:

USE	<u>SPACES REQUIRED</u>
Carry-out Restaurants (no beverages or Food consumed on premises)	1 space per 50 square feet of gross floor area
Child Care Facility	1 space per 10 children, maximum rated occupancy, plus 1 space per employee
Colleges, Universities, Trade School and Vocational Institutions	1 space per 2 seats and 1 space per employee
Combination sit-down and carry-out Restaurant	Parking requirements shall be the aggregate of requirements for sit-down restaurants and carryout restaurants, above.
Covered Skating Rinks, Bowling Alleys and Other Similar Places of Assembly, the capacity of which cannot be measured in terms of seats.	1 space per 150 square feet of gross floor area.
Funeral Home	1 space for each 4 patron seats in the largest assembly area

Gas Service Station, Automotive Repair Garage	1 space for each employee on principal work shift, plus 4 spaces for each service bay, or 300 square feet of interior service area.
Industrial: Warehouse and Storage	1 space per employee; and 1 space per company vehicle operating from the premises; and 1 space per 10,000 square feet of gross floor area.
Industrial: Manufacturing, Research and Testing Laboratories/wholesale	1 space per employee; and 1 space per 1,000 square feet of first 20,000 square feet of gross floor area; and 1 space per each additional 5000 square feet of gross floor area; and 1 space per company vehicle operating from the premises.
Lounge	1 space per 2 seats.
Medical and Dental Offices and Medical Office Buildings	5 spaces per doctor and 1 space per employee.
Membership Clubs	1 space for each 4 persons maximum occupancy; and 1 space per 3 seats for ancillary restaurant and 1 space per employee.
Motels and Hotels	1 space per employee on max. shift, 1.1 space per rental unit; and 1 space per 5 seats in ancillary restaurant, of gross floor area used; and 1 space per 300 square feet floor area for function rooms and other such uses.
Multi-Family Housing	1.5 spaces per dwelling unit.
Office: Business, Professional, Administrative and Bank	1 space per 325 square feet of gross floor area.
Place of Assembly: Theaters, Churches, Auditoriums, Restaurants (sit-down) and other places of assembly with fixed seats (based on maximum capacity).	1 space per 4 seats; and 1 space per 55 inches of permanent bleacher or bench seating space; and 1 space per 150 square feet of area without permanent seating facilities that is devoted regularly to public assembly; and 1 space per employee.
Retail Sales of Furniture, Automobiles, Nursery Stock, and such other goods as usually involve extensive display areas in relation to customer traffic.	1 space per 500 square feet of gross floor area.
Retail Stores, Store Groups, Shops and Service Establishments	1 space per 200 square feet of gross floor area of first floor area and 1 space per 400 square feet of gross floor area above and below first floor.
Sports Complex*	0.25 space per seat as general requirement
Other	As determined by the Planning Board

* Applicant shall submit: A traffic analysis which would include, but not be limited to, design hourly volume (DHV), peak hour traffic entering and leaving the site and generated traffic; and a comprehensive traffic assessment concerning traffic circulation within the parking lot, and conflict points at the site, and adjacent roadways and intersections.

- B. **Parking Space Location.** Of the total number of parking spaces required, off-site parking on a separate private lot of record shall be permitted in lieu of on-site parking when the following conditions are met:

1. the parking spaces on the other lot of record are located within 400 feet of the parking area on the applicant's lot;
2. the parking is off-street;
3. the applicant's use is permitted in the zoning district in which the off-site parking is located;
4. the lot providing the parking documents excess parking spaces that are available based on parking standards in these Regulations; and
5. a recorded parking easement which specifies the number and location of parking spaces is provided to the Board.

C. Village Center District. In recognizing the challenges in providing off-street parking in older downtown districts, this Section seeks to allow effective innovative and collaborative solutions to meeting the parking needs of the Village Center District. The following methods for providing adequate parking in the Village Center District will be considered by the Planning Board:

1. The Planning Board may allow off-street parking to be more than six hundred (600) feet from the site if it finds that the distance is reasonable given the nature of the proposed use. Additionally, such parking may be shared if the Planning Board finds that there is adequate parking capacity to meet the parking requirements and that shared parking is controlled through a leasehold or other enforceable agreement.
2. For nonresidential uses, off-street parking in a municipal parking Lot provided by the Town of Farmington may be allowed subject to a written finding by the Planning Board, subject to the approval of the Board of Selectmen, that there is adequate available parking to meet the needs of the use based upon the parking standards of this regulation.
3. The Planning Board may allow legal on-street parking to be used to meet the parking requirement of nonresidential use in the Village Center District if it finds that this parking can reasonably be expected to be available for customers of the use and is located within reasonable proximity to the use.
4. Where multiple uses of a Lot occurs, off-street parking shall be provided for each use in accordance with this section. Where the applicant can demonstrate and document non-conflicting periods of use, shared use of parking spaces may be permitted by the Planning Board.
5. Travel and queuing aisles associated with off-street parking, drive-in facilities and motor vehicle fuel pumps shall be provided and shall not interfere with the use of or be part of the required off-street parking.

6. The following minimum number of spaces, rounded up to the nearest whole number, shall be provided and maintained for each use on a Lot, including each use within all buildings. The Planning Board may reduce the required parking for the reuse of a building existing at the time of adoption of this provision by up to 30%. In granting a reduction, the Planning Board must find that:
 - (a) the reduction will not create or worsen parking problems in the neighborhood, and
 - (b) the required number of spaces cannot be reasonably accommodated on the Lot.
7. The maximum number of employees scheduled during peak demand/shift shall be used in calculating the number of required parking spaces when “employee” is referenced in the list below.
8. Gross floor area shall be used in calculating the number of required parking spaces, unless otherwise noted.

D. Minimum Number of Handicap Parking Spaces. Each site shall provide the appropriate number of handicap parking spaces, as specified by New Hampshire Code of Administrative Rules, PART Ha 304.02, as amended.

Section 22. Parking Lot Design.

Parking lots shall meet the following design requirements, in addition to any other applicable design requirements contained in this Chapter:

- A. Aisle Widths. Minimum aisle widths in parking lots shall be 18 feet for one-way aisles, and 24 feet for two-way aisles.
- B. All parking lots, loading areas and travel aisles shall be paved with bituminous concrete or concrete.
- C. Parking Space Dimensions. Minimum parking space sizes shall be 10 feet wide by 20 feet long. Handicap parking spaces shall be 11 feet wide by 20 feet long and must adjoin a 5-foot access aisle, which may be shared by adjoining handicap parking spaces.
- D. Traffic Control Islands. In any parking lot, no more than two aisles, double or single, may run generally parallel to one another without separation by a raised, curbed traffic control island which runs parallel to and the full length of the aisles. Traffic control islands shall be a minimum of twelve feet in width. At the ends of each traffic control island there shall be 12 foot-wide raised islands, which shall extend (on both sides, if parking rows are double) the full length of the parking stalls. The applicant, if desired, may shorten the main traffic control islands no more than 14 feet at each end to better allow for the removal of snow. If the main traffic control island is proposed to be shortened, pavement markings will be required to prohibit through-traffic. The Board may require additional traffic

control islands to prevent or correct traffic safety problems. Curbing shall be granite or concrete. The board may waive control islands for 40 or less parking spaces.

- E. Traffic Circulation. The parking lot design shall be such that there is safe and adequate traffic circulation, and room to stack exiting vehicles separate from the entering traffic lane(s).

Section 23. Loading.

All non-residential sites shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles, and so that delivery vehicles can be parked completely out of the right-of-way. Loading facilities shall be designed such that delivery vehicles do not need to stop or reverse direction on Town roads.

Section 24. Snow Removal.

Snow removal shall be considered for all sites, and the general plan for snow removal shall be indicated in a note. Locations for snow storage shall be designated on the plat, or there shall be a note indicating that all snow shall be removed from site.

Section 25. Pedestrian Access and Circulation.

All sites shall provide for safe pedestrian access and circulation. Such provision shall include sidewalk access to existing street side sidewalks if applicable, pedestrian aisles through parking lots, and other facilities as are appropriate for the site.

Section 26. Lighting.

Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. All lighting in the Town of Farmington is required to have full-cutoff shielding. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street. Outdoor lighting fixtures shall not be mounted higher than 30 feet. The Board may reduce the permitted heights to reduce or eliminate undue adverse impacts.

Indirect lighting shall be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs are not permitted.

Section 27. Storm Drainage.

Storm drainage of the site shall be designed with provisions for detention/retention and gradual release of stormwater. This shall include provisions for upgrading the existing drainage system if it is inadequate. All additional stormwater and runoff, which results from the proposed development, shall be retained on-site and shall not drain onto adjacent properties, roads or waterways. Drainage plans and calculations, prepared and certified by a licensed NH Professional Engineer, shall be submitted with the application. Drainage facilities shall be

designed to accommodate 50-year storm events. Where drainage is being calculated for a compacted gravel surface such as a parking lot, the calculations shall reflect a paved surface so that future paving of the lot does not significantly alter the drainage of the site.

Section 28. Utilities.

All utilities serving the development shall be installed underground. Waivers to this requirement may be granted by the Planning Board on some portions of the site if it is determined to be impractical due to the presence of ledge, wetlands or other impediments.

Section 29. Landscaping.

Every lot shall comply with the following standards in order to: enhance site design; enhance privacy; separate, screen and shield potentially conflicting land uses or abutters from undue impact; reserve a portion of the lot to remain undeveloped, permeable, and vegetated; control excessive storm water runoff; prevent soil erosion and pollution of water bodies; reduce heat, glare and dust; not detract from the Town's aesthetic qualities; and help integrate the built environment with the natural environment.

- A. Buffer Areas. Every lot shall reserve a buffer area along and within its perimeter boundaries in accordance with the following:
 - 1. The buffer area shall be defined as that area within the front, sideline, and back lot line setbacks as specified the Farmington Zoning Ordinance;
 - 2. The buffer area shall be vegetated and provide screening as required, except for driveways and other features approved by the Board;
 - 3. The buffer area shall not be used for merchandise display, vehicle parking or storage, or any other use which conflicts with the purpose and standards of this landscaping section;
 - 4. Driveways shall cross the buffer areas at an angle of 90 degrees +/- 15 degrees to the perimeter boundary;
 - 5. A buffer of at least twenty-five feet (25') shall be required for portions of the development abutting existing residential property.
- B. Greenspace. In all zoning districts, greenspace shall comprise no less than 25% of the total lot area.
- C. Trees. The use of trees in the landscaping plan shall be required. Preservation of existing trees are encouraged to the extent possible. Trees located within buffer areas shall be preserved unless the need for removal can be demonstrated. Where traffic control islands are used, pursuant to Section 23, trees may be utilized for landscaping.

- D. General Standards. The following general standards shall apply to all lots:
1. Landscaping shall not obstruct the line of sight, or create other hazards for vehicular and pedestrian traffic;
 2. Suitable vegetative ground cover shall be maintained to ensure soil stability.

Section 30. General Appearance Criteria.

In order to "... provide for the harmonious and aesthetically pleasing development of the municipality and its environs..." (RSA .674:44II(b)), the Planning Board will use the following criteria in its review of the architectural design of proposed commercial structures.

The purpose of these guidelines is to provide design standards with which to assist with the development, renovations and restorations of commercial properties to complement the overall New England-style ambiance of the community. The guidelines are directed towards, but not limited to, assisting corporate franchises and commercial developments in the design of structures, and related properties, which reflect the small town, rural, and agricultural atmosphere that is unique to Farmington.

The objective of these regulations is not intended to restrict imagination, innovation or variety in the new construction, restoration and renovation of commercial buildings and related property, but rather to enhance the visual appearance of the community, conserve property values, and to further encourage continued economic development. These regulations ARE intended to discourage routine franchise architecture, strip mall vistas, etc.

These architectural design regulations do not apply to industrial buildings in an industrial zone, however additional screening may be required for industrial buildings.

The regulations contained herein do not expect to foresee all possible proposed building situations. Decisions concerning such unforeseen situations will be made with these regulations in mind.

- A. Factors for evaluation. The evaluation of the following appearance factors will govern the Planning Board's decisions on whether the proposed site and building designs are acceptable.
1. Conformance to this section - General Appearance Criteria;
 2. Architectural character;
 3. Building materials and subdued color considerations;
 4. Vehicular and pedestrian circulation and parking;
 5. Harmony and compatibility of project compared to existing site and neighborhood;
 6. Lighting design;
 7. Integration of landscaping and buffer areas; and
 8. Retention, alteration, or removal of existing structures and site features;
- B. Site Development. The development of the site must address various elements in providing a total design plan for the proposed construction. The building's

orientation, setback, alignment with the street, and relative spacing with respect to other structures will be considered in the overall design. Long, strip-mall type development should be avoided. "U-shaped", "L-shaped", etc. structures are encouraged. The reuse of existing structures and landscape features is encouraged. The overall architectural theme for the site development will create a positive image for the project.

- C. Site Organization. All existing natural and man-made features of the site should be carefully considered for integration into the overall site design. It is important to cluster buildings within a development wherever feasible to encourage open space. A compact building arrangement provides savings in grading, paving, utilities and other costs and conserves natural site features and open space. Separation of vehicular and pedestrian pathways is important to the overall safety of the site.
- D. Architectural Requirements

1. Roofs: Monotony of design or warehouse style structures shall be avoided. Variation in detail, form and siting shall be used to provide visual interest. In order to prevent the construction of warehouse style buildings (i.e. long horizontal roof lines), all new buildings and additions shall have pitched roofs of 3:12 or greater, or gabled roofs, where practical. Shed, gambrel and barn style roofs are also acceptable. Dormers are encouraged. Roofs must have appropriate overhangs.

In large commercial structures over 200 feet in length where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the facade to create the appearance of multiple attached buildings. Additionally, changes in building elevations may be used in conjunction with pitched roofs to give the appearance of multiple attached buildings.

All sides of a structure shall receive design consideration. A facade unrelated to the rest of the building is not acceptable.

2. Building materials: Exterior surfaces of building shall be covered with traditional materials or products which simulate natural materials, including but not limited to clapboards, shingles, stone, brick, or architectural CMU's. Exposed plain cinder block, corrugated steel, sheet plastic or sheet fiberglass are prohibited. Pitched roofs shall be constructed of shingles, metal roofing or other materials traditionally used in this region.
3. Awnings: Awning covers designed for shade should be made of fabric or simulated fabric-like material. The use of muted color tones is encouraged for awning fabric.
4. Architectural details: Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights and arches are among the details to be considered and encouraged. All features and details should be in proportions with the building.

5. Windows and doors: Windows shall comprise no less than 5% of the exterior wall surface of the portions of the building facing a public right-of-way, parking area, or a developed area - on or off site. Windows may be used for either interior illumination or for display purposes. All windows and doorways shall be encased with trim; decorative trim is preferred. This guideline can be waived if it is shown that the windows will serve no useful function and will interfere with an otherwise acceptable architectural design or are shown to present a safety hazard.
6. Fencing: Fences made of traditional New England materials are encouraged. (i.e. picket, split rail, wrought iron, brick, stone). Chain link security fences may be allowed where appropriate, but their use is generally discouraged.
7. Lighting: Site lighting must conform to the specifications in these Regulations, with no light spilling or reflecting onto adjacent properties.
8. Intercoms: Use of amplified PA or drive-thru type intercoms is prohibited if the site abuts developable residential property or property in residential use unless the applicant can demonstrate that no noise from these devices will leave the confines of the site. Permissible amplified systems should be designed using components that minimize the radiation of sound and use noise blocking design techniques and site elements that prevent radiation of noise (i.e. landscaping and fencing).
9. Color: Exterior colors of buildings and accessories are encouraged to be muted. Bright colors are not acceptable.
10. Mechanical Equipment: All rooftop mechanical units shall be located so as not to be visible from the street level or from other public areas on the ground level. Wall or ground mounted equipment shall be screened from public view with fences or vegetation.

Section 31. Patron Rest Rooms.

Any business or group of businesses on one lot, with 5,000 or more square feet of floor space open to the public shall provide rest rooms for its guests, invitees and customers. Multiple commercial businesses on the same lot may have common rest rooms reasonably located, so long as adequately designed to serve all guests, invitees and customers for all such commercial businesses on said lot.

Section 32. Solid Waste Recycling and Disposal.

All sites shall provide solid waste facilities for both recycling and disposal as are necessary to serve the site. All such facilities shall be screened from sight from abutting properties and streets by means of a fenced or landscaped enclosure, and the type of facility shall be labeled on the plan. In all cases, facilities shall be selected and operated to minimize windblown litter problems.

Section 33. Historic Sites and Structures.

It is requested, though not required, that applicants make every reasonable attempt to preserve, enhance and re-use historic structures.

Section 34. Water Supply.

1. In areas not served by municipal water, provisions for on-site water supply shall be indicated. The well location and its protective radius as required by the State shall be indicated on the plat. Areas within the protective radius which do not fall within the lot shall require wellhead protection easements, recorded at the Strafford County Registry of Deeds, prior to approval, and the book and page number of these easements shall be indicated on the plat.
2. If an applicant intends to utilize Town of Farmington and water service, or private community water system, they should make an appointment with the Farmington Water and Department to determine proper requirements and procedures. Plans must be submitted for review by the water and engineer, if required.

Section 35. Sewage Disposal.

Sewage disposal systems must be designed to adequately meet the needs of the proposed use under the applicable regulations of the State Department of Environmental Services Subsystems Bureau and/or the Town of Farmington Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the applicant to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The applicant shall be required to perform the necessary tests and submit the test results along with the proposed plan to the state of N.H. for its consideration and approval. Such approval must be obtained before site plan approval.

If an applicant intends to utilize Town of Farmington sewer system they should make an appointment with the Farmington Sewer Department to determine proper requirements and procedures. Plans must be submitted for review and approval by the sewer engineer prior to Planning Board approval.

Section 36. Universal Access.

Adequate provisions shall be made to provide for Universal Access on the site and into structures and site uses, unless the applicant can document that such access is not required by the Americans with Disabilities Act of 1990 (ADA) as revised.

Section 37. Floodplain Construction.

For sites within the 100-year floodplain, provisions shall be made to minimize flood damage and exposure to flood hazards on and off site in accordance with the Zoning Chapter, if any development is permitted at all.

Section 38. Site Design and Construction Standards.

Design and Construction requirements for roads, parking areas, bridges, sidewalks, and drainage facilities shall be in accordance with the Standard Specifications for Road and Bridge Construction, as published by the State of New Hampshire Department of Transportation, the road standards of Farmington's Subdivision Regulations and other generally accepted standards.

Section 39. Nuisance.

In unique circumstances where these regulations do not address specific site design matters which, if not regulated, would constitute a serious nuisance to abutters or the public, the Planning Board may, solely at its option, place reasonable restrictions on the site design to prevent or reduce the nuisance. The burden of proof shall be on the complainant to adequately document or demonstrate that a Nuisance exists or could be created prior to any action of the Board. The Board must then weigh the significance of the nuisance against the affect which corrective measures would have on the applicant. Any time this provision of the Chapter is invoked by the Board, a written explanation of the facts, circumstances and findings of the Board shall be accepted by a formal vote of the Board, and this shall be retained in the file in case of future legal actions.

Section 40. Public Health and Safety.

In unusual circumstances where these regulations do not address specific site design matters which, if not regulated, would constitute a threat to public health or safety, the Planning Board may place reasonable restrictions on the site design to prevent or reduce the threat. Any time this provision of the Chapter is invoked by the Board, a written explanation of the circumstances and findings of the Board shall be accepted by a formal vote of the Board, and this shall be retained in the file in case of future legal actions.

Section 41. Plat notes required.

Plat notes shall be required to be placed on site plans prior to final approval.

ARTICLE IV: ADMINISTRATION

Section 42. Waivers and Substitutions.

A. The Board may grant a waiver of any design requirement or plat standard of this Regulation, so long as it is consistent with The Farmington Zoning Ordinance.

Section 43. Technical Assistance.

In the event that the Board requires technical assistance and/or special studies to adequately and properly evaluate an application, it may secure such professional assistance. This may include technical assistance, special studies, legal review of aspects of the application, which are unique to or specific only to this case (but excluding general legal advice) and other such assistance. The applicant shall reimburse the Town for the cost of such assistance, but the individual or company engaged shall work for, and report directly to the Town.

Section 44. Construction Guarantee

The applicant shall post an acceptable financial surety prior to final Site Plan approval by the Planning Board. The financial surety shall be in an amount sufficient to ensure the completion of all roads (public or private), water service, sewage disposal, drainage, landscaping and/or any other improvements required by the Town. The financial surety shall be effective for a period mutually agreed upon by the Board of Selectmen and the applicant.

The financial surety shall be approved as to form and type by the Board of Selectmen. The Town will accept cash, pass book savings in the Town's name, or a construction surety bond. At its discretion, the Board of Selectmen may require approval of the construction guarantee by the Town Attorney.

The construction guarantee shall be released in phases as portions of the secured improvements or installations are final in accordance with the plan approved by the Board of Selectmen.

Section 45. Approval Required.

Prior to land clearing, site preparation, construction or any other such activity may begin on a site, and before any permit for such activities may be issued, a final approval of the Site Plan is required. All activity on the site shall be in accordance with the approval.

Section 46. Certificate of Occupancy.

Every approval pursuant to this chapter is granted subject to the issuance of a Certificate of Occupancy (CO) upon completion of construction and site work. Use of the site prior to the issuance of the CO shall be prohibited. The CO shall be issued by the Board of Selectmen or their designee. Prior to issuance of a CO for any project requiring approval under this chapter, the Planning Board or its designee must field check the completed site and sign off on the CO prior to issuance. final inspections are required to obtain a CO.

Section 47. Post Construction Requirements

All deeds covering land to be used for public purposes, easements, and right-of-ways over property to remain in private ownership, and rights of drainage across private property shall be submitted in a form satisfactory to the Town Attorney.

As-built construction drawings, plan and profile, of all infrastructure improvements at a scale of 1" to 20', including, but not limited to:

Underground utilities (sewer lines, storm drains, water lines, electrical, phone, cable, natural gas lines, etc.)

Drainage ways, ditching, impoundments, swales, etc.

Road construction

Maintenance Guarantee – a financial surety to guarantee that all site work was properly done shall be posted by the applicant with the Town. Such maintenance guarantee shall be in an amount of two percent of the estimated project cost and shall remain in force for two (2) years after site improvements are completed. If repairs are needed or if improvements are not satisfactorily installed by the developer, then such guarantee shall be used to complete, repair, and/or install such improvements.

Section 48. Enforcement.

The Board of Selectmen and or its designees shall enforce this Regulation. The Board also reserves the right to enforce this chapter itself if necessary.

Section 49. Revocation of Approval.

Any Full Review conditional approval, granted under this Regulation may be reconsidered and/or revoked by a quorum vote of the Board. To do so, the Board must hold a noticed public hearing at its own expense, and then must determine that material information on which the original approval was based was defective, incomplete or misrepresented. Any Full Review may be revoked in accordance with RSA 676:4-a. A revoked approval shall be deemed a denial of the original application. A notice of Decision shall be issued, which states the reason for the new decision.

Section 50. Compliance With Other Codes.

The Site Plan Review Regulations in no way relieve an applicant from compliance with the Zoning Ordinance, the Subdivision of Land Regulations, or any other code adopted by the Town or any other governmental unit. In the event that the requirements of this Regulation are in conflict with other codes, the more stringent shall apply.

Section 51. Saving Clause.

If any clause, portion or section of this Regulation is found invalid by a court of competent jurisdiction, the finding shall not invalidate the remainder of this Regulation.

ARTICLE V: FIRE PROTECTION REGULATION**Section 52. Preamble.**

A. Purpose: Due to the rural nature of the Town of Farmington and the lack of a community wide municipal water system, it has been necessary to require the provision of fire protection for newly developed areas within the community.

B. Scope: Sufficient water is of vital importance in order for the Farmington Fire-Rescue Department to provide effective fire protection services to the Town. The fire protection requirements set forth by the Fire-Rescue Department shall allow developer/agents some options in providing the necessary fire protection and ensuring that there shall be an adequate fire cistern/water supply available to support fire protection operations.

Section 53. Definitions.

A. Approved: Accepted by the authority having jurisdiction.

B. Authority Having Jurisdiction: The organization, office or individual responsible for “approving” equipment, an installation or procedure. In the context of the regulation the authority having jurisdiction shall be the Planning Board and the Fire-Rescue Department.

C. Dry Hydrant: A permanent piping system, normally a drafting source, that provides access to a water source other than a municipal-type water system.

D. Municipal-Type Water System: A system having water pipes serving hydrants and designed to furnish, over and above domestic consumption, a minimum flow of 250 gallons per minute and 20 pounds per square inch residual pressure for a 2 hour duration.

E. Protected Property/Easement: Property protected by a fire cistern/water supply that is minimally adequate in volume and duration and by a fire department capable of using this fire cistern/water supply to suppress a possible fire within the property.

F. Vehicle Pad: A level, hard surfaced area adjacent to a dry hydrant that is large enough and configured so as to allow a fire truck to be connected to the dry hydrant.

G. Water Supply: A water supply shall mean a natural body of water that is a man-made or a natural pond that has sufficient water.

Section 54. Authority.

- A. Regulation:** Fire-Rescue Regulation per NFPA
- B. Policy:** The standards contained within this document shall be the criteria for the design, construction and location of fire cistern/water supply.
- C. Enforcement Authority:** The enforcement of this standard shall be a shared authority between the Fire-Rescue Department, the Planning Board and the Code Enforcement Office.
- D.** The Planning Board or designee shall have authority for the enforcement of those elements that are specifically related to the design and sufficiency of the fire protection with the recommendations from the Chief of the Fire-Rescue Department.
- E.** The Planning Board or designee shall have authority for those elements of construction and site plan/subdivision plan compliance as well as any bond issues.

Section 55. Administration.

- A.** Any subdivision, which creates 7 lots or more, shall be required to construct/ install a fire cistern/water supply of 15,000 gallons.
- B.** The minimum development of any fire cistern/water supply for the purpose of fire protection shall follow this procedure and all applicable NFPA requirements.
- C.** The developer shall provide the Planning Board the design documentation for review as part of the regular site plan/subdivision plan approval process.
- D. Design Documentation and Review:**
 - 1.** A site plan/subdivision plan shall be provided for review that includes all of the information required by the Planning Board and the information listed below.
 - a.** A plan which shows the location of the water source and delineates the protected property or properties within the specified travel distance of 1200 feet. The furthest house shall not be more than 1500 feet from the fire cistern/water supply.
 - b.** The location of the proposed hydrant(s) shall be shown.
 - c.** A vehicle pad shall be shown if a dry hydrant is being proposed.
 - 2.** A design package for the type of fire cistern/water supply to be used shall be submitted for review to the Planning Board as part of the site plan/ subdivision plan application. All designs and calculations shall be stamped by a New Hampshire Licensed Engineer.
 - a.** The design package shall include the following information:

1. The design and construction methods to be employed in creating the fire cistern/water supply.
2. The calculations used to determine the capacity of the water source.
3. The design calculations used to determine the size of the dry hydrant.
4. If a water supply is used, data establishing the normal water level and the low level on a 50-year drought shall be supplied.

E. Construction Timetables:

1. Water supplies that are required by this regulation shall be constructed according to the following timetable:
 - a. Subdivisions – Fire cisterns/water supplies shall be constructed at the beginning phase of the project. No building permits shall be issued until the fire cistern/water supply is completed and approved.
 - b. Subdivisions – Municipal or community type water system shall be installed at the time the roadways are constructed and prior to the issuance of building permits.
 - c. Commercial – The required fire cistern/water supply of any type shall be completed and operational prior to any occupancy of the building.
2. The fire cistern/water supply shall be fully completed and tested prior to being accepted by the Fire Chief and the Planning Board or designee.

F. Ownership/Responsibility and Bonding:

1. All required fire cistern/water supply developments shall be bonded as part of the overall bonding requirement which shall be recommended by the Planning Board and approved by the Farmington Board of Selectmen.
2. Maintenance bonds shall be posted for cisterns and buried tanks and shall be held for a period of 2 years. The bond will be released by the Board of Selectmen upon recommendation by the Planning Board and inspection and approval of the system by the Fire-Rescue Department. The Association shall own and maintain the cistern/water supply unless the roadway and infrastructure is accepted by the Town legislative body.
3. The property owner/developer shall provide the Town of Farmington with a written easement that allows for the use of the cistern.
4. If the cistern is located within a development that has a Condominium/Homeowners Association form of ownership, the responsibility for

maintenance of the cistern shall remain with the Condominium/Homeowners Association.

G. Inspection and Testing:

1. The fire cistern/water supply shall be inspected by the authority having jurisdiction during its construction/installation. An inspection schedule shall be established for each specific project.
2. A successful flow test shall be conducted by the Fire-Rescue Department or their designee prior to approval of the system.
3. A NH Licensed engineer shall sign off that the cistern was built to specifications.

Section 56. Cistern Standards.

A. General Requirements:

1. Fire cisterns/water supplies shall be located no more than 1200 feet roadway travel distance from any access driveway on the furthestmost lot within the development.
2. The design of the fire cistern/water supply shall be designed to be trouble free for a design life expectation of 20 years.
3. The entire fire cistern/water supply shall be rated to highway loading. All appropriate easements to the Town shall be in place prior to construction.
4. All piping shall be American Society for Testing and Material (ASTM) (current edition) International steel pipe or schedule 40 PVC.
5. All connections shall be clean and the appropriate sealing material used according to manufacturer's specifications so as to ensure all joints are airtight.
6. All connections shall be anchored to the cistern to resist movement. Steel piping shall be screwed at the joints. Steel pipe or schedule 40 PVC piping shall be glued at the joints.
7. A separate well, pump, float device and meter (as applicable) shall be connected to said cistern to maintain a full level of water at all times.
8. All hydrant pipe and protective bollards shall be primed with rust inhibiting primer and painted bright red.

B. Storage Vessels:

1. Cisterns/buried tanks are a vital means of providing a water source in areas where natural or manmade ponds are not available. Cisterns are generally site built units, however, manufactured tanks may be used provided the general construction concepts of this section are met.

2. Cisterns shall be designed specifically for the site and soil conditions where it is to be constructed. The plans for the design shall be stamped by a NH Licensed Engineer. The engineer shall sign off that the cistern was built to specifications.
3. A NH Licensed Engineer shall sign off that the cistern was built to specifications.
4. Cisterns shall be designed using the information found in National Fire Protection Association (NFPA) standard #1231, Appendix B, Section B-4, 6, as the basic design criteria.
5. The design of the dry hydrant in the cistern shall comply with Section V of this Regulation.
6. The dry hydrant shall have a minimum delivery capacity of 1,000 gallons per minute (GPM) for $\frac{3}{4}$ of the capacity of the cistern.
7. The dry hydrant shall be located so as to use a single 10 foot length of suction hose to connect to the fire pump when the apparatus is parked on the vehicle pad.
8. The vehicle pad shall be so located and of sufficient size so as to allow the apparatus to connect to the dry hydrant without blocking a travel lane of the roadway.
9. The dry hydrant suction connection shall be a maximum height of 15 feet above the bottom of the cistern.

C. Suction Connections:

1. The suction connection shall be a steel, threaded female connection 4.50 inch diameter, with National Standard Thread (NST) and provided with a suitable cap.
2. The suction piping system shall be 6 inches in diameter and capable of delivering 1,000 GPM, for $\frac{3}{4}$ of the cisterns rated capacity. Any suction piping that is underground may be steel pipe or schedule 40 PVC.
3. The suction pipe connection shall be between 24 inches and 30 inches above level of the grade where the vehicles wheels shall be located when the cistern is in use.
4. Suction piping shall be supported on the top of the tank and to the bottom of the cistern with a space of 8 inches from the floor of the tank.
5. The bottom of the suction pipe to the pumper connection shall not exceed 14 feet vertical distance.
6. The shoulder and vehicle pad shall be 12 feet wide and 60 feet in length and tapered to meet the roadway. The pull-off shall be built to the Town of Farmington Road and Related Regulations specifications and paved.

7. The pitch of the shoulder and vehicle pad from the edge of the pavement to the pumper suction connection shall be 1% to 6% downgrade.
 8. All horizontal suction piping must slope slightly uphill toward the pumper connection.
- D. Filler Connection:**
1. The filler pipe shall be 4 inches in diameter steel pipe or schedule 40 PVC.
 2. The filler connection shall have one 4 inch Storz connector with suitable cover attached to a 45 degree downward sweep elbow. The filler connection shall be supported vertically to the cistern.
 3. The filler pipe connection shall be 36 inches above the final grade.
- E. Vent Pipe:**
1. The vent pipe shall be 6 inches in diameter.
 2. The vent pipe shall terminate not less than 36 inches above the final grade, with the opening to the pipe facing downward.
 3. Vent piping shall have screen covers installed to prevent access by wildlife.
- F. Backfilling:**
1. The entire cistern shall be completely piped and inspected prior to any backfilling being accomplished.
 2. All backfill materials shall be screened gravel with no stone larger than 1.50 inches and shall be compacted to 95% ASTM 1557.
 3. Bedding the cistern shall consist of a minimum of 12 inches of .75 inch to 1.50 inch, crushed stone, and compacted. No fill shall be used under the stone.
 4. The cistern shall be designed and installed so it will not float when empty.
 5. After backfilling, the cistern shall be protected by either large boulders or steel, concrete filled, pipe bollards no less than 8 inches in diameter set in the ground below frost line or guardrails, protecting all exposed piping from potential vehicular damage.
 6. Backfilling over the cistern shall be:
 - a. 4 feet of fill; or
 - b. The top and highest 2 feet of the cistern shall be insulated with vermin resistant foam insulation, and 2 feet of fill.

- c. Backfill shall extend 10 feet beyond the edge of the cistern then have a maximum of a 3:1 slope, loamed and seeded.
7. Cisterns shall be equipped with a 32 inch watertight manhole with a bland cover that will accept a Knox Padlock as specified by the Fire Chief. Access shall be provided to all sections of the tank.
8. The developer/agent is responsible for completely filling the cistern initially. The water level shall not drop more than 1 inch in the first 24 hours initially and not more than 1 inch additionally in 30 days.
9. The developer/agent is responsible to supply and install identification signs as directed by the Fire Chief. This shall include “No Parking” signs according to Town specification.
10. The Certificate of Occupancy shall be withheld until the fire cistern/water supply has been approved and accepted by the Fire-Rescue Department, signed off by the Fire-Rescue Department and certified by a NH Licensed Engineer.

Section 57. Alternative Systems.

A. Ponds/Lakes:

A pond or lake, whether it is a manmade or natural, shall meet the specifications as set by the US Department of Agriculture, Soil Conservation Service and those specifications found in Section V of this Regulation. A dry hydrant shall be installed that meets the design standard of this Regulation. All work shall be inspected.

B. Municipal/Public Water Supplies:

Extensions of the municipal water service for the Town of Farmington may be allowed if approved by the Board of Selectmen and shall fully meet the design and installation requirements of the Farmington Water Department.

C. Community Water Systems:

If a community water system is used within a subdivision to provide the fire suppression water requirement, the system shall be designed and constructed to meet NFPA standard #24 – Standard for the Installation of Private Fire Service Mains. The design and flow capacities of the complete system shall also meet the criteria of the American Water Works Association for the size subdivision being supplied.

D. Residential Sprinkler System to meet applicable NFPA standards.

E. Other NFPA-approved protection systems.

Note: These specifications and accompanying drawings are subject to change. Be sure to check for revisions of the specifications prior to designing any cistern. The specifications that shall be adhered to are those in place at the time the cistern is approved.