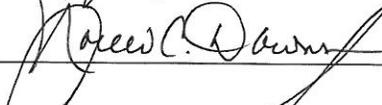


SITE PLAN REVIEW REGULATIONS
OF THE
TOWN OF MADISON, NEW HAMPSHIRE

ORIGINALLY ADOPTED BY THE MEMBERS OF THE MADISON PLANNING BOARD
08/02/89

AMENDED AFTER PUBLIC HEARING: May 6, 1992
October 7, 1992
December 2, 1992
October 6, 2006
May 2, 2007
April 2, 2014









Madison Planning Board

Preamble to Site Plan Review

In order to enjoy and preserve the harmony of residential and commercial neighborhoods in our community, the ordinance of Site Plan Review was adopted by the Town of Madison in 1988. All development for non-residential uses, multi-family dwelling units, or public use facilities come under its authority.

Site Plan Review is an opportunity for the applicant to show compliance with Town, State, and Federal ordinances. It is also the opportunity for abutters to share concerns with the Planning Board in order to facilitate a harmonious co-existence.

All entities subject to Site Plan Review who substantially enlarge their operation, or change use, or add new operations, shall apply for Site Plan Review. All entities who have not yet received approval and who wish to expand or change use shall apply for Site Plan Review.

All entities subject to Site Plan Review shall receive approval to operate subject to conditions placed on them by the Madison Planning Board. These may include but are not limited to: provision of buffer zones, fencing, hours of operation, traffic impact, lighting, or any condition deemed appropriate. Failure to comply shall subject the operator to the penalties prescribed in RSA 674.

Site Plan Review Regulations
Town of Madison

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SITE PLAN REVIEW REGULATIONS
TOWN OF MADISON, NEW HAMPSHIRE

Section I. Authority and Title

- A. These Regulations are enacted in accordance with the authority conferred in RSA 674:43—44 and based upon authority given to the Madison Planning Board at the Town Meeting held on March 12, 1988. Certificate of Notice was recorded at the Carroll County Registry of Deeds on April 8, 1988 in book 1315, page 453. First revision, May 6, 1992.
- B. Title. These Regulations shall be known as the “Site Plan Review Regulations of the Town of Madison, New Hampshire”.
- C. Purpose. The purposes of these Regulations are to:
1. Provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
 - a. inadequate drainage or conditions conducive to flooding of the property or that of another;
 - b. inadequate protection for the quality of groundwater;
 - c. undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
 - d. inadequate provision for fire safety, prevention, and control;
 2. Provide for the harmonious and aesthetically pleasing development of the Town and its environs so as to be compatible with surrounding properties.
 3. Provide for open spaces and green spaces of adequate proportions;
 4. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
 5. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
 6. Require in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the

Planning Board for approval;

7. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
8. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

Section II. Definitions

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of these Regulations. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not optional.

In general, words and terms used in these Regulations shall have their customary dictionary meanings. Definitions described in the existing Town of Madison Zoning Ordinance shall apply therein. The following words are specifically defined:

- A. Abutter. Any person whose property is located in New Hampshire and adjoins or is directly across any street or any other way or stream from the land to be considered or under consideration by the Planning Board for Site Plan Review approval. For purposes of receiving testimony and not for purposes of specific notification, the term 'abutter' shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal to be considered or (which is) under consideration.

For purposes of receipt of notification by a municipality of a local land use board 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.

- B. Development. The construction of improvements on a tract or tracts of land which shall include the enlargement of the structure of physical changes to the site to accommodate the intended use.
- C. Enlargement. The increase in size or the expansion of any structure or appurtenance, whether said appurtenance exists alone or in service of a structure or other appurtenance.
- D. Engineer or Surveyor. The duly designated and legally recognized engineer or licensed surveyor of the developer as may be pertinent to the actual services to be performed.
- E. Improvement. All structures, appurtenances, or additions to the site whether above or below the surface of the land, and including but not limited to buildings, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the developer, or required by the Board under these Regulations.
- F. Non—public or Individual Waste Disposal System. Any treatment system other than a public sewer, which receives sewage or other wastes.
- C. Non—public or Individual Water Supply System. Any private system providing potable water.
- H. Non—residential Use. Any use other than that of a residence (commercial) provided, however, that those Regulations and procedures shall not apply to the construction, expansion, siting or permitted use with respect to any accessory use buildings on the same site as a principal residence in the Rural Residential District defined in the Zoning Ordinance of the Town of Madison.
- I. Seasonal High Water Table. The upper limit of the groundwater in a soil which becomes seasonally saturated with water.

- J. Street. Any street, avenue, boulevard, road, alley, highway, lane, cul-de-sac, or other public roadway.
- K. Subdivision. The division of a lot, tract, or parcel of land into 2 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 under this chapter. 1971 — 233:2. The grant of an easement in gross to a public utility for specific facilities, including an unmanned structure that is less than 200 square feet, is not a subdivision pursuant to RSA 672:14.
- L. Wetlands. Defined in RSA 482-A:2:X – Wetlands means 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. Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) as amended. (Amended 10/4/06)

Section III. Scope and Requirements

A. Scope. The Planning Board is hereby authorized to review, and approve or disapprove site plans for the development of tracts for nonresidential uses or for multi—family dwelling units (any structure containing in excess of two dwelling units) or public use facilities whether or not such development includes a subdivision or re-subdivision of the site.

B. Relationship to Other Requirements:

1. Compliance with Other Regulations. The site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Town’s Zoning Ordinance, Land Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern time proposed development. Site Plan will not be approved unless it is in compliance with all pertinent federal, state and local ordinances and regulations; such as, RSA 155E, etc.
2. Minimum Not Maximum. These Regulations shall be interpreted as MINIMUM REQUIREMENTS and compliance with these minimum requirements in no way obligates the Planning Board to approve any particular application solely on that basis. The Planning Board will fully consider all aspects of an application before rendering its decision. This will include study of all site design and technical aspects of the proposal, as well as consideration of the impact of the development on the open space, wildlife habitat and other natural resources, on local traffic patterns and on available public utilities, services, and municipal resources.
3. Conflicting Provisions. If any other provision of the Town, or any provision of State or federal law relates to any matter covered herein, the provision which imposes the greater restriction or higher standard shall govern.

C. Site Plan Review Required. The Planning Board requires site plans be submitted for review by any applicant seeking any of the following:

1. The construction of any new non—residential or multi—family use building(s).
2. The enlargement of any existing non—residential or multi—family use building(s) which requires development of the site.
3. The construction or conversion of any non—residential or multi—family use building(s) in which development of the site be contemplated or required by virtue of any other Town or State ordinance, statute, regulation or decision of the Town’s Board of Adjustment.
4. The change within a structure from one permitted use to another permitted use which will require development of the site including, but not limited to, improvement of alteration to the site required by virtue of any other Town or State ordinance, statute or regulation.
5. The construction of or the modification to a public use building where the public interest or public safety may be affected, could require a no—fee site plan review as described herein.
6. The development or modification of a lot for use of a commercial or public use nature, excluding agriculture, whether or not containing a structure.

- D. Building Permit. No building permit shall be issued by the Building Inspector for the construction or expansion of a building or other facilities subject to these regulations, until final approval is granted by the Planning Board and the Building Inspector is so notified in writing by the Planning Board.
- E. Expansion of existing conforming and nonconforming usage operations subject to Site Plan Review.

The Site Plan Review requirements for expansion may be minimal depending on the size and scope of the project and abutter input. The minimum requirement shall be:

1. A certified plot plan by a licensed New Hampshire surveyor of the existing site and the proposed modifications. (4 copies.)
2. Two copies of the proposed structure plans.

Compliance with any or all of Site Plan Review criteria may be required by the Board during the hearing process.

- F. An existing operation subject to Site Plan Review MAY be exempt if it meets all other town ordinances and is minimal in accordance with the following criteria:
1. The structure is not to be enlarged more than 20% of it's original size and does not exceed 500 sq. ft. of new construction.
 2. Site work and parking may be modified provided that it is minimal and does not adversely affect abutters.
 3. The operation has no history of complaints with any Town board.
 4. The Board reserves the right to call in any operation for review if it believes the operation is not minimal.
 5. When the building inspector exercises an exclusion and issues a building permit, the inspector shall notify the Planning Board in writing before its next meeting.

Section IV. Rules of Procedure

- A. Agenda. In accordance with RSA 676:1, the Planning Board will have an Agenda prepared for each meeting and or Public Hearing. The Agenda delineating the order of business and those matters to come before the meeting will be prepared and distributed to the Board members and to the Office of the Town Clerk not less than three (3) days prior to the meeting. The Secretary of the Planning Board will take minutes of each meeting, transcribe, and distribute same to the Board members and to the Office of the Town Clerk.
- B. Preliminary Hearing. Pursuant to RSA 674:43 I, the Planning Board shall require an applicant to submit a site plan for a Preliminary Review Hearing. The Preliminary Review shall be non-binding for both the applicant and the Planning Board. The application shall
- a. be submitted by the first Wednesday of the month at 12:00 noon;
 - b. be signed by the owner of record;
 - c. include the applicable fee; and
 - d. include three (3) 11" x 17" plans of the proposed project
- C. Submission of Final Plan.
1. Formal Submission: A Completed Application shall be submitted by the first Wednesday of the month at 12:00 noon and accepted by the Board only at a public meeting of the Board with notice as prescribed below. After formal submission and acceptance, the Planning Board shall conduct the Public Hearing as prescribed in Paragraph D herein. After the completion of the Public Hearing, or any properly convened session thereof, the Planning Board may discuss plat details with the Applicant. At that meeting, the Planning Board shall also approve, disapprove, or ask for revisions to the Preliminary Plat by the second regular meeting after formal submission. If approved, a notation to that effect shall be made by the Board on the plan and the same shall be returned to the applicant within one (1) week following said regular meeting. If disapproved or if the Planning Board is asking for revisions, the Planning Board shall so notify the Applicant during the meeting and cite the particulars in the minutes of the meeting.
 2. Notice. The Planning Board shall notify the Abutters and the Applicant by certified mail, return receipt requested, of the date upon which application shall be formally submitted to the Board and date upon which the initial public hearing shall be held by the Board. Notice shall be mailed at least ten (10) days prior to the date of formal submission. Notice to the general public shall also be given at the same time by posting at three (3) public places within the Town of Madison. The Notice shall include a general description of the proposal which is the subject of the Application and shall identify the Applicant and the location of the proposal. If notice of the public hearing has been included in the Notice of formal submission or any prior notice, additional notice of that public hearing is not required of a convened session of hearing with proper notice if the date, time and place of the convened session was made known at the prior hearing.
 3. The Planning Board will take action to approve or disapprove or ask for revisions of the preliminary plat by the second regular meeting after formal submission, except that such action may be extended if the Planning Board applies to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove an application. The Applicant may waive the requirements for Planning Board action within the time period specified and consent to such extensions as may be mutually agreeable. Such a waiver by an Applicant shall be noted in the minutes of the Planning board and the Applicant shall write a letter to the Chairman of the Planning Board consenting to the

same.

4. Following classification and review and approval of the preliminary plan, the Applicant shall submit to the Chairman of the Planning Board at least ten (10) days before said Board's regular meeting, copies of the following materials in accordance with the provisions of Section V—B of these Regulations:
 - a. Four (4) copies of final plan.
 - b. One (1) copy of an Application for Final Site Plan Review Approval.
 - c. Four (4) copies of all required engineering detail plans.
5. A copy of the final documents will be made available to the town Engineer, the Highway Department, the Fire Commissioners, and the Police Department for their review and input prior to final approval.
6. The Planning Board shall act on the final plan within ninety (90) days of submission to the Chairman of said Board, provided that said Board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove the final plan. If a plan is disapproved, the grounds for such disapproval shall be adequately communicated in writing to the Applicant.
7. Upon failure of the Board to approve or disapprove an application, the Applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Planning Board to act upon such order of the Selectmen shall constitute grounds for the Superior Court, upon petition of the Applicant, to issue an order approving the application in accordance with the provisions of RSA 36:23.
8. The Applicant shall tender offers of cession in a form certified as satisfactory by the Planning Board Attorney of all land included in streets, highways, or parks, not specifically reserved by the Applicant, but approval of the final plan of the Board shall not constitute an acceptance by the Town of the dedication of any street, highway or park or other public open space until such time the same is accepted by the Town.
9. Upon approval of a final plan, copies shall be filed by the Planning Board with the Town for its use.
10. The final plan certified by the Planning Board as approved shall be filed by the Planning Board with the Registry of Deeds of Carroll County WITHIN NINETY (90) DAYS from the date of approval. The final plan must be prepared and certified by a licensed land surveyor, a registered architect or a registered professional engineer.
11. A Completed Application is that which is sufficient to evoke the jurisdiction of these regulations and the enabling legislation and is that which contains sufficient information to allow the Planning Board to make an informed decision. (See Attachment #2, following) at a minimum, a Completed Application shall include:
 1. Three (3) copies of the Preliminary Plan containing the details required in Section V—B, and
 2. A list of names and addresses of the applicant and all Abutters as indicated in the town or county records not more than five (5) days before the filing, and
 3. Three (3) copies of an Application for Site Plan Review and,

4. Accompanied by the applicable fee in accordance with the Planning Board Fee Schedule.
 5. Applications for Site Plan Review will not be accepted unless accompanied by payment of all fees, except special investigative costs and site inspection fees which may be payable later.
- D. Public Hearing. No application may be denied or approved without a public hearing on the application. At the hearing, the Applicant, 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 Chairman of the Planning Board who may also limit oral testimony at his discretion.

Section V. Plan Details.

- A. **Preliminary Plat — Subdivision.** If the Site Plan Review Application includes the subdividing of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land, a separate Application for Classification of Preliminary Subdivision Plan with appropriate fees must accompany the Site Plan Review Application and conform to subdivision regulations.
- B. **Final Plan.** The final plan shall be a print at a scale of 100 feet to the inch or less (200 feet to the inch, 500 feet to the inch, etc), or at greater detail as directed by the Board to indicate clearly existing and proposed features of the site. Said plan shall be prepared in compliance with all applicable statutory requirements and shall be prepared on 22 x 34 inch standard sheets measured from the cutting edge. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plan shall be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheets. All dimensions shall be shown to hundredths of a foot and bearings to at least the nearest thirty seconds. The error of closure shall not exceed 1:5000. The final plan shall show or be accompanied by the following:
1. Date, name and location of site/subdivision, name of record owner and developer/subdivider, graphic scale and reference meridian (standard title block).
 2. Tract boundary lines, right—of—way lines of streets, street names, easements, and other rights of way, park areas, or land to be reserved or dedicated to public use, all lot lines and other site lines, water courses with accurate dimensions, bearings or deflection angles, radii, arcs, and central angles of all curves. Proposed lots shall be numbered consecutively as instructed by the Engineer.
 3. The purpose of any easement or land reserved, or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
 4. The identity and location for all Abutters to the tract to be developed/divided showing approximate location of the structures thereon including access roads.
 5. Location and description of all monuments.
 6. Certification of a licensed land surveyor, a registered architect and/or a registered professional engineer as to accuracy of plat/plan details. Accuracy will meet acceptable state standards.
 7. Certification that the Applicant is agent for the owner or is the owner of the land, or that the owner has given consent under an option agreement.
 8. When approval of a plat/plan is required by an officer or body of such a municipality, state or county, approval shall be certified on the plat/plan in appropriate space provided therefore on the plat/plan.
 9. Plans and profiles of water supply/wells, storm drains, culverts, catch basins, headwalls, and other drainage structures, as well as sanitary sewers/septic systems, water, gas and underground electric layouts showing feasible connections to existing or proposed utility systems shall be required to accompany the final plat/plan.
 10. Final State of New Hampshire approvals when appropriate from the Department of Public Works and Highways RSA 236. The Special Board on Dredging and Filling, RSA

149:8—a and RSA 482:4 and the Water Supply pollution control Commission, RSA 149—E, shall be received before a public hearing is scheduled.

11. The shape, size, height and location of existing structures located on the site and within 200 feet of the site.
12. Man—made features such as, but not limited to, existing roads and structures indicating which of such features are to be retained and which are to be removed or altered.
13. Architect’s rendering of proposed building(s). [It is the intent of the Planning Board to assure the harmonious and aesthetically pleasing development of the Town and its environs so as to be compatible with surrounding properties.]
14. A vicinity sketch (no smaller than 1 inch equals 1000 ft.) showing the location of the site in relation to the surrounding public street system and the zoning district and boundaries for the site and within 1,000 feet of the site. One hundred year flood elevation contour shall be included within flood plains.
15. Soils map showing all soil types and delineating any poorly or very poorly drained soils.
16. The location, size, direction of travel, if appropriate, curbing, paving and the radii of all streets, driveways, access ways, and sidewalks within the site and its relationship to the off—site street system.
17. The size, location and layout of all on—site parking and loading facilities.
18. The location, type, and size of all proposed landscaping and screening, as well as a plan for the retention of existing significant natural features (open spaces, green areas, etc.) on the site.
19. The location, size, and design of proposed signs and other advertising or instrumental devices.
20. The location, type and design of outdoor lighting.
21. Construction details, including but not limited to pavement, walks, steps, curbing, drainage structures, and erosion and sedimentation control techniques.
22. Traffic Impact Analysis. All proposed commercial, industrial or residential development shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide a traffic impact analysis when deemed necessary by the Board due to the size, location or traffic—generating characteristic of the development.

Traffic impact analysis shall address each of the following:

- a. Traffic circulation and access, including adequacy of adjacent street and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.

- b. Pedestrian safety and access.
- c. Off—street parking and loading.
- d. Emergency vehicle access.
- e. Off—site improvements necessitated and to be constructed by the developer.

C. Access Design. Traffic access to the site from Town streets must ensure the safety of vehicles and pedestrians.

- 1. The Planning Board must be provided with a copy of the design for a proposed access/egress point onto the public way. It shall provide an adequate sight distance, grade, width and curb.
- 2. In all cases, the number of points of access to a given street shall be held to a minimum, preferably one, in order to reduce traffic hazards from turning movements and installation of traffic control devices.
- 3. The Planning Board may require improvement of existing access/egress point(s) to provide safe flow onto abutting streets should increased traffic be generated by the development.

Any approval of requirements above shall in no way be in lieu of or superior to any approval or permit which may be granted by the State of New Hampshire Department of Transportation in any case where that body has preemptive jurisdiction.

- 4. Off—site improvements may be required, such as pavement width deceleration and acceleration lanes, curbing or signal devices.
- 5. Traffic circulation, pedestrian access, parking and loading facilities, emergency and fire access shall be designed and located to ensure safety on the site.
- 6. Parking areas and drives shall be paved if public use is intended; however, the Planning Board may waive or modify paving to reduce runoff which cannot be conveniently disposed of.
- 7. Access to public streets will meet the requirements of the New Hampshire Department of Transportation and/or the town, as adopted and amended, and shall conform to whichever standards are higher.

D. Landscaping and Screening:

- 1. Landscaping and screening must be provided with proper regard to adjacent properties, the public highway and within the site, including interior landscaping of parking areas.
- 2. Buffer strips of at least twenty—five (25) feet minimum width must be provided where a proposed non—residential development abuts residential properties. Where appropriate, existing growth must be incorporated into the buffer strips or landscaping design, buffer strips must contain vegetation which will screen the view from adjacent residential property during all seasons.

E. Storm Drainage

1. An adequate surface storm water drainage system must be provided. Storm drainage shall be carried to existing watercourses, or connect to existing storm drains. Storm water runoff shall be restricted to exiting drainage ways. No new drainage ways shall be created unless necessary easements are obtained by the applicant. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines unless it is to be within an existing approved public storm drainage system.
2. Storm sewers and drainage facilities must be based upon design flow with a minimum return interval of a 10 year/24 hour storm. Retention structures, such as holding ponds, sedimentation ponds, etc., must be designed to 50 year/24 hour storm standards, in accordance with the Soil Conservation Service handbook entitled, "Urban Hydrology for Small Watersheds, Technical Release #55" as amended.

F. Flood Control. Provision shall be made to assure that the proposal is consistent with the need to minimize flood damage, that all public utilities and facilities, such as sewer, electrical and water systems, are constructed and that adequate drainage is provided so as to reduce exposure to flood hazards. Design provisions shall also be made to minimize or eliminate infiltration and/or sanitary sewage systems and discharges from these systems into floodwaters. On—site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

G. Snow Storage. Provision shall be made to store snow accumulation during the winter months, and such provisions shall be shown on the site plan.

H. Solid Waste Disposal Screening. The manner of waste disposal must be specified on the site plan and include areas for safe disposal. Litter and/or garbage collection and holding areas must be secured. All outdoor storage areas and trash receptacles must be located or screened to prevent visibility from within the parking and neighboring properties. The use of either fencing or hedges is permitted for the foregoing purposes. However, as a condition of approval, The Planning Board may require earth berms and plantings of shrubs and/or trees.

I. Sidewalks. Sidewalks may be required for pedestrian traffic to permit passageways between the entrances of commercial, housing or industrial establishments, and parking areas. All such sidewalks must be at least six (6) inches above grade and protected by curbing. The design must include means for access by handicapped persons.

J. Illumination. Outdoor lighting must be provided subject to the following conditions;

1. Outdoor lighting must not directly shine on abutting properties or on public highways or streets.
2. Indirect lighting should be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs shall not be permitted. (Refer to Town of Madison Sign Ordinance.)
3. Outdoor lighting must be restricted to that which is necessary for advertising, safety, and security of the development.
4. Fixtures and locations must be approved by the Planning Board.

- K. Parking Areas and Access Drives. If required, drives and parking areas will be constructed to the following specifications:
1. Loam and/or yielding material must be removed to a depth of no less than fourteen (14) inches below finished grade.
 2. A bank run gravel sub—base of six (6) inches must be applied or compacted, followed by a six (6) inch base of crushed gravel, then compacted and rolled true to grade lines with a roller weighing not less than 12 tons.
 3. A one (1) inch I, binder course and a one (1) inch wearing surface of bituminous concrete pavement must be installed with a self—propelled mechanical spreader and rolled by tandem roller with not less than 285 pounds per inch of wheel width, or acceptable equivalent standards.
 4. The minimum grade for parking areas shall be one percent (1%); the maximum grade shall be five percent (5%).
 5. If approved by the Board, permeable pavement may be used which might minimize dust, erosion, and runoff conditions that could have detrimental effect on abutting or neighboring properties. Parking areas will be striped.
- L. Water and Sewer Service. In areas of the Town where municipal water and sewer service is not provided, water supply and sewage disposal systems must be sized to meet the needs of the proposed use. Percolation tests and design of disposal systems shall comply with the Town of Madison Subdivision Regulations and all applicable State standards and regulations.
- M. Fire Protection. Buildings to be used by the public and/or human occupancy must contain an adequate fire alarm/warning system. Such fire alarms shall be indicated on the plans, installed by the applicant, and reviewed and approved by the Fire Chief.
- N. Erosion and Sedimentation Plans. The plan must provide methods to control erosion and sedimentation subject to the following provisions:
1. Provision must be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Sediment in the runoff 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.
 2. Control must show measures both during construction and any permanent controls to remain after construction.
 3. The site plan must identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies.
 4. Stripping of vegetation, re-grading or other development shall be done in such a way that will minimize soil erosion. The disturbed area shall be for a maximum of six (6) months. Temporary seedlings and/or mulching shall be used to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

5. A timing schedule shall be submitted indicating the anticipated starting and completion dates at the measures and sequence and time of exposure of each area.
0. Street Construction. Streets or access ways in non—residential and multi—family developments shall be constructed to Town specifications as set forth in the Town of Madison Subdivision Regulations.

Streets serving non—residential and multi—family developments (unless a public roadway such as in an industrial park) shall remain in private ownership, and the applicant shall execute and provide legal instruments to insure their continued maintenance and ownership, any such instruments being subject to approval by the Planning Board Attorney.

- P. Off—Street Parking. All new structures and developments, as well as additions to or changes in use of existing structures shall be provided with off—street parking spaces in accordance with the following specifications listed below.

Q. Required Spaces.

<u>Type of Use</u>	<u>Minimum Number of Required Spaces</u>
1. Automobile service station.	One (1) space for each gas pump island plus two (2) spaces for each working bay, plus one (1) parking space for each employee at the largest shift.
2. Beauty parlors and barber shops.	Two (2) parking spaces per barber and/or beauty shop operator.
3. Business and professional offices	One (1) parking space for each 400 sq. ft. of gross floor area.
4. Bowling alleys, skating rinks and other places of public assembly where capacity cannot be measured by seats	One (1) space per 500 sq. ft. of gross floor area.
5. Multi-family dwell-ings	Two (2) spaces per dwelling unit, not including garage.
6. Public and private K through college	One (1) space per 500 sq. ft. of gross schools floor area other than classrooms plus one (1) for each teaching station.
7. Nursery schools and Day Care Centers	One (1) parking space for each five (5) children at maximum capacity.

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| 8. Restaurants, theater auditoriums, churches and places of assembly with fixed seats | One (1) parking space for each four (4) seats based on a maximum seating capacity plus one (1) additional space for each two (2) employees on shift of largest employment. |
| 9. Motels, hotels, or tourist homes. | One (1) parking space for each rental Unit, plus one (1) space for each two (2) employees on shift of largest employment. |
| 10. Industrial establishments, including manufacturing, research and testing laboratories. | One (1) space per two (2) employees in largest shift. |
| 11. Wholesale establishments, warehouses and storage buildings. | One (1) space per 1,500 sq. ft. of gross floor space. |
| 12. Retail and general commercial establishments. | One (1) space for each 400 sq. ft. |

R. Parking Specifications.

1. Size. Each required parking space shall be not less than 9.0 feet wide and shall have a minimum area of two hundred (200) square feet, exclusive of drives or aisles.
2. Travel Lanes. Travel lanes shall not be less than:
 22 feet wide for 90 degree angle parking;
 18 feet wide for 60 degree angle parking;
 12 feet side for 45 degree angle parking; and
 10 feet wide for 30 degree angle parking.
3. Landscaping. All parking lots shall have at least ten percent (10%) of the lot area landscaped with trees, shrubs, and similar plant materials.

S. Supplementary Provisions. The site plans shall also comply with the following provisions, listed below:

Minor Field Amendments. If during the course of construction, it becomes necessary to make minor amendments to the development plan, the Applicant may seek approval for the amendment from the Town Engineer. The Town Engineer may approve such amendment providing that the approval does not nullify the intent of these regulations or the plan approved by the Planning Board. The Planning Board shall be notified in writing, at the earliest possible date, by the Town Engineer of any changes.

Section VI. Agreements and Performance Guarantee.

- A. Site Review Agreement. As a condition of the Planning Board's approval, the Applicant must execute a legal agreement which specifies the terms and conditions, and the understandings between the parties with respect to these Regulations. Terms and conditions of the Site Review Agreement shall indicate any stipulation or condition which may be necessary to secure the public health, safety, and welfare and insure compliance with all the Ordinances of the Town of Madison, requirements of the Town's Building Code, and including the posting of a performance and/or guaranty bond to insure that all site development and construction is completed according to the plan approved. No building permit shall be issued until the Site Review Agreement is executed by both parties.
- B. Performance Guarantee. The Planning Board shall require a Performance Guarantee. The subdivider/applicant or owner shall obtain from the engineer at subdividers/applicants or owner's expense the cost of construction of all such improvements thereof in accordance with the requirements and specifications of Section VII of these Regulations. The amount of this guarantee will be no less than the cost of these improvements and provided to the Town prior to the issuance of a Certificate of Occupancy.

In lieu of construction, the Planning Board may waive the requirements that the Applicant complete all public improvements prior to the signing of the subdivision/development plat providing that one of the performance guarantees described in the following Sections 1 or 2 are submitted to the Planning Board:

1. Surety Bond. A Surety Bond, issued by a surety company authorized to do business in New Hampshire, in the amount as approved by the Planning Board, to be filed with the Town Treasurer.
2. Other Guarantees. Cash, irrevocable letter of credit issued by a Banking Institution or bank book properly endorsed to the Town, in the amount as approved by the Planning Board, and deposited with the Town Treasurer.
3. Conditions. The performance guarantees allowed in Sections 1 or 2 shall be subject to the following conditions:
 - a. The bond or other guarantee instruments shall comply with all statutory requirements and be satisfactory to the Planning Board Attorney as to form, sufficiency and manner of execution.
 - b. The amount of the bond or other instruments shall be in an amount representing one hundred percent (100%) of the cost for completion of the streets, the installation of utilities, and other proposed facilities. Upon partial completion of a subdivision, improvements/development and inspection by the Town Engineer, the Planning Board may authorize in writing a prorated reduction in the performance guarantee corresponding to the amount completed; but in no case shall more than 50% of the performance guarantee be released until the entire subdivision improvements/development are/is completed to the satisfaction of the Board.

C. Certificate of Occupancy. No development may be occupied or used unless a certificate of occupancy has been issued by the Building Inspector. The Building Inspector shall not issue such certificate of occupancy until these Regulations have been complied with and the improvements made or a performance guaranty (or other surety) provided to the Town for unfinished improvements.

Section VII. Required Improvements.

- A. Monuments. Monuments shall be set on the right—of—way lines of streets, at the beginning and end of the development/project, beginning and end of curves, angle points, and on tangents with a maximum distance between bounds of 1,000 feet. Such bounds to be stone or concrete 4" x 4" x 36" long. Concrete boundary monuments to be reinforced with 3/8 inch diameter deformed bars or acceptable substitutes. The bound shall be set six (6') inches above finished grade. Iron pipes and drill holes shall be used at lot property corners. No permanent monuments shall be set until all construction which would disturb or destroy the monuments is completed. Bounds shall be set by a registered professional engineer or licensed land surveyor, and must be set within 120 days of completion of construction.

Section VIII. Waivers.

- A. The requirements of the foregoing Regulations may be waived or modified by the Planning Board where appropriate hardship exists or specific circumstances warrant. The applicant shall write to the Planning Board describing the requested term to be waived. The granting of said waiver shall not impair or diminish the public health, safety and welfare, and shall conform to and carry out the purpose and intent of these Regulations and the Master Plan.

Section IX. Enforcement.

- A. These Regulations shall be enforced by the Board or its duly authorized representative. In the event that the Board, or its representative shall determine that these Regulations have not been complied with, or that the terms of any approval given under these Regulations has not been met or satisfied in a timely fashion, the Board shall have the authority to take such action as it shall deem lawful or necessary, including but not limited to the revocation of any approval(s) granted, the withdrawal of any building permits which may have been issued, or the withholding of any building permit by request of the Selectmen.

The Board shall notify any offending person, firm or organization by certified mail which notice shall contain the specifics of the Board's findings and, if necessary, shall contain a cease and desist order.

Section X. Appeals.

- A. Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision or building permit may present to the superior court a petition, duly verified, setting forth that such decision is illegal in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Planning Board.

Section XI. Amendments.

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

Section XII. Legal Status Provisions.

- A. Disqualification of Land Use Board Members. As provided in RSA 673:14, no member of a zoning board of adjustment, building code board of appeals, planning board or historic district commission shall participate in deciding, or sit upon the hearing, of any question which the board is to decide in a judicial capacity if that member: 1) has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens or 2) would be disqualified for any cause to act as a juror upon the trial of the same matter in an action at law. Any board member (or the public, if allowed by local ordinance or rules of procedure) may request an advisory, non—binding vote if it is unclear whether a member should be disqualified. If a vote is to be taken, it must be one prior to, or at the start of, the public hearing.

- B. Validity. Should any section or part of a section of these Regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

- C. Effective Date. These Regulations are effective as of August 2, 1989.