

## Chapter 268

### SITE PLAN REVIEW

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#### Attachments:

1. Application for Site Plan Review
2. Site Plan Checklist
3. Title Block

[HISTORY: Adopted by the Town Planning Board 11/7/81. Amendments noted where applicable.]

#### GENERAL REFERENCES

Approval of site plans for multi-family units - See Ch. 83. Art. I.

Subdivision of land - See Ch. 278.

Zoning - See Ch. 309.

**§ 268-1. Title and preamble.**

- A. These regulations shall be known as the "Site Plan Review Regulations of the Town of Salem, New Hampshire."
- B. Commercial and industrial development in the Town of Salem, New Hampshire, is desirable to:
  - 1. Promote sound economic development, balanced growth, diversification of the economic base and support of the tax base.
  - 2. Promote the availability of employment opportunities for the residents of the town.
  - 3. Promote and enhance the general well-being and prosperity of the town.

**§ 268-2. Purpose.**

The Salem New Hampshire Planning Board has promulgated site plan review regulations to protect and promote the public health, convenience, safety and general welfare of the residents of the town; to provide for responsible and desirable growth; to provide for adequate provision of traffic circulation, pedestrian movement and adequate ingress and egress from the site off of and onto public roads; to provide for adequate off-street parking; to provide for adequate provision of public services and facilities and outdoor lighting; to avoid site development layout which may result in negative environmental impacts; and to provide for appropriate landscaping and building aesthetics.

**§ 268-3. Authority.**

Pursuant to the authority vested in the Town of Salem Planning Board, voted on at the March 1973 Town Meeting in accordance with the provisions of Chapter 36, Section 19-a, of the New Hampshire Revised Statutes Annotated, 1955, and recodified as RSA 674:43 in 1984, the Town of Salem Planning Board adopts the following regulations governing the review of nonresidential site plans and nonagricultural uses, whether or not such development includes a subdivision or resubdivision of the site.

**§ 268-4. Applicability.**

Site development plan approval from the Planning Board shall be required for:

- A. Nonresidential and nonagricultural uses in all zoning districts.
- B. Mobile home parks.
- C. All new uses of land, expansion of such uses or any amendment(s) to a prior approved site development plan.
- D. Any use or change of use to a building or site which does not have an approved site development plan, and that change of use for a building or site may have an impact on traffic, off-street parking, drainage and/or a negative impact on the surrounding neighborhood.

- E. Multifamily dwelling units, including condominiums, other than one- or two-family dwellings.

**§ 268-5. General regulations.**

- A. All work for all site development plans approved by the Planning Board shall commence within twelve (12) months and be completed within twenty-four (24) months of the date of approval. If more time is needed, the applicant shall request an extension of time from the Planning Board for completion of the work under the site development plan, and for good reason, the request may be granted. Failure to comply with this provision invalidates any site plan approval previously given. [Amended by Planning Board 9/28/04]
- B. A site work permit must be obtained from the Chief Building Official prior to commencing any work on a site for which site development plan approval is required. The Chief Building Official shall notify the Engineering Department and the Planning Department, and receive their approval prior to issuing the permit. No excavation, dredging, filling, grading, utility installation, or paving shall begin prior to site plan approval. [Amended 1987 Town Meeting]
- C. No building permit may be issued for any building, construction or any site work that is within the purview of the regulations contained herein until:
  - 1. The site development plan has been approved by the Planning Board.
  - 2. A site work permit has been granted. [Amended 3/24/87]
- D. The following provisions shall govern the approval of amendments to an approved site development plan:
  - 1. Minor amendments may be approved by the Town Engineer. The Town Engineer may approve engineering changes related to field conditions, provided that the change(s) do not have a detrimental effect to abutting properties and provided that all changes are consistent with the Planning Board's and Town of Salem's regulations and standards. All minor amendments shall be shown on an as-built plan to be submitted to the Planning Board Agent.
  - 2. All major amendments shall be shown on a revised site development plan to be submitted to the Planning Board Agent and to be approved by the Planning Board.
- E. No certificate of occupancy may be issued for a building or structure that is within the purview of the regulations contained herein until:
  - 1) the Town Engineer and Planning Board Agent certify that all site improvements as shown on the approved site development plan have been completed, provided, however, that an applicant may request that the Planning Board accept a suitable and sufficient performance bond or letter of credit to assure the completion of certain site improvements that, due to factors beyond the control of the applicant (e.g. weather, unavailability of supplies), have not been completed. The Planning Board shall accept a bond or letter of credit in lieu of completion only for items which do not materially impair the activity to take place on the site, result in risks to public health or safety, or adversely affect abutting properties or the environment in general. Examples of items which might be bonded in lieu of completion are landscaping and decorative finish work; and [Amended 3/24/87]
  - 2) an as-built plan, prepared by a professional engineer and/or a licensed land surveyor, and when applicable a certified wetland scientist, showing the actual location of all improvements,

including but not limited to grading, utilities (water, sewer, gas, electric, telephone, cable, etc.), road work, drainage, landscaping, parking spaces, wetland impact, floodplain impact, and wetland/floodplain mitigation areas, shall be filed with the Town. Any discrepancies from the approved site plan shall be identified on the as-built plan and a statement from the reviewing design professional that the improvements as constructed meet the design intent and will function as designed shall be added to the as-built. The plan shall be reviewed for completeness by the Town Engineer and Planning Board agent prior to acceptance by the Town. [Added 9/28/04]

- F. In accordance with RSA 674:44 III (e), any portion of the site plan regulations may be waived in cases where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.
- G. In order to confirm that various improvements delineated on approved plans are in fact constructed in accordance with those plans and/or with applicable codes and standards, the Planning Board shall require the applicant to establish an appropriate escrow acceptable to the Planning Board, which will be used by the Town of Salem to retain appropriate engineering or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards. (Town will establish uniform fee schedule based on size and complexity of the project.) [Added 9/28/04]
- H. All improvements shall be designed and constructed in accordance with the applicable design and construction standards noted in Section 278-8 of the Subdivision Regulations. [Added 9/28/04]

**§ 268-6. Application procedures.**

- A. Preapplication. Prior to the submission of a formal site development plan, the applicant or his agent must appear in person before the Planning Board Agent to discuss the proposed site development plan. The applicant shall set a time to view the site with the Planning Board Agent.

- 1. Conceptual Plans.

In accordance with RSA 676:4II, an applicant may submit a conceptual site plan in order to get suggestions from the Planning Board, on meeting requirements and regulations of the Town. Conceptual plans shall show existing site conditions and proposed development, including general information on topography, soils, utilities, buildings, and other items necessary for consideration by the Board. Such consultation shall not bind either the applicant or the Board and statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action taken.

The Planning Board shall hold a public hearing with appropriate notice to abutters and the public on all conceptual site plans. [Added 8/12/97]

- B. Plan submission. The applicant must submit to the Planning Board Agent the following items at the time when the site development plan is submitted:

- 1. Site development plan application and checklist.
  - 2. Abutters list and filing and notice fees as adopted by the Planning Board. [Adopted 10/10/06]
  - 3. Six (6) prints of each plan sheet, drawn on multiples of sheets eight and one-half by eleven (8 1/2 x 11) inches to a maximum sheet of twenty-two by thirty-four (22 x 34) inches, at a

scale not less than one (1) inch equals fifty (50) feet.[Added 8/12/97]

4. Vicinity plan at a scale of one (1) inch equals one-hundred (100) feet showing direction, distance and the location of public improvements, including but not limited to sewer, water, drainage, fire hydrants and streets, within five hundred (500) feet of the site.
  5. Drawings and data as required. (See checklist.)
  6. Letter of permission from owner of property, if other than developer. [Added 3/24/87]
- C. An application and material outlined in paragraph B above shall be submitted to the Planning Board, reviewed for completeness, and accepted for consideration by majority vote of the Board only at a public meeting for which notice has been given to abutters and the public in accordance with State Statute. The Board shall begin formal consideration of an application within thirty (30) days of acceptance, although consideration may begin on the same night as the application is accepted. The computation of all statutory time periods commences from the date of acceptance by the Board. [Amended 8/24/97]
- D. Revisions to Site Development Plans and additional data as required by the Planning Board for consideration at continued Public Hearings shall be submitted to the Planning Board Agent at least seven days prior to the scheduled date of the continued Public Hearing.[Amended 3/24/87]
- E. All site plans for buildings or structures over three thousand (3,000) square feet shall be stamped by a land surveyor or civil engineer registered in the State of New Hampshire. The Planning Board may require a stamped plan for buildings or structures under three thousand (3,000) square feet when the proposed plan significantly affects existing conditions and/or matters of public health and safety. [Added 12/11/84]

**§ 268-7. Notice of Hearing.** [Amended 3/24/87]

- A. At the applicant's expense, the Planning Board shall notify by certified mail, at least ten (10) days before the date fixed for consideration of said site development plan, all abutters to the subject property for which the site development is proposed, in conformance with RSA 676:4.
- B. At the applicant's expense, a legal notice of hearing shall be placed in a newspaper of general circulation in the area not less than 5 days before the date fixed for the Planning Board meeting.

**§ 268-8. Duties of Planning Board.**

- A. The Planning Board shall review the plan or any amendment of it in the same manner as is prescribed by state law for the review of subdivision plans. In considering and approving the site development plan, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter and particularly in regard to achieving:
  1. Maximum safety of traffic access and egress and sufficient parking areas to provide for adequate off-street parking.
  2. A site layout, including the location, power, direction and time for any outdoor lighting of the site, which would have no adverse effect upon any properties in adjoining resident districts by impairing the established character or the potential use of properties in such districts.

3. The reasonable screening at all seasons of the year, of all playgrounds, parking, service areas, and commercial development from the view of adjacent residential properties and streets. [Amended 3/24/87]
4. Conformance of the proposed site development plan with such portions of the Master Plan of the town as may be in existence at the time.
5. In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.
6. Installation of public improvements and amenities, at the expense of the applicant, to assist in the establishment of a sound urban environment. Such improvements shall include, but not be limited to, granite curbing, sidewalks and street trees, extension of utilities and, when deemed necessary, improvements to existing roadway and/or drainage in order to adequately serve the proposed site.
7. Conformance of the buildings and all related signs and structures to the properties of the aesthetic character of the area.
8. In the case of retail establishments, conformance with the retail design and landscaping standards in the accompanying addendum. [Added 9/12/96] [Revised 10/10/06]

# **RETAIL DESIGN, LANDSCAPING, EXTERIOR LIGHTING, AND SIGN**

## **STANDARDS**

These standards apply to retail projects in all zoning districts in the Town of Salem.

### **Design Goals:**

1. Encourage high quality building design which improves aesthetic character of community.
2. Blend building design and layout with other site features (landscaping, signage, lighting, etc.) to produce attractive commercial environment.
3. Allow diversity of building designs and architectural styles.
4. Avoid monotonous and bland buildings typical of strip commercial development.
5. Minimize conflicts between residential and commercial uses.

### **General Design Criteria:**

1. Avoid long unbroken expanses of walls. Use facade divisions, such as building jogs, pilasters, architectural detailing, and changes in surface materials, colors, textures and roof lines. Uninterrupted facades should not exceed 50% of the building wall, and in no case should exceed 100 feet in length. Ground floor facades that face public streets should have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their length. All facades of a building which are visible from public streets should feature characteristics similar to the front facade.
2. Use architectural features and details, such as porches, awnings, columns, towers, turrets, skylights, and arches, to create interesting buildings.
3. Avoid long unbroken expanses of roofs through the use of dormers, skylights, chimneys, and changes in ridge line.
4. Use brick, clapboard, shingle, glass, stone, stucco or architectural concrete block for wall surfaces.
5. Limit exposure of foundation walls to no more than 3 feet.
6. Make door and window openings proportional to facade length and height.
7. Create a sense of entry into the site and into major businesses within the site through landscaping, facade treatment, and signage.
8. Screen rooftop and ground-level mechanical equipment from public view. Screen areas for outdoor storage, truck parking, trash collection, loading, and other such uses from view of abutting properties and streets.
9. Building trim and accent areas may feature bright colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
10. Minimize negative impacts to residential abutters through sensitive placement and/or screening of buildings, driveways, parking lots, loading areas, lighting, and mechanical equipment.
11. Lighting devices on buildings and freestanding poles should be located and screened (if

necessary) to not spill onto adjoining properties and the street.

12. Harmonize the location, size, material, and lighting of signs with the building design.
13. The following factors will be considered in evaluating new building designs:
  - scale, proportion, height and area of building
  - type, shape, and pitch of roof
  - size and spacing of windows, doors and other openings
  - exterior materials and colors
  - styling of front facade
  - architectural details and features
  - building and site signage
  - building and site lighting

**LANDSCAPING CRITERIA:**

1. All shade trees should be a minimum of 2 inch diameter at breast height at planting. All evergreen trees should be a minimum of 6 feet high at planting.
2. At planting, evergreen shrubs should be a minimum of 2 feet high and deciduous or flowering shrubs should be 3 feet high (unless species is low growing variety).
3. All trees should be planted in a permeable area of no less than a three (3) foot wide radius from the base of the tree.
4. Existing trees of significant size or special character should be preserved wherever possible.
5. Planting islands should be used to define vehicular and pedestrian circulation patterns and to break up large expanses of pavement. In general, islands should be distributed throughout the parking lot. A combination of end cap islands and linear islands running parallel to parking rows are preferred. Islands should include trees and be planted with either grass or evergreen shrubs.
6. Plantings adjacent to pavement should be protected with curbs or equivalent barriers to protect them from vehicular damage.
7. Views from public streets of large parking lots should be screened with low (2 ½' to 4') evergreen shrubs, densely twigged deciduous shrubs, evergreen trees, mounds, berms, walls, or a combination thereof, provided that adequate sight distance is maintained.
8. Screening or buffering of commercial uses from residential properties should consist of evergreen trees and shrubs, opaque fencing, walls, berms, or a combination thereof.
9. Plantings should be used to identify major entryways to sites, screen service and storage areas and freestanding sign poles, and break up long building walls.
10. Plant materials should be of specimen quality conforming to the American Standard for Nursery Stock (ANSI Z60.1 - 1980 or later revision) and should be guaranteed for at least one year.
11. Landscaping should be maintained to present a healthy appearance and dead materials should be replaced.

Recommended Plantings:

**Botanic Name:** \_\_\_\_\_

**Common Name:**

**Shade Trees:**

Acer platanoides	Norway Maple
Acer rubrum	Red Maple
Quercus palustris	Pin Oak
Fraxinus pennsylvanica	Green Ash
Quercus rubra (borealis)	Red Oak
Tilia cordata greenspire	Littleleaf Linden
Zelkova serrata	Japanese Zelkova

**Ornamental Trees:**

Cornus spp.	Dogwood
Malus spp.	Crabapple
Prunus spp.	Flowering cherry
Pyrus calleryana	Callery Pear

**Evergreen Trees:**

Picea pungens	Colorado Spruce
Pinus nigra	Austrian Pine
Pinus strobus	White Pine
Thuja occidentalis	Eastern Arborvitae
Tsuga canadensis	Canadian Eastern Hemlock

**Evergreen Shrubs:**

Ilex spp.	Holly
Juniperus spp.	Juniper
Kalmia latifolia	Mountain Laurel
Rhododendron spp.	Rhododendron
Taxus spp.	Yew

**Deciduous Shrubs:**

Azalea spp.	Azalea
Cornus spp.	Dogwood
Cotoneaster spp.	Cotoneaster
Euonymus spp.	Euonymus
Forsythia spp.	Forsythia
Myrica pensylvanica	Northern Bayberry
Syringa spp.	Lilac
Viburnum spp.	Viburnum

For more detailed list of recommended trees, see: Selecting Trees for Urban Landscape Ecosystems. NH Department of Resources and Economic Development, 1994.

**EXTERIOR LIGHTING STANDARDS**

- Site plans should include lighting plans showing the location of all lighting fixtures, a computer-generated photometric diagram showing illumination levels from all lighting sources, and specifications and illustrations of all fixtures, including mounting heights.

- All exterior lights and illuminated signs should be designed, located, installed, and directed in such a manner as to provide adequate illumination for the safety of vehicles and pedestrian travel and to prevent excessive lighting levels, glare, and light trespass.
- Light fixtures should be cut-off or shielded fixtures, and should be located, mounted, aimed and shielded so that direct light is not cast onto adjacent streets or properties, nor skyward.
- Light poles abutting or in proximity to residential areas should not exceed 20' in height (defined as the vertical distance from grade elevation to bottom of lamp) and those not abutting residential areas should not exceed 35' in height. The location of light fixtures mounted on buildings should not exceed 20' in height.
- The intensity of lighting at adjoining streets, excluding driveways, should not exceed 0.5 foot-candles, and the intensity at adjoining residential properties should not exceed 0.5 foot-candles.
- Areas designated as parking lots and exterior display/sales areas should be illuminated so that the average horizontal illumination level at grade is no more than 5.0 foot-candles.
- Areas around the pump islands and under the canopies of gasoline stations should be illuminated so that the average illumination level is no more than 30 foot-candles. Light fixtures mounted on canopies should be recessed, so that the lens cover is either recessed or flush with the bottom surface (ceiling) of the canopy, and/or is shielded by the fixture or the edge of the canopy. The light should be restrained to no more than 85 degrees from vertical. Lights should not be mounted on the top or fascias of the canopy and the fascias of the canopy should not be illuminated.
- The Planning Board may require an independent review of lighting plans, the cost of which shall be paid by the applicant.

### **SIGN STANDARDS**

- Freestanding sign shapes should complement the architectural features on the adjacent building(s).
- Monument signs are the preferred type of freestanding sign. Poles or posts, if used, should be screened with plantings or encased in a decorative material.
- Use dark colored backgrounds signs. Avoid stark white or extremely bright background colors such as bright red, orange or yellow.
- Wall signs should be mounted on vertical surfaces without projecting above the fascia trim.
- External illumination of signs is preferred. Lighting fixtures illuminating signs should be carefully located, aimed and shielded so that light is directed only onto the sign façade.
- Internally illuminated wall signs, if used, should consist of individually illuminated letters and symbols instead of whole panels that are internally lit.
- Signs for retail stores on Main Street shall reflect the historic character of the area.

Design and Landscaping Standards adopted 9/12/96. Lighting and Sign Standards adopted 10/10/06

- B. The Planning Board may, whenever it deems it appropriate, require the applicant to provide an impact statement, traffic analysis, storm water management plan, erosion control plan, or other such documents to assist it in the review of an application. Further the Board may require, in appropriate circumstances, special investigation and/or review of documentation submitted by the applicant by independent consultants selected by the Town with the cost thereof assessed to the applicant.[Amended 3/24/87]
- C. The Planning Board may designate a person or persons to review site development plans. Such person or persons shall determine if the submitted site development plan requires the review of the Planning Board in accordance with the foregoing standards. If it is determined by such designee that the plan adequately meets the requirements of the items listed under §268-8, such designee shall be authorized to approve and sign the site development plan, stating thereon that it has fulfilled the requirements of the regulations contained herein.
- D. Approval by the Planning Board may indicate any stipulation or conditions which may be

necessary to secure the public health, safety and welfare, including the posting of a suitable performance bond or guaranty to insure that all site development and construction is completed according to the approved plan. [Added 12/11/84]

- E. The Planning Board may grant conditional approvals under the provisions of RSA 676:4(i). [Added 8/18/87]

**§268-8.1. Traffic Management Regulations** [Added 8/12/97] [Amended 2/27/07]

1. The intent of these regulations is (1) to prevent excessive delay or congestion for vehicular traffic movements; (2) to avoid motor vehicle and pedestrian accidents; and (3) to avoid excessive traffic demand on Town streets that necessitates extraordinary Town expenditures to maintain adequate and safe traffic flow. Failure to comply with these purposes is grounds for denial of the site plan application.
2. Traffic impact assessments will be required for new development, expansions of existing uses, or changes in use of an existing site, which are expected to generate 100 new vehicle-trips per hour (entering plus exiting) or more during a peak hour period, or for other projects as determined by the Planning Board. Applicants shall be required to schedule a Scoping Meeting with the Town's traffic engineering consultant and Town staff, the purpose of which is to define the extent and content of a traffic impact assessment to be submitted by the applicant.
3. Traffic impact assessments should quantify the proposed traffic impacts on all intersections and road links identified in the Scoping Meeting. Impacts on traffic safety, including previous accident statistics, should be addressed. Mitigation should be proposed which will offset the impacts created by site traffic. Failure to provide adequate mitigation is grounds for downsizing the project or denial of the site plan application.
4. The anticipated impacts of a proposed development, and the effects of the proposed mitigation, should be evaluated using standard performance indicators which will include, but not be limited to: level-of-service, delay, and volume to capacity ratio, as defined in the Highway Capacity Manual. The adequacy of existing and proposed roadways and intersections should be based on, but not limited to: left turn lane guidelines, right turn lane guidelines, traffic signal warrants, and stopping sight distances. The design of all proposed improvements shall take into consideration: 1) the Manual on Uniform Traffic Control Devices (Federal Highway Administration), 2) A Policy on Geometric Design of Highways and Streets (American Association of State Highway and Transportation Officials), 3) New Hampshire Department of Transportation rules and procedures, and 4) standard access management techniques.
5. Regardless of project size or traffic generation, measured sight distances at access/egress locations with public ways for all new developments shall, at a minimum, meet NH Department of Transportation (NHDOT) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance.
6. Necessary transportation improvements shall be in place prior to project occupancy.
7. Adjacent commercial uses shall share access points and provide connections between parcels so as to minimize curb cuts, driveways, and vehicular turning maneuvers, where appropriate.
8. Internal site circulation shall be designed to accommodate the appropriate design vehicle for the project.
9. New development should minimize adverse traffic impacts on residential neighborhoods.

10. Roadway access for new development and redevelopment must be consistent with the functional classification of the road. Where appropriate, driveways should gain access to collector and arterial streets via the local street system.
11. Roadway impact fees for off-site impacts from new development will be assessed in accordance with Article XXI of the Salem Zoning Ordinance.

**§ 268-9. Affordable Housing Regulations for Site Plans and Subdivisions** [Added 8/22/89]

**§268-9.1 Applicability**

- A. This Article contains special provisions for regulating subdivision and site development in accordance with Article XVI of the Zoning Ordinance, the Affordable Housing Ordinance.
- B. Provisions of this Article shall apply only to subdivisions and developments proposed under Article XVI of the Zoning Ordinance.
- C. Provisions of Site Plan and Subdivision Regulations, Chapters 268 and 278, shall continue to apply to development under Article XVI of the Zoning Ordinance. In the event of conflict the following order of precedence shall apply.
  1. Article XVI of the Zoning Ordinance
  2. Other articles of the Zoning Ordinance
  3. The Affordable Housing Regulations for Subdivisions and Site Plans (This regulation and any amendments thereto)
  4. Chapter 278, the Subdivision Regulations
  5. Chapter 268, the Site Plan Regulations

**§ 268-9.2 Waiver of Regulations.**

- A. Approval of a subdivision or site plan under terms of this article shall constitute waiver of any provision of this regulation with which it conflicts.

**§ 268-9.3 Application Procedures.**

- A. Preapplication procedures and requirements of Articles II and III of the Subdivision Regulation shall apply, except as modified by this regulation.
- B. Application procedures and requirements of Articles II and IV of the Subdivision Regulation, and §268-6 of the Site Plan Regulation shall apply, except as modified by this article and subject to waivers as provided by §278-28. The application shall be submitted with the data required by §278-B (Appendix B of this regulation).
- C. The Planning Board shall hold combined subdivision and site plan hearings for developments which require consideration under both site plan and subdivision regulations.
- D. Joint hearings of the Planning Board and Salem Housing Authority shall be held to make findings required for granting of Special Exceptions under §309-101 of the Ordinance. The meeting may be held jointly with the Board of Adjustment to hear the request for special exceptions.

- E. Agreements required by §309-100D of the Ordinance shall be reviewed in the public hearings on the proposal. Agreements between the Salem Housing Authority and the applicant are subject to

approval of the Planning Board, and any revisions proposed by the Planning Board are subject to approval of the Housing Authority.

#### **§ 268-9.4 Allocation of Units for Increased Density Development**

- A. The Planning Board shall hold hearings at least twice annually to allocate units available for construction under provisions of the Affordable Housing Ordinance. Dates of allocation hearings shall be publicly noticed at least thirty (30) days prior to the hearing.
- B. Application requirements shall be as for pre-application plans and data under Article III of the Subdivision Regulation, with additional data as required by Appendix B of this regulation, except that a public hearing shall be required with notice to abutters. Applications shall be submitted at least fifteen (15) days prior to the hearing.
- C. An allocation shall not constitute approval of any aspect of the subdivision or site plan, including approval to place the allocated number of units on the site.
- D. The Planning Board shall allocate units on the following basis:
  - 1. The proposal will be evaluated in accordance with provisions of §309-98 of the ordinance.
  - 2. Allocations for any year shall be for units to be started on or after January 1 of that year, and to be completed before the end of the following calendar year or within twenty-four months of the date of the allocation, whichever is later.
  - 3. Up to fifty (50) percent of units available for any calendar year may be allocated during the last half of the preceding year. Units may not be allocated for past years unless the Planning Board has held an allocation hearing on the application prior to December 1 of the year for which the units are allocated.
  - 4. Not more than forty units may be allocated to a single tract for any year.
  - 5. An allocation may be revoked if the Planning Board finds that any significant provision of the application is found to be invalid, or if any condition or requirement of the allocation can not be met for any reason.
  - 6. Allocations are not transferable to any other site. They are not transferable to any other owner, trust, corporation, or other entity unless the Planning Board shall have determined that all of the agreements, requirements, facts, and other considerations represented to and relied on by the Planning Board in granting the original allocation are equally valid and enforceable with respect to the proposed transferee, and that the proposed transferee is capable of carrying out the terms and conditions of the allocation and any subsequently approved plans.

#### **§ 268-9.5 Preliminary Plans.**

- A. Preliminary plans shall be submitted only for developments which have received an allocation as provided in §278-30. Requirements of §278-12 shall apply except as noted herein.
- B. Preliminary plans for subdivisions which will permit more than a single building on a lot, or more than two dwelling units in a building, shall include site development as well as subdivision plans. Such plans will be considered under both subdivision and site plan regulations.

- C. Applications for subdivisions which are not served by municipal water and sewer systems shall include plans for providing water and sewer service. Approval of preliminary plans shall be conditional upon state and municipal approval of those plans, and final plans will not be approved by the Planning Board until state approval is received.

**§ 268-9.6 Design Standards and Requirements.**

- A. Design standards and requirements of §278-13 through 278-26 shall apply except as noted herein. Applications which do not meet those requirements, but which contain provisions to meet objectives of the Affordable Housing Ordinance, will be considered by the Planning Board. Such applications will be deemed to constitute a request for waiver of those requirements, and approval of the plan will constitute waiver of the requirements.
- B. Application of the innovative controls identified in RSA 674:21, and defined for purposes of this regulation in Appendix A hereof and the reference identified therein, is encouraged by the Planning Board.
- C. Lot area and frontage requirements for single family and duplex units on individual lots are listed below. Requirements are subject to waiver only to the extent that the density permitted by the ordinance is not exceeded.

NUMBER OF BEDROOMS	AREA (SQ.FT.)	FRONTAGE (FEET)
3 or less	12500	80
4	16667	90
5	20833	100
6	25000	110

- D. The applicant shall propose requirements for setbacks from streets and lot lines which shall become requirements upon approval by the Planning Board.

**§ 268-9.7 Conditions of Approval.**

- A. The following conditions of approval shall apply to every subdivision and site plan approved under provisions of this regulation:
  1. Compliance with provisions of the approved plan, and completion of affordable housing as required by §309-99 D of the Zoning Ordinance, shall be secured by bond, deed addendum, letter of credit, or other instrument acceptable to the Town of Salem.
  2. Lots created by a subdivision approved under provisions of this article shall not be conveyed in any manner which will prevent consolidation thereof if the affordable housing is not constructed.
  3. Subdivisions and housing developed under provisions of the Affordable Housing Ordinance shall thereafter be subject to provisions of that ordinance.

## APPENDICES TO AFFORDABLE HOUSING REGULATIONS

### APPENDIX A

#### § 268-9A. DEFINITIONS AND APPLICATION OF INNOVATIVE LAND USE CONTROLS

Reference: Damon, John F., Extension Specialist, Department of Resource Economics and Community Development. Innovative Land Use Controls.

The reference includes fact sheets with definitions, techniques, examples, and administrative requirements describing application of the innovative controls authorized by RSA 674:21 and the Affordable Housing Ordinance. The reference is not binding on the applicant or the Planning Board but may be used as a guide in the application of the ordinance and these regulations.

**Note:** The reference is attached for the convenience of the users of this regulation but is not a part of it. Special Provisions for Application to Affordable Housing:

The following special provisions shall apply to implementation of the innovative controls authorized by the ordinance. Absence of a remark associated with a named innovative control shall mean that no special provisions apply to that control.

##### A. Timing Incentives.

##### B. Phased Development.

Where the number of units in a proposed development exceeds the number which the planning board finds should be permitted for that site in a particular year, the planning board may approve a project based on construction over two or more years. The planning board will consider approval of projects for second year construction of up to 50 percent of authorized units, and up to 25 percent of units authorized for construction in a third year.

##### C. Intensity and use incentive.

##### D. Transfer of development rights.

This provision permits transfer of the right to develop a tract from one tract to another for the accomplishment of a public purpose. Such purposes may include dedication to land to parks or open space, preservation of landmarks, or dedication of land for public facilities. The Planning Board may permit a residential density, as permitted by §309-100 G, based on the total area of the tracts from and to which the rights are being transferred, provided that the density of a tract being developed with transferred development rights shall not be more than fifty (50) percent greater than that permitted by §309-100 G.

##### E. Planned Unit Development.

An applicant may propose development of mixed uses on tracts where such uses are permitted by ordinance, exception or variance. Exceptions may be granted under provisions of the underlying zone as well as under provisions of this article. An example of development permitted under this provision is a combined commercial and residential use including affordable housing in a commercial district.

##### F. Cluster development.

The total number of units permitted on a tract may be clustered to minimize environmental impact, reduce cost, or for any other reasonable purpose. The Planning Board may require means of access to common areas, development of recreation facilities, dedication of parks or common areas, or such other provisions as they may determine to be required as a reasonable consequence of the clustered density.

**G. Impact zoning.**

**H. Performance standards.**

**I. Flexible and discretionary zoning.**

**J. Environmental characteristics zoning.**

**K. Inclusionary zoning.**

The Affordable Housing Ordinance constitutes Inclusionary Zoning.

**L. Accessory dwelling unit standards.**

**M. General Provision.**

No increased residential density shall be permitted under the innovative provisions except as provided by the ordinance and regulation.

## **APPENDIX B**

### **§ 268-9B. AFFORDABLE HOUSING SUBDIVISION AND SITE PLAN APPLICATION DATA REQUIREMENTS.**

This appendix provides for uniform submittal of data required for subdivision and site plan applications, and allocations of affordable housing units authorized by Section 309-100 C of the Zoning Ordinance. It is intended to supplement the checklists required by the Subdivision and Site Plan Regulations.

The application for an allocation of units requires only the data necessary for the Planning Board to make an allocation in accordance with provisions of Section 309-98, including consideration of compliance of the proposed development with the requirements and standards of Sections 309-99 and 309-100.

#### **APPLICATION DATA REQUIREMENTS:**

1. Describe the location, tax map and lots, size of tract, number of units. Provide a vicinity map, road layout and other items consistent with the phase of the application.
2. Provide a calculation of the number of units permitted under §309-100 C of the ordinance and show how it relates to the provisions of the ordinance.
3. Provide data to demonstrate compliance with affordability requirements. Provide a project cost estimate including land, development, and construction costs; financing, profit, and sales costs; and other cost factors. This data is subject to fact-finding by the Housing Authority and negotiation with the Housing Authority and Planning Board.
4. Attach agreements identified in §309-100 D of the ordinance.
5. Describe the size, type, estimated cost, and other data for each unit of the proposed development.
6. Identify any required variances and special exceptions, including justifications of their necessity and effectiveness in contributing to affordability of housing.
7. Provide checklists from the Subdivision and Site Plan Regulations, completed to the extent that the data is applicable to requirements of this regulation or the ordinance, and consistent with the phase of the application.

### **§ 268-10. Penalties.**

Penalties: As provided in RSA 676:17 and 676:19, any person who violates any part of this ordinance shall be guilty of a misdemeanor and may be subject to a fine of \$100 for each day that the violation continues, provided that the total fine imposed for any single violation shall not exceed \$500.

## Affordable Senior Housing Fees

### Condominiums for Sale \*, \*\*

<u>Market Price Range</u>	<u>Affordable Housing Fee (Per Unit)</u>
Over \$300,000	\$40,000
\$250-299,000	\$32,500
\$200-249,000	\$26,000
Under \$200,000	0

\*Minimum fees paid up front and reconciled only if sale prices end up in higher range(s)

\*\*Salem prices and initial estimates based on final price i.e. including typical upgrades

### Apartments for Rent \*

\$1,500+/Mth	\$20,000
\$1,200-1,499	\$15,000
Under \$1,200	\$10,000 1 bedroom \$ 5,000 2 bedroom

\*If apartments are converted to condominiums then the difference between rental and sale fees are due upon sale of converted unit

Complexes providing “affordable housing” for 30% or more of total complex are exempt from paying this fee

**APPLICATION FOR SITE PLAN REVIEW**

1. Name, mailing address & telephone/fax number of applicant:

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2. Name, mailing address & telephone number of owner of record if other than applicant:  
(Written permission from owner is required.)

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3. Name, mailing address, telephone/fax number of engineer, architect, and/or agent:

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4. Location of Proposed Site Plan:

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5. Tax Map \_\_\_\_\_, Lot \_\_\_\_\_

6. Description of Proposed Site Plan (size and use of buildings):

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7. Abutters: Attach a separate sheet listing the Town of Salem Tax Map, Lot number, Name and Mailing Address of all abutters, including those across a street, brook or stream. Names should be those of current owners as recorded in the Tax Records. Mailing labels are required for 10 or more abutters.

8. Attach completed checklist:  
(Incomplete plans will not be accepted.)

9. Attach six (6) copies of site plan:

10. Payment of all applicable site plan fees:

Per 1000 sf of building	\$100/1000 sf up to 9,999 sf;	_____
	\$125/1000 sf 10,000 to 24,999 sf;	_____
	\$150/1000 sf 25,000 sf and over	_____
	\$200 min. fee	_____
Advertising/post costs	\$ 25	_____
Abutter notification	\$ 5/each	_____
Conceptual Discussions	\$200 plus advertising and notification	_____
<b>TOTAL:</b>		_____

For particularly large or complex projects that require significant amounts of staff time, the Planning Board may require that additional fees be charged based on the direct amount of staff time required for processing the application. Each applicant will be entitled to a total amount of billable staff time equal to the minimum application fee divided by \$50 per hour. If a project is deemed large/complex, any staff time over the minimum application fee will be billed at \$50 per hour. Billable staff includes the Planning Director, Planning Division staff, Senior Engineer, Public Works Department Director, Fire Department Battalion Chief, Police Department Safety Officer, Chief Building Official, Town Assessor, and other Town Officials as appropriate.

The applicant and/or owner or agent, certifies that this application is correctly completed with all required attachments.

\_\_\_\_\_  
(Applicant/Owner)

\_\_\_\_\_  
(Date)

<b>For Planning Board Use Only:</b>	
Completed Application Filed	_____
Fees Paid	_____
Notices Mailed	_____
Meetings with staff	_____
Application Accepted/Rejected	_____
Public Hearing(s)	_____
Date Approved/Disapproved	_____
Follow-up Letter Sent	_____

c:\pb\sitepln.rev

**SITE PLAN CHECKLIST** (5-22-07)

**Format**

\_\_\_ title block \_\_\_ date \_\_\_ scale \_\_\_ engineer/surveyor stamp \_\_\_ abutters names /addresses \_\_\_ zoning dist.  
\_\_\_ zoning boundary \_\_\_ lot & street numbers \_\_\_ North arrow \_\_\_ owner/applicant \_\_\_ location plan  
\_\_\_ permission from owner

**Topography and Environmental Features**

\_\_\_ high intensity soils/wetlands \_\_\_ streams, ponds \_\_\_ wetland impact \_\_\_ wetland mitigation  
\_\_\_ min. wetland setbacks (40' pavement/bldg, 75' septic) \_\_\_ dredge/fill permit \_\_\_ Cons. Comm. approval  
\_\_\_ local conditional use permit \_\_\_ prime wetlands \_\_\_ 100' prime wetlands setback(no disturb.)  
\_\_\_ conservation easements \_\_\_ floodplain \_\_\_ floodplain impact \_\_\_ compensatory storage  
\_\_\_ exist. & proposed elevs.(USGS Benchmark) \_\_\_ significant environmental features \_\_\_ shoreland protection

**Drainage & Utilities:**

\_\_\_ water/sewer lines (location & sizes) \_\_\_ sewer manholes, watergate valves \_\_\_ daily water use/sewer flow  
\_\_\_ pump stations/force mains \_\_\_ septic system \_\_\_ 4000 sf septic area \_\_\_ well \_\_\_ protective radius  
\_\_\_ drainage pipes (types, sizes, slopes) \_\_\_ drainage calcs \_\_\_ peak flow comparison \_\_\_ dnstrm/abutter impact  
\_\_\_ invert and rim elevations \_\_\_ catch basins (every 300') \_\_\_ easements (20' min. width) \_\_\_ swales/ditches  
\_\_\_ direction of flow \_\_\_ curbing \_\_\_ typical details \_\_\_ outside engineering review \_\_\_ max. fill/cut  
\_\_\_ est. high water table \_\_\_ max. side slope 4:1 \_\_\_ gas lines \_\_\_ existing undgrd utilities \_\_\_ utility poles  
\_\_\_ erosion control plan

**Buildings:**

\_\_\_ uses \_\_\_ dimensions \_\_\_ square footage \_\_\_ floor elevations \_\_\_ setbacks \_\_\_ mezzanines, basements  
\_\_\_ rendering \_\_\_ front & side elevation drawings (materials, colors, height) \_\_\_ height \_\_\_ doorways  
\_\_\_ retail design standards \_\_\_ screen rooftop mechanical units

**Traffic:**

\_\_\_ driveways \_\_\_ driveway profiles \_\_\_ curb cut widths & radii \_\_\_ driveway widths  
\_\_\_ loading areas \_\_\_ sidewalks \_\_\_ circulation \_\_\_ pedestrian circulation \_\_\_ parking configuration  
\_\_\_ sight distance \_\_\_ traffic study \_\_\_ outside review \_\_\_ off-site impacts \_\_\_ road improvement fee  
\_\_\_ traffic management regs. \_\_\_ compliance with ADA parking standards \_\_\_ conformance with ITS plan

**Other:**

\_\_\_ lot size \_\_\_ lot coverage calculations \_\_\_ parking calculations \_\_\_ parking spaces (9' x 20')  
\_\_\_ 5' or 10' parking lot buffer \_\_\_ handicapped spaces (upright signs)  
\_\_\_ landscaping (size, quantity, species) \_\_\_ retail landscaping standards \_\_\_ screening/buffers  
\_\_\_ 1 tree per 2000 sf. pavement (for 50 car lots) \_\_\_ 20' front yard (for 100+ lots)  
\_\_\_ trash disposal (fence around dumpster) \_\_\_ fences  
\_\_\_ signs (size, height, setback, material, color, illumination) \_\_\_ retail sign standards  
\_\_\_ height of light posts \_\_\_ outdoor lighting (location, fixtures, intensity) \_\_\_ retail lighting standards  
\_\_\_ fire lanes \_\_\_ fire hydrants \_\_\_ fire alarm/sprinkler notes \_\_\_ LP and fuel tanks \_\_\_ pollutants  
\_\_\_ hazardous materials \_\_\_ noise \_\_\_ snow storage \_\_\_ regional impact \_\_\_ variances/special exceptions  
\_\_\_ waivers \_\_\_ shopping cart storage areas \_\_\_ outside storage areas/containers \_\_\_  
\_\_\_ construction standards and details \_\_\_ public safety impact fee \_\_\_ 11" x 17" version of plans  
\_\_\_ pdf version of plans

**State/Federal Permits:**

\_\_\_ subdivision - DES \_\_\_ sewer extension - DES \_\_\_ water line extension - DES \_\_\_ septic - DES  
\_\_\_ community well - DES \_\_\_ dredge/fill - NHWB \_\_\_ Army Corps of Engineers \_\_\_ Site Specific - DES  
\_\_\_ driveway - NH DOT

**Town Staff Recommendations:**

\_\_\_ Assessors Office\_\_\_ Building Department\_\_\_ Engineering Department\_\_\_ Fire Department  
\_\_\_ Planning Department\_\_\_ Police Department\_\_\_ Public Works Department

The Planning Board may require other exhibits or data in order to adequately evaluate the proposed development. This checklist is not intended as a substitute for, nor does it contain all the information and requirements in, the Zoning Ordinance and other applicable Town codes, ordinances, and procedures.

# Site Development Plan For

Name of Applicant  
Street Address  
Salem, NH

Assessors Map \_\_\_ & Lot # \_\_\_\_\_

Prepared by

Name of Registered Engineer or Surveyor  
Street and Number  
Town, State, Zip Code

Scale

Date

For  
Professional  
Seal

Owner's Name  
Street & Number  
Town, State, Zip Code

Salem Planning Board  
Approval

Zoning Classification