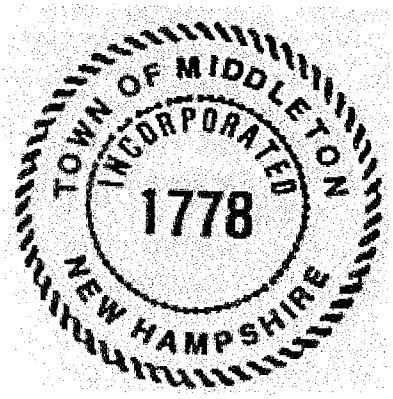
Development Regulations*



Town of Middleton

Middleton, New Hampshire

Adopted by Middleton Planning Board May 12, 2016

***Replaced in their entirety both the Middleton Subdivision Regulations adopted March 8, 1977 (last revised October 12, 2006) and the Middleton Site Plan Review Regulations adopted 1994 (last revised July 10, 2003.)**

Town of Middleton, New Hampshire
Development Regulations

Thank you for your interest in developing in the Town of Middleton!

The Town's Master Plan Vision is to be: *a balanced rural, residential, commercial and light industrial community that reflects, preserves, enhances the Town's natural resources and rural quality of life, its historic traditional New Hampshire architecture and unique scenic and rural environment; enables quality growth.* To achieve this, the Planning Board encourages using open space or cluster development subdivision designs. This will permit you to achieve the same number of dwelling units as a conventional design, but with the benefits of lower infrastructure costs and improved environment. We look forward to working together to make the process as clear and expeditious as possible to meet our mutual economic growth and environmental enhancement and protection objectives.

Development Plan Review Process

The process begins when an Applicant obtains and reads applicable Town Zoning Ordinances and Development Regulations to understand the requirements necessary for Planning Board approval. The Development Regulations are organized by the steps in the review process.

Next, Applicants should meet with the Planning Board to discuss the site features and preliminary concept prior to preparing a plan. Applicants are encouraged to submit a preliminary site analysis, conceptual plan and general information to the Planning Board a minimum of two (2) weeks prior to the conceptual review meeting. The Planning Board meets on the second (2^{nd}) Thursday of each month at 6:30 p.m.

The Development Plan Review Checklist describes the minimum required information for the Planning Board plan review.

Applicants shall be place upon the Planning Board agenda within thirty (30) days of receipt of a Developmental Plan application and payment of all related fees. Following a technical review, the Planning Board will meet and determine whether the application is complete and can be accepted. Once the Planning Board accepts the application, the Planning Board will review it. Based on the findings, the Planning Board will approve, conditionally approve or deny the application. Approved plans must be recorded at the Strafford County Registry of Deeds.

Again, **thank you** and we look forward to working with you.

The Middleton Planning Board

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ARTICLE I: INTRODUCTION

1.1 PURPOSE

These regulations are adopted in accordance with RSA 674:36 and 674:44, as amended, for the following purposes:

(1) Uphold the purposes set forth in RSA 674:36, II
(2) Assure the Town of a high standard of subdivision & site plan layout and construction.
(3) Provide for the timely installation of necessary improvements and for the payment of such improvement costs.
(4) Aid the Town and its Planning Board in carrying out the objectives of the Town's Master Plan.
(5) Protect the health, safety, convenience, economic, and general welfare of our citizens.
(6) Uphold the purposes set forth in RSA 674:44, II
(7) Promote sound economic development, balanced growth, diversification of the economic base and support of the tax base.
(8) Promote the availability of employment opportunities for the residents of the town.
(9) Promote and enhance the general well-being and prosperity of the town.

1.2 AUTHORITY

Pursuant to the authority vested in the Planning Board by the voters of the Town of Middleton and in accordance with state laws, but not limited to, the provisions of Chapter 672 - 677 of the New Hampshire Revised Statutes Annotated, 2015, or as may be amended, the Planning Board adopts the following regulations governing the development and subdivision of land and site plan review in the Town of Middleton, New Hampshire.

1.3 VALIDITY

1.3.1 INTERPRETATION

These Development Regulations shall be construed broadly to promote the purposes for which they are adopted.

1.3.2 CONFLICT

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

1.4 SEVERABILITY

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

1.5 AMENDMENTS

These regulations may be amended or rescinded by the Planning Board following a public hearing and a formal motion by the Planning Board on the proposed changes. The Planning Board, or its designee, shall transmit a record of any changes so authorized to the Town Clerk.

1.6 EFFECTIVE DATE

These Regulations shall be in effect from the time of adoption by the vote of a majority of the Planning Board present and voting.

ARTICLE II: JURISDICTION

2.1 GENERAL

This Regulation shall pertain to all land within the boundaries of the Town of Middleton. All Sections and paragraphs of these Development Regulations shall apply to all Planning Board applications unless the section or paragraph specifically indicates otherwise.

2.2 APPLICABILITY

These provisions shall govern subdivisions and commercial, industrial and multifamily development within the boundaries of the Town of Middleton. No land shall be developed, redeveloped, or subdivided or until:

A. The Planning Board has given final approval of the site plan or subdivision at a public hearing and the Chair of the Planning Board (or designee) has affixed his/her signature on the approved plan.

B. The Code Enforcement Officer & Land Use Clerk, or other agent so appointed by the Planning Board, has determined that no Planning Board approval is necessary per Sections 2.03 DEVELOPMENT REQUIRING SITE PLAN APPROVAL and 2.04 DEVELOPMENT REQUIRING SUBDIVISION APPROVAL of these regulations

C. The applicant has complied with all of the Town of Middleton regulations including but not limited to the Zoning Ordinance, and the regulations herein, including the posting of appropriate performance guarantees.

D. The approved plan is filed with the Strafford County Registry of Deeds, if required

2.3 DEVELOPMENT REQUIRING SITE PLAN APPROVAL

Site Plan approval shall be required for:

A. Any new commercial, industrial and multi-family dwelling uses of land.

B. Any change or expansion of use to a commercial, industrial or multi-family site plan that does not have an approved site plan.

C. Any change or expansion of use to a commercial, industrial or multifamily site plan which would require upgrades to parking, drainage, landscaping or may have a significant traffic impact.

D. Any cumulative land disturbance of greater than or equal to 20,000 SF for commercial, industrial and multi-family sites. The property owner or his representative shall apply in writing to the Planning Board on application forms provided by the Planning Board for approval of any Site Plan.

2.4 DEVELOPMENT REQUIRING SUBDIVISION APPROVAL

Subdivision approval shall be required for:

A. The subdivision of any lot, tract or parcel of land

B. Lot line adjustment

C. Condominium conversion

The property owner or his representative shall apply in writing to the Planning Board on application forms provided by the Planning Board for approval of any subdivision, condominium conversion or lot line adjustment.

The merging or consolidation of lots within Middleton does not require formal Planning Board approval. By recording a Lot Merger form, available through the Land Use Department, the merged parcels of land shall, for all purposes be considered a single lot and shall be assigned a single tax map and lot number and shall not be sold separately, nor shall any other divided interest be conveyed except with the prior approval of the Middleton Planning Board in accordance with its duly adopted subdivision regulations. Recording of the form implies endorsement from the Middleton Planning Board and or its designee.

ARTICLE III: PERMITTING PROCEDURE – SITE PLAN AND SUBDIVISION APPLICATIONS

3.1 PROCESS

The applicant may elect to forgo both the conceptual review and the design review stage of the planning process. However, for major site plans and major subdivisions these stages are recommended.

3.2 PRELIMINARY CONCEPTUAL CONSULTATION

Prior to the formal acceptance of an application submitted for review by the Planning Board, the Planning Board at a duly noticed public meeting of the Board may conduct a conceptual review with the applicant or applicant's representatives, and may hear and confer with other parties whose interest may be affected by the proposed layout.

The Planning Board shall discuss the application in conceptual form and only in general terms with the applicant. No formal decisions can be made. A conceptual review shall not bind either the applicant or the Planning Board. In order to facilitate discussion, the applicant is requested to submit:

1. A drawing or plan of the site to be developed or property to be subdivided.

2. A brief written description of the development plan Abutter notification is not required for conceptual review.

3.3 DESIGN REVIEW

A more detailed review of an application can be made at the design review phase. More specific design and engineering details are discussed at this stage.

The Planning Board may review the basic concept of the application and provide suggestions, which might be of assistance in resolving problems with meeting requirements during formal consideration.

Design review discussions shall be non-binding for the applicant and the Planning Board.

In order to facilitate discussion, the applicant is encouraged to submit:

1. A plan, drawn to scale, of the site to be developed or property to be subdivided, which meets the minimum submittal requirements of the minor site plan or minor subdivision application.

2. A brief written description of the development plan.

3. Preliminary Engineering

Design review requires abutters be notified by registered mail per RSA 676:4, as amended.

The Planning Board shall make an official motion to end the design review process and shall notify the applicant in writing of the date the design review process is completed.

3.4 FORMAL REVIEW

The applicant shall file the completed application for Formal Review with the Planning Board at least twenty-one (21) days prior to the meeting at which the application will be accepted, per the schedule of regular Planning Board Meetings. A copy of the schedule of regular Planning Board Meetings is available at the Town Clerks office.

The application shall include the names and addresses of the applicant, engineer(s), property owner and all abutters, as listed in the Department of Assessing records, current within five (5) days of the deadline for filing an application.

Once an application has been submitted to the Planning Board it will be sent out for interdepartmental review whereby, all applicable Town Departments and Commissions will have opportunity to review the application for comment and compliance with Town regulations.

At a properly noticed public hearing, the Planning Board may:

A. Determine if an application is complete and if so accept the application, or if the application is determined not to be complete, the Board will deny or table the acceptance of the application and thereafter shall communicate to the applicant in writing why such action has been taken by the Planning Board.

B. Vote to table, approve, approve with conditions, or deny the application.
The Planning Board may require outside or interdepartmental review of engineering or impact studies required at this stage. If outside review is required by the Board, all costs are to be borne by the applicant.

3.5 PUBLIC HEARING AND NOTICES

No application shall be accepted, approved or disapproved by the Planning Board without affording a public hearing thereon.

A public hearing will be held for any of the following:

A. An amendment to a previously approved plan

B. A waiver request

C. Formal review

The applicant and the abutters shall be notified of the public hearing by certified mail

(as necessary), return receipt requested, mailed at least ten (10) days prior to the hearing. The notice shall include the time and place of the public hearing and a general description of the application and shall identify the applicant and the location of the application.

Notice to the general public shall also be given at least ten (10) days prior to the hearing by posting said notice, per RSA 675:7, in the Middleton Town Hall, on the Town website and be published in a newspaper of general circulation.

Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior meeting or hearing, the Board shall state the location, date, and time at which the continued session shall resume.

3.6 DETERMINATION OF POTENTIAL REGIONAL IMPACT

Determination of potential regional impact shall apply to all applications requiring abutter notification and shall be made at an abutter notified public hearing to provide notice to and an opportunity for response from potentially affected municipalities and the regional planning commission(s) concerning developments which are likely to have impacts beyond the boundaries of the Town of Middleton.

A. Determination of potential regional impact may be found for applications which meet any of the following impacts and in accordance with RSA 36: 54-58, as amended:

B. Relative size or number of dwelling units as compared with existing stock

C. Proximity to the borders of a neighboring community

D. Transportation networks

E. Anticipated emissions such as light, noise, smoke, odors, or particles

F. Proximity to aquifers or surface waters that transcend municipal boundaries

G. Shared facilities such as schools and solid waste disposal facilities If a determination of potential regional impact is made by the Board:

A. The affected regional planning commission(s) and municipalities shall be considered abutters for purposes of determining public notice fees and for purposes of providing testimony.

B. Within 144 hours (6 days) of the Planning Board's determination minutes shall be sent by certified mail to all affected municipalities and regional planning commission(s).

C. Notice of the public hearing for regional impact shall be sent by certified mail

a minimum of fourteen (14) days in advance of the scheduled public hearing to the regional planning commission(s) and to each Town reasonably likely to be affected.

All costs associated with notification shall be borne by the applicant.

3.7 SITE INSPECTIONS

At any point in the application process, before or after acceptance of the application, the Board may hold on-site inspections of the property. Board members shall not enter onto the applicant's property unless Applicant has granted permission to do so, or the property is otherwise open to the public.

3.8 SITE PLAN EXTENSION AND EXPIRATION OF APPROVAL

Approved and conditionally approved site plans that have not yet been signed by the Planning Board Chair, have one (1) year from the date of approval to meet the conditions of approval and have the site plan signed. Prior to expiration, the applicant may apply at a regular Planning Board meeting for a single six (6) month extension to allow time to complete the conditions of approval. The approval of this extension shall be at the Planning Board's discretion.

Signed site plans have one (1) year from the date of signing to complete active and substantial development or building on the site. If the applicant fails to complete active and substantial development or building within that time they may, prior to expiration, apply at a regular Planning Board meeting for a single six (6) month extension of approval. If active and substantial development or building is not accomplished by the end of the extension period, the site plan approval expires and any proposed development will have to apply to the Planning Board with a new site plan application.

Extensions of approval must be granted at a duly posted public hearing, but do not require abutter notification.

3.9 SUBDIVISION EXTENSION AND EXPIRATION OF APPROVAL

Approved and conditionally approved subdivisions that have not yet been signed have one year from the date of approval to meet the conditions of approval and have the subdivision plan signed. Prior to expiration, the applicant may apply at a regular Planning Board meeting for a single six (6) month extension to allow time to complete the conditions of approval. The approval of this extension shall be at the Planning Board's discretion.

Signed major subdivisions have one (1) year from the date of signing to submit the required bonding and complete active and substantial development or building as defined in these regulations, on the plan or in the development agreement. If the applicant fails to complete active and substantial development or building within that time they may, prior to expiration, apply at a regular Planning Board meeting for a

single twelve (12) month extension of approval.

If active and substantial development or building is not accomplished by the end of the extension period, the subdivision will not be subject to the four (4) year exemption per RSA 674:39, as amended.

Extensions of approval must be granted at a duly posted public hearing but do not require abutter notification.

3.10 PLANNING BOARD ACTION AND TIME REQUIREMENTS: SITE PLAN AND SUBDIVISIONS

The Planning Board shall place on its agenda for consideration any application meeting the minimum requirements for completion submitted to it and move to accept, table or deny the application within thirty (30) days or at the next regularly scheduled meeting of the Planning Board.

The final determination as to the completeness of the application and acceptance thereof shall only be made at a noticed public hearing. After an application has been formally accepted the Planning Board shall act to approve, conditionally approve or disapprove the application within sixty-five (65) days.

The Planning Board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve or disapprove the plan. The applicant may waive the requirement for Planning Board action and consent to an extension as may be mutually agreeable, in which case no application to the Board of Selectmen is required.

This section is intended to be in accordance with RSA 676:4, as amended.

3.11 FAILURE TO APPROVE

Upon failure to approve, conditionally approve or disapprove an application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days. If the Planning Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Board of Selectmen shall certify on the applicant's application that the plan is approved, unless within those forty (40) days the Board of Selectmen identify in writing a specific provision of these regulations, the Zoning Ordinance, or other applicable regulation or law with which the application does not comply. If the Board of Selectmen approves the application it shall constitute final approval for all purposes including filing, recording and court review.

3.12 APPROVAL AND DISAPPROVAL: SITE PLAN AND SUBDIVISION

3.12.1 CONDITIONAL APPROVAL

The Planning Board may grant conditional approval of an application as presented to

the Planning Board at the public hearing.

Conditional approval shall become final approval without further public hearing, upon satisfactory compliance with the conditions imposed and a signature by the Planning Board Chairman or his/her representative. The plan will not be signed or recorded until all of the conditions have been met.

An application may be granted conditional approval when the conditions are:

A. Minor plan changes whether or not imposed by the Planning Board as a result of public hearing.

B. Conditions that are administrative in nature not requiring discretionary judgment by the Planning Board.

C. Conditions regarding the applicant's possession of permits and approvals granted by other boards or agencies.

Compliance Hearings may be required at the discretion of the Planning Board when conditional approval is granted. A duly posted public notice is required.

An applicant has one (1) year to obtain final approval. If final approval cannot be obtained within one (1) year, the applicant will be required to come back to the Planning Board for an extension of approval. (See Section 3.08 SITE PLAN EXTENSION AND EXPIRATION OF APPROVAL and 3.09 SUBDIVISION EXTENSION AND EXPIRATION OF APPROVAL)

3.12.2 FINAL APPROVAL

The Planning Board may grant final approval of an application as presented to the Planning Board at a duly posted public hearing. Approvals are final when all conditions of approval have been completed and the plan is signed and dated by the Chair or designee of the Planning Board.

3.12.3 DISAPPROVAL

In cases where an application has not been accepted, denied or an application has not been approved, the grounds for such disapproval shall be clearly stated in the minutes of the Planning Board's meeting and in the notice provided to the applicant.

3.13 RECORDING PROCEDURE

Site Plans – The Planning Board generally does not require site plans to be recorded, however the Board reserves the right to require a site plan be recorded by the Town at the Strafford County Registry of Deeds once said plan is approved and signed.

Subdivisions, Easements and Other Documents – All approved and signed subdivision

plans, development agreements, easements and notarized documents, will be recorded at the Strafford County Registry of Deeds. The cost of recording plans and all documents shall be borne by the applicant. The recording fees will be determined by the Registry at the date of filing.

3.14 REVOCATION OF APPROVAL

A site plan, subdivision or other approval which has been filed with the appropriate recording official may be revoked by the Planning Board in accordance with RSA 676:4-a, as amended.

3.15 BUILDING AND CERTIFICATE OF OCCUPANCY PERMITS

No building permit shall be issued for any parcel subject to site plan (Section 2.03 DEVELOPMENT REQUIRING SITE PLAN APPROVAL) or subdivision (Section 2.04 DEVELOPMENT REQUIRING SUBDIVISION APPROVAL) approval unless final approval from the Planning Board has been granted.

No Certificate of Occupancy may be issued for a building or structure that is within the purview of the regulations contained herein until the Planning Board or their designee, certifies that all site improvements as shown on the approved site development plan have been completed. The applicant may elect to post a bond (or another assurance) adequate to ensure completion of all site improvements, in which case a Certificate of Occupancy may be issued if deemed acceptable by State Regulations and the Code Enforcement Officer.

3.16 PHASING OF DEVELOPMENT

At the time the Planning Board grants plan approval to develop a Major Subdivision or Major Site Plan, it may permit the plan to be divided into two (2) or more separate and distinct phases subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the plan. This may be accomplished by limiting Final Plan approval to those lots abutting that section of the proposed subdivision street that is covered by a Performance Guaranty. When development is phased, road construction shall commence from an existing public way. The subdivision or site plan shall be divided in such a manner that each phase, when aggregated with the previous phase(s), shall meet the standards of these regulations. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

ARTICLE IV: PLAN REQUIREMENTS: SITE PLAN AND SUBDIVISION

4.1 SCOPE OF REVIEW

Any application, whether it covers the entire site or just a building addition, must, by necessity, incorporate the entire parcel within the review. Not to do so may cause

approval of a use or situation which does not conform to the Zoning Ordinance and/or other applicable ordinances and regulations.

4.2 TYPES OF SITE PLAN APPLICATIONS

The following are types of site plans subject to review:

A. MAJOR SITE PLANS

A major site plan includes any non-residential or multi-family building, construction or remodeling activity that involves any one of the following:

1. The initial development of a site.
2. Expansion of the building ground coverage on a site by more than five-hundred (500) square feet.
3. Expansion of the aggregate parking, driveway and loading and unloading areas of a site by more than four-thousand (4,000) square feet.
4. Construction of public, commercial, or group boat launch facility.
5. Creation of any business that significantly affects the appearance or character of the neighborhood, village or Town.
6. Utility towers.
7. Construction of a campground.
8. Commercial earth excavation activity.

B. MINOR SITE PLANS

A minor site plan includes any other activities set forth in these regulations, except those activities that are a major site plan or that are exempt or that are found to be an insignificant change of use. A minor site plan also includes any remodeling of an existing nonresidential or multifamily use that removes or constructs a kitchen or bathroom or creates space for a new business.

C. EXEMPT SITE PLANS

A site plan is not required for the following:

1. Additions of less than one-hundred (100) square feet to buildings.
2. Expansion of less than four-hundred (400) square feet of parking areas, driveways or loading/unloading areas.
3. The surfacing of less than four-hundred (400) square feet of an existing unsurfaced parking area, driveway or loading/unloading area.
4. Farming and agricultural uses.
5. Expansion of upper stories of a building if such expansion does not involve exterior construction, an expansion, intensification or change of use of the building.
6. Expansion or intensification of use that only involve the method of

conducting an existing, lawful business activity, unless such expansion or intensification is contrary to a previously granted site plan review stipulation. Examples of such exempt expansion or intensification of use include changes in business hours or minor changes in the type of goods or services sold on the premises that do not adversely affect the neighborhood, village or town.

7. Insignificant Change of Use as defined in section (F) herein.

D. HOME ENTERPRISES.

Home Enterprises shall require Site Plan Review in accordance with Zoning Ordinance Article 22B-6.

E. SITE PLAN REVIEW AVOIDANCE.

The phasing of a series of exempt site developments to escape the provisions of these regulations or of a series of minor and/or exempt site developments to escape the review requirements for a major or minor site plan review is not permitted. A site development on a tract that occurs within forty-eight (48) months of a previous site development and that when combined together constitute either a major site plan or a minor site plan, shall be considered as such. Such site plans shall comply with the applicable current provisions governing a major or minor site plan.

F. INSIGNIFICANT CHANGES OF USE.

A change of use or intensification in use of a building that does not involve any expansion of the building or any improvements to the exterior site shall be insignificant if the Land Use Clerk and/or Code Enforcement Officer determines, on the record, that the change meets all of the following criteria:

1. It will not have any adverse impacts beyond the boundaries of the site.
2. It will not result in increased parking requirements that cannot be satisfied by the present site.
3. It will not result in any increased nuisance to the neighborhood or abutters.
4. It will not result in increased traffic hazards either on-site or off-site.
5. It will not result in additional drainage beyond the site or adversely affect groundwater resources.
6. It will not increase the sanitary waste loading of the site beyond that which already exists.
7. The present on-site solid waste disposal system can handle any increase in solid waste.
8. The present parking, circulation and loading layout is adequate to accommodate the change.

9. The change or intensification of use can be adequately protected with existing firefighting resources.
10. The present and proposed use of the site is otherwise lawful.
11. It will not adversely impact the traditional New Hampshire architectural character or differ significantly from the appearance of buildings in the area.
12. The type of business or activity will not adversely alter the character of the neighborhood, village, or town.
13. It does not meet the requirements for a major or minor site plan.

The construction of, or change of, interior offices shall be considered an insignificant change of use if it also meets the above criteria.

A use of a property determined by the Land Use Clerk and/or Code Enforcement Officer to have been abandoned for a period of more than 2 years shall require Planning Board review under Minor Site Plan Review or Insignificant Change of Use.

H. REVISIONS TO A PREVIOUSLY APPROVED SITE PLAN.

1. Procedure. An Applicant for a revision to a previously approved site plan shall, at least ten (10) business days prior to a scheduled meeting of the Planning Board, request to be placed on the Board's agenda.

   a. If the revision is not exempt per these regulations, the procedures for Site Plan approval shall be followed.
   b. The Applicant shall pay a fee as adopted by the Planning Board to pay for the major or minor site plan or home occupation review.
   c. Requirements for public notice shall be complied with.

2. Submissions. The Applicant shall submit a copy of the site plan, as well as copies of the proposed revisions as applicable. The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed plan or revisions meet the standards of these regulations and the approval criteria. The revised plan shall indicate that it is the revision of a previously approved site plan and, if applicable, shall show the book and page number on which the original plan may have been recorded at the Strafford County Registry of Deeds. Such plan revision shall become part of the official record file.

3. Scope of Review. The Planning Board's scope of review shall be limited to those portions of the site plan that are proposed to be changed and related possible adverse impacts.

4.3 SUBMITTAL REQUIREMENTS – MINOR SITE PLAN APPLICATIONS

A fully executed and signed copy of the application.

Six (6) [24"x36"] large copies and five (5) reduced [11"x17"] copy and one digital (PDF) copy of a plan drawn at a scale sufficient to allow review of the following items:

1. Name, address and signature of applicant.
2. Name, address and signature of owner(s) of record, if different from applicant.
3. Name and address of person or firm preparing the plan.
4. Names and addresses of all current abutting property owners as displayed in the Assessing Department's records within five (5) days of application due date.
5. North arrow.
6. Scale.
7. Date prepared.
8. Locus map showing general location of the site within the Town.
9. Property boundary lines, inclusive of distances and angles plotted to scale.
10. The lot area of the parcel, road frontage and minimum zoning requirements for lot size and road frontage.
11. Current zoning classification of property, and location of district boundaries if located in two or more zones.
12. All existing buildings, parking and driveways.
13. The location of all building setbacks required by the Zoning Ordinance.
14. The location of any proposed addition(s).
15. On-site flow of traffic.
16. All existing utilities such as sewer, water, electric and gas.
17. Provisions for storage and removal of refuse and recycling.
18. Location, size and details of signs.
19. Location, size and details of exterior lighting.
20. Location, size and character of storage tanks.

21. Existing and proposed landscaping with detail table.

22. Snow storage details.

23. A note defining the purpose of the plan.

24. A note referencing and delineations on the plan of all easements, rights-of-way and deeded property restrictions.

25. Flood hazard information provided in conformance with the requirements of Zoning Ordinance Article 11.

26. Any approved waivers indicating the sections waived and a brief general description of the waiver.

The Planning Board may require outside and interdepartmental reviews.

4.4 SUBMITTAL REQUIREMENTS – MAJOR SITE PLAN APPLICATIONS

A fully executed and signed copy of the application.

Five (5) reduced (11"x17") copy of a plan, six (6) (24"x36") large copies and one digital (PDF) copy to be determined at the time of application, shall be drawn at a scale sufficient to allow review of the items listed under the following requirements:

1. Name, address and signature of applicant.

2. Name, address and signature of owner(s) of record, if different from applicant

3. Name and address of person or firm preparing the plan

4. Names and addresses of all current abutting property owners as displayed in the Assessing Department's records within five (5) days of the application due date.

5. North arrow.

6. Scale of not more than fifty (50') feet to the inch.

7. Date prepared.

8. Locus map showing general location of the site within the Town.

9. Property boundary lines, inclusive of distances and angles, plotted to scale.

10. The lot area of the parcel, frontage and minimum zoning requirements for lot size and road frontage.

11. Current zoning classification of property and location of district boundaries if located in two or more zones.

12. Delineation of all wetlands and wetlands buffers.

13. Existing and proposed topography of the site at five (5') foot contour intervals or two (2) foot contour intervals if major changes to the existing topography are being proposed.

14. Scaled roadway centerline at fifty (50') feet increments.

15. The location of all existing buildings within fifty (50') feet of the subject site.

16. Locations of all roads or driveways within two hundred (200') feet of the subject site.

17. Locations of infiltrating drainage systems within two hundred (200') feet, where appropriate.

18. Existing access roads, recreational trails and boundaries (such as stone walls, barbed wire, etc.).

19. The location of existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, significant trees, vegetated areas, open drainage courses, service areas, rock ledges and other essential features on site(s) of proposed development.

20. The location of all building setbacks as required by the Zoning Ordinance.

21. On-site flow of traffic.

22. Provisions for storage and removal of refuse and recycling.

23. Location, size and details of signs.

24. Location, size and details of exterior lighting.

25. Location, size and detail of storage tanks.

26. Snow Storage locations.

27. A note defining the purpose of the plan.

28. Brief history of the property, including other disturbances that have happened on the property and previously approved Planning Board, ZBA and other regulatory approvals.

29. General description of the existing characteristics such as: developed, productive farmland, meadow, forest, viewshed, archeological site, areas contiguous with other open space, wildlife corridors.

30. Brief description of drainage upstream onto property and discharge downstream from property.

31. A note indicating that: "As-built plans shall be delivered to the Building Department prior to a Certificate of Occupancy being issued."

32. A note detailing Flood Hazard information in conformance with the requirements of 5.012 SPECIAL FLOOD HAZARD AREAS.

33. A note referencing and delineations on the plan of all easements, rights-of-way and deeded property restrictions.

34. A Landscaping Plan which meets the requirements of 5.08 LANDSCAPING STANDARDS.

35. The Planning Board may require a Storm Water Management or an Erosion and Sediment Control plan be submitted in accordance with Section 5.010 SURFACE DRAINAGE/ NON-POINT SOURCE WATER POLLUTION PREVENTION.

36. Architectural Plans in accordance with 5.04 ARCHITECTURAL DESIGN.

37. A Utility Plan in accordance with 5.013 MUNICIPAL AND PUBLIC UTILITIES.

38. Any approved waivers indicating the sections waived and a brief general description of the waiver.

The Planning Board may require outside and interdepartmental reviews.

Any Federal or State permits required including but not limited to: NH Water Supply and Pollution Control Commission for septic systems, NH Wetlands Bureau and/or Middleton's Zoning Board of Adjustment for relocation, dredging, filling or rechanneling wetlands and wetlands buffers, NH DOT or Middleton Driveway and Access Way permits, Storm Water Management and Erosion Control Permits and NH DES Shoreland Permits.

The Planning Board may require additional information in certain situations and is not limited to only those submittal requirements listed in this section.

4.5 TYPES OF SUBDIVISION APPLICATIONS

The following are considered subdivision applications:

CONDOMINIUM CONVERSION: The division of an existing or approved building or group of buildings into units owned individually and the common areas and facilities are all owned all the owners on a proportional, undivided basis.

LOT LINE ADJUSTMENT: A subdivision where no new buildable lots are created. A lot line adjustment may not create a more a non-conforming lot per the Town of Middleton Zoning Ordinance, save those cases where a variance has been granted for such.

MINOR SUBDIVISION: The division of a lot, tract or parcel of land which would result in three (3) or fewer new building lots and which does not require the installation of any new roads (public or private) or the extension of any municipally owned utilities (sewer and water).

MAJOR SUBDIVISION: The division of a lot, tract or parcel of land which creates four (4) or more additional building lots or an application which requires the installation of new roads (public or private) or the extension of municipally owned utilities (sewer and water).

4.6 SUBMITTAL REQUIREMENTS – MINOR SUBDIVISION, LOT LINE ADJUSTMENT AND CONDOMINIUM CONVERSION APPLICATIONS

A fully executed and signed copy of the application. Five (5) reduced [11"x17"] copy, Six (6) [24"x36"] large copies, and one digital (PDF) copy of a plan drawn at a scale sufficient to allow review of the following items:

1. Name, address and signature of applicant.
2. Name, address and signature of owner(s) of record, if different from applicant.
3. Name and address of person or firm preparing the plan.
4. Names and addresses of all current abutting property owners as displayed in the Assessing Department's records within five (5) days of application due date.
5. North arrow.
6. Scale.
7. Date prepared.
8. Locus map showing general location of the site within the Town.
9. Property boundary lines, inclusive of distances and angles plotted to scale.
10. Areas of proposed lots in square feet and acres.

11. Delineation of all wetlands and wetlands buffers.

12. Delineation of slopes over twenty-five (25%) percent.

13. Location of buildings within fifty (50') feet of the subject site.

14. Location of all roads or driveways within two hundred (200') feet of the subject site.

15. Existing access roads, recreational trails and boundaries (such as stone walls, barbed wire, etc.).

16. Existing and proposed buildings and driveways on-site.

17. Current zoning classification of property, and location of district boundaries if located in two or more zones.

18. The location of all building setbacks required by the Zoning Ordinance.

19. On-site flow of traffic.

20. All existing and proposed services such as sewer, water and utilities.

21. A note defining the purpose of the plan.

22. Brief history of the property, including other disturbances that have happened on the property.

23. General description of the existing characteristics such as: developed, productive farmland, meadow, forest, viewshed, archeological site, areas contiguous with other open space, wildlife corridors.

24. Summary description of drainage upstream onto property and discharge downstream from property.

25. Flood hazard information provided in conformance with the requirements of 5.012 SPECIAL FLOOD HAZARD AREAS.

26. A note referencing and delineations on the plan of all easements, rights-of-way and deeded property restrictions.

27. State of New Hampshire Alteration of Terrain permit number(s), if required.

28. All parcels shall be numbered in a consecutive manner with no omissions or duplications. The notation of the plan shall contain a list of the map and lot numbers of the parent tract(s) as identified in the Town of Middleton assessing

records.

29. Planning Board approval block with space for Chair's signature and date, and Approval number and Approval date.

30. The seal of a duly registered and licensed land surveyor shall be affixed to the final plan attesting that the final plan is substantially correct and which certifies that all bounds have been set and that the survey will close within one ten thousandth of a foot (1'/10,000').

31. Any approved waivers indicating the sections waived and a brief general description of the waiver.

The Planning Board may require the plans be stamped by a NH Licensed Civil Engineer, Soil Scientist or Wetlands Scientist, as necessary, to certify all regulations have been adhered to and the plan conforms to applicable Federal, State and Town regulations.

The Planning Board may require outside and interdepartmental review.

The Planning Board may require a Storm Water Management and Erosion Control plan be submitted in accordance with Section 5.010 SURFACE DRAINAGE/ NON-POINT SOURCE WATER POLLUTION.

The Planning Board may require additional information as deemed necessary in certain situations and is not limited to only those submittal requirements listed in this section.

4.7 SUBMITTAL REQUIREMENTS – MAJOR SUBDIVISION APPLICATIONS

A fully executed and signed copy of the application. Five (5) reduced [11"x17"] copy of a plan and Six (6)) [24"x36"] large copies and one digital (PDF) copy to be determined at the time of application, shall be drawn at a scale sufficient to allow review of the items listed under the following requirements:

1. Name, address and signature of applicant.

2. Name, address and signature of owner(s) of record, if different from applicant.

3. Name and address of person or firm preparing the plan.

4. Names and addresses of all current abutting property owners as displayed in the Assessing Department's records within five (5) days of application due date.

5. North arrow.

6. Scale.

7. Date prepared.

8. Current zoning of property.

9. Lot area in square feet and acres, frontage and associated minimum zoning requirements.

10. Locus map showing general location of the site within the Town.

11. Property boundary lines, inclusive of distances and angles plotted to scale.

12. Delineation of all wetlands and wetlands buffers.

13. Delineation of slopes over twenty-five (25%) percent.

14. Existing and proposed topography at five (5') foot intervals or two (2') foot intervals if major changes are proposed.

15. Balance sheet of proposed cut and fill quantities with maximum amounts stated.

16. Scaled roadway centerline at fifty (50') feet increments.

17. Location of buildings within fifty (50') feet of the subject site.

18. Location of all roads or driveways within two hundred (200') feet of the subject site.

19. Locations of infiltrating drainage systems within two hundred (200') feet, where appropriate.

20. Existing access roads, recreational trails, snowmobile trails and boundaries (such as stone walls, barbed wire, etc.).

21. Existing and proposed buildings, driveways and roads on-site.

22. New roads shall have the centerline marked at fifty (50') intervals.

23. The location of all building setbacks required by the Zoning Ordinance.

24. On-site flow of traffic.

25. All existing services such as sewer, water and utilities.

26. Provisions for storage of recycling and refuse, as necessary.

27. Location, size and detail of signs.

28. Location, size and detail of exterior lighting.

29. Location, size and detail of storage tanks.

30. A note defining the purpose of the plan.

31. Brief history of the property, including other disturbances that have happened on the property.

32. General description of the existing characteristics such as: developed, productive farmland, meadow, forest, viewshed, archeological site, areas contiguous with other open space, wildlife corridors.

33. Summary description of drainage upstream onto property and discharge downstream from property.

34. Flood hazard information provided in conformance with the requirements of 5.012 SPECIAL FLOOD HAZARD AREAS.

35. A note detailing Aquifer Conservation Overlay District as described in Article 7 of the Zoning Ordinance.

36. Deed references for the property.

37. A note referencing and delineations on the plan of all easements, rights-of-way and deeded property restrictions.

38. A note indicating the ownership of any open space to be created as part of the subdivision application.

39. A Utility plan in accordance in accordance with 5.013 MUNICIPAL AND PUBLIC UTILITIES

40. Road, sidewalk and drainage cross-sections, profiles and engineering specifications.

41. All parcels shall be numbered in a consecutive manner with no omissions or duplications. In addition, the Notes Section shall contain a list of the map and lot numbers of the parent tract(s) as identified in the Town of Middleton Assessing records.

42. Planning Board approval block with space for Chair's signature and date, and Approval number and Approval date.

43. The seal of a duly registered and licensed land surveyor shall be affixed to the final plan attesting that the final plan is substantially correct and that the survey will close within one ten thousandth of a foot (1'/10,000'). All bounds or points

are required to be set on each lot prior to the issuance of a Certificate of Occupancy.

44. Any approved waivers indicating the sections waived and a brief general description of the waiver.

The Planning Board may require the plans be stamped by a NH Licensed Civil Engineer, Soil Scientist or Wetlands Scientist, as necessary, to certify all regulations have been adhered to and the plan conforms to applicable Federal, State and Town regulations.

The Planning Board may require outside and interdepartmental review.

The Planning Board may require a Stormwater Management or an Erosion and Sediment Control Plan in accordance with Section 5.010 SURFACE DRAINAGE/ NON-POINT WATER POLLUTION PREVENTION.

The Planning Board may require additional information as deemed necessary in certain situations and is not limited to only those submittal requirements listed in this section.

4.8 IMPACT STUDIES

The Planning Board may, at its discretion, require an applicant to provide to the Planning Board with applicable impact studies such as but not limited to: Hydro geological, Facilities, Environmental, Fiscal, Public Services, Utilities, Traffic, Drainage, and Stormwater.

The purpose of any impact study required by the Board shall be to determine:

1. The extent to which the proposed development or facility will impact resources, public services and facilities of the Town, and;

2. The extent to which the environment or public services and facilities may need to be expanded, upgraded or mitigated because of the proposed development.

The scope of any impact study not specifically defined in the following sections will be determined by Planning Staff at such time as the Planning Board determines which, if any Impact Studies will be required. Such studies, once prepared by the applicant, may be required to be reviewed for the Planning Board by an acceptable consultant, with the scope and cost mutually agreed on by the Planning Board or its designee and the applicant. The cost of the consultant review shall be borne by the applicant. The Planning Board, prior to the granting of any approval with respect to a development application wherein such an impact study has been requested, shall hold a hearing on the information gathered in accordance with this Section. The Planning Board, in accordance with said hearing, may deny any application for development in which it is determined that the proposed development, if approved, would result in danger or injury to health, safety or prosperity by reason of the lack of water supply,

drainage, transportation, fire protection or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.

4.9 REFERRAL TO TOWN AGENCIES AND BOARDS

The Planning Board may refer any impact studies submitted by the applicant to any boards, agencies or other administrative or policy making bodies for their evaluation of the extent to which the proposed development will have an impact, adverse or otherwise, on the Town. The Planning Board may request that said boards, agencies or other bodies indicate the extent to which the Town's public services and facilities can accommodate the demands created by the proposed project in terms of the present capabilities of the Town and the realistic and planned projections of future increases in said capabilities. In this regard, reference may be made to the Master Plan, Capital

Improvements Plan, Budget or other documents or plans that are operative or under study in the Town at the time that this study is being undertaken.

4.10 PREMATURE DEVELOPMENT

The Planning Board, in its discretion, will not approve such scattered or premature development as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services; nor will the Planning Board approve such development which will necessitate an excessive expenditure of public funds for the supply of such services.

The Planning Board may determine that a proposed development is scattered or premature unless special improvements are made off-site or to the site itself. In such cases, the Planning Board may require the applicant to make said improvements prior to, or as a condition of development approval.

The Planning Board will consider only the impact of the proposed development in relation to the provision of municipal services and, if necessary and appropriate, apportion the costs of any such improvements required of the applicant. All details for provisions of off-site improvements shall be incorporated either as detailed plan notes and/or contained in a recorded development agreement.

4.11 ALTERNATIVES TO A RULING OF PREMATURE DEVELOPMENT Nothing

in the foregoing shall preclude the Planning Board and the applicant from coming to some compromise with respect to the problems that are addressed in regard to this Section so long as the Planning Board finds that the application is consistent with the overall objectives of the Master Plan, Capital Improvements Plan or other documents by which it is required to be guided.

4.12 OFF-SITE IMPROVEMENTS

If the Board determines that the proposed subdivision or site plan development will adversely affect existing public facilities, roads, sidewalks, drainage, sewer or water supply, causing them to be inadequate to meet the additional needs created by the subdivision, then the applicant shall pay a reasonable share for such upgrading of the public facilities to an extent necessary to protect the public interest.

If other properties benefit from the upgrading of such off-site public improvements, the Board shall determine the portion of the cost to be paid by the applicant, taking into consideration the following elements:

1. The character of the area.

2. The extent that other public and private property will be benefited by the upgrading and;

3. Any other factors that the Board deems appropriate to establish a rational connection between the needs created by the development and the amount to be paid by the applicant.

4.13 ACCEPTANCE OF IMPROVEMENTS

The applicant shall grant easements and/or deeds in a form certified as satisfactory by Planning Board of any on or off-site improvement, road, utility or open space to be accepted by the Town as part of the completed plan. Approval of the plan by the Planning Board shall not constitute an acceptance by the Town of the dedication of any road, on or off-site improvement, utility or open space.

4.14 TAX LIEN DISCLOSURES

No subdivision shall be finally signed until the Planning Board is provided with confirmation, in writing, from the Tax Collector that all tax liens (other than those that apply to April 1 of the tax year in which the subdivision is being approved) have been paid and cleared; or that a written agreement between the Tax Collector, the Board of Selectmen and the applicant has been signed.

4.15 DEVELOPMENT AGREEMENT

The Planning Board may require the applicant to enter into a Development Agreement with the Town in which the timetable, off-site improvements, responsible parties and methods of payment of the proposed development will be laid out.

4.16 WAIVER APPLICATIONS

The Planning Board may grant a waiver from a specific section of the Development Regulations in a special case when:

1. The strict application of these regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property or;

2. An alternative site plan or subdivision design approach which meets the purpose of the regulations equally well or better than compliance with the existing regulations.

3. In either of the forgoing circumstances, the waiver may be granted so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations, the Zoning Ordinance or the Master Plan.

The Planning Board shall approve or disapprove waivers based upon the evidence presented to it in each specific case.

An applicant shall request in writing to waive specific requirements of these Regulations as they pertain to the application, by the application deadline for a regularly scheduled Planning Board meeting. The Planning Board's publicly noticed agenda for the particular meeting shall clearly indicate that a waiver request(s) has been received, a copy of which is available at the Land Use Department and that the waiver request(s) will be considered at the meeting.

Abutter notification is required for all waiver requests.

All approved waivers shall be noted on the plans, indicating the sections waived and a general description of the waivers.

4.17 AMENDMENTS

The following provisions shall govern the approval of amendments to an approved development plan:

1. Minor amendments, as determined by the Planning Board or its designee and Code Enforcement officer, after consultation with appropriate departments may be approved.

2. The Planning Board or it's designee 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 the Town of Middleton's regulations and standards.

3. All minor amendments shall be shown on an As-Built plan to be submitted to the Town Assessor.

4. All major amendments as determined by the Town Assessor or its designee

shall be shown on a revised plan to be submitted and approved by the Planning Board prior to the amendment being undertaken by the applicant.

4.18 SEAL AND CERTIFICATION

All plans with on- or off-site engineered designs or details shall be certified by a duly registered and licensed civil engineer that all regulations have been adhered to and the plan conforms to all the applicable Town and State regulations.

A land surveyor licensed in the State of New Hampshire shall stamp all subdivisions and boundary surveys.

4.19 FINAL PLAN: SITE PLAN AND SUBDIVISION

A request for final approval of a site plan or subdivision application shall be accompanied by a Final Plan legibly and clearly drawn as follows:

1. Size of sheets shall not measure more than 22" x 34"

2. A final plan shall show all items required in minor or major application requirements.

3. Copies of all applicable State approvals and permits including but not limited to:

    a. Approval of the Department of Environmental Services (DES) of any proposed septic system(s) or additions to buildings on a septic system
    b. Approval of the New Hampshire DES Wetlands Board and/or the Zoning Board of Adjustment for the relocation, filling, dredging or re-channeling of any natural or manmade drainage area, river, stream, pond, wet area, etc.
    c. Approval of the New Hampshire Department of Transportation or Middleton Highway Department for any required driveway permits or curb cuts

4. The original signed and approved mylar or linen or photographic (Wash off) of a final Site Plan shall be retained by the Planning Board. One paper copy shall be delivered to the applicant and the remaining copies shall be distributed by the Planning Board. For subdivisions the original mylar or linen shall be delivered to the Strafford County Registry of Deeds. The recording fee for said plan shall be given to the Planning Board at the time of the signing of the Final Plan.

5. Upon completion of all construction of road and utilities on the premises shown on said Final Plan the applicant shall submit to the Planning Board an "As-built" Final Plan showing the actual location and position of said roads and utilities and all necessary easement and deed documents.

6. MINOR AND MAJOR SUBDIVISIONS shall also have:

   The seal of a licensed land surveyor attesting that such Final Plan is substantially correct and certifies all bounds are set shall be included on the plan. The surveyor shall certify that the survey will close within one ten thousandth of a foot (1'/10,000').

4.20 FINAL PLAN COPIES

1. Minor Site Plan: minimum of five (5) [22"x34"]copies with one (1) copy no larger than 11"X17" and one (1) electronic PDF or CAD file if available.

2. Major Site Plan: one (1) mylar or linen, one (1) [11"x17"], one (1) electronic PDF or CAD file and if private water and sewer five (5) [22"X34"] plans or if public water and sewer six (6) [22"x34"] plans.

3. Minor Subdivision: Two (2) mylars or linen, one (1) [11"x17"], one (1) electronic CAD file and if private water and sewer five (5) [22"x34"] plans or if public water and sewer six (6) [22"x34"] plans.

4. Major Subdivision: Two (2) mylars or linen, one (1) [11"x17"], one (1) electronic CAD file and if private water and sewer five (5) [22"x34"] plans or if public water and sewer six (6) [22"x34"] plans.

ARTICLE V: DEVELOPMENT STANDARDS

5.1 GENERAL

An applicant shall adhere to the following general principles when designing a site plan or laying out a proposed subdivision development within the Town of Middleton. These principals and requirements shall be construed as the minimum requirements. The Planning Board, at its discretion, may require higher standards in individual cases or may waive certain requirements (See 5.020 WAIVER APPLICATIONS) for good cause in accordance with the procedures outlined in these regulations.

5.2 CONFORMITY

Development plans shall be in harmony and consistent with the Town's Master Plan goals and objectives, Zoning Ordinance and these Regulations. Development plans shall conform to all regulations of the Planning Board and other applicable Town by-laws, ordinances, regulations and statutes of the local, State and Federal governments.

5.3 NATURAL AND HISTORIC FEATURES

The Planning Board may require the preservation and protection of existing features:

trees, scenic points, ridgelines, brooks, streams, water bodies, prime farmland or soils of statewide significance, other natural areas and historic landmarks to preserve the natural environment.

5.4 ARCHITECTURAL DESIGN

It is important to the economic success of Middleton that the Town is perceived as a positive place to do business and that the businesses reflect and compliment its rural heritage. The architecture of Middleton spans several periods of design in New Hampshire, including some 18th century, 19th century, and early 20th century structures. It is important to continue to allow diversity of building designs and architectural styles that blend well with the buildings from these periods.

These architectural design standards are intended to apply to all buildings. However, in the case of industrial buildings (such as warehouses, etc.) that are not visible from public places or streets due to proximity or screening, only those portions exposed to public view shall be required to comply with these architectural design standards.

5.4.1 GENERAL CRITERIA

Development shall be of a scale compatible with surrounding development and/or the rural character of the Town of Middleton. The Planning Board may require additional setbacks or other structural, size, and/or location limitations on building construction that it determines are necessary to meet this standard. Office and industrial parks shall be screened from all public streets and roads that are external to the park.

Reconstruction of exterior facades and additions to existing buildings should be in the architectural style of the original building, and the materials used shall duplicate the original or be similar in appearance to the original materials or materials commonly used in the Town when the building was constructed.

New construction shall preserve the character of the Town by using external building features that are similar to or compliment those buildings in the Town constructed in the 18th and 19th centuries. Modern materials that duplicate the appearance of materials used in construction in the 18th and 19th centuries may be used on any buildings when approved by the Planning Board. No unclad, plain masonry block construction or corrugated metal may be used when visible from any public space, adjacent residential area or roadway.

Plans shall show all building elevations and portray the design of all buildings and the relationship of the development to surrounding properties, buildings, natural features and built features.

The Planning Board may require that development proposals be reviewed by an historic consultant or architect, and be designed by a NH licensed architect at the cost of the applicant.

5.4.2 GUIDELINES

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

A. Monotony of design or warehouse style structures shall be avoided. Variation in detail, form, and siting shall be used to provide visual interest.

B. New structures shall orient their main entrance or storefront to a public road. Buildings shall be sited so that entrances are clearly identifiable.

C. The size, mass and form of new structures must relate to the appropriate scale of neighboring buildings as well as the context of the district in which it is located in. The flowing architectural features and treatments should be used to enhance the character of new development and the corridor:

1. Avoid blank walls at ground-floor levels through the use of windows, trellises, wall articulation.
2. Arcades, material changes, awnings or other features.
3. Reduce the apparent scale of the building by introducing small-scaled architectural features, creating an irregular footprint and variations in roof forms and height of roof elements.
4. Enhance definition of each floor of the building through terracing, articulated structural elements, changes in materials, belt courses and horizontal trim bands.

D. Roof forms and materials

1. Roof lines shall be characteristically sloped and articulated with architectural features such as dormers, chimneys, gables, cupolas, etc.
2. Roof lines shall not run in continuous planes and shall be broken into appropriately scaled masses.
3. Flat roofs are strongly discouraged unless the Planning Board finds that a proposal can provide appropriate visual appeal.
4. Where appropriate roofs shall provide adequate overhangs for pedestrian activity.
5. Roof materials shall be comprised of high quality, durable and architecturally consistent materials, including but not limited to concrete tile, asphalt shingles and standing seam metal.
6. In cases where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the façade to create the appearance of multiple attached buildings. All sides of a structure shall receive design consideration. A façade unrelated to the rest of the building is not an acceptable design.
7. In all cases, all roof top mechanical units shall be located or screened so as to not be visible from road level or from public areas from ground level.

E. Architectural features and details shall be considered in every building design.

1. Traditional features and details such as columns, pilasters, canopies, porticos, awnings or arches associated with Middleton's architectural heritage are strongly encouraged.
2. Long expanses of repetitive architectural elements and flat unarticulated wall surfaces shall be avoided.
3. Use of traditional materials or materials that have the same visual effect shall be used including but not limited to wood, brick, tile or stone.
4. Building facades should have an abundance of windows that use clear non- reflective glass.
5. Windows on higher floors should align vertically with windows below, if possible.

F. Existing Structures of Historic or Cultural Importance.

1. Structures of historic or cultural significance shall be given particular scrutiny when being considered for renovation or replacement.

2. A structure that is 100 years old or more and which (a) played a role in an event or series of events of historical significance, or (b) which has cultural significance due to its prior use and/or location, shall not be renovated or replaced except in conformance with these regulations.

   A structure potentially having historical or cultural significance under paragraph 2 immediately above may be renovated for a new or existing use in a manner that is respectful of the historic and/or cultural character, features and details of the existing structure.

3. A structure potentially having historical or cultural significance under paragraph 2 above and which is capable of being renovated, but which renovated structure will not meet the needs of the applicant, shall be relocated to town-owned property, or other location approved by the Heritage Commission.

4. A structure potentially having historical or cultural significance under paragraph 2 above but which constitutes a hazardous building under RSA 155-B:1 may be razed or otherwise removed by the applicant.

G. Signs

1. Signs shall comply with the Town of Middleton I Zoning Ordinance Article 18 and should be designed to meet the needs of the individual uses while complementing the building, site and surroundings.

2. Wall signs shall be appropriately scaled to the building or surface on which it is

placed and should not obscure important architectural features.

3. Signs shall be readable for both pedestrians and drivers approaching the site.
4. Consideration should be given to form, color, lighting and materials that are compatible with the building and its surroundings.

Alternative architectural solutions may be considered by the Planning Board. Emphasis should be placed on compatibility, aesthetics and creativity.

5.05 PARKING REQUIREMENTS

A. Sufficient amounts of off-street parking, as required by Table 1 (below), shall be provided .

TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS

Type of Use	*Unit of Measure*	*Parking Space Per Unit (i.e. Ratio)*
RESIDENTIAL:		
Residences	Dwelling Units	2.0
Dwelling units in mixed-Use structure	Dwelling Units	1.5
Elderly Housing	Dwelling Units	0.5
Group Residence	Residents	0.33
Lodging House	Beds	2.0 Base + 1.0/bed
Dormitory	Beds	1.0
INSTITUTIONAL, ETC.:		
Hospital, Nursing Home	Beds + Employees on Largest shift Seats	0.33/bed + 0.33/ employee
Church	Seats	0.25
Day Care	Employees + Clients	1.0/ employees + 1.0/8 clients
Membership Club	Gross Floor Area	1/200 SF
PLACES OF PUBLIC ASSEMBLY:		
Theaters	Seats	0.20/ seat
Auditoriums	Seats	0.20/ seat
SCHOOLS:		

Elementary, Middle School	Classrooms	4.0
Senior High School	Classrooms	5.0
Post Secondary	Classroom Floor Area	1/200 SF

SPECIAL:

Motel, Hotel	Rental Units	1.2 plus restaurant component if applicable
Tourist Home	Rental Units	2.0(base) + 1/2/ unit plus Restaurant component if Applicable
Restaurant (except Fast Food)	Seats, Employees, Bar Stools	0.33/ seat + 1.0/ employees Shift + 0.5/ bar stools
Restaurant (Fast Food Including pizza)	Seats, Employees or Restaurant	0.5/seat + 1.0/employee or 1.0/ 50 SF (whichever Is greater)
Office (Medical or Dental)	Doctors or Gross Floor Area	5/doctor or 1.0/ 100SF (whichever is greater)
Office (Other Professional)	Employees or Gross Floor Area	1.0/ employee or 1.0/ 300 F (whichever is greater)
Office (General)	Employees or Gross Floor Area	1.1/employee or 1.0/ 300 SF (whichever is greater)
Retail	Gross Floor Area	1.0/ 200 SF
Personal Service	Gross Floor Area	1.0 /200 SF
Banks	Gross Floor Area	1.0/ 250 SF
Furniture, Appliance Store	Gross Floor Area	1.0/ 600 SF
Automotive Services	Service Bays Gross Floor Area	4.0/ bay
Funeral Home	Assembly Rooms	1.0/ 75 SF
Other Commercial	Gross Floor Area	1.0/ 600 SF
Temporary Outdoor Sales	Outdoor Display Area	1.0/ 400 SF

INDUSTRIAL:

Warehouse, Truck Terminal	Gross Floor Area	1.0/ 1000 SF
Industrial	Gross Floor Area	1.0/ 600 SF

RECREATION:

Bowling Alley	Lane	4.0

Golf Driving Range	Tees + Employees	1.0/ tees + 1.0/ employee
Miniature Golf	Holes	1.5
Golf Course	Holes	4.0 + 50% of accessory Use component, if Applicable
Swimming Pools	Water Area	1.0/ 75 SF
Skating Rink	Rink Area	1.0/ 300 SF
Racquet Courts	Courts	4.0
Community, Recreation or Amusement Center	Gross Floor Area of Patrons	1.0/ 250 SF or 1.0/ 4 at max. capacity (whichever is greater)
Other Outdoor Recreational or Amusement Facilities	Patrons	1.0. 4.0 at max. capacity

1. Parking requirements for uses not listed in the Table 1 shall be based upon the requirements for the most similar listed use in the table.
2. For mixed uses, the parking requirement shall be determined by the sum of the requirements for component uses. Examples: shopping centers, office parks with general and medical offices, auto sales and service establishments, etc.
3. The Planning Board may require additional parking during site plan review if it determines that application of the Table 1 requirements will not provide adequate off-street parking.

B. Parking area designs shall utilize Best Management Practices.

C. Parking areas shall be set back a minimum of fifty (50) feet from the right of way boundary of State Route 153 and ten (10) feet from the right of way boundary of all other roads and streets. Curbing or another acceptable barrier shall be provided to prevent vehicles from crossing the setback area other than at permitted access points. Such barrier may include landscaping per the landscaping standards.

D. Parking aisles shall not be longer than twenty (20) spaces without a turnaround.

E. An adequate number of the parking spaces closest to buildings shall be provided for the handicapped.

F. All parking spaces shall be at least nine (9) feet wide and at least twenty (20) feet long.

G. All parking spaces shall be clearly marked.

H. Handicap Parking Spaces. All sites which provide on-site parking shall provide

handicap parking spaces and accompanying access aisles in accordance with Federal law, in particular 23 CFR Part 36, Appendix A, Section 4.1.2(5) (see: Federal Register, Volume 56, #144, July 26, 1991 as may be amended).

I. For the convenience of reader, the smaller size parking lot standards are summarized below:

Total Parking Spaces	Minimum to be Handicap Accessible
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

a. One in every eight (8) handicap spaces, but not less than one, shall be designated as "van accessible" and shall be served by an eight
(8) foot access aisle

b. Each handicap space shall be identified with pavement marking and a sign. Van accessible spaces shall require an additional sign to indicate that it is van accessible. Signs shall be mounted so they are not obscured by other parked vehicles.

J. Circulation. The vehicular circulation system shall be designed to maximize public safety.

1. Conflicts with pedestrians or other users of exterior spaces (such as children playing) shall be minimized.
2. In general, only one (1) driveway access will be allowed, unless a safe circulation system necessitates additional driveways. It is suggested that Applicants who require a driveway permit from the New Hampshire Department of Public Works and Highways not apply for said permit until after presentation of a site plan to the Planning Board, in order to coordinate State and local reviews of driveway access. For frontages greater than four hundred (400) feet, the internal service road requirements shall apply.
3. Frequent truck traffic shall be separated from other traffic.
4. Circulation drives within a site development shall have corner radii of at least fifteen (15) feet.
5. Drop-off access for handicapped persons shall be provided.
6. Driveways shall be of sufficient width to accommodate projected traffic volumes.
7. Adequate snow storage area shall be provided.
8. If necessary, directional arrows, directional signage and regulatory signage may be required by the Planning Board.

9. The Planning Board may require that adjacent parcels have interconnected, integrated, internal access ways (both vehicular and pedestrian).
10. Parking areas for non-residential uses that are conversions of dwellings should be located in the side or rear yards of a parcel rather than in the front yard.

K. Pedestrian Safety. Site plans shall adequately consider safe pedestrian circulation to and from the principal uses of the site and parking areas, streets and/or adjacent parcels. The Planning Board may require the installation of sidewalks. Where sidewalks are required, they shall:

1. Have a minimum width of four (4) feet.
2. Be accessible to the handicapped.
3. Be safely separated from parking areas and driveways by curbing, landscaped medians (or dividers), berms or other appropriate measures.

L. Loading and Unloading Areas. Sufficient off-street loading/unloading and delivery areas shall be provided. Such areas shall be separated from non-employee parking areas, pedestrian walkways and general use circulation drives. The design of such areas shall be sufficient to allow the safe maneuvering of all anticipated sizes of delivery vehicles.

M. Paving. All parking, drives and loading areas should be paved. Use of pervious paving shall be encouraged. The Planning Board may allow the installation of gravel pavement surfaces if it determines that such pavement on a particular site will be more environmentally sound and will not lead to dust or erosion having an adverse impact on adjacent properties or users of the site.

5.6 OUTDOOR LIGHTING

All outdoor lighting shall be downcast and so directed and shielded that no glare will spill out onto neighboring properties or roads. In terms of placement and type, all outdoor lighting shall comply with an appropriate lighting standard for outdoor lighting.

5.7 FIRE PROTECTION

Fire alarms, fire hydrants, fire cisterns and other necessary fire protection measures shall be provided as specified by the Middleton Fire Department.

5.8 LANDSCAPING STANDARDS

5.8.1 GENERAL

The requirements of this Section shall apply to all new commercial, industrial and multifamily developments. In addition, these standards may apply whenever a site plan is brought before the Planning Board for an amendment or a change of use.

A landscaping plan shall be provided with each site plan application. The plan shall identify existing and proposed trees, shrubs, ground cover, walls and fences. Existing vegetation shall be preserved and site disturbance shall be minimized wherever possible. The applicant shall use native plants, shrubs and trees whenever possible. Invasive species are prohibited. The plant species selected should be hardy for the particular area in which they will be located. In addition, the size, number and type of plants proposed shall be shown.

Where an applicant proposes leaving a significant portion of healthy non-invasive trees and other vegetation within the proposed construction area, the Board may consider alternative landscaping designs.

5.8.2 LANDSCAPING BUFFERS

Landscaping plans shall be designed to provide buffers in an effort to mitigate impacts to neighboring properties. Buffers are intended to physically separate one use or property from another so as to visually shield or block, noise, lights, provide a water quality benefit and to minimize other impacts.

Screening shall be provided to reduce visual pollution from storage areas, parking and loading areas and solid waste collection/storage areas. Fencing, stone walls, hedges and plantings may be incorporated into screening systems. Said screening shall consist of a continuous border of evergreen trees and/or shrubbery at least six (6) feet in height and/or solid fencing six (6) feet in height.

Exterior Storage Areas. All areas used for exterior storage, including areas used for storage of solid waste, should be located to the rear of buildings and/or shall be appropriately screened from view from the street and adjacent properties. Exterior layouts or display of goods for immediate sale shall be approved by the Planning Board.

5.8.3 LANDSCAPING PARKING LOTS AND ACCESS WAYS

All parking lot landscaping shall promote the safe flow of vehicular and pedestrian traffic within and out of the site.

A. Peripheral landscaping shall be required along all sides of a parking lot or access way that abuts adjoining property or a public right-of-way as follows:

1. A landscaped strip at least ten feet (10') in width shall be located between the paved area and the abutting property lines or public right-of-way except where driveways or other openings may be required; and
2. At least one (1) tree for each thirty feet (30') of landscaped strip shall be provided. These trees shall be complemented by suitable ground cover and shrubs.

B. Landscaping within parking lots or green space encompassing not less than five (5%) percent of the total parking area shall be required.

C. Parking lots with more than fifty (50) parking spaces shall have curbed planting areas. Planting areas shall be placed within or at each end of a parking row. No parking row shall contain more than thirty (30) contiguous parking spaces without a curbed planting area.

D. Snow storage is not permitted in the parking islands.

5.8.4 PLANTING SPECIFICATIONS

All trees, shrubs and ground cover shall be planted according to accepted horticultural standards.

A. Trees and Shrubs:

1. Minimum for shade or canopy trees shall be three (3") inches in diameter measured at breast height, with a height not less than twelve (12') feet
2. Minimum size for small or minor shade trees shall be two and a half (2.5") inches in diameter measured breast height, with a height of not less than nine (9') feet
3. Minimum size for ornamental or flowering fruit trees shall be two (2") inches in diameter measured at breast height, with a height of not less than seven (7') feet.
4. Minimum size for evergreen trees shall be six (6') feet in height
5. Minimum size for shrubs shall be one and a half (1.5') feet in height

B. Planting Specifications:

1. All trees, shrubs and plantings shall be planted according to accepted horticultural standards
2. Cultivated areas shall be covered with not less than a two (2") inch deep layer of mulch after planting
3. All trees and shrubs shall be appropriately pruned after planting with all broken or damaged branches removed

5.8.5 LOW IMPACT DEVELOPMENT LANDSCAPING

Landscaping that incorporates Low Impact Development (LID) strategies for stormwater management should absorb and treat stormwater runoff to the greatest extent possible on site. LID landscaping includes the use of biofilters, rain gardens, shallow swales, dry wells and other features and functions. High organic content of soils encourages healthy growth and absorbs and retains rainwater on site as soil moisture, minimizing irrigation needs and runoff quantities. The applicant should consider the estimated seasonal high water table elevation during the design process to decrease the likelihood of groundwater contamination. Adequate separation is needed between infiltrating structures and the groundwater table.

Landscape areas shall include all areas on site that are not covered by buildings, structures, paving or impervious surface. The selection and location of turf, trees, ground cover (including shrubs, grasses, perennials, flowerbeds and slope retention), pedestrian paving and other landscaping elements shall be designed to absorb rainfall, prevent erosion, encourage biodiversity and meet functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing hardscape impacts, attracting attention to building entrances and other focal points and visually integrating buildings with the landscape area. Where possible, the landscaping design should combine form and function, incorporating drainage features invisibly into the landscape such as through shallow detention areas and parking lot islands for infiltration of parking lot runoff and sheet flow.

5.8.6 LANDSCAPING STANDARDS – SUBDIVISIONS – NEW ROADS Where cul-de-sacs are permitted, the island or center area of the cul-de-sac shall remain in a natural vegetated state, with any invasive species removed. If it will be used as a bio-filter for stormwater treatment, the area shall be vegetated with a combination of living plant material including trees, shrubs and ground covers Non- living landscape materials may cover up to twenty (20%) percent of the island or center area. When planting of vegetation is required, cul-de-sac landscaping shall be installed after construction of the road is complete.

5.8.7 MAINTENANCE OF LANDSCAPING

Low maintenance, drought, insect and disease resistant plant varieties are encouraged so that buffer areas and other required landscaping can be maintained with minimal care and the need for watering, pesticide or fertilizer use is minimized. For these reasons, native, hybrid and naturalized non-invasive species are preferred since such plant species are well adapted to the local environment.

To avoid maintenance problems and excessive watering, organic matter such as compost or peat should be added to the soil before planting as appropriate to increase the water holding capacity of the soil and to provide nutrients.

The owner and their representative shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing condition, and replacing it when necessary to insure continuous conformance with these guidelines. Any landscape element that dies, or is otherwise removed, shall be promptly replaced with the same, if not similar to, height or texture element as originally intended. In addition, landscaped areas shall be kept free of all debris, rubbish, weeds and tall grass.

5.8.8 If the ownership of a site is conveyed to a new property owner, the new owner shall be responsible for maintaining all landscaping in accordance with the approved final landscaping plan.

5.8.9 ENFORCEMENT

An inspection of all plantings to ensure compliance with the approved landscaping

plan shall be conducted prior to the issuance of a Certificate of Occupancy.

5.8.10 LANDSCAPING TIME FRAME

All landscaping should be completed prior to the issuance of a Certificate of Occupancy. If the landscaping cannot be completed prior to issuance of a Certificate of Occupancy, the owner shall be required to submit a security bond to Planning Board to cover the complete cost of all planting, materials and labor required to complete the landscaping plan as depicted on the approved plan. A detail sheet itemizing the breakdown of costs shall accompany all bonds.

All landscaping shall be complete within one (1) year of issuance of a Certificate of Occupancy or the Planning Board may begin the process of revoking site plan approval.

5.9 SNOW STORAGE AND REMOVAL

Provisions shall be made for snow storage. Consideration shall be given to locating the snow storage where melting will not create a hazard when refreezing occurs. Snow storage shall be located appropriately to provide maximum protection to downstream sites from the accumulated ice control materials and chemicals included in snow storage.

The site plan shall indicate how and where snow will be stored or removed from the site to preclude large accumulations of snow from blocking LID or drainage systems, causing flooding, or causing contamination of ground and surface waters.

Snow storage is not permitted within required parking spaces. Snow shall be stored or removed to allow continued safe passage of vehicles and pedestrians into, and through all travel lanes, parking areas, and pedestrian routes.

All snow storage provisions shall comply with the Department of Environmental Services Best Management Practices (DES BMP) for snow storage and on-site LID Maintenance and Operations manual (if necessary).

5.10 SURFACE DRAINAGE/NON-POINT SOURCE WATER POLLUTION PREVENTION

A. All site plans shall meet the requirements for a USEPA Phase II Permit. If improvements at the site involve over one (1) acre of site disturbance, the construction site operator(s) is required to comply with the USEPA - NPDS General Permit for storm water discharges from construction activities. A copy of the Notice of Termination (NOT) shall be submitted to the Planning Board and Code Enforcement Officer within thirty (30) days after one or both of the following conditions have been met:

1. Final stabilization has been achieved on all portions of the site for which

the permittee is responsible;

2. Another operator/permittee has assumed control over all areas of the site that have not been fully stabilized.

The Planning Board shall be provided with copies of all correspondences with Federal or State agencies regarding compliance with their rules or regulations.

B. Where a site is traversed by a stream, river or surface water drainage way, or where the Board feels that surface water runoff to be created by the site should be controlled, there shall be provided drainage easements using swales, culverts, catch basins or other means of channeling surface water within the project.

Existing surface waters, including lakes, ponds rivers, perennial and intermittent streams, shall be protected by a twenty five (20') foot no disturbance vegetated buffer.

Special exceptions for the no disturbance vegetated buffer may be granted by the Planning Board for streets, roads and other access ways and utility right-of-way easements, including power lines and pipe lines, if essential to the productive use of land and located and constructed so as to minimize any detrimental impact on the surface water resource.

A registered professional engineer shall design this storm water management system, using Best Management Practices.

C. Drainage easements for existing watercourses or proposed drainage ways shall be at least thirty (30') feet wide and shall be indicated on the plan, conforming substantially to the lines of existing natural drainage.

The natural hydrologic features and functions of the site shall be maintained to the maximum extent possible. Site disturbance shall be minimized. Vegetation outside the project disturbance area shall be maintained. The project disturbance area shall be depicted on the site plans submitted as part of the site plan review process.

D. The developer shall provide a statement from the design engineer that the proposed site will not create erosion, drainage or runoff problems either in the site or in other properties. The engineer shall certify that peak runoff from the site onto other properties shall not be increased either in volume or duration from the peak runoff characteristics existing prior to development.

Where the Board determines that surface waters may be impacted by the development, Best Management Practices (BMP) techniques to deal with development runoff, shall be selected, designed, and constructed in accordance with the most recent version of the **New Hampshire Stormwater Manual,**

Volume 2: Post-Construction Best Management Practices Selection and Design. The most recent version is available for download on the NH Department of Environmental Services website at: http://des.nh.gov/organization/divisions/water/stormwater/manual.htm. BMPs will be used to meet the condition, under paragraph E below for control of peak flow, total volume of runoff, water quality protection, and maintenance of on-site groundwater recharge.

E. Where required by the Board, a stormwater drainage plan, showing ditching, culverts, storm drains, easements and other proposed BMPs, meeting the applicable standards obtained herein and any other Town Code requirements shall be submitted as part of the Site Plan. The applicant shall display that their stormwater drainage plan will address post-development peak flow rates and total runoff volumes as described below.

1. The applicant shall provide pre- and post-development peak flow rates.
2. Peak Control: Post-development peak discharge rates cannot exceed pre-development peak discharge rates for the 2, 10, and 50 year, 24-hour storm events.
3. Measurement of peak discharge rates shall be calculated using point of discharge or the down-gradient property boundary. The topography of the site may require evaluation at more than one location if flow leaves the property in more than one direction. Calculations shall include runoff from adjacent up-gradient properties.

5.11 EROSION AND SEDIMENT CONTROL

A. All land development shall include provisions to adequately control erosion and sediment during and after development including the execution of a Performance Agreement. Such provisions shall result in land development that minimizes erosion and sediment during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

B. Soil erosion and resultant sedimentation is to be minimized by provision for water disposal and protection of soil surfaces under normal weather conditions. Land shall be improved in reasonable conformity to existing topography to minimize grading, cut and fill, and to retain natural contours insofar as possible. Erosion control measures shall be in place during the construction of roads and the clearing of land, and long-term controls shall be in place on embankments and other exposed areas. Erosion control plans shall use the Best Management Practices per New Hampshire Department of Environmental Services and/or other applicable agencies.

In addition to other construction components such as roads, public

improvements, drainage structures and other utilities, erosion control shall be subject to the performance guarantees.

C. Erosion and Sediment Control Handbook.

All land development shall adhere to the principles, methods, BMPs, design standards and specifications set forth in the current edition of the New Hampshire Stormwater Manual, Volume 3: Erosion and Sediment Controls During Construction. The most recent version is available for download on the NH Department of Environmental Services website at: http://des.nh.gov/organization/divisions/water/stormwater/manual.htm.

Such measures include, but are not limited to:

1. Diversion dikes to intercept surface runoff at the top of a slope, before erosion can begin.

2. Vegetative buffer strips to reduce water velocity and to filter sediment.

3. Seeding and mulching to slow runoff and trap sediment.

4. Hay bales to effectively trap sediment for short periods of time.

5. Silt fencing to minimize the area of disturbance and prevent construction equipment from pushing debris onto other areas.

6. Sod strips to provide instant vegetative cover.

7. Sediment traps (temporary holding basins) to intercept sediment laden runoff and retain the sediment.

5.12 SPECIAL FLOOD HAZARD AREAS

All applications for development governed by these Regulations having lands identified as Special Flood Hazard Areas (SFHA) by the Federal Emergency Management Agency (FEMA) in "Flood Insurance Study for the Town of Middleton, NH" together with the associated Flood Insurance Rate Maps, as amended, shall meet the requirements of these regulations.
All development applications shall be reviewed to determine whether such applications will be reasonably safe from flooding and are consistent with the need to minimize flood damage. Development review shall assure that the following minimum standards are met:

A. The application is designed consistent with the provisions set forth in Article 9 FLOODPLAIN DEVELOPMENT OVERLAY DISTRICT of the Middleton Zoning Ordinance and the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical, and water systems,

shall be located and constructed to minimize or eliminate flood damage.

C. Adequate drainage systems shall be provided to reduce exposure to flood hazards.

D. All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

E. Base flood elevation (the floodplain boundary and 100 year flood elevation) data shall be provided for all development greater than 50 lots or 5 acres, whichever is the lesser, and that portion of applications within the Special Flood Hazard Area.

5.13 MUNICIPAL AND PUBLIC UTILITIES

5.13.1 GENERAL

Municipal utilities shall include but not be limited to sanitary sewer, stormwater, drainage, fire suppression and water supply.

Non-municipal utilities shall include but not be limited to gas, electric, communications media, sanitary sewer, stormwater, drainage, and water supply.

All applications which include the creation of a new or upgraded road or a subdivision or site plan shall have underground utilities.

If utilities are proposed to be constructed within a designated scenic road right-of-way, all applicable Town scenic road requirements must be met.

All applicants who propose to do sewer and water work or construction within a Town right-of-way should consult the Town of Middleton's Highway Departments' construction specifications to determine if an on-site inspector shall be required during construction; the cost of which shall be borne by the applicant/developer.

5.13.2 UTILITY PLAN

The location and size of all existing underground and overhead municipal and non-municipal utilities intended to serve the development shall be shown on the plan or in the plan set, inclusive of:

1. Water supply details

2. Wastewater disposal including the size and location of all piping, pump stations, holding tanks, leach field, etc.

3. Location, size, grade and invert elevations of sanitary, storm and/or combined sewers

4. Location and size of water mains including location of fire hydrant and valves

5. Location of gas lines, storage tanks and utility poles

6. Location of manholes, transformer poles, and appurtenant structures

7. Location of all fire cisterns, hydrants or other apparatus

8. A layout indicating how the site will be served by electric, telephone and any other public utilities must be provided. If the utility company(s) requires an easement to provide service, no final approval shall be granted by the Planning Board until such easements are secured.

5.14 SANITARY SYSTEMS – GENERAL REQUIREMENTS

The applicant must meet NHDES Subsurface Disposal Regulations for any application that requires or will require an on-site subsurface disposal system.

In areas not currently served by public sewer systems, it shall be the responsibility of the applicant to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and leach field). Individual Test Pit data is required along with any other tests the health officer may require regarding seepage or other tests.

The applicant shall certify on the Final Plan that the test-pits dug for percolation tests have been performed per the requirements set forth by the New Hampshire Water Supply and Pollution Control Commission.

The Planning Board, when it deems necessary, may require that said plan contain a certification by a certified soils engineer as to the information therein contained. All fees shall be paid by the applicant.

NH Department of Environmental Services approval is required for all lots less than 5 acres in size which will not be served by the public sewer system.

Any new development within one hundred (100') of a sewer line is required to hook up to the municipal system unless the applicant is granted a waiver by the Planning Board.

The Board of Selectmen shall certify that providing service to the propose site is within the capacity of the district's collection and treatment system.

The Board of Selectmen or their designated agent shall review and approve in writing the construction drawings for the sewage system.

5.15 WATER SERVICES– GENERAL REQUIREMENTS

5.15.1 MUNICIPAL WATER

Construction and installation of water mains and facilities are subject to the approval of the Planning Board and Board of Selectmen.

When a public water system is proposed, the system shall be designed by a qualified engineer. Each system shall be designed to handle the expected flows (domestic and fire) for present and future development within the site. The Planning Board reserves the right to have its designated representative inspect the installation of all public water systems in accordance with the Town or State's installation standards.

5.15.2 PRIVATE WATER SYSTEMS

When a private water system is proposed the system shall be designed by a qualified engineer. Each system shall be designed to handle the expected flows (domestic and fire) for present and future development within the site. The Planning Board reserves the right to have its designated representative inspect the installation of all private water systems in accordance with the Town or State's installation standards.

5.15.3 ON-SITE WATER SUPPLY

The provision of on-site water supply shall conform to criteria of the Water Supply and Pollution Control Division of the NH Department of Environmental Services. It shall be the responsibility of the applicant to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of both individual on-site water supply and sewage disposal systems.

5.16 BRIDGES

Bridges must be built according to State of New Hampshire Department of Transportation specifications. All bridge plans must be approved by Town and State engineers prior to construction.

5.17 SIGNAGE

The Planning Board may require a Signage Plan with any new development intending to use signage. The Signage Plan shall contain the following:

A. A detail of the proposed signage to be utilized for the project including the location(s), dimensions, and type of illumination, if any, to be utilized (i.e. internal, downcast, pole lighting, wall mounted).

B. The Signage Plan should be designed to complement the proposed development in terms of style, color, and materials. Signage that provides attractive, consistent, and coordinated combinations of styles and colors is encouraged. All signage should be designed to identify the location of the development and provide directions through the site, as necessary and appropriate. The Planning Board shall provide input on the Signage Plan to insure the above; however, all signage shall be governed by the Middleton Zoning Ordinance Article 18 - Signs.

5.18 EASEMENTS, DEED RESTRICTIONS, DEDICATIONS, COVENANTS

Where the topography is such as to make difficult the inclusion of any utilities, drainage or other facilities, within the right-of-ways so laid out, the submitted layout shall show the boundaries of proposed permanent easements over or under private property.

All common driveways shall require access easements.

Easements shall be an appropriate width for their intended use and shall have satisfactory access to existing or proposed public ways.

Any existing or proposed easements shall be shown, clearly labeled and identified on the plan. If the easement is being dedicated by the plan, it shall be properly set out in an easement deed to be recorded at the registry of deeds, by the Town at the time of plan recording. The costs shall be borne by the applicant. If an easement shown on the plan is already of record, its recorded reference must be given.

Copies of deed restrictions or protective covenants for each definitely restricted section shall be submitted to the Planning Board and boundaries of such shall be accurately presented on the submitted plan. The Town is not responsible for private covenants.

All easement documents may be reviewed by Town counsel, at the discretion of the Planning Board. All costs shall be borne by the applicant.

All easement documents shall be submitted to the Planning Board for recording with the final plan. In addition, easement documentation should provide a space for the recorded plan number to be written in at the time of recording. All costs shall be borne by the applicant.

5.19 SELF-IMPOSED RESTRICTIONS AND/OR COVENANTS

If the owner places restrictions or covenants on any portion of the site or land within the development greater than those required by these regulations, Planning Board or the Zoning Ordinance, such restrictions or covenants shall be referenced on the plan.

The Planning Board reserves the right to review, or have its attorney review, the proposed restrictions or covenants to ensure that they are designed to protect the public health, safety and general welfare and that such restrictions or covenants do not violate any local regulations or ordinances. All costs of legal review shall be paid by the applicant.

Private covenants or self-imposed restrictions are not enforced by the Town.

5.20 BOUNDS

Property bounds are to be set using the following minimum requirements:

A. Granite markers (4" x 4" x 24") set to a depth of eighteen (18") inches or a depth as approved in detail by the Planning Board shall be set at all front property boundaries.

B. Iron rods (1" x 24") with caps set to a depth of eighteen (18") inches or a depth as approved in detail by the Planning Board are acceptable for all side a rear property boundaries. Prior to the release of the completion assurance, a certified plan shall be submitted noting that all lot corner bounds have been set. If the location and type of bound noted on the approved plan has not changed, then a certified stamped letter from the surveyor attesting that all bounds have been set for the subdivision will be acceptable;

C. Benchmarks: As part of the subdivision plan a permanent reinforced granite marker may be required by the Planning Board, and if so required, it shall be placed at the edge of each road boundary at their terminus of the subdivision as reference for all locations and elevations and every 2,500-feet within the subdivision or at other locations specified by the planning board. For all subdivisions involving more than twenty acres, all benchmarks shall be tied to the "NH State Plane Coordinate System".

D. For subdivisions that do not involve the construction of a roadway, and for lot line adjustments, all property bounds must be set and firmly established and shown on the final plan before the Planning Board will give final approval to the application.

E. For site plans, the planning board shall determine if adequate property monuments exist or if additional monuments shall be set by a licensed land surveyor.

5.21 LOTS WITH WATER FRONTAGE AND WATER ACCESS.

For one (1) subdivision and/or site plan providing one (1) or more non waterfront lots with water access deeded or otherwise, and two (2) subdivisions for the granting of ownership rights, rights to use easements, rights-of-way or other privileges permitting use of waterfront property upon which the user does not reside, for uses other than boating the following requirements set forth in paragraphs A through E shall be met:

A. The subdivision and/or site plan shall conform to the requirements of RSA 483-B Shoreland Water Quality Protection Act (SWQPA). The intent of this sub-section is to ensure compliance with the minimum lot size requirements of applicable State regulations.

B. All subdivisions within the protected shoreland, as defined by applicable State regulations, require State subdivision approval for subsurface disposal of sewage, regardless of the size of the lots. Therefore, certification that such approvals have been obtained shall be required.

C. Recreation area abutting the shore frontage shall be provided on the basis of eight-hundred (800) square feet per dwelling unit.

D. Parking area in addition to the recreation area shall be provided on the basis of three-hundred and fifty (350) square feet for each dwelling unit located more than one-quarter (1/4) mile from the waterfront area.

E. Toilet facilities shall be provided on the basis of one (1) toilet facility each for males and females for each twenty-five (25) dwellings or fraction thereof, or for each one hundred (100) persons in the case of a group development.

F. Subdivisions and/or site plans providing water access for boating shall meet all of the preceding standards and also:

1. Meet the following requirements where a boat launch facility is permitted:

a. For public or commercial boat launch facility, be supervised (manned) during hours of operation, and otherwise inaccessible to vehicular traffic by way of a locked barrier or gate, for the launching and retrieval of watercraft into/from a body of water. The area shall consist of not less than two (2) contiguous acres of land having a minimum of one-hundred and fifty (150') feet of shoreline (at high water mark), and that contains at a minimum a parking area, sanitary facilities to include, at a minimum, pump-out facilities for boat sewage connected to a sewage treatment system from where boats are to be serviced, separate men and women's bathrooms with running water and sink connected to a sewage treatment system and a boat inspection and sanitizing area separate from the parking area with running water and hoses to facilitate removal and disposal of invasive aquatic species (i.e. milfoil. etc.) from the watercraft hull, mechanisms, and trailer. The boat inspection and sanitizing area shall be situated such that a natural or man-made earthen berm is located between the body of water and the boat inspection and sanitizing area to ensure that invasive species that are dislodged from the watercraft hull, mechanisms and trailer during the sanitizing process cannot be carried into the body of water through water run-off or otherwise.

b. For a group boat launch facility, the same requirements as a public or commercial boat launch facility, except the facility need not be supervised.

c. For private boat launch facility be a privately owned area that is inaccessible except by permission of the landowner and incidental to the use of the property.

2. Demonstrate that the lake is capable of absorbing the boat traffic with no substantial increase in shoreline erosion and no substantial degradation of boating safety or water quality.

3. Demonstrate that the boating area is as isolated from swimming areas as possible. Where such isolation is not possible and a boating area is allowed adjoining a beach area, the boating area shall be separated from the swimming area by appropriate safety devices and be adequately signed.

5.22 OPEN SPACE CONSERVATION / CLUSTER DEVELOPMENT SUBDIVISION.

All Open Space Conservation or Cluster Development Subdivisions shall comply with the requirements of the Middleton Zoning Ordinance, Article 10 Open Space Conservation / Cluster Development unless modified by the Planning Board as well as the applicable provisions of these Subdivision plan regulations. An Open Space Conservation / Cluster Development Subdivision is allowed by Planning Board approval, and is encouraged for all Major Subdivisions and Minor Subdivisions especially when a road is required per the Subdivision plan regulations. Cluster development will provide a more efficient use of land resulting in the preservation of natural landforms, wetlands, wildlife and waterfowl habitats, significant vegetation and agricultural lands and other natural resources.

A. Purpose

The purpose of the Open Space Conservation Subdivision design is to require environmentally sound development of land and thereby conserve natural resources such as agricultural and forestlands, wildlife habitat, and water quality, as well as to preserve rural character and scenic areas, that might otherwise be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in design is encouraged with no reduction in conventional subdivision dwelling unit density and thus, lowering development costs. Specific objectives are as follows:

1. Implement the Master Plan philosophy, vision, policies and implementation strategies.

2. Discourage development sprawl and consumption of rural agricultural, forest, wildlife habitat and scenic land.

3. Conserve areas with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for economic and ecologically sensitive operations.

4. Encourage the preservation and enhancement of habitat for plant and animal communities, including rare species

5. Conserve land that protects water quality and quantity, including watersheds and buffers along streams and rivers, wetlands and floodplains, ponds and lakes and land overlying aquifers.

6. Protect scenic views and special elements of rural character, such as, but not limited to farmlands, water bodies, scenic ridgelines, and historic sites.

7. Conserve historic settings, cultural features, archeological sites and structures that serve as significant visible reminders of Wakefield's history.

8. Create compact neighborhoods accessible to open space amenities by providing for outdoor recreational needs of the subdivision residents and/or the community at large, by including trails, scenic and tranquil beauty, community gardens and playgrounds and other recreational uses such as snowmobiling trails.

9. Create continuous open space or "greenways" by linking the common open spaces in adjoining subdivisions wherever possible.

10. Minimize the impact of development on the Town, neighboring properties, and the natural environment.

11. Locate the buildings and structures on those portions of each site that are most appropriate for development considering the visual impact and the environmental and conservation value of the site.

12. Minimize water runoff and non-point source pollution by reducing the land area covered by impervious surfaces and using Best Management Practices.

In addition to the above listed objectives/benefits to the Town and the environment, developers should achieve cost saving with Open Space Conservation/Cluster Development because of the reduced requirements for constructing roads and other infrastructure.

B. Applicability

1. The Planning Board may approve any Open Space Conservation/ Cluster Development Subdivision in the Agricultural Zoning District and the Residential I Zoning District.

2. Applicants are especially encouraged to consider Open Space Conservation/Cluster Development whenever the property possesses one
(1) or more of the following special features:

a) Agricultural land used for producing crops, hay (forage), and/or forestry.
b) Rare, threatened or endangered species or known habitat area for those species.
c) Frontage on water bodies, ponds, lakes, perennial streams or rivers.
d) A portion of a watershed, wellhead and aquifer protection area.
e) A portion of a snowmobile trail network.
f) Steep slope land covering more than twenty percent (20%) of the total area of the property.

g) Historic, cultural, archeological sites and/or structures
h) Scenic areas or viewsheds.

ARTICLE VI: ROADWAY REGULATIONS

6.1 ROADWAYS – GENERAL

The Town encourages roadway designs that facilitate walking, cycling and social interactions as well as the movement of vehicles. All landscaping along roadways, and included in roadway design, shall be safe pedestrians as well as traveling vehicles. Traffic calming techniques to promote the safe movement of people and vehicles along roadways are encouraged..

The minimum design and construction standards for roadways and points of access are as follows:

The Planning Board shall approve of the design for a proposed access point onto the public way. Said point shall provide an adequate sight distance, grade, width and curb. All permits for driveways and other access points onto a State road outside of the urban compact shall be obtained from the NH Department of Transportation prior to final approval of the development plan. Any permits required for driveways onto local roads or within the urban compact shall be obtained from the Highway Department. In all cases, the number of access points to a given road shall be held to a minimum, preferably one point of access in order to minimize turning movement conflicts. The Planning Board may require improvement of existing access point(s) in order to provide safe traffic flow onto abutting roads, should increased traffic be generated by the proposed development. Off-site improvements may be required, such as increasing pavement width or adding deceleration lanes, curbing, drainage, sidewalks or signaling devices. Traffic circulation, pedestrian access, parking and loading facilities, and emergency access shall be designed and located in a manner that ensures maximum safety on-site. Driveways shall be located in such a manner as not to unduly harm the owners or occupants of neighboring parcels.

1. All new roads shall meet the minimum standards as shown in ARTICLE VI: ROADWAY REGULATIONS and shall become part of the Town road map, whether public or private.

2. All construction within a Town right-of-way or future right-of-way should consult the Highway Department to determine if an on-site inspector shall be required during construction; the cost of which shall be borne by the applicant or developer.

3. New roads shall be so laid out as to accommodate the continuation of the principal roads in adjoining subdivisions or for their proper protection when adjoining property is not subdivided.

4. Private Roads shall be built in accordance with ARTICLE VI: ROADWAY REGULATIONS. Private roads shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership is not the responsibility of the Town to be recorded at the Registry of Deeds.

5. All proposed roads and /or utilities shall be maintained by the developer, or successor in interest. The Town assumes no responsibility for any maintenance, including but not limited to snow removal, or any liability for damage resulting from the use of the road, utilities and improvements.

6.2 ROADWAY STANDARDS TABLES

TABLE 1: ROADWAY STANDARDS

	Street Type	ADT[1]	Max. Length	Min. Pavement Width/ Shoulder	Min./ Max. Grade[2]	Min. ROW	Sidewalk / Bike Lanes Req.	Other Requirements
PUBLIC	Dead-end	< 250 ADT	1,000 ft.[3]	20/ 4	1%/ 8%	50	See footnote.[4]	See footnote.[5]
	Local	251 to 1,000 ADT	See footnote.[6]	22/ 4	1%/ 8%	50	See footnote.[4]	
	Collector	1,000 to 4,999 ADT	See footnote.[6]	24/ 8	1%/ 6%	50	See footnote.[4]	
	Arterial	5,000 or more ADT	See footnote.[6]	24/ 8	1%/ 6%	75	See footnote.[4]	
PRIVATE	Dead-end	< 250 ADT	1,000 ft.[3]	20/ 4[7]	1%/ 8%	50	See footnote.[4]	See footnote.[5]
	Local	251 to 1,000 ADT	See footnote.[6]	22/4[7]	1%/ 8%	50	See footnote.[4]	

[1] ADT = Average Daily Traffic
ADT rates for the development shall be determined using the Institute of Transportation Engineers (ITE) Trip Generation standard. Trip generation rates from other local sources may be used if the applicant demonstrates that these sources better reflect the local condition. Existing ADT shall be determined from actual counts.

[2] Abrupt or severe transitions in grades shall require the Director of Public Works approval.

[3] Measured from centerline of intersection to mid-point of turnaround.

[4] Dependent upon location, residential densities and adjacent or nearby current or future land uses.
[5] See DPW Infrastructure Design, Construction and Administration Standards for typical cross-section and all construction requirements.
[6] Must provide a through connection between local or connector roads.
[7] May be reduced by agreement between Board, DPW and applicant.

TABLE 2: GEOMETRIC AND STRUCTURAL GUIDES FOR ROADWAYS

Roadway Types:	*Gravel (Private Only)*	*Dead-end*	*Local*	*Collector*	*Arterial*
ADT[1]:	0-50	51-250	251-1,000	1,001-4,999	5,000 +
Pavement Width Min.:	20'	20'	22'	24'	24'
Shoulder Width:	4'	4'	4'	8'	8'
Pavement:	N/A	1.5" ATG[2]			
Binder Course	N/A	2 ½"	2 ½"	2 ½"	2 ½"
Finish Wearing Course:	N/A	1 ½"	1 ½"	1 ½"	1 ½"
Slope of Roadway (min./ max.)[3]:	1%/ 8%	1%/ 8%	1%/ 8%	1%/ 6%	1%/ 6%
Minimum Centerline Radii:	100 ft.	100 ft.	200 ft.	300 ft.	400 ft.
Base Course Gravel Depth:	16"	16"	16"	16"	14"
Finish Course Depth 1 ½" Crushed Gravel:	8"	8"	8"	8"	8"

[1]ADT = Average Daily Traffic
[2]ATG = Asphalt Treaded Gravel of not less than 1 gallon asphalt per square yard.
[3]Abrupt of severe changes in grades shall require the Director of Public Work's approval.

Note: These regulations are intended to apply to both public and private roadways.

6.3 SIDEWALKS

The Planning Board may require sidewalks for pedestrian traffic to provide a connection between the main entrances of business, housing or industrial establishments, parking areas and along public roadways.

The Planning Board may also require sidewalks from the road to the main building entrance or along the road frontage if there is a reasonable expectation pedestrian patrons, residents, neighbors, children, shoppers or employees would be traveling to or from the site.

All sidewalks adjacent to parking areas or access drives shall be at least six inches (6") above grade and curbed with vertical granite curbing.

All sidewalks shall include a means for handicapped access and comply with ADA standards.

ARTICLE VII: PERFORMANCE AND MAINTENANCE SECURITIES

7.1 POSTING OF PERFORMANCE SECURITIES

At the discretion of the Planning Board all proposed Commercial, Industrial and Residential development shall require completion assurances to cover costs such as, but limited to, the following: drainage, landscaping, work involving public ways or utilities, offsite improvements, paving, erosion control measures, bounds and other areas that may be deemed necessary.

The Planning Board will accept the following methods of posting a performance security:

1. Cash deposited with the Town Treasurer.
2. A bond issued by a guarantee company authorized to do business within the State of New Hampshire, in an amount and manner acceptable to the Planning Board.
3. An irrevocable letter of credit in an amount and manner acceptable to the Planning Board after consultation with Town Counsel.
4. A performance or maintenance security is required to be sufficient to cover the cost of all construction and improvements; including materials, labor and inspections.

Performance securities shall be submitted to the Town prior to the construction of any road, utility work, and public improvement or to obtaining a building permit on a new road.

Proper performance or maintenance securities shall be maintained at all times by the developer or successor in interest. A developer or successor in interest's insolvency, commencement of foreclosure proceedings against, appointment of a receiver or petition into bankruptcy shall constitute default of security and shall entitle the Planning Board to draw upon any Letter of Credit or other securities unless reasonable and comparable assurances regarding the completion of all improvements have been provided to the Town.

Failure to maintain proper completion assurances shall result in the denial of a Certificate of Occupancy and the revocation of all building permits outstanding for the subdivision. This does not pertain to any lots within the subdivision that have previously received a Certificate of Occupancy.

7.2 RELEASE OF PERFORMANCE SECURITIES

Upon inspection of a partial completion of required improvements, the Planning Board may authorize in writing for approval by the Board of Selectmen, a reduction in the performance security equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements and inspections plus a ten (10%) percent retainage, as indicated by a qualified contractor's bid estimate approved by the Planning Board. If the costs for completing the required improvements exceeds the amount of the performance security held by the Town, additional funds shall be required by the Planning Board in order to ensure completion before the development proceeds any further. The retainage shall be held until the completion of all required improvements have been inspected and approved by the Planning Board.

Should progress toward the completion of all required improvements fall substantially behind the approved phasing schedule or reasonable timetable, the Planning Board may obtain a completion cost estimate from the developer's contractor or a qualified contractor of the Planning Board's choice. If the estimated completion costs exceed the amount of the performance security posted with the Town, the developer shall post an additional performance security as is necessary to complete the required improvements. The developer shall post such security within 30-days of the notice thereof.

The final release of the performance security (or balance thereof) shall be released when:

1. The Planning Board has certified completion of all required site improvements in accordance with the approved plan.

2. Complete As-Built has been submitted and approved.

3. A maintenance security bond(if necessary) has been received by Highway Department.

4. All easements, deeds and required legal documentation has been submitted by the

applicant and reviewed by Town Counsel (as necessary) and approved by the Land Use Department.

ARTICLE VIII: EXPIRATION, ENFORCEMENT, FINES, PENALTIES AND APPEALS

8.1 ENFORCEMENT

These regulations shall be enforced by the Planning Board or its duly authorized enforcement authority. Should the Planning Board or its duly authorized enforcement authority determine that an applicant is proceeding contrary to these regulations or the terms of the approved site plan or subdivision plan signed by the applicant and Planning Board, the Planning Board or its authorized representative shall notify the applicant in writing of the specifics of such violation(s) and the appropriate steps, including a timetable, for remedying said violation(s). This notification procedure shall, if deemed appropriate by the enforcement authority, include the issuance of a "cease and desist order". The Town or its representatives has the authority to enter the premises, to cause the violation to be abated and to recover any direct or indirect expenses thereby incurred.

8.2 FINES AND PENALTIES

Any person, firm, or corporation violating the provisions of these regulations or the terms of an approved site plan or subdivision plan, shall be subject to a civil penalty for each day that such a violation(s) is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation, whichever is earlier.

Whoever, being the owner or representative of the owner of any land located within a subdivision, including condominium conversion, transfers or sells a lot of a subdivision, before such lot has been approved by the Planning Board and recorded or filed in the office of the appropriate Registrar of Deeds shall forfeit and pay a penalty of one hundred ($100) dollars for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its solicitor or other official designated by its counsel may enjoin such transfer or sale or agreement and may recover the said penalty by civil action.

8.3 APPEALS

Any person(s) aggrieved by any decision of the Planning Board concerning an application may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30-days after the Planning Board's final decision regarding the application in question.

8.4 OTHER REMEDIES

These architectural design standards are intended to apply to all buildings. However, in the case of industrial buildings (such as warehouses, etc.) that are not visible from public places or streets due to proximity or screening, only those portions exposed to public view shall be required to comply with these architectural design standards.

ARTICLE IX: FEES

9.1 APPLICATION FEES

A set schedule of application fees shall be set by the Planning Board after due notice and public hearing. A current listing of this schedule is available from the Planning Board.

9.2 ADMINISTRATIVE AND OTHER FEES

Reasonable fees may be imposed by the Planning Board to cover its administrative expenses and the costs of special investigative studies, review of documents, filing and recording fees and other matters which may be required by particular applications.

9.3 PUBLIC NOTICES AND HEARING FEES

All costs of notice whether mailed, posted or published shall be paid in full by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the application without a public hearing.

9.4 INSPECTION SERVICE FEE

For all site improvements required as part of any approval by the Planning Board, including but not limited to road construction, utility installation, drainage structures and the installation of erosion and sediment control measures, there shall be deposited an inspection fee prior to final Planning Board approval. This fee shall cover the cost of inspection services to be provided by a Town appointed inspector (or his designated representative).

Town's Code Enforcement Officer shall monitor and inspect all required site improvements for compliance with the approved plans and required engineering standards. The amount of said fee shall be determined by the Planning Board based upon a reasonable estimate of anticipated inspection costs. All estimates shall be provided by the applicant and may be subject to review by the Planning Board, Code Enforcement Officer or a Board approved designee or consultant. Site inspections shall be conducted for up to the amount of the fee collected. Should the inspection fee collected be insufficient to cover the remaining required site inspections, the Town will notify the developer to cease further site development until additional funds have been deposited with the Town. Once all required site development and all required site inspections have been completed, any unused portion of the inspection fee shall be

returned to the applicant upon approval by the BOS.

ARTICLE X: DEFINITIONS

10.01 DEFINITIONS

For the purpose of these Regulations, the word "shall" is mandatory, the words "may" and "can" are permissive.

For any term not defined in these regulations, the definition, if any given in the Town of Middleton Zoning Ordinance or applicable State Statutes shall prevail. Terms and Words not so specifically defined shall have their common meaning. In the event a conflict is found to exist between the meaning or definition of any word or term defined in this document, and the meaning or definition of any word or term also defined in the Zoning Ordinance or applicable State Statues, the most restrictive meaning or definition shall prevail.

Active and Substantial Development: Unless otherwise defined by the Planning Board at the time of approval, shall mean the installation of erosion and sediment control measures, site grading and construction of permanent physical improvements such as road base, water and sewer lines or other underground utilities including drainage structures has occurred.

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the application 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. 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 manufactured housing park form of ownerships defined in RSA 205-A: 1, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board. As defined in RSA 356.B:3 and any amendments thereto.

Applicant: The owner or the person or persons duly authorized in writing by the Owner(s) to act on behalf of the Owner(s) in all matters concerning these regulations.

Board: The Planning Board of the Town of Middleton, New Hampshire.

Buffer: Land area maintained in either a natural or landscaped state and used to visibly separate or screen one use from another or to minimize potentially negative

impacts on surrounding areas (e.g., shield or block noise, light or other nuisances, reduce water pollution).

Building Coverage: The aggregate plan area of all buildings on the lot, including accessory buildings

Change of Use: Any change to a building or site, to another separately identified use.

Class VI Road: A right-of-way or highway that has the status of a Class VI highway under New Hampshire law, namely a highway whose Class VI status results from a layout, a discontinuance subject to gates and bars, or by the failure of the Town to maintain and repair such highway in suitable condition for travel thereon for five (5) successive years or more.

Collector Street: A road that collects traffic from neighborhood and other minor streets, and connects them to principal cross-town routes and to State roads.

Compliance Hearing: A publicly noticed hearing of the Planning Board within which the Planning Board will determine if the all conditions of approval, as previously determined in a motion of Conditional Approval by the Planning Board have been met.

Contiguous Lot: Adjacent or abutting lots that have a common boundary line.

Condominium: A building or group of buildings in which units are owned individually and the structure, common areas and facilities are all owned by the owners on a proportional, undivided basis. Condominiums shall be considered a subdivision under the requirements of RSA 356-B and these regulations, and allowed or approved accordingly.

Condominium Conversion: The division of an existing or approved building or group of buildings into units owned individually. Common areas and facilities are all owned by the owners on a proportional, undivided basis.

Corner Lot: A lot situated at the intersection of two (2) Class VI or better roads or on a curved road on which the interior angle of such intersection or curved road does not exceed 135 degrees.

Development Plan: A plan submitted as part of a subdivision or site plan application.

Density: The gross number of residential dwelling units per acre.

Development Agreement: A contract representing an understanding between the Town of Middleton and the applicant/land owner, regarding the granting of site plan or subdivision approval by the Planning Board, to contain improvements and agreements pursuant to the plans and any conditions referenced in the contract document, including definitions of "Substantial Completion of Improvements" and "Active and Substantial Development".

Disturbed Area: An area where natural vegetation has been removed exposing the underlying soil or where vegetation has been covered.

Driveway: An area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving one (1) or more lots or sites.

Engineer: A designated duly registered professional engineer, as required by the N.H. Licensing Laws.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Grading: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

H15-520 Loading: A standard for loading developed by the American Association of State Highway Officials (AASHO) that accommodates tractor trucks (H) with semi-trailers (S). In this case, H15 means a design for a fifteen (15) ton tractor truck pulling a semi-trailer having a gross weight on a single axle of twenty (20) tons.

Impervious Surface: Any surface that cannot effectively absorb or infiltrate rainfall.

Lot Line Adjustment: A subdivision where no new buildable lots are created. A lot line adjustment may not create a more a non-conforming lot per the Town of Wakefield Zoning Ordinance, save those cases where a variance has been granted for such.

Minimum Building Setback Line: That horizontal distance measured between the right-of-way of a road or a side or rear lot line and the closest point at which any building or structure contained on the lot may be situated, as specified in the Wakefield Zoning Ordinance.

One Hundred Year Flood Plain: As defined by the National Flood Insurance Program, Flood Insurance Rate Map (FIRM) the area of land that is subject to inundation during a storm event that has a recurrence interval of one-hundred (100) years. (Reference: ENV 1005).

Parcel: The whole area of a single tract of land, with assertable boundaries in single or joint ownership, undivided by a road and established by deeds of record. (See also *Lot* and *Tract*).

Parking Space: An off-street space available for the parking of one motor vehicle, exclusive of the necessary internal access driveways and passageways.

Performance Guarantee: Cash, a suitable surety bond, an escrow deposit or a lien on the property as approved by the Planning Board or Board of Selectmen to secure regulated improvements on or related to subdivided property.

Plan or Plat: A map, plan, drawing or chart on which a subdivision of land is shown, and Final Plan means the final map, plan, drawing or chart on which the Applicant's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Strafford County Registry of Deeds for recording.

Planning Board: The Planning Board of the Town of Middleton.

Pre-site Built Housing: Any structure designed primarily for residential occupancy that is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes for installation, or assembly and installation, on the building site. Pre-site Built Housing shall not include similarly built manufactured housing as defined in RSA 673:31, as amended.

Public Hearing: A meeting with notice that must be given per applicable State regulations where the public is allowed to offer testimony.

Public Meeting: A regular business meeting of the Planning Board as required per applicable State regulation. Notice must be posted at least twenty-four (24) hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.

Public Utility: Buildings, structures and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, communications, fire protection, water, sewer and public transit, to the public.

Regular Planning Board Meeting: A publicly noticed regularly scheduled meeting of the Planning Board at which applications may be presented for acceptance and approval by the Board, generally held the second Thursday of each month.

Right of Way: Under most circumstances, a corridor or a strip of land used for or intended to be used for a public or private street, road, or highway. It may also mean, if the context of the wording so indicates, a crosswalk, pedestrian way, bicycle path, water main, sanitary or storm sewer main, utility, or other private or public access or use. Typically, but not necessarily always, a right-of-way shall be separate and distinct from the lots and parcels adjoining such right-of-way and not to be included within the dimensions or areas of such lots or parcels.

Road: Any vehicular right-of-way that: (1) is an existing Federal, State, Town, or privately owned and maintained roadway; (2) is shown upon a plan approved pursuant to NH RSA's; (3) is shown on a plan duly filed and recorded in the Office of the Strafford County Registry of Deeds; or (4) is approved by any other official action of the Town of Middleton. A road contains all the land within the right-of-way.
The following shall be used to classify all roads:

1. Arterial Road: A road that serves the major movements of traffic within and through the community.

2. Collector Road: A road that serves to collect and distribute traffic primarily from local roads to Arterial Roads.

3. Local Road: A road designed to be used primarily for direct access to abutting properties and leading into Collector Roads.

4. Dead-End Road: A road having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.

5. Private Road: A road or road system on private property from a public road, constructed in accordance with these regulations. Such private property and private roads shall be permanently encumbered with deed restrictions, satisfactory to the Planning Board, which shall insure that the private road does not become a public road and that the Town will have no liability or responsibility to maintain said road.

6. Alley: A strip of land dedicated for public use, located at the side or rear of lots, providing secondary access to abutting property that generally does not meet required right-of-way and paved surface widths.

Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Soil: Any unconsolidated mineral or organic material of any origin.

Stabilized: A condition when the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass, or a good covering of straw mulch or other equivalent (seedless) mulch (2 tons/acre). Mulch is only a temporary measure; ultimately, a site needs vegetation.

Stormwater Management: The use of structural or non-structural Best Management Practices designed to reduce stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

Stormwater Management and Erosion Control Plan (SWMP): A plan which may be required by the Town which outlines project features, proposed temporary and permanent erosion control features, maintenance schedules and practices, and design basis used to establish temporary and permanent storm water design features. If a SWPPP is required under Federal or State law, the applicant may completely incorporate SWMP requirements into the SWPPP and request that the SWPPP cover both the SWPPP and SWMP requirements.

Stormwater Pollution Prevention Plan (SWPPP): A plan required by the Environmental

Protection Agency (EPA) that clearly describes appropriate pollution control measures that include a description of all pollution control measures (i.e., BMP's) that will be implemented as part of the construction activity to control pollutants in storm water discharges and describes the interim and permanent stabilization practices for the site.

Stormwater Runoff: The water flow over the surface of the ground that results from precipitation.

Stream, Intermittent: A place where water flows for sufficient duration and/or in sufficient quantity to maintain a channel.

Stream, Perennial: Any channel, natural or manmade, which has water present for twelve (12) months of a normal year but which may dry up during a period in which the rainfall is less than sixty (60%) percent of average for more than three consecutive months.

Street: Any private or public street, avenue, boulevard, road, alley, highway or other way, including all the land between the sidelines of the layout or conveyance or dedication thereof, but shall not include driveways serving two (2) or more lots. Roadway width means the traveled way, not including the shoulder (e.g., 20' roadway width results in 26' roadway cross-section from outside edge of shoulder to outside edge of shoulder).

Structure: A combination of materials for occupancy or use, such as, but not limited to, a building, bridge, trestle, tower, tunnel, pier, wharf, fence and retaining wall over six
(6) feet in height above grade and swimming pool.

Subdivision: The division of a lot, tract, or parcel of land into two (2) or more lots, 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 NH RSA 674, as amended.

Subdivision, Minor: The division of a lot, tract or parcel of land which would result in three (3) or fewer new building lots and which does not require the installation of any new roads (public or private) or the extension of any municipally owned utilities (sewer and water).

Subdivision, Major: The division of a lot, tract or parcel of land which creates four (4) or more additional building lots or an application which requires the installation of new roads (public or private) or the extension of municipally owned utilities (sewer and water).

Surveyor: A duly designated licensed land surveyor as required by the N.H. Licensing Laws.

Town Engineer: The duly designated engineer of the Town of Middleton, or if there is no such official, the planning consultant or official assigned by the Planning Board.

Tract: Any single land area, including contiguous lots, parcels or tracts of land which is in the same ownership whether conveyed to the owner or owners by one (1) or by separate deeds and which is not divided by a separately owned street or highway and which is capable of division into (2) two or more lots in accordance with these Regulations.

Underdrain: Perforated pipe, set in an envelope of permeable material below grade, the purpose of which is to intercept and carry groundwater away from the point of origin. Design shall be dependent on, and appropriate for, the actual soil conditions encountered.