



SECTION I. AUTHORITY

Pursuant to the authority vested in the Laconia Planning Board by the Laconia City Council on December 29, 1975, in accordance with Chapter 674:43 and Chapter 674:44 of the New Hampshire Revised Statutes, as amended (RSA), the City of Laconia Planning Board hereby adopts the following regulations which shall be entitled and may be cited as the "Site Plan Review Regulations of the City of Laconia."

SECTION II. PURPOSE AND INTENT

The broad public purposes served through the adoption of these regulations are to provide:

1. Due process, i.e. a clear set of public objectives, prompt processing and response to applications, and adequate notice and opportunity for all affected parties to be heard;
2. High quality of development, i.e. the regulatory action of the City should attract and result in enterprises and activities which contribute to the City's orderly and healthy economic, social and physical growth, and should discourage/guide those which do not.
3. Refined and streamlined review, i.e. review should occur at the appropriate level, be it administratively or policy level, and should be structured to be thorough yet economical in manpower, time and cost.
4. Protection of Public Health, Safety and Prosperity:
5. In accordance with RSA 674:44, the site plan review regulations shall provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity in the following ways:
 - a. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
 - (1) Inadequate drainage or conditions conducive to flooding of the property or that of another;
 - (2) Inadequate protection for the quality of groundwater;
 - (3) Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
 - (4) Inadequate provision for fire safety, prevention, and control.
 - a. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- b. Provide for open spaces and green spaces of adequate proportions.
- c. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- e. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- f. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the planning board for approval;
- g. Require that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health; and
- h. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

These regulations recognize that certain developments and uses of land, even though generally suitable for location in a particular zoning district, are, because of their nature, size, complexity or other indices of probable impact, likely to adversely affect the public health, safety, and welfare unless careful consideration has been given to certain critical design elements. It is the intent of these regulations to provide a vehicle for the review of an applicant's attention to such critical design elements within developments that are subject to review, and to allow the City Planning Board to approve, to approve with conditions, or to disapprove applications pursuant to these regulations.

SECTION III. JURISDICTION

All development or change or expansion of use of land for non-residential uses and multiple dwelling units (structures containing more than two dwellings) shall be subject to these regulations whether or not such development includes a subdivision or re-subdivision of the site.

These Site Plan Review Regulations are intended to compliment, and do not replace compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinances which pertain to the proposed development. No construction or site development including excavation, foundation or building construction, or stripping of soil or vegetation, shall be permitted except in conformance with a Site Plan approved by the Planning Board or Technical Review Committee, or by operation of a duly authorized permit or permits in the case of a single or two family dwelling. Agricultural and silvicultural activities, duly operated and recognized under current use assessment, shall be exempt from these regulations.

1. Driveway Permitting (amended 11-06-00) - A driveway permit must be obtained from the Department of Public Works for the following projects of minimal impact and be reviewed by the Planning Department for zoning and site review compliance:
 - a. Paving of previously approved graveled areas of under 1,500 square feet.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- b. A one time per property allowance to pave not more than 1,500 square feet of green space.
 - c. Resurfacing an existing paved driveway or access.
 - d. Relocation or resizing of curb cuts so long as the result is the cut(s) is brought in conformance or becomes more conforming with the Zoning Ordinance.
2. Minor Site Plans (amended 11-6-00) - Minor site applications are defined as any project that proposes:
- a. Paving of a previously approved graveled area between 1,500 and 15,000 square feet.
 - b. New paving or graveling of existing green space of up to 5,000 square feet.
 - c. Additions to existing buildings or new buildings of up to 2,500 square feet of gross floor area.
 - d. Changes of use, as defined in these regulations, of up to 10,000 gross square feet of floor area.

Applications for minor site plan projects are reviewed by the Technical Review Committee, as outlined in RSA 674:43 and the Planning Board Rules of Procedures.

3. Major Site Plans (amended 11-6-00) - The Planning Board shall review all other applications, including the following:
- a. Projects requiring a Conditional Use Permit;
 - b. Projects converting the use of a building to multifamily;
 - c. Any project requiring a lot line adjustment, lot merger, boundary line agreement, or other subdivision.
4. Site Review Exemptions (amended 11-6-00) - The following projects are exempted from site review under these regulations, however they must be approved in writing by the Director of Planning and Community Development or their designee. The Director of Planning and Community Development or their designee may apply any and all requirements of these regulations and utilize the Plan Review Committee process:
- a. Interior changes of use under 5,000 square feet of gross floor area If determined that the proposed use is more intensive and results in impacts to the health, safety, welfare and property values of abutters and residents in the immediate neighborhood or results in the need for additional infrastructure than the previous use, the change of use must be reviewed by the TRC or Planning Board as applicable. If the change of use is determined to be less intensive, the change of use will be exempted from these regulations. (amended 3-23-98, 7-7-09)
 - b. Accessory structures, stationary equipment, and buildings provided that the total gross square footage of the footprint addition does not exceed five hundred (500) square feet.
 - c. Clearing and stumping, regrading and/or alteration of natural or man-made drainage, total area of alteration up to 10,000 square feet. Public Works review is required.

City of Laconia Site Plan Review Regulations
as amended July 7, 2009

SECTION IV. DEFINITIONS

1. For the purpose of this ordinance, certain terms or words herein shall be interpreted or defined as follows:

- A. General Use

Words used in the present tense include the future tense. The singular includes the plural, and the masculine shall include the feminine and the neuter.

The word "person" includes a corporation, partnership, firm as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The word "building" includes the word "structure"; and a "building" or "structure" includes any part thereof.

The term "shall" is mandatory; "may" is conditional.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

2. For the definition of other terms or words refer to the City of Laconia Zoning Ordinance.

3. Specific Terms

- A. 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 Planning 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 land will be directly affected by the proposal under consideration.
 - B. Applicant - The owner or designated agent of the owner of land proposed to be developed who seeks Planning Board approval as specified in these regulations.
 - C. Approval - the recognition by the Planning Board, certified by written endorsement on the plan, that the final plan submission meets the requirements of these regulations, granted at a duly called meeting of the Planning Board.
 - D. Architect - An architect properly licensed and registered in the State of New Hampshire.
 - E. Board - the Planning Board of the City of Laconia, NH.
 - F. Certificate of Occupancy - A statement permitting occupancy of a building, signed by the Building Inspector, setting forth that a building or structure complies with these regulations of the City and with the applicant's approved plan. (amended 3-23-98)
 - G. Conditional Use – A use permitted in a particular zoning district upon a finding by the Planning Board that such a use in a specified location will comply with all the conditions and

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

standards for the location and operation of the use as specified by the Zoning Ordinance.

- H. Conditional Use Permit – A permit issued by the Planning Board for a conditional use. (amended 3-23-98)
- G. Development- Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. (amended 3-23-98)
- H. Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- I. Engineer - a duly registered professional civil engineer, as required by the NH licensing laws.
- J. Floodplain - The land adjacent to a body of water which has been or may hereafter be covered by flood water, as delineated on the official zoning map of the City of Laconia.
- K. Floor Area, Gross - The total horizontal area of all floors of a building included between the surrounding walls.
- L. Land Surveyor A land surveyor properly licensed in the State of NH.
- M. Master Plan - The Master Plan prepared by the City of Laconia Planning Board, pursuant to NH RSAs the Laconia City Code as amended.
- N. Multi-Family Dwelling - means a residential building designed for or occupied by three or more families.
- O. Non-Residential Development - all development of buildings, structures or land except one-family, two family or multi-family dwellings.
- P. Off-Site - Any premises not located within the area of the property to be developed, whether or not in the same ownership of the applicant for development approval.
- Q. Re-subdivision - shall mean a change in a plan of an approved or recorded subdivision or re-subdivision of such change includes, but is not limited to the following:
 - (1) Changing any street layout shown on such plan.
 - (2) Affecting any area hereon reserved for public use.
 - (3) Diminishing the size of any lot shown thereon, if any of the lots have been conveyed after the approval of such map.
- R. Right-of-Way - a strip of land used for, or intended to be used for a street, road, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term "right-of-way" for site plan purposes in these Regulations shall mean every right-of-way hereafter established and shown on a site plan, is to be separate and distinct from the lots and distinct from the lots and parcels adjoining such right-of-way and not to be included within the dimensions or areas of such other lots or parcels.
- S. Site Improvement Security - cash, a suitable surety bond, an escrow deposit or a lien on the property as approved by the Planning Board and the City Attorney to secure improvements required as a condition of approval.
- T. Street - relates to and includes street, avenue, boulevard, road, alley, highway or other way,

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

including all the land between the sidelines of the layout or conveyance or dedication thereof, but shall not include driveways serving not more than two adjacent lots or Class VI and discontinued highways.

- (1) Major streets are those which connect centers of population and traffic generators within the City.
- (2) Collector streets are those which carry traffic from minor or residential streets to the major system of arterial streets and highways, including the principal streets of a residential development.
- (3) Minor streets are those which are used primarily for access to the abutting residential properties.
- (4) Marginal access streets are minor streets which are parallel and adjacent to arterial streets and highway; and which provide access to abutting properties and protection from through traffic.

SECTION V APPLICATION AND REVIEW PROCESS

- A. Pre-application Review - Prior to the submission of a full application for Site Plan Review and Approval, the applicant may seek non-binding conceptual and design review consultation with the Planning Department and Planning Board, per the provisions of RSA 676:4 II.

Applicants interested in either form of pre-application review, outlined below, shall contact the Planning Department to schedule a meeting with staff to review the nature of the discussion and content of the materials to be reviewed. Staff will advise the applicant as to the appropriate application type, below.

1. Conceptual (Preliminary) Review - shall be limited to discussion of existing features, existing conditions and concerns, and uses, and forms of development allowed by the Land Use Ordinances and regulations as to their potential appropriations for the site, along with consistency with expressed Master Plan objectives. Conceptual plans will require only filing of an application and letter or narrative requesting consultation and explaining the nature of the proposal.
2. Design Review - shall consist of discussions, beyond the conceptual (use) level, based on sketch or plan views of the site showing approximate location of proposed structures and preservation areas on the ground. Sketches or plans may vary in accuracy, based upon information available at this preliminary stage, bearing in mind that the Board and Staff response to information presented is limited to the level of accuracy presented, and is therefore non-binding. The purpose of this stage of review is to identify key features of the site and proposal, such as areas deserving preservation, access points, interconnections with surrounding land and ways; and general organization of uses and structures on the property. Applicants for Design Review shall file an application, sketches or plans, an abutters list,

City of Laconia Site Plan Review Regulations
as amended July 7, 2009

and nominal fees to cover notification of abutters.

B. Application Submittal Requirements - An owner of his designated agent shall file an application with the Board according to the annual meeting schedule adopted by the Planning Board. The Board shall only consider a completed application which consists of the following:

1. An application, properly executed.
2. An application fee which is due upon submission.
3. One original, signed, complete application, appropriate fees, one complete set of folded plans and one copy of any reports, cost estimates, studies, or other documents required for review, envelopes to abutters with adequate postage affixed. The envelopes shall be business style (4" x 9 1/2") and include completed certified mail receipts. The return address shall be left blank.
4. One duplicate copy of the application and one copy of the full set of plans, cost estimate, drainage and watershed analysis shall be submitted to Paul Moynihan, Assistant Director of Public Works at Bisson Ave
5. One duplicate copy of the application and one full, folded set of architectural plans shall be submitted to Charles Roffo, Fire Prevention Specialist at Central Street Station.
6. One duplicate copy of the application and a complete plan set shall be submitted to the following city Departments at the following locations:
7.
 - ❑ Bob Camp, Assessing Department – 1st Floor, City Hall
 - ❑ Roger Matthewman, Water Works Superintendent, 988 Union Ave
 - ❑ Carroll Seigars Code Enforcement Director, 2nd Floor, City Hall
 - ❑ Seth Creighton, Conservation Technician, Planning Office, 2nd Floor, City Hall
7. All legal instruments, deeds, easements or other offers to secure approval.

5.3 Notification and Public Hearing Procedure

The Board before considering or taking formal action upon a site plan shall hold a public hearing as required by the provisions of RSA 676:4 to provide an opportunity for public testimony.

It shall be the responsibility of the applicant when the application has ten (10) or more abutters to address all envelopes to abutters with adequate postage affixed. The envelopes shall be business style (4" x 9 1/2") and include completed certified mail receipts. The return address shall be City of Laconia Planning, 45 Beacon Street E, Laconia NH 03246.

5.4 Board Action on Completed Application

The Board shall consider a completed application within thirty (30) days of its submission and acceptance, and shall act to approve, modify and approve or disapprove the application in accordance with RSA 676:4, as amended. Additionally, the applicant may request a waiver of this

City of Laconia Site Plan Review Regulations
as amended July 7, 2009

requirement and consent to a mutually agreeable extension of the period for action.

5.5 Certificate of Approval

Approval of the final site plan shall be certified by written endorsement on the plan and signed by an officer of the Board. In case of disapproval of any part of the application, the grounds for such disapproval shall be stated in the records of the Board and notice given to the applicant. If the Board grants approval subject to modifications being made to the plan, the applicant shall submit a revised plan showing all modifications. The revised plan shall become the final plan for filing with the Planning Department.

No building permits shall be issued on any plan acted upon by the Planning Board until such time as the Code Enforcement Officer or his authorized agent has received the certificate of approval.

The Planning Board shall have the power to modify or amend its approval of a site plan on application of the owner, lessee, or mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval. All of the provisions of these regulations applicable to the approval shall be applicable to such modification or amendment.

5.6 Site Improvement Security

The Planning Board may require the applicant to submit site improvement security in an amount approved by the Board to guarantee conformity with the elements such as street, sewer, water, landscaping, site restoration, or drainage improvements of the site plan. Where an applicant is required to submit surety, it shall be submitted prior to the start of any construction, improvement or issuance of a building permit.

5.7 Statute of Limitations

Planning Board approval of a site plan shall be valid for one year from the date of approval. If a building permit has not been issued or if a building permit has been issued but not substantially acted upon within a one-year period, the approval shall automatically become null and void.

SECTION VI. APPLICATION CONTENTS REQUIRED FOR SITE PLAN SUBMISSION

A complete application shall include all items as listed on the attached checklist.

6.1 Scope - An application for major site plan approval shall be accompanied by the following documents:

1. A proposed site plan
2. An existing conditions plan.
3. A proposed utilities and drainage improvements plan.
4. An architectural plan.
5. A property survey plan.

City of Laconia Site Plan Review Regulations
as amended July 7, 2009

6. A landscape plan.

The Board may, upon request by the applicant, waive the requirement for one or more of the foregoing plans. Such a waiver will be determined on the basis of the development and the level of detail required.

6.2 General

The applicant shall submit eight (8) prints of each plan. The title block on each plan shall include the following:

- (a) Title of plan;
- (b) Owner's name and address, deed reference;
- (c) The date the plan was prepared and the date of subsequent revisions;
- (d) The scale of the plan;
- (e) A north arrow; and
- (f) The name, address, and seal of the preparer of the plan.

6.3 Proposed Site Plan

The proposed site plan shall be prepared by a registered land surveyor or engineer who shall sign the plan and place their seal upon it and shall be at an appropriate scale. The plan shall include the following information:

- (a) Property lines of the parcel to be developed;
- (b) Names and locations of existing adjacent city streets including the nearest intersection of said streets;
- (c) Names and locations of existing adjacent watercourses and waterbodies;
- (d) Nearby community facilities such as schools, churches, or parks;
- (e) City of Laconia Assessor's lot numbers for the parcel to be developed and for parcels of abutters; and
- (f) Zoning district designations and boundaries.

6.4 Existing Conditions

The following existing conditions shall be shown on the proposed site plan. If necessary for clarity, existing conditions shall be shown on a separate plan.

- (a) The property lines and the area in square feet of the parcel to be developed.
- (b) The full names and addresses of all abutters as indicated in the records of the City Assessor not more than five (5) days before the filing of the application;
- (c) The location, layout and use of existing buildings and structures on the site and on abutting properties;
- (d) The location and layout of existing driveways, curb cuts, parking lot and loading areas, including the total number of parking spaces;

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- (e) The location, traveled way width, and right-of-way of all existing adjacent City streets;
- (f) The location, width, and purpose of any easements or rights-of-way;
- (g) The presence of municipal and non-municipal utilities which currently serve the site, and the location of wells and subsurface waste disposal systems if not served by municipal water and sanitary sewer systems;
- (h) The boundaries and locations of all Zoning Districts, and the location of the boundary lines of the districts if such lines pass through the property;
- (i) The location and size of existing signs;
- (j) The yard setbacks as required in the Zoning Ordinance.
- (k) Topographic lines, at a minimum of two (2) foot contour intervals;
- (l) Wetlands located in accordance with the delineation requirements cited in the Zoning Ordinance.
- (m) Existing natural features including vegetation, rock outcrops, and surface waterbodies and courses;
- (n) Existing adjacent public building, parks or open space, or any historic structures or features;
- (o) The type and location of existing outdoor lighting;
- (p) The location, size and invert elevations of existing sanitary and storm sewers including all manholes, catch basins and culverts; and
- (r) The location and type of existing property line monuments.

6.5 Proposed Improvements

The following proposed improvements shall be shown on the proposed site plan. If necessary for clarity, the proposed improvements shall be shown on a separate plan.

- (a) The location, dimensions, layout and use of all proposed new buildings or structures, or additions or alterations to existing buildings or structures;
- (b) The location, layout and dimensions of proposed driveways, curb cuts, parking lots and loading areas, including the number of parking spaces and spaces reserved for the handicapped;
- (c) Plans, profiles and cross-sections of proposed public streets and those existing adjacent public streets that are required to be improved pursuant to Section 5 of these regulations;
- (d) The location of all proposed connections to municipal and non-municipal utilities, and the location of proposed wells and subsurface waste disposal systems if the site is not served by municipal water and sanitary sewer systems;
- (e) The layout of all proposed storm drainage facilities, including detention and retention ponds and swales;
- (f) The location, width and purpose of any proposed easements or rights-of-way;
- (g) The location, size colors and text of proposed ground signs.
- (h) The proposed contours at a minimum of two (2) foot intervals and finished grade elevations;
- (i) The proposed finished first floor elevations of all proposed buildings or building additions;
- (j) Project phasing lines if applicable.
- (k) The type and location of proposed outdoor lighting;
- (l) Proposed landscaping, which may be shown on a separate copy of the proposed site plan,

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

and which shall include:

- (1) The location, size and type, including common and botanical names of all new plant materials to be installed;
 - (2) The location, size and common name of all existing plant materials to be retained or relocated on the site;
 - (3) The location, width and material of all walkways and pathways; and
 - (4) The location, type, materials and dimensions of all fences, walls and outdoor recreation facilities.
- (m) Fire lanes and other access easements for fire apparatus; and approval shall be obtained from the Fire Chief regarding any required fire detection/suppression plans.
- (n) Additional utility information, which may be shown on a separate copy of the proposed site plan, and which shall include:
- (1) Profiles of all proposed extensions of municipal utilities both on and adjacent to the site;
 - (2) The location, size and invert elevations of proposed sanitary and storm sewers including all manholes, catch basins and culverts;
 - (3) The location and size of all proposed water mains including hydrants, gates, valves and blowoffs;
 - (4) The location of any pump stations, lift stations, and other apparent facilities or structures;
 - (5) Profiles of all municipal utilities;
 - (6) The location and size of all non-municipal utilities including but not limited to gas lines, electric transmission lines, telephone lines, cable television, stream mains, and fire and police alarm lines. The location of all manholes, transformers, poles and other apparent facilities shall be shown; and
 - (7) In the absence of municipal sanitary sewers, the soil data and test results as submitted to the State of NH Water Supply and Pollution Control Commission for approval of a subsurface waste disposal system.
- (o) Proposed permanent monuments for all property corners.

6.6 Architectural Plan

An architectural plan showing elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered in any way shall be prepared by a registered engineer or architect who shall sign the plan and place his seal upon it. The Planning Board in reviewing the proposed architectural plans shall insure compatibility of design, materials and colors with adjacent buildings. The plan shall be prepared at an appropriate scale and show the following:

- (a) Exterior materials and colors;
- (b) Type and pitch of roofs;
- (c) Size and spacing of windows, doors and other openings;
- (d) Size, location, colors and copy of signs to be affixed to, or hanging from, the building;

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- (e) Size, type and location of towers, chimneys, roof structures, flagpoles, antennas and other similar structures; and
- (f) The relationship in bulk and height to other existing structures in the vicinity.

6. 6.5 Outdoor Lighting Regulation(added3-3-09):

I. Purpose: It is the goal of this lighting regulation to provide further guidance to developers in implementing minimum requirements for lighting for all non-residential projects (including multi-family proposals), site plan approvals, and roadway portions of subdivision approvals. Inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, limits resident's ability to enjoy the nighttime sky, and results in unnecessary use of electric power. However, some outdoor lighting is appropriate in areas such as civic, commercial and industrial centers. To ensure appropriate lighting while minimizing its undesirable side effects, the following regulations are established.

Lighting under this regulation includes street and driveway lighting, sidewalk and walkway lighting, parking area lighting, floodlighting, sports lighting, and all lighting in which the light source is located either external to a structure or a building, or internal to a structure which lights an area or object that is not within the same structure or building as the light source.

Lighting design and/or architectural style will be reviewed in accordance with Site Plan Regulation 6.5(k).

II. Definitions:

Cut-off Angle (of a luminaire): The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted. (Refer to sketches provided at the end of this regulation).

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Foot-candle: A unit of illuminance amounting to one lumen per square foot. A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away.

Fully Shielded - A fully shielded luminaire is a luminaire constructed or shielded in such a manner that all light emitted by the luminaire either directly from the lamp or indirectly from the luminaire, is projected below an angle of 20 degrees below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

Illuminance - The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in foot-candles.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A measure of light energy generated by a light source. One foot-candle is one lumen per square foot. For the purposes of this Regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Partially shielded - Shall mean outdoor light fixtures shielded or constructed so that no more than ten percent of the light rays are emitted by the installed fixture at angles greater than 20 degrees below the horizontal plan, and shall not extend above the horizontal plane, as certified by a photometry test report.

Sky Glow: The glow, visible in the night sky, over cities and brightly lit developed areas. Small communities and large developments often create their own distinct glow. Skyglow is light pollution which is reflected off atmospheric particles such as fog, dust, or smog. In New Hampshire the reflectivity of snow cover also significantly contributes to increased winter skyglow.

Temporary outdoor lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 10 days, with at least 30 days passing before being used again.

Uniformity Ratio (U. Ratio): Describes the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. Ratio =4:1 for the given area, the lowest level of illumination (1) should be no less than 25% or “4 time less” than the average (4) level of illumination.

Up-lighting: Any light source that distributes illumination above a 90-degree horizontal plane.

III. Applicability:

This Regulation shall apply to all non-residential projects (non-residential projects include multi-family proposals, site plan approvals, and roadway portions of subdivision approvals).

IV. General Requirements:

- (a) Lighting installations intending to be on after business hours are encouraged to include timers, dimmers, sensors, and/or other energy saving technologies to reduce overall energy consumption and eliminate unneeded illumination.
- (b) All luminaries shall be fully shielded and downcast and shall not cause sky glow.
- (c) No luminaire shall emit Glare beyond a property line.
- (d) Total illumination shall be the lowest intensity possible for the intended use.
- (e) All outdoor light fixtures shall be designed, oriented or shielded to prevent light trespass onto adjacent property or streets (except street lighting).
- (f) Illumination levels at property boundaries will not exceed 0.2 foot-candles for the receiving industrial or commercial properties and 0.1 foot-candles for receiving residential properties.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- (g) Outdoor lighting at places of business or public venues shall be turned off no later than one hour after closing, except what is needed for basic security.
- (h) Vacant parking lots shall not remain lighted except as needed for basic security.
- (i) Wiring for outdoor lighting shall be placed underground.
- (j) The maximum height of standards, poles, or fixtures shall not exceed sixteen (16) feet unless a waiver request is approved by the Board.
- (k) To the extent possible, the design of luminaries, poles, hangers, fixtures, and lamps (including their wattage, color and initial lumen output) shall be compatible with similar units in the vicinity of a new installation, unless expressly approved by the Board. DR District: The appearance of luminaries shall be complementary and compatible with significant architectural features or themes found in the Downtown district.

V. Prohibitions:

- (a) The use of search lights, laser source light, or any similar high intensity light for outdoor advertising or entertainment.
- (b) The nighttime use of white or white strobe lighting on communications towers.
- (c) Illumination of outdoor, advertising, off-site signs between the hours of 11:00 p.m. and sunrise.
- (d) Except for holiday lighting, and those animated and changeable copy signs permitted under article IX the use of "flashing" and "rotating" lights. "Flashing" and "rotating" lighting is any lighting in which the artificial light is not maintained stationary or constant in position, intensity, and/or color at all times.
- (e) Up-lighting is prohibited except as allowed in the "Lighting of Historic Structures" section.
- (f) The use of Mercury Vapor Lamp Fixtures and Lamps.
- (g) The use of Neon lighting. Neon lighting shall be limited to signage use.
- (h) Any light that causes glare or blinds/dazzles the vision of travelers on public roads is prohibited (per NH RSA 236:55).

VI. Exemptions:

- (a) Luminaries related to police, fire, public authorities, or other emergency services,
- (b) Hazard warning luminaries required by federal regulatory agencies, including Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
- (c) Lighting lawfully installed prior to the effective date of the adoptions of this regulation (please refer to "Pre-existing Outdoor Lighting section of this regulation section # (yet to be established).
- (d) Lighting of flags of any governmental organization when not displayed in connection with a commercial promotion or as an advertising devise. Lighting fixtures shall be mounted on the top of the flagpole structure and adhere to the outlined shielding requirements set forth in the General Requirements section of this regulation. In cases where it is impossible to light a flagpole structure from the top, bottom-mounted lights shall be connected to a timer which extinguishes all but the minimal light source necessary to illuminate the flag between dusk and dawn.
- (e) Holiday lighting shall be exempt from the provisions of this regulation, provided that such lighting does not create dangerous glare on adjacent streets or properties.

City of Laconia Site Plan Review Regulations
as amended July 7, 2009

- (f) Security lighting controlled by sensors set to provide illumination for a maximum of fifteen (15) minutes.
- (g) All temporary lighting required for private and public construction projects, related to road construction and repair installation of sewer and water facilities, and other public infrastructure.

VII. Pre-existing Outdoor Lighting:

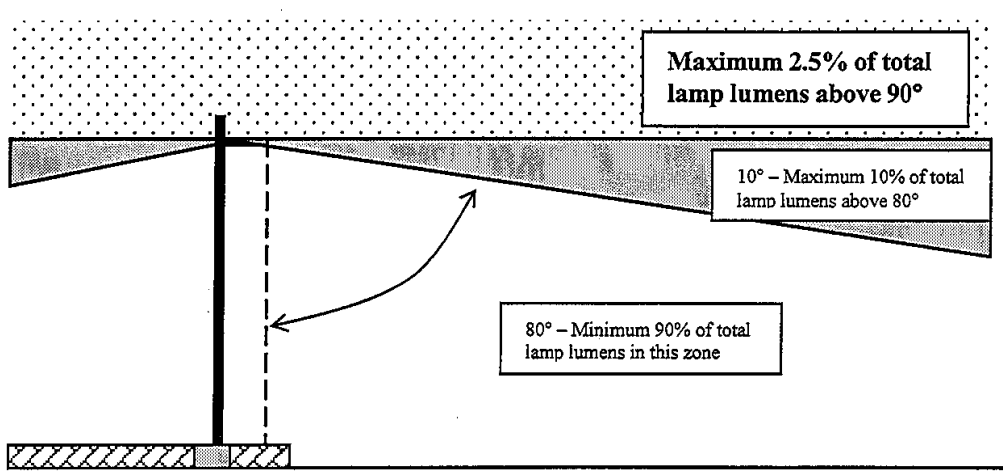
- (a) Any luminaire that replaces a non-conforming, pre-existing luminaire, or any luminaire that is moved shall meet the standards of this Regulation.

VIII. Area Specific Lighting:

A. Lighting of Parking Lots and Passive Vehicular Storage Areas:

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and safety in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

- (a) All lighting fixtures serving parking lots shall be fully shielded fixtures as illustrated below.



Cut-off fixture as defined by IESNA.

- (b) The light source shall not be directly visible, and it may be screened by a refractive lens or translucent globe.
- (c) Areas designated as parking lots or passive vehicular storage areas (parking areas, parking garages, vehicle dealerships/rental facilities, park and ride areas, etc...) shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as parking lots or passive vehicular storage areas.
- (d) The Planning Board may permit an alternative to the cut-off fixtures required above if a lighting fixture of a particular “period” or architectural style would be more compatible to the design of the area. Such alternative fixtures shall have a mounting height of not more

than sixteen (16) feet.

B. Lighting of Gasoline Station/Convenience Store Aprons and Canopies:

Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses.

- (a) Areas directly under the canopy and within five feet of the canopy footprint shall be illuminated so that the minimum illuminance at grade level is between 1.0 and 5.5 foot candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot-candles.
- (b) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
- (c) Lights shall not be mounted on the top or sides of the canopy, and the sides of the canopy shall not be illuminated.
- (d) Areas of the parking lot that are not within five feet of the canopy footprint shall be illuminated in accordance with the requirements for parking lots and passive vehicle storage areas. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

C. Lighting of Exterior Display/Sales Areas:

- (a) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.
- (b) Light fixtures shall meet IESNA definitions for cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties, nor skyward.

D. Lighting of Historic Structures

Facades of symbolic or historic structures may be illuminated according to the following guidelines:

- (a) The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.
- (b) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads, or skyward.
- (c) To the extent practicable, lighting fixtures shall be directed downward, below the horizontal plane.

E. Lighting of Walkways/Bikeways and Parks:

- (a) Areas within parks or along walkways and bikeways to be illuminated shall not exceed an average level of 1.0 foot-candle.

City of Laconia Site Plan Review Regulations
as amended July 7, 2009

- (b) Lighting fixtures shall be designed to direct light downward, and light sources shall have an initial output of no more than 10,000 lumens.

F. Lighting of Recreational Facilities:

Any light source permitted by this Regulation may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

- (a) All fixtures used for event lighting shall be fully shielded or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
- (b) All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. where circumstances prevented concluding before 11:00 p.m.
- (c) All permanent outdoor sports lighting, including scoreboards, must be approved by the Planning Board.

IX. Lighting Plan:

A) Permanent Lighting

Applicants for site plan or subdivision review with outdoor lighting fixtures shall submit evidence that the proposed work will comply with the standards of this regulation: The applicant shall submit an overall outdoor lighting plan sheet according to the specifications listed in below. The Board may require additions, deletions or changes to the submitted plans for safety or esthetic reasons.

(a) The lighting plan shall include the following:

- (1) Scaled plans showing buildings, landscaping, parking areas, and all proposed outdoor lighting fixtures.
- (2) A description of the outdoor lighting fixtures (including poles, standards, hangers, light fixtures, reflectors, shields and lamps, etc...) including but not limited to manufacturer's catalog descriptions and drawings. Each light fixture's specifications, wattage, color, height and initial lumen output shall be included.
- (3) Include the color and the height of each light fixture and of outdoor lighting proposed.
- (4) Photometric data, such as that furnished by manufacturers or similar showing the angle of cut off or light emissions and the level of wattage and initial lumens for all light sources.
- (5) A photometrics/iso-lux /foot-candle plan indicating levels of illumination, in foot-candles, at ground level. The maintained horizontal illuminance standards set by the Illuminating Engineering Society of North America (IESNA) shall be observed.
- (6) Should any outdoor light fixture, or the type of light source therein, be changed after

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

the permit has been issued, a change request must be submitted to the Planning Board for approval, together with adequate information to assure compliance with this code; approval of request is required prior to substitution. Administrative approval may be possible.

- (b) Additional Submission: The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Regulation will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit additional evidence of compliance to enable such determination. Certified reports of tests may prove compliance; these tests shall have been performed and certified by a recognized testing laboratory.

B. Temporary Outdoor Lighting:

- (a) Any temporary outdoor lighting that conforms to the requirements of this Regulation may be allowed. Nonconforming temporary outdoor lighting may be permitted by the Planning Board after considering:
- (1) the public and/or private benefits that will result from the temporary lighting;
 - (2) any annoyance or safety problems that may result from the use of the temporary lighting; and,
 - (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning Board, who shall provide a written administrative approval within 30 days. An administrative Planning Board application is required and all associated fees apply.
- (b) Properly approved Motorcycle Week events/sites are exempt from this regulation during the official Motorcycle Week dates.

Waiver:

The Planning Board may modify or waive the requirements of this section if it determines that in so doing, it will not jeopardize the intent of these regulations.

6.7 Documentation

Applications for site plan approval shall include the following documentation:

- (a) A statement describing the development, including the use or uses to be conducted on the lot, any change of an existing use, or augmentation of an existing use;
- (b) Information sufficient to determine whether the development complies with the Zoning Ordinance;
- (c) If the development is to be staged or phased, a description of the project in terms of such stages;
- (d) The names and addresses of all registered professionals who participated in the preparation of any aspect of the application materials.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- (e) Drafts of deeds, easements, agreements and other legal documents, including the following, where applicable:
 - (1) Deeds of land to be conveyed to the City for streets or other public purposes;
 - (2) Deeds of easements and rights-of-way;
 - (3) Covenants or restrictions that are intended to cover all or part of the land area to be developed;
 - (4) Articles of incorporation of a landowner's association and the by-laws of the association;
 - (5) The condominium declaration, as it has been prepared for submittal to the State of New Hampshire Attorney General's office; and
 - (6) Agreements between the applicant and the City regarding public improvements or other matters.

6.7.5 Third Party Peer Review

If requested by Members of the Plan Review Committee, applications for Site Plan approval shall include completed third party peer review to be considered complete.

Third Party Peer review shall occur per the following procedure:

- 1) One an application is submitted per Section V(B) of the Site Plan Regulations, a preliminary review by the member(s) of the Departments who sit on the PRC committee will cite specific applications, as needing consultant review for reasons specified.
- 2) Con Com DPW, and/or Planning Department will make the recommendation in the form of PRCI comment submittal to the Planning Department that the Planning Department obtain professional consultant review on that specific application. Reasons for the request review shall be detailed in the written request to the Planning Department.
- 3) The Planning Director will review that recommendation and authorize the Con Com and/or DPW to fill out a Belknap County Conservation District (BCCD) Natural Resource Review Request Form that states what items the consultant will review for accuracy and impact. (See attached form)
- 4) The form will then be submitted to the BCCD by the Planning Department. BCCD will obtain a cost estimate from their Board approved list of consultants. Selection will be determined exclusively by availability.
- 5) This cost estimate and the request form will be submitted to the applicant for their consent and signature on the portion of the form entitled "Consent of Application".
- 6) Once consent is obtained, The Planning Department will accept the funds for deposit into a dedicated escrow account. The BCCD will obtain the consultant and execute the contract that will include the submittal of a written report.
- 7) The consultant will complete a written report as part of the contract that will be submitted to the Conservation Commission and/or DPW and the Planning Department as an additional item in the application package.
- 8) The Conservation Commission will meet with the consultant to discuss the report at their next available Con Com meeting. DPW will discuss the report with the consultant at their earliest convenience.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- 9) At this point the Con Com and/or the DPW will draft comments and recommendations based on the applicant's proposal and the consultants review in a manner timely with PRCII.
- 10) This will be given to the applicant at the PRC II Meeting and submitted to the Planning Board in their packets.
- 11) The Consultant will attend the Planning Board meeting and discuss the report as cited in the Con Com and/or DPW PRCII comments to the Planning Board.
- 12) The consultant will bill the City as appropriate and the City will make payments from the escrow account.
- 13) Any remaining funds will be returned to the applicant with interest.

6.8 Inspections and As-Built Plans

- (a) All site plans filed under these regulations shall be inspected and approved by the appropriate City department and other such federal, state or local officials, as may have jurisdiction. All items shown on the proposed plan shall be completed as per the approved plan prior to submission of "as-built" plans. In cases acceptable to the reviewing board, committee, or department heads, minor improvements which are incomplete may be secured instead by a letter of credit or cash deposit in a City escrow account established for the purpose of ensuring completion of the work within a reasonable time. The form of letters of credit, and schedule of completion shall be approved by the Planning Director, in consultation with the relevant city officials. The adequacy of the estimate of completion cost shall be reviewed by the Director of Public Works.
- (b) At the completion of construction, and prior to issuance of any occupancy permit, the project applicant shall have prepared at his expense, a set of as-built plans showing:
 - (1) The actual location and details of all improvements and changes to previously existing conditions;
 - (2) Be produced at the same scale as the approved drawing;
 - (3) Denote the units, within the plan, which are shown as-built. Provide an easily discernible legend indicating the as-built units;
 - (4) Indicate distances between units and property lines
 - (5) Provide complete and accurate lot coverage calculations for all as-built construction, per the attached table (appendix);
 - (6) Sewer, water, storm water drainage system as-builts should be included on one drawing; however, if this compromises the drawings clarity, sewer, water and storm water drainage as-builts can be produced as an overlay. As-built requirements for utilities include utility profiles;
 - (7) Each as-built drawing must be stamped and signed by a professional surveyor.

The applicant shall submit six black or blue-line prints of the plans to the Planning Department for review. The as-built plans shall clearly show any deviation from the approved site plan through bold face lines, type, or stippling.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- (c) The Planning Department shall distribute the plans and application, and supporting documentation to the appropriate departments, including Departments of Public Works, Assessing, Conservation Commission, Water, Fire, Code Enforcement, and Zoning/Planning for review and comment. An affirmative response and signature of the reviewing official is required, which shall serve as acknowledgement of receipt, review, and approval, with any recommended conditions, of the proposed plan.

No permit or recording of the plan shall be given or made in the absence of such affirmative acknowledgement of the departments. In the event that a department fails to report or acknowledge review and approval of the plans within 30 days of distribution of the plans by the Planning Department, the applicant shall have the right to request that the matter be referred to the City Manager to ensure compliance with these provisions.

The Code Enforcement Officer and Fire Prevention Officer shall not issue an Occupancy Permit or Assembly Permit until the Planning Director forwards to him a Certificate of Planning Department Approval, certifying substantial compliance with the approved site plan.

- (d) The Planning Director may, in the absence of objection from the reviewing departments, allow minor deviations from the approved site plan, provided that the Director finds that:
- (1) The changes are consistent with the intent of the Planning Board, as reflected in the minutes of the Board's meetings, findings and approval conditions;
 - (2) The changes are consistent with the purposes or expressed intent of the Site Plan Regulations and Zoning Ordinance;
 - (3) The deviations do not affect any dimensional requirement, for example, lot coverage; cause reconfiguration of curb cuts, streets, buffer areas or the relationship of dwellings or structures;
- (e) For the purposes of this section minor deviations from the approved plan shall be intended to include:
- (1) Lateral or horizontal shifts in building footprints, in the absence of conflict with the provisions of the Zoning Ordinance;
 - (2) Substitutions of equal or superior materials, plantings, or equipment, subject to approval of the relevant department(s);
 - (3) Changes in utility locations as may be required by field conditions, subject to the written approval of the relevant department(s);
 - (4) Changes of up to 5% in parking or floor areas, in the absence of conflict with the provisions of the Zoning Ordinance and subject to the approval of the Planning Director.
- (f) Following completion of the departmental reviews, the Planning Director shall forward a copy of the Certificate of Approval, or a summary of the certificates issued within the last calendar month, to the Planning Board and Conservation Commission to inform and provide notice to members of final action.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- (g) Projects which do not comply with the approved plan and do not qualify for administrative approval of minor deviations shall also be reported to the Planning Board with an appropriate compliance schedule. If, at the termination of the compliance term, the project owner has not brought the property into compliance nor filed application for Revised Site Plan Approval, the Planning Board shall review the matter, and direct appropriate recourse to correct the compliance problem.

6.9 Certificates of Occupancy

Certificates of Occupancy shall be issued by the Code Enforcement Officer only upon the receipt of approval from the appropriate City department(s) as to the adequacy of all required improvements servicing the subject parcel.

A Certificate of Occupancy shall not be issued or provided until all required roads, utilities, and improvements servicing the site have been constructed or installed in accordance with all the requirements of these regulations and the conditions of site plan approval specified by the Board.

SECTION VII. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

7.1 Conformance to Applicable Laws, Rules and Regulations

In addition to the requirements established herein, all developments shall comply with the applicable provisions of the City of Laconia Zoning Ordinance, Subdivision Regulations, Building and Housing Codes, and all other applicable City ordinances.

7.2 Streets and Access

All developments shall make adequate provision for safe and suitable access to an existing public street or shall make provision for the construction and dedication of a public street in order to obtain safe and suitable access to the development site. Reasons for the granting of any requested waiver from the provisions of these regulations, whether for major or minor plan, or administrative review, shall be stated in writing.

Where an adjacent existing street from which access is gained is deemed to be substandard by the Director of Public Works, the upgrading of said streets shall be provided for. Where traffic from a proposed development will adversely impact an adjacent street or intersection, provision shall be made for the mitigation of said impacts.

7.3 Required Improvements

All developments shall provide for safe and satisfactory access from a public street. Where driveway access from a primary or secondary arterial street may be necessary, the Board may require that such lot be served by a combined access drive serving several lots in order to limit possible traffic hazard on such street; or the Board may require a deceleration/acceleration lane to facilitate traffic movement.

City of Laconia Site Plan Review Regulations
as amended July 7, 2009

7.4 Design Standards

Wherever a public street is to be constructed and dedicated, that street shall be designed and constructed in accordance with the standard for public streets contained in but not limited to the City Code and the Subdivision Regulations of the City of Laconia.

7.5 Storm Water and Other Drainage

All developments shall make adequate provisions for storm water disposal facilities. Drainage systems shall be designed assuming full development of the site and using a two-year, twenty-four hour storm event for treatment and a twenty-five year storm event for system sizing.

- (a) A separate plan of the entire drainage area to the receiving waters may be required to be submitted including all calculations relating to the twenty-four hour storm event.
- (b) In extreme or difficult drainage area the Director of Public Works may require the Design shall be stamped by a Professional Engineer registered in New Hampshire. All system designs must go to the receiving waters as directed by the Director of Public Works. The Board may prohibit the development of any portion of the property identified as a wetland, and may require the preservation and dedication of such.
- (c) Adequate measures to prevent soil erosion and other adverse environmental impact shall be taken during all construction phases. Such measures may include, but are not limited to, maintenance of vegetative cover on steep slopes, seeding of road shoulders and embankments, construction of settlement basins and temporary dams. All drainage or erosion control facilities must be consistent in design with procedures and guidelines used by the Belknap County Soil Conservation District or developed by the U.S. Soil Conservation Service.
- (d) Flood Plain Areas - The Planning Board may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the development of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Board.

7.6 Public Water

- (a) All plans shall be approved by the Superintendent of Water Works and when necessary by the New Hampshire Water supply and Pollution Control Commission (NHWSPPCC).
- (b) The Planning Board may require an engineering analysis of a proposed development to determine the effect on the City's existing system. Any costs associated with such analysis shall be the responsibility of the developer.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- (c) The Planning Board will not approve plans showing private community water systems.
Approvable systems are: 1. Extension of the municipal water systems or; 2. Individual private on-site water systems.

7.7 Public Sanitary Sewer

General Requirements

All developments shall make adequate provisions for sanitary sewage disposal facilities which shall be designed by a registered engineer. Where municipal sanitary sewers are available within 250 feet of any boundary of a proposed development, the extension of the sewers to and within the proposed development shall be required. If municipal sanitary sewers are not available, sanitary sewage disposal shall be accomplished through the provision of individual waste disposal systems or a private central sewage system.

Where public sanitary sewer will be available to service a subdivision within a reasonable number of years, the Planning Board may require extension of the sewer by the developer at his own expense. In areas with suitable soils for short term private septic tanks the developer will be required to install dry sewer lines to City standards for eventual connection to the municipal system. In areas having poor soils for septic tanks the Board will require municipal sanitary sewer as a condition of approval.

- (a) All plans shall be approved by the Director of Public Works and when required by the New Hampshire Department of Environmental Services.
- (b) All plans shall be prepared by a Professional Engineer registered in New Hampshire.

7.8 Off-Street Parking and Loading

General Requirements

All developments shall make adequate provisions for off-site parking and loading facilities. Such facilities shall be designed to ensure the orderly flow of traffic on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses.

All developments shall provide for parking and loading to be situated on the same parcel of land as the primary use or structure except when off-street public parking is available.

Consideration shall be made for the storage of snow which is plowed during winter months.

No front yard parking shall be permitted in any residential or professional zones.

7.9 Non-Municipal Utilities

The applicant shall be responsible for the coordination with utility companies to assure that non-

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

municipal utilities are installed in accordance with site plans approved by the Board. All utility facilities including but not limited to gas, electric power, telephone and Community T.V. cables shall be located underground. Whenever existing facilities are located above ground, they shall be removed and replaced underground. The foregoing requirements shall be imposed at the sole discretion of the Planning Board.

7.10 Signs

All development proposals shall submit designs for all new proposed signage. Additionally, the size and location of existing signs shall be noted on the plan.

Sign size, type, location, height and illumination shall conform to the Zoning Ordinance.

Any signs which refers to a discontinued use shall be removed. All signs shall be maintained in good condition and in good repair at all times.

7.11 Landscaping

A landscape plan shall be submitted including a schedule for accomplishing all plantings.

Selective tree and/or shrub plantings may be required in established buffer areas or other areas as determined by the Board. Wood chips or crushed stone shall not be considered acceptable where green areas are required.

7.12 Preservation of Natural Features and Amenities

General Requirements

- (a) Existing features which would add value to residential, commercial, or industrial development or to the City as a whole, such as trees, watercourse, beaches, historic spots, vistas and similar irreplaceable assets, shall be preserved in the design of the development. No trees shall be removed from any site nor any change in grade of the land affected until approval of the development has been granted. Grading and clearing should be minimized so as to avoid creating undue erosion or interruption of natural drainage ways. Particular attention should be given to natural features suitable as buffer strips between residential subdivisions abutting commercial or industrial areas. Similar natural features that provide buffers between lots, or sections of a development should be preserved to enhance privacy and attractiveness. Provisions for clearing may be made for southerly exposure for solar access to dwellings or buildings. All trees, where required, shall be protected against change of grade.
- (b) If the Planning Board finds certain land to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future users of the development, inhabitants of the surrounding area, or residents of the City, the land shall not be developed unless adequate methods are formulated by the developer and approved by the Planning Board to solve the problems created by the

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

unsuitable land conditions. Otherwise, such land shall be set aside for use shall not involve such danger.

- (c) Developments shall use construction methods which cause the least disturbance to the environment possible. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificates of occupancy. Nor shall any debris be left or deposited in any area of the development at the time of expiration of the site improvement surety or dedication of public improvements, whichever is sooner.

7.13 Sidewalks

- (a) Purpose and Benefits. Sidewalks are an integral physical and social component of the City's landscape and infrastructure, and it the purpose and intent of this regulation to promote their construction as part of all new development. Sidewalks provide important linkage between all types of land uses in the community and are essential for moving people from place to place. Specific benefits of sidewalks include:
- (1) Providing a convenient mode for people to walk and connect with other modes of transportation.
 - (2) Increasing public safety by reducing conflicts between vehicles, bicycles and pedestrians.
 - (3) Providing a place for people to gather, socialize, exercise, or engage in small-scale commerce.
 - (4) Providing an alternative means of transportation and thereby reducing the negative environmental effects of motor vehicles.
 - (5) Providing a means for free speech activities and for the delivery of the mail and packages.
 - (6) Providing a mode of transportation that is accessible and usable by people of all ages and abilities.
- (b) Sidewalk Requirement. In furtherance of the foregoing purposes and benefits, sidewalks shall be constructed for the benefit of the public, on all property upon subdivision or development, to the extent that this regulation requires.
- (c) Waivers. The Board may, in its sole discretion, consider granting a waiver of the sidewalk requirement set forth at 7.13(b), upon written request of the applicant at the time of the initial application, using such form(s) as may be prescribed by the Planning Department. The applicant shall have the burden of producing sufficient evidence in support of the waiver request.

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

- (d) Findings Required. A waiver of the sidewalk requirement set forth at 7.13(b) may be granted by the Board, in its sole discretion, only for good cause shown, and only if findings are made on the record that the following conditions exist:
- (1) That the waiver request, if granted, will be consistent with the stated purposes, spirit and intent of the sidewalk requirement.
 - (2) That the waiver request, if granted, will not result in harm to neighboring properties, or reduce their value or usefulness.
 - (3) That the waiver request, if granted, will not reduce existing levels of public safety or welfare.
- (e) Evidence. The Board may consider the following factors in determining whether the above conditions exist:
- (1) The existing and projected land uses in the vicinity of the subject property.
 - (2) The oral and written comments of abutters, the general public, city employees and public officials regarding the proposed waiver.
 - (3) Whether or not the subject property is located in close proximity to any other property where sidewalks or pedestrian pathways currently exist.
 - (4) Whether or not the subject property is located in close proximity to any existing crosswalks or intersection controlled by a traffic signal device.
 - (5) Whether or not the subject property is located in close proximity to any existing school, church, community center, health care facility, playground, shopping center, recreational area, public housing project, or large residential or commercial development.
 - (6) Whether or not the subject property, as proposed and upon completion, will be in substantial compliance with the relevant provisions of the Master Plan and the Zoning Ordinance, if the waiver request is granted.
 - (7) Whether or not reasonable alternatives to sidewalk construction exist that are consistent with the purposes and benefits of the sidewalk requirement.
 - (8) Whether or not the Planning Department has determined, after consideration of any other pending or proposed development applications, that the granting of the waiver is advisable.
 - (9) Whether or not the Planning Department has determined, after consideration of any relevant ordinance, statute, regulation or rule of law, that the granting of the waiver is advisable.
- (f) Other Factors. The foregoing are intended only to be examples of factors that the Board may

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

consider in determining whether the conditions for approval of the waiver exist. The Board may, in its sole discretion, consider any factors it deems relevant, reasonable and just.

- (g) Board Action. Upon proper motion, the Board may deny, grant or conditionally grant the waiver, setting forth such conditions as it deems reasonable and just. Such conditions may include requiring the applicant to construct sidewalks or make improvements to public amenities, at locations other than the subject property, but only with the agreement of the applicant and the Public Works Department.
- (h) Details. The following sidewalk construction details should be considered by the Board, with the understanding that all sidewalk designs must be reviewed and approved by the Public Works Department and the Planning Department:
 - (1) Sidewalks will be constructed on at least one side of all existing streets that abut, or proposed streets within, the subject property.
 - (2) Sidewalks will be designed to enhance the growth of existing mature vegetation; and to preserve, to the extent feasible, existing mature street trees and other aesthetically pleasing or historically significant features, such as stonewalls, bridges and landscaped areas.
 - (3) Sidewalks will be designed so as to comply with the provisions of the Americans with Disabilities Act.

7.14 Requirements for Non-Residential Site Plans having land designated as “Special Flood Hazard Areas” by the National Flood Insurance Program (NFIP):

- 1. The Planning Board shall advise the proposed developer to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- 2. The Planning Board shall require that all site plan proposals for developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals, Base Flood Elevation (BFE) data if available (i.e. floodplain boundary and 100-year flood elevation).
- 3. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow a determination by the Planning Board that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION VIII ADMINISTRATION

8.1 Enforcement

City of Laconia Site Plan Review Regulations

as amended July 7, 2009

The Planning Board shall have the power to modify or amend its approval of a site plan on application of the owner, lessee, mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval.

Any person who violates any of the provisions of this chapter shall be guilty of a violation not to exceed the maximum penalty as set forth in RSA 676:17, Fines and Penalties. Such person, after being notified once as provided by RSA 676:17 and 676:17-a, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by such person and shall be punishable therefore as provided therein.

8.2 Waivers

When, in the judgment of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause undue hardship or injustice to the owner of the land to be developed and being reviewed, and where the review procedures have been in general conformity with these regulations and provided the general spirit, intent, and purpose of these regulations will not be adversely or substantially affected or harmed, and further provided that the public convenience and welfare of the citizens of Laconia, will be substantially served and not adversely affected, the Planning Board may waive or modify such specific requirements of these regulations.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. A petition for any waiver shall be submitted in writing by the applicant at the time when the application is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

8.3 Severability

If any article, section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply to the section, article, paragraph, subdivision, clause or provision so adjudged and the remainder of these regulations shall be deemed valid and effective.

8.4 Fee Schedule

Any application for approval of a site plan shall be accompanied by the appropriate fees as adopted by the City Council. Fees include four (4) dollars per abutter for site plans with less than ten (10) abutters. See fee schedule attached.

8.5 Amendments (Amended, 11-6-00; 12-02-02; 2-03-03; 6-7-04; last amended 8-16-05)

These regulations may be amended by the Planning Board as provided for in RSA 675:6.

Certification of Amendment Adoption

City of Laconia Site Plan Review Regulations
as amended July 7, 2009

By our signatures below, we, the Planning Board of the City of Laconia, do hereby certify that the above regulations were adopted on November 6, 2000 in accordance with the laws of the State of New Hampshire and the regulations and procedures of the City of Laconia.

