

**CITY OF ROCHESTER**  
**SITE PLAN REGULATIONS**  
 Most recently updated – October 19, 2009

**Index**

**ARTICLE I ..... 2**

**SECTION 1 - AUTHORITY .....2**

**SECTION 2 - TITLE.....2**

**SECTION 3 - INTENT AND PURPOSE .....2**

**SECTION 4 - APPLICABILITY.....2**

**SECTION 5 - INTERPRETATION .....3**

**SECTION 6 - DEFINITIONS AND WORD USAGE.....3**

**SECTION 7 - SPECIAL FLOOD HAZARD AREAS.....7**

**ARTICLE II ..... 8**

**SECTION 1 - PRESUBMISSION OR PRELIMINARY PLANNING BOARD SITE REVIEW PROCEDURE.....8**

**SECTION 2 - FORMAL SITE REVIEW SUBMISSION PROCEDURE.....8**

**SECTION 3 - SPECIAL SITE REVIEW COMMITTEE [11].....10**

**SECTION 4 - REQUIRED IMPROVEMENTS AND AGREEMENTS .....12**

**SECTION 5 - SITE DESIGN AND DEVELOPMENT CRITERIA.....13**

**SECTION 6 - PHYSICAL ARRANGEMENT .....18**

**SECTION 7 – ARCHITECTURAL DESIGN [5].....26**

**APPENDIX to SECTION 7 – ARCHITECTURAL DESIGN .....34**

**SECTION 8 - STANDARDS FOR PARTICULAR USES .....39**

**SECTION 9 - SCHEDULE OF FEES (adopted December 6, 2004) [7].....41**

**SECTION 10 - INSPECTION FEE.....42**

**SECTION 11 - IMPACT FEES.....42**

**ARTICLE III ..... 44**

**SECTION 1 - ENFORCEMENT .....44**

**SECTION 2 - WAIVERS .....44**

**SECTION 3 - INTERPRETATION AND CONFLICT .....44**

**SECTION 4 - VALIDITY .....44**

**SECTION 5 - FUTURE AMENDMENT.....44**

**AMENDMENTS .....45**

**SITE PLAN REGULATIONS  
CITY OF ROCHESTER, NEW HAMPSHIRE**

**ARTICLE I  
GENERAL**

**SECTION 1 - AUTHORITY**

These regulations are adopted by the Planning Board of the City of Rochester, New Hampshire, pursuant to the authority granted by the City Council of the City of Rochester, New Hampshire, on October 7, 1980, as provided under RSA 36:19-a (1) to review, approve, or disapprove site plans for the development of tracts for nonresidential uses, or for multi-family dwelling units other than one and two family dwellings, whether or not such development includes a subdivision or resubdivision of the site. The City of Rochester, New Hampshire, having duly adopted a zoning ordinance as provided in RSA 31:60-89, and the Planning Board of the City of Rochester, New Hampshire, having duly adopted subdivision regulations as provided in RSA 36:19-24.

**SECTION 2 - TITLE**

These regulations shall be entailed and may be cited as the "Non-Residential Site Plan Regulations of the City of Rochester, New Hampshire".

**SECTION 3 - INTENT AND PURPOSE**

The intent and purpose of these regulations is to establish a process to ensure responsible and reliable growth in the non-residential, and where applicable the multi-family dwelling, communities. Certain uses are, because of their nature, size, complexity, or other qualities or viable impact, capable of adversely affecting the City of Rochester and its vested interests and that of the general public unless careful attention is given to the use of sound site utilization principles. These regulations in no way relieve an owner, developer, his agent, or any individual from compliance with the zoning ordinance, subdivision regulations, or any other laws, rules, regulations, codes, or ordinances, whether state, federal or local, which may otherwise be applicable.

**SECTION 4 - APPLICABILITY**

These regulations shall apply to the development and/or proposed development of tracts for any non-residential use or uses and/or for any multi-family dwelling unit or units other than one- and two family dwellings, whether or not such development includes a subdivision or resubdivision of the site. Prior to the issuance of a building permit by the Building Inspector of the City of Rochester, New Hampshire, for such development, the owner or his authorized agent shall apply for and shall first secure site review approval in accordance with the rules and regulations contained herein. In all cases where any amendment of any such plan is proposed and/or where any existing building or structure existing upon the passage of these regulations shall be later altered or installed within a development or use which would otherwise be within the purview of these regulations, except any existing use or structure located within the boundaries of the fire limits of the City as established in 40-3 of the City Ordinances, the owner or his authorized agent shall apply for and shall first secure site review approval in accordance with the rules and regulations contained herein. No building permit shall be issued for any building or structure within the purview of these regulations until such approval has been secured and presented to the building inspector. No certificate of occupancy shall be issued for any building or structure or use of land within the purview of these regulations unless or until the building, structure,

development, land, or use is constructed, developed, altered, installed or used in conformity with an approved site development plan or an amendment to any such plan.

## **SECTION 5 - INTERPRETATION**

The standards and criteria contained in these regulations shall be interpreted as minimum requirements, and compliance with said minimum requirements shall in no way instance obligate or require the Planning Board to approve any particular applications in the best interest of the City, the general public, and the general welfare of its inhabitants shall the application be approved.

## **SECTION 6 - DEFINITIONS AND WORD USAGE** [15]

For the purposes of these regulations, certain terms and words shall have the following meanings. Words used in the present tense shall include the future: the singular number shall include plural and the plural the singular; the word "shall" is always mandatory and not merely directory; and the word "may" shall signify the permissive. Masculine shall include feminine.

- (1) **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. Where an abutting property is under a condominium or other collective form of ownership An abutter means the officers of the collective or association as defined in RSA 356-B: 3, XXIII for notification purposes. For purposes of receiving testimony, An abutter includes any person who can demonstrate that his land will be directly affected by the proposal under consideration. [3]
- (2) **Accessory Building**: A detached subordinate building located on the same lot, parcel, or tract, the use of which is incidental and subordinate to that of the main building (structure) or use of the land.
- (3) **Accessory Use**: A land use located on the same lot, tract, or parcel which is incidental and subordinate to the main building (structure) or use of the land.
- (4) **Alteration**: Any construction, reconstruction, or other action resulting in a change in the structural parts or height, number of stories or exits, size, use, or location of a building or structure. Also any change in the configuration of the land or the present and existing land use.
- (5) **Amendment to site plan**: A change in an approved site plan of a scale or nature such that placement of new notices to the public and to abutters is warranted. [15]
- (6) **Applicant**: Any person, agent, firm, association, partnership, or corporation that makes application to the Planning Board pursuant to the rules of these regulations.
- (7) **Approval, Final**: Recognition of the Planning Board, certified by written endorsement on the plat, that the final plat submission meets the requirements of these regulations and satisfies, in the judgment of the Planning Board, all criteria of good planning and design.
- (8) **Approval, Preliminary**: An expression in writing by the Planning Board that the preliminary presubmission layout appears to satisfy all the requirements established herein, for the preliminary layout submission phase. Preliminary approval does not constitute nor shall it be construed as approval, either implied or granted of the final plat, nor does it bind the Planning Board to approve final plat.

- (9) **Basement:** A portion of a building, partly below grade, which has more than one half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is six feet or more above the finished grade.
- (10) **Board:** Shall mean the Planning Board of the City of Rochester, New Hampshire.
- (11) **Building:** A combination of any materials, whether portable or fixed, having a roof or similar covering and enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals, or property.
- (12) **Building Area:** The aggregate of the maximum horizontal cross section area of each building on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces, expressed as a percentage of total lot area.
- (13) **Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
- (14) **Building, Principal:** A building in which is conducted the principal use of the lot, tract, or parcel on which it is located.
- (15) **Building Volume:** Shall mean the total of the height times the width times the length of a building represented in cubic feet.
- (16) **Certificate of Occupancy:** A statement signed by the Building Inspector setting forth that a building or structure complies with these regulations, the zoning ordinance, and all other relevant codes and regulations of the City and with the applicant's plan as approved.
- (17) **Condominium:** Real property, and any interest therein, covered and within the purview of RSA Chapter 356-B as it exists on the date of the adoption of these regulations, and as it may be amended in the future.
- (18) **District:** A zoning district as established and amended in the zoning ordinance of the City of Rochester.
- (19) **Date of Official Submittal:** An application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the appropriate application procedure and the receipt of a written memorandum from the City Planner certifying said applications technical review. Agreeable to the Planning Board and the owner/developer and to be held until such time as the conditions of a final site approval have been satisfactorily complied with.
- (20) **Development:** The construction of a building, structure, improvements on a lot, parcel, or tract of land including addition to existing structures, changes of use, and conversions to previous existing uses.

- (21) **Dwelling**: Any building, structure, trailer, mobile home, or camp, or part thereof, used and occupied for human habitation, or so intended to be used, and including any appurtenances belonging thereto or usually employed therewith.
- (22) **Dwelling Unit**: One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.
- (23) **Dwelling, Multiple Family**: A building containing two or more dwelling units constructed on a single lot, tract, or parcel of land.
- (24) **Escrow Agreement**: A conditional delivery of money by a developer or owner to a nominee mutually agreeable to the Planning Board and the owner/developer and to be held until such time as the conditions of a final site approval have been satisfactorily complied with.
- (25) **Family**: One or more persons, including domestic employees, occupying a dwelling unit and living as a single nonprofit housekeeping unit.
- (26) **Flood Hazard Zone**: Any land located within flood hazard areas as delineated by maps or flood profiles based upon studies or prior floods on such land prepared by the United States Corp. of Engineers, or the United States Geodetic Survey, or other competent authority having statutory jurisdiction thereof, which land may be classified as such by the adoption of such flood maps or profiles by the Board.
- (27) **Floor Area, Gross**: The total floor area of a building or structure.
- (28) **Floor Area, Net**: the total floor area of a building or structure designated for occupancy and use including basement and storage areas but excluding stairways, elevator wells, restrooms, lounge areas, common hallways, and the like.
- (29) **Impact Fee**: For purposes of these regulations, the term impact fee shall have the meaning set forth in Section 42-31 (B)(iii)(c) of the General Ordinances of the City of Rochester, as currently enacted or the correspondence provisions of any recodification or amendment of the said General Ordinances of the City of Rochester.
- (30) **Loading Space**: An off-street space used for loading or unloading not less than 14 feet in width, 45 feet in length, and 14 feet in height and containing not less than 1300 square feet including both access and maneuvering area.
- (31) **Lodging Unit**: One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "lodging unit" shall include rooms in boarding houses, tourist houses, or rooming houses.
- (32) **Lot, Tract**: Shall mean a parcel of land at least sufficient in size to meet the minimum requirements for use, coverage, and area and to provide required yards and other open spaces all as may be established pursuant to these regulations. An undersized lot may be permissible, if it passes state standards for soil conditions and substantially meets the requirements herein contained, if in existence on the effective date of this act.

- (33) **Modification to site plan:** A change in an approved site plan, but not one of a scale or nature such that placement of new notices is warranted. [15]
- (34) **Nondomestic Sanitary Discharge:** All sewage disposal of any kind, except human waste.
- (35) **Open Space:** The space on a lot unoccupied by buildings, unobstructed to the sky, not devoted to street, driveways, walkways, and access ways, egress ways, off-street parking or loading areas, which may be expressed as a percentage of the total lot area.
- (36) **Property Line / Rear:** The lot line opposite the front lot line.
- (37) **Performance Bond:** Any security which may be accepted in lieu of a requirement that certain improvements be made as a condition of Planning Board site approval.
- (38) **Protective Buffer:** An area (without buildings or other structures), with dense planting vegetation or other method of screening to reduce noise, view, and glare to adjoining property.
- (39) **Property Line / Front:** The property line dividing a lot from a street or right of way. On a corner lot the owner shall designate one street line as the front lot line.
- (40) **Property Line / Rear:** The lot line opposite the front lot line.
- (41) **Property Line / Side:** Any lot line not a front or rear lot line.
- (42) **Street:** Means, relates to, and includes any street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway, and any other way, whether public or private. The word "street" shall include the entire length and width of the right of way.
- (43) **Setback:** The distance between the nearest portion of a building and a lot or street right of way line, whichever is closer.
- (44) **Structure:** A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform bin, fence, sign, flagpole, or the like.
- (45) **Subdivision:** The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes resubdivision 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.
- (46) **Vertical Opacity:** A rough calculation within a buffer area of the overall percent of the vertical plane, which is visually opaque, as delineated by a fence, wall, shrubbery, or other materials and as measured from the ground to a line a certain distance above (e.g. six feet) and parallel to the ground. When shrubs are used for screening the calculation is based upon reasonable projections of shrub size, shape, and density at maturity when those shrubs are maintained and pruned in an appropriate manner. [2]

## **SECTION 7 - SPECIAL FLOOD HAZARD AREAS**

All site plan proposals governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the City of Rochester, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the City of Rochester dated September 16, 1982 shall meet the following requirements:

1. Site plan proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.
3. Adequate drainage shall be provided to reduce exposure to flood hazards.
4.
  - a. New and replacement water systems (including on-site systems) shall be located, designed and constructed to minimize infiltration and avoid impairment.
  - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
5. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the N.H. Office of State Planning and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.
6. Site plan proposals greater than 5 acres, shall include 100-year flood elevation data.

*Article I - Section 7 included from the Public Hearing of September 2, 1982, and effective September 16, 1982.*

*Amendment recorded at the Strafford County Registry of Deeds in Book No. 1086, Page No. 22.*

**ARTICLE II**  
**PROCEDURE FOR SITE PLAN APPLICATIONS**

**SECTION 1 - PRESUBMISSION OR PRELIMINARY PLANNING BOARD SITE REVIEW PROCEDURE.**

Prior to the submission of the site development plan, the owner may, but need not necessarily, submit a preliminary sketch showing any preliminary information he desires to the Planning Board for discussion purposes only.

**SECTION 2 - FORMAL SITE REVIEW SUBMISSION PROCEDURE.**

**(A) APPLICATION PROCEDURE** - An applicant desiring to develop a parcel of land shall make a formal submission and application to the Planning Board. The application shall:

- (1) Include three (3) full size sets of blue line or black line site plan drawings as more fully described in these regulations.
- (2) Submit 22 (or an amount otherwise as stipulated by the Planning Board) full application packages. Each package should be clipped together and include the application form; the narrative; a full set of 11x17 drawings; requests for waivers; and appropriate reports, studies, and other documentation and materials. [9]
- (3) Where city sewer service is not available, the applicant shall provide evidence that said parcel is of sufficient size to support a sanitary waste disposal system.
- (4) Comply where applicable, with all site design criteria as more fully described in these regulations.
- (5) Be accompanied by a fee of an amount to be determined in accordance with the fee schedule contained in these regulations.
- (6) Be accompanied by an affidavit as to plan research and preparation by a licensed land surveyor or a New Hampshire Registered Engineer on forms available at the Planning Board Office.

**(B) BOARD ACTION** - Provided an application is received at least 15 days before a regular Planning Board meeting, determination as to its completeness shall be made at that meeting. A receipt for the application shall be provided by the Planning Board. Within 30 days after it has been determined that the application for site plan review meets the technical requirements of these regulations, the Planning Board shall place consideration of such proposed site plan on its agenda and shall act to approve, approve with modifications or conditions, or disapprove the submission within 90 days of accepting the completed application, provided that the Planning Board may apply to the City Council of the City of Rochester for an extension not to exceed an additional 90 days before such action provided further, however, that the applicant may waive this requirement and consent to an extension of such period. Failure of the Planning Board to approve, approve with modifications or conditions, or to disapprove within the time limit provided above, and except as the same may be extended, shall be deemed an approval and shall be so certified by the Chairman of the Planning Board. The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant. If the application is disapproved, the applicant shall be notified in

writing of the reasons for disapproval; and where appropriate, of those aspects in which the plan or application fails to conform to these regulations or to such other essential planning criteria as may be determined by the Planning Board in accordance with these regulations.

**(C) HEARING** - Before taking action on a site plan, the Planning Board shall hold a hearing thereon only following the satisfactory completion of the application procedure outlined herein above and receipt by the Planning Board of such application and all supporting plans and documents required. The applicant and abutters shall be notified of the hearing by certified mail with return receipt requested not less than 5 days before the date fixed for the hearing.

In addition, notice of the hearing shall be published and advertised in a newspaper having general circulation in the City of Rochester, New Hampshire, stating the time, date, and place of such hearing and a brief description of the location of the proposed site development to be reviewed and for which application has been duly made. The publication of such notice shall be not less than 5 days prior to the date fixed for the hearing. The cost of any such publication or posting of notice and the cost of mailing notice of the hearing shall be paid by the applicant prior to the hearing.

**Consent Calendar.** Any application which, in the judgment of the Planning Board Chairman or the Planning Department, represents a simple, straightforward matter may be placed on the Consent Calendar (or Consent Agenda) section of the agenda for a recommended Planning Board action. All items appearing on the Consent Calendar of any meeting may collectively be passed by a majority vote of the Planning Board. No item shall remain on the Consent Calendar if any member of the Board for any reason requests that the particular item be removed there from. Any item removed from the Consent Calendar shall be taken up separately on the agenda under Other Business unless the Board votes to consider it elsewhere on the agenda.

**(D) FINAL SITE CERTIFICATION** - Upon approval by the Planning Board of a site review development, certification will be executed when the applicant files four copies, one of which will be a mylar, of the final site development plan in the Planning Board Office for signing by the Chairman of the Planning Board or his designee. Where an applicant is required by the Planning Board, as a condition of its approval, to file a performance bond or escrow agreement, it shall be posted prior to the start of construction of any improvement or the issuance of a building permit. Such bond or escrow agreement shall be executed on forms provided by the Planning Board Office and shall be certified as to their sufficiency by the City Attorney.

**(E) STATUE OF LIMITATIONS** - Planning Board approval shall be valid for one year from the date of said approval. If a building permit has not been issued and substantially acted upon within such time limit then said approval shall become automatically null and void.

**(F) REVIEW OF APPLICATIONS BY CITY CONSULTANT** - Projects submitted to the Planning Board may be referred to the City's development review (engineering/planning) consultant in accordance with the following procedures: [8]

- (1) The Planning Board shall determine which projects will be sent to the consultant for review.
- (2) The City Engineer shall forward his recommendation to the board for consideration of whether particular projects should be sent to the consultant.

- (3) Generally, applications will be sent to the consultant at the point that the application is complete or considered virtually complete.
- (4) When submitting complete sets of drawings, the applicant shall also be responsible for preparing an extra set of drawings and other necessary materials for the consultant. The applicant shall coordinate with the City Engineer for delivering the drawings and other materials to the consultant.
- (5) Once the full set of drawings and other materials are submitted to the consultant, the consultant will conduct an engineering review. When appropriate, the consultant will also review the application for completeness, using the Planning Department checklist, and evaluate the application for conformance with the City's regulations and general planning objectives. In each case, the Planning Board shall determine the extent of the review.
- (6) The applicant shall be responsible for responding to the consultant's concerns either directly or through the City Engineer, as deemed appropriate by the City Engineer, except in cases where the Planning Board stipulates a particular procedure.
- (7) An executive summary of the consultant's reports/comments shall be forwarded to the Planning Board upon the board's request.
- (8) At the time the application is considered for acceptance for completeness, an escrow deposit acceptable to the City must be made to cover the projected costs of the consultant's review. In addition, a signed form or other acceptable written statement must be submitted by the applicant agreeing to pay for all of these costs.
- (9) A standard schedule of projected fees will be developed by the City Engineer in coordination with the consultant. This schedule will be used to determine the amount to be submitted by the applicant at the acceptance stage; however, the amount may be adjusted upward or downward depending on the particular project.
- (10) The consultant is expected to track costs incurred in reviewing the project. If it is anticipated that the costs for the review will exceed the initial estimate, then the consultant will notify the City that additional funds are needed. If sufficient funds/guarantees are not paid/established, the review by the consultant may be suspended at the reasonable discretion of the City until the funds/guarantees are in place. Alternatively, additional funds may be required as a precedent condition at the time of project approval.
- (11) All payments from the applicant shall be to the City of Rochester. The City will in turn reimburse/pay the consulting engineer accordingly. It is emphasized that the consultant is under contract with, and working for, the City of Rochester.
- (12) Upon completion of a project, then any extra funds remaining will be returned to the applicant.

### **SECTION 3 - SPECIAL SITE REVIEW COMMITTEE** [11]

**3.1 Establishment** In accordance with RSA 674:43 III and by resolution of the Rochester City Council dated October 3, 1990, a Special Site Review Committee is hereby established to review and act upon minor site plans (as defined in Section 3.5 below).

**3.2 Membership** The Special Site Review Committee shall consist of the Director of Planning and Development, who shall act as Chairman, the Building Inspector, the City Engineer, and one member of the Planning Board appointed by the Board chair.

**3.3 Committee Actions** Submission of minor site plan applications shall comply with the requirements for applications contain in Section 2 above. For items, which do not apply, an applicant may request a waiver as outlined in Article III, Section 3, of these regulations. Upon receipt of a minor site plan application, the Committee shall notify the applicant, abutters, and Planning Board at least ten (10) days prior to the date at which the Committee shall review the application. Notification shall indicate that the plan will be available for inspection in the Planning and Development Office prior to the date on which the Committee will review the plan. No formal public hearing will be held; however, any abutter may be heard on an application upon request. The Committee shall act to approve or disapprove within sixty (60) days after submission of a completed application (as defined in Section 2 above) unless the time for action shall be extended, or waived by the applicant, in accordance with RSA 676:4 I (f). A decision of the Committee may be appealed to the full Planning Board, so long as a notice of appeal is filed within twenty (20) days of the Committee's decision.

Any member of the Board may request Planning Board review. Where necessary for proper evaluation of minor site plan, the Committee may submit the plan for technical review by the City Departments.

**3.4 Certification** Upon approval of a site plan by the Committee, certification will be executed when the applicant files in the Office of the Planning Board:

1. Five copies, (22 inches by 34 inches), black or blue-line, of the final site plan for signing by the Chairman or his designee;
2. Where required, a performance bond, irrevocable letter of credit, or escrow account, in a form satisfactory to the City Solicitor and in an amount established by the Committee;
3. All formal legal instruments where required in these regulation such as deeds, easements and irrevocable offers of dedication to the public of all streets, utilities and parks, in a form approved by the City Solicitor.

**3.5 Minor Site Plans** Minor site plans shall include the following types of development:

1. Multi-family of three (3) to five (5) dwelling units;
2. Conversion and/or reuse of an existing structure to a use in conformance with the Zoning Ordinance and which requires no building additions or site changes;

3. Parking areas of ten (10) spaces or less;
4. Building additions of one thousand (1,000) square feet (measured as total square footage over all floors, not as building footprint) or less which comply with all Zoning requirements and which require no changes in parking or utilities.
5. Any other proposed building or site change which the Director of Planning and Development (or his/her designee) reasonably determines:
  - a. is very small in scale and scope;
  - b. is fairly simple and straightforward;
  - c. will have no significant impact; and
  - d. is clearly consistent with the intent of this section

Other site plans shall not be considered minor and shall go through the full Planning Board review process. Any minor site plan which any member of the Committee believes has the potential for significant impact shall be referred to the full Planning Board for action.

#### **SECTION 4 - REQUIRED IMPROVEMENTS AND AGREEMENTS**

**(A) PERFORMANCE REQUIREMENTS** - All site improvements shall be constructed and/or installed within a period of time mutually agreed upon by the applicant and the Planning Board, unless such time is extended by written mutual consent of the Planning Board and the applicant. Such improvements will not be considered complete until officially approved by the Building Inspector and Commissioner of Public Works and accepted by the City Council, and such other federal, state, or local officials as may have jurisdiction. Building permits and certificates of occupancy (temporary or final) shall be issued by the Building Inspector only upon the receipt of written approval from the Commissioner of Public Works or such other cognizant officials necessary, and as appropriate, as to the adequacy of all required improvements servicing the subject parcel. In addition, a temporary certification of occupancy (good for up to 6 months) may be issued provided that, where applicable, all required roads and utilities servicing the subject parcel have been constructed or installed to such an improvement condition as to permit the City to provide the basic services of snow removal, rubbish collection, fire and police protection, and the like. Further, a final certificate of occupancy shall not be issued or provided until all required roads and utilities servicing the site have been constructed or installed in accordance with all city specifications. Construction activities and storage of building materials shall only be carried on in such a manner and at such times as shall render said activities not unduly objectionable to adjacent properties.

**(B) PERFORMANCE GUARANTEE** - The Planning Board may require a performance bond before any work commences on a site for all or each portion of the planned development that, if not properly completed, will have an adverse effect upon the development, adjoining properties, or will have a potential for erosion or pollution. **Where the Planning Board requires the posting of a performance bond or an escrow agreement to secure for the City the satisfactory construction and installation of required site improvements, said surety shall be in an amount determined by the Planning Board.** Construction and installation of required improvements must be satisfactorily executed within the imposed time constraints, or the application shall forfeit said surety, and it shall be used to complete or install said improvements in accordance with city specifications.

**(C) INSPECTION OF IMPROVEMENTS** - All required site improvements shall be subject to inspection by, and approval of, the Commissioner of Public Works, the Chief of the Fire Department, the Building Inspector, the Chief of Police, and such other federal, state, or local officials, as may have jurisdiction who shall be notified by the owner or applicant at least 72 hours prior to the start of construction. Inspections will be conducted by said officials or their designee following request by the developer. No underground installation shall be covered until inspection by the appropriate officials. Any improvements covered without inspection will be considered unacceptable.

**(D) AS-BUILT PLANS** – As-built plans (also called “record drawings”), accurately depicting details of all improvements to the site shall be submitted by the applicant to the Planning Department upon completion of the project, when required as a condition of approval. The plans shall include an electronic version and shall be submitted in accordance with City policy regarding quantity, size, format and any other plan related conditions. As-built plans must be stamped by a land surveyor or engineer licensed in New Hampshire. [14]

## **SECTION 5 - SITE DESIGN AND DEVELOPMENT CRITERIA**

**(A) SITE DEVELOPMENT PLAN** - In considering applications within the purview of these regulations, the Planning Board shall be guided by the standards and criteria contained herein. The site development plan shall embody or meet the following qualifications:

- (1) Be on a sheet size of 22 inches by 34 inches maximum.
- (2) The scale of said plan shall not be less than one inch equals 50 feet.
- (3) The original of said plan shall be on mylar, and there shall also be submitted three blue or black line prints of any such plan.
- (4) The plan shall bear the date, title, north point, and bar scale.
- (5) The plan shall contain the name and address of the developer and applicant.
- (6) The plan shall contain a location or vicinity sketch. (Suggested scale, 1 inch = 800 feet).
- (7) The following items are required on the site plan showing existing and proposed features as appropriate:
  - (a) A sketch of the site showing existing natural features including water courses and water bodies, seasonal wet areas, soil type, location of test borings, topographic contours and features, and other features which should be considered in the site design process. Consideration shall include the preservation and supplementation of existing dominant vegetation. Such plan shall indicate which of such features are to be retained and which are to be removed or altered.
  - (b) Plan view of all buildings with their use, size, location, and first floor elevation in respect to grade.

- (c) A standard elevation view of proposed buildings or structures indicating their shape, size, location, and height. [14]
- (d) The location, width, curbage, and paving of access ways egress ways, and streets within the site for both pedestrian and vehicular use.
- (e) The location of off-street parking and loading spaces with a layout of the parking indicated.
- (f) The size and proposed location of water mains and sanitary sewerage facilities with all necessary engineering data.
- (g) The size and location of all other existing public service connections including, without limitations, gas lines, power lines, telephone lines, and fire alarm connections and locations, indicating whether above or below ground.
- (h) The type, nature, and composition of all solid, liquid, and gaseous waste, industrial or otherwise, and the location, type, and design criteria of the storage and disposal facilities dealing with such waste.
- (i) The location, elevation, and layout of existing and proposed catch basins and other surface drainage features.
- (j) Existing and proposed contours and finished grade elevations as well as type, extent, and location of existing and proposed landscaping and open space areas which will be retained.
- (k) The location, size, and design of proposed signs and other advertising or instructional devices.
- (l) The location and type of lighting for outdoor facilities.
- (m) Lines of existing and proposed abutting streets showing width.
- (n) Surveyed property lines showing their bearing and distances and monument locations.
- (o) If subdivision is involved, then lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public or private use.
- (p) Existing use of abutting properties shall be identified with approximate location of any structures thereon including access roads.
- (q) A copy of any covenants or restrictions that are intended to cover all or a part of the land area to be developed.
- (r) Delineate existing zoning boundaries for the entire site and on abutting properties. [14]

- (s) Have affixed thereto the stamp and signature of either a New Hampshire licensed land surveyor, professional engineer, or architect responsible for said plan.
- (t) Statement from Building Inspector that site development use is in conformance with existing zoning ordinances and regulations.
- (u) Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development or project.

**(B) SITE DESIGN CRITERIA - DRAINAGE** - A written engineering report describing the impacted water shed area, projected runoff, and any projected downstream impact shall be required. Where it is determined by the Commissioner of Public Works that the additional runoff incident to the development of the projected site will overload an existing downstream drainage facility, the Planning Board may require the provision of water retarding facilities or other improvements to alleviate said problem. A parcel situated within the federally designated flood hazard zone, as per Flood Hazard Boundary Map H01-18, dated November 8, 1977, as amended, shall comply with all applicable federal regulations relating thereto. One hundred-year flood elevation line shall be included where applicable. No slope shall be created which results in a slope of more than two feet horizontal to one foot vertical unless proper retaining walls are proposed.

**(C) SITE DESIGN CRITERIA - UTILITIES** - Access ways, storage, and parking areas shall be graded and improved with pavements, curbs, gutters, sidewalks, storm drainage facilities, outdoor lighting, etc. Where non-domestic sanitary discharge is anticipated, such effluent shall be identified and comply with any and all federal, state, and local laws, ordinances, rules, and regulations, and where any such laws, ordinances, rules and regulations may overlap or may be inconsistent, the more stringent shall apply. All access shall be of sufficient width and configuration to accommodate the prospective traffic and to afford satisfactory access to police, fire fighting, and other such services. Whether or not a municipal water system is proposed, the following items must be specified:

- (1) Rated normal capacity and gallons per minute at prime use.
- (2) Rated maximum capacity and gallons per minute at prime use.
- (3) Residual pressure of proposed tap line.

**(D) REQUIRED PARKING SPACES**. Provision of on-site parking is an important component of site design. The amount of parking provided on a given site should be sufficient to eliminate a disproportionate demand for on-street parking or the need for improper parking outside of designated areas or on neighboring private parking lots. However, there should not be an excessive amount of parking provided on site such that land is wasted and unsightly expanses of pavement are created. The arrangement of parking lots should be safe and convenient for users and as attractive as practicable. \*The number of required spaces shall be as stated in the City of Rochester Zoning Ordinance. This section (D) shall not apply until such time as the parking requirements may be removed from the zoning ordinance. However, in cases where the applicant proposes more spaces than required under the Zoning Ordinance, the Planning Board may stipulate a reduction in that number of spaces (provided it is still in compliance with the Zoning Ordinance) where it determines that the amount proposed is excessive. [14]

- (1) Number of spaces. Except within the Special Downtown District, each site shall provide at least the minimum number of parking spaces for the site, determined as the sum of the spaces needed for each use on the site, as follows:
- (a) Residential Use: 2 spaces per unit; except 1 space per unit for elderly housing or an accessory apartment.
  - (b) Retail Sales or Service Use: 1 space per 200 square feet of gross floor area. Note that some uses such as automobile dealerships or furniture stores generate a significantly lower demand for parking and may be adjusted appropriately by the Planning Board in accordance with Reduction in Parking Spaces, below.
  - (c) Office: 1 space per 250 square feet of gross floor area.
  - (d) Restaurant (excluding Fast-Food Restaurant): 1 space per 3 seats.
  - (e) Fast-Food Restaurant: 1 space per 2 seats.
  - (f) Lounge Establishment: 1 space per 2 seats.
  - (g) Lodging: 1 space per sleeping room plus 1 space per 3 employees on the maximum shift.
  - (h) Public Gathering Space: 1 space per 4 seats, or 1 space per 200 square feet of gross floor area, whichever is more.
  - (i) Industrial Use: 1 space per 600 square feet of gross floor area, or 1 space per employee on the maximum shift, whichever is more.
  - (j) Automobile and Truck Service Station: 4 spaces per service bay.
  - (k) Hospital, Convalescent Home, or Rest Home: 1 space per 2 beds.
  - (l) Shopping Center: 1 space per 200 square feet of gross leasable area.
  - (m) Warehouse or Storage Facility: 1 space per 800 square feet of gross floor area.
  - (n) Funeral Home: 1 space for each four seats in the chapel or parlor plus 1 space for every 2 employees on the maximum shift.
  - (o) Private Recreation Facility: 1 space per 400 square feet of gross floor area.
  - (p) Child Day Care Facility: 1 space per 5 children.
  - (q) Outdoor recreational facility: 2 spaces per tennis court, 3 spaces per half court basketball court, 4 spaces per acre of open space or ball fields or pro rata portion thereof.

- (r) Other use not listed above: closest similar use as determined by the Planning Board or number of spaces as reasonably determined by the Board where there is no comparable use listed.
- (2) Reduction in Number of Spaces. A waiver may be granted for a reduction in the number of required on site parking spaces in accordance with an approved parking plan presented by the applicant (see Parking Plan, below). Requests for waivers will be rigorously reviewed to assure there will be no significant adverse impacts.
- (3) Special Downtown District. The Special Downtown Overlay District is exempt from (4) Parking Plan.
- (4) Parking Plan. A parking plan may be submitted for projects as part of a request for a waiver in the number of required on site spaces (stipulated above). A parking plan may include consideration of any of the following:
  - (a) Designation of overflow parking area(s) on site whether paved or not;
  - (b) An alternative method of projecting parking demand.
  - (c) Provision of secured long term off-site parking spaces as close as possible to the site. Outside of the Special Downtown area pedestrians are generally not willing to walk nearly as far. Consideration will be given to the method of securing spaces and its long-term reliability (e.g. deeded vs. leased spaces).
  - (d) Availability of, access to, and distance from, unsecured parking spaces in public and private parking facilities.
  - (e) Some use of on street parking may be considered where it is determined that there is present and projected excess parking capacity on nearby streets. (As a guide see Parking by Robert Weant and Herbert Levinson, ENO Foundation for Transportation, Westport, CT, 1990.)
  - (f) Patronage by, and efforts to enhance patronage by, pedestrians, bicyclists, and persons using public transportation.
  - (g) Shared Parking. Different uses in close proximity to one another can utilize the same parking facilities effectively when their peak parking generation occurs at different times of day, on different days of the week, or during different seasons thereby reducing the overall number of spaces needed. Shared parking is encouraged where practicable, and may be required by the Board where appropriate. Shared parking may involve multiple uses on a single lot or on two or more lots, provided that the parking facility is in close proximity to the users. Appropriate measures shall be taken to provide for legal share use. (As a guide see Shared Parking Urban Land Institute. Washington, DC, 1990).
  - (h) Any other appropriate approach.

(5) Evaluating Parking Plans. The Planning Board will consider the following in reviewing parking plans:

- (a) The accuracy, reliability, and workability of the plan.
- (b) The potential for traffic hazards, disorderly parking patterns, excessive use of on-street parking, and improper parking on neighboring property if insufficient on site facilities results in parking outside of designated areas
- (c) The character of the site, the proposed use, the neighboring land uses, the adjacent roads, and the local circulation pattern.
- (d) Whether the proposal would truly better serve the public interest and the needs of the applicant.

(E) **TECHNICAL ADJUSTMENTS.** The Planning Board may make reasonable adjustments in technical provisions herein (such as the size or material of a pipe) based upon all of the following: a) the affirmative recommendation of the City Engineer or Director of Public Works; b) a finding that the alternative approach is comparable or superior to the existing provision; and c) a finding that the existing provision may not be consistent with updated City policy or that current engineering practice and technologies support the change. [14]

## **SECTION 6 - PHYSICAL ARRANGEMENT**

(A) **VEHICLE ACCESS** To ensure safety on and off the site and to preserve the capacity of the road network, the following shall apply: [2]

- (1) Access points. There shall be no more than two access points onto one public road. Within the R1 and R2 districts there shall be no more than one access point onto a public road. Where it is deemed practicable and useful on collector and arterial roads only one access point on a site or a shared driveway between sites may be stipulated by the Planning Board to reduce conflict points and disruptions to traffic flow. At congested locations, every reasonable effort shall be made to consolidate existing and proposed access points on individual sites and across multiple sites.
- (2) Driveway connections. Where it is deemed practicable and useful parking lot and driveway connections from one nonresidential site to an adjoining nonresidential site may be required by the Planning Board in order to allow for direct access between sites. Accordingly, where an adjacent lot is vacant a stub out to the property line may be required to accommodate future connection.
- (3) For shared driveways and parking lot/driveway connections cross-easements shall be recorded at the Registry of Deeds.
- (4) Access points shall not be located within fifty (50) feet of the point of intersection of the curb lines (or edge of pavement where no curb exists) of intersecting streets.

(B) **DRIVEWAY DESIGN AND CIRCULATION** New and altered driveways shall comply with the following: [2]

- (1) Driveway widths and right-turn radii shall generally comply with the standards set forth in the Transportation and Traffic Engineering Handbook (Second Edition, Institute of Transportation Engineers, Prentice-Hall, Englewood Cliffs, NJ, 1982, pages 621-3), however driveway widths should generally not exceed 25 feet (excluding turning radii) unless the applicant demonstrates that larger widths are necessary in order to accommodate: (1) oversized vehicles which commonly visit the site; (2) more than one ingress or egress lane due to large traffic volumes; or (3) other road constraints. With reference to the handbook, development within the Special Downtown District may be deemed "high-pedestrian-activity areas" for purposes of curve and width determinations.
- (2) To the extent practicable access points on collector and arterial roads shall not be located closer than 100 feet from one another.
- (3) Curbing. Where curbing is appropriate within the road right-of-way due to drainage, road structure, presence of sidewalks, continuity of existing curbing, or other considerations only granite curbing shall be used. Concrete or bituminous curbing or other types of curbing shall not be installed within the right-of-way. Where appropriate granite curbing shall be installed along the frontage of the site within the right-of-way and along the turning radii at access points. Curbing or other means of articulation may be required along the driveway to improve safety and circulation efficiency. Use of granite curbing on the site is encouraged.
- (4) Stopping Sight Distance. Driveways shall have an all-season stopping sight distance in accordance with RSA 236:13 III (b) and (c) and as recommended in the Transportation and Traffic Engineering Handbook (Second Edition, Institute of Transportation Engineers, Prentice-Hall, Englewood Cliffs, NJ, 1982, pages 590-3) unless the Planning Board determines that a lesser distance (than that recommended in the handbook) is appropriate.
- (5) All access shall be of sufficient width and configuration to accommodate the prospective traffic and to afford satisfactory access into and through the site for police, fire, and other emergency services.
- (6) Other than within parking lots (discussed elsewhere herein) one-way access ways shall be a minimum of 11 feet in width and two-way access ways shall be a minimum of 20 feet in width.

**(C) TRAFFIC IMPACT.** No project expected to cause a significant reduction in the level of service of affected public roads will be approved. Mitigation measures shall be provided as needed. The Planning Board may require the applicant to pay his proportional share of larger, long-term improvements needed to serve the site and the area. [2]

**(D) PARKING LOT DESIGN** [2]

- (1) Dimensional Requirements. Parking stalls and aisle widths shall comply with the following:
  - (a) Stall size:
    - (i) For parking stalls angled 45 to 90 degrees to the traffic aisle, the stall shall be able to fully contain a rectangle, which is 9' wide by 18' long.

(ii) For parking stalls oriented parallel to the traffic aisle (i.e. parallel parking), the stall shall be 8' wide by 22' long.

(b) Minimum aisle width shall be related to the angle of the parking spaces, as follows:

<u>Angle: Parking to Aisle</u>	<u>One Way Circulation Minimum Aisle Width</u>	<u>Two Way Circulation Minimum Aisle Width</u>
45 degrees	16'	20'
60 degrees	18'	20'
90 degrees	22'	22'

(2) Traffic Circulation. The parking lot design shall be such that:

- (a) There is safe and adequate traffic circulation;
- (b) All parking spaces can be safely accessed from the aisles, with particular attention paid to ensure that spaces near the end of an aisle have sufficient room for backing and turning;
- (c) Cars will not back into a road (particularly on arterials and major collectors) unless there is no practicable design alternative;
- (d) Entrances and exits provide some channelizing storage space so that when cars enter the lot queues in the road will not result.

(3) ADA Compliance. Provisions shall be made to ensure that parking lots are in compliance with the Americans With Disabilities Act of 1990 (ADA).

- (a) Wheelchair Accessible Parking Spaces. All sites which provide on-site parking shall provide wheelchair accessible parking spaces and accompanying access aisles as specified herein (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).
- (b) The following numbers of wheelchair accessible parking spaces are required. For larger lots, refer to the Federal Register for requirements.

<u>Total Parking Spaces</u>	<u>Minimum # Required</u>
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

(c) At least one in every eight wheelchair accessible spaces shall be designated as "van accessible", or as otherwise provided for in ADA.

- (d) Each wheelchair accessible space shall be identified with appropriate pavement marking and a sign. For van accessible spaces signage shall indicate that they are van accessible. Signs shall be mounted such that they are not obscured by other parked vehicles.
- (e) Handicap parking stalls shall be large enough to fully contain a rectangle 8' wide by 20' long. Parked vehicle overhangs shall not reduce the clear width of an accessible route. All handicap parking spaces shall be served by a parallel access aisle, which shall be a minimum of 5' wide for standard handicap spaces, and 8' wide for van accessible spaces. Adjacent spaces may share an access aisle.
- (f) Access aisles adjoining wheelchair accessible parking spaces shall be paved flush to the ground, and the pavement shall extend all the way to the nearest wheelchair accessible entrance. Such parking spaces shall be located in close proximity to wheelchair accessible entrances. Wherever practicable, the main entrance shall be wheelchair accessible.
- (g) The slope of wheelchair accessible parking spaces and adjoining access aisles shall not exceed one foot of rise per 50 feet of run.
- (h) Curb ramps shall be provided as necessary.
- (i) Where appropriate, wheelchair ramps shall be provided, with a slope not exceeding one foot of rise per 12 feet of run.
- (j) It is recommended, though not required, that a drop-off area be located at wheelchair accessible entrances.

(4) Other requirements

- (a) Curbing or other means shall be provided as needed to control traffic and to direct drainage.
- (b) Adequate directional signage shall be provided. The Manual on Uniform Traffic Control Devices for Streets and Highways, 1978 by NH Department of Transportation shall be used as a guide.
- (c) Parking lots, driveways and aisles shall be paved. When requested, granting a waiver may be appropriate for developments, which generate little parking and traffic, developments in rural areas, and low usage overflow parking areas.

(5) Mitigating the impacts of parking lots

- (a) A minimum percentage of the overall area of a parking lot (as measured by the exterior perimeter) shall be dedicated to landscaped areas with ground cover, shrubbery, and trees, as appropriate, as follows:
  - (i) 15% on parking lots located in front of the principal building or on otherwise vacant lots (except for iv, below).

- (ii) 10% on parking lots located on the side of the principal building, set back from the front boundary line at least even with the front of the principal building.
- (iii) 5% on parking lots, which are located at the rear of the principal building and largely obscured from the road.
- (iv) 20% on vacant lots located in the core, pedestrian oriented areas of the Special Downtown District.

All landscaped areas shall be protected from encroachment by vehicles by curbing, landscaping timbers, curb stops, or other acceptable means.

- (b) All off-street parking areas located at the front or side of principal buildings or on vacant lots shall be screened from the road with shrubbery, walls, fences, berms, a change in grade, or a combination thereof to provide at least 50% vertical opacity on average up to a height of 3-1/2 feet above grade, excluding site triangles at vehicular entrances and exits. If vegetation is used a hedge should be planted which is reasonably expected to reach this opacity and height within three years. If non-vegetative materials are used, appropriate ground cover, shrubs, and trees shall be planted (or retained) within the front area to soften the development.
- (c) Screening from Residences. All off-street parking areas shall be screened from abutting residences or vacant lots in residential zoning districts (R1, R2, and A) located at the side or rear of the property with a wall, fence, vegetation or other means which provides at least 90% vertical opacity up to a height of six (6) feet above grade. If vegetation is used a hedge should be planted which is reasonably expected to reach this opacity and height within three years (see SCREENING for nonresidential development, in general, below).
- (d) All parking lots and parking areas shall be set back from the front lot line a minimum of 15 feet and from the side lot line a minimum of 10 feet.
- (e) Within the Special Downtown District parking lots shall be located at the rear of principal buildings unless the Planning Board determines that placement at the rear is not practicable, in which case parking lots may be located at the side of principal buildings set back at least as far as the front of the building or 15 feet whichever is greater. Parking lots within the Special Downtown District shall in no case be located closer to the road than the front facade of the principal building.

**(E) LOADING**. All non-residential sites shall provide off-street loading facilities sufficient to meet the needs of the use. The loading facility shall be located and designed so that delivery vehicles can be parked completely out of the right-of-way to minimize adverse impacts on traffic flow on adjacent streets. The loading area shall not obstruct on-site traffic flow, but may allow for temporary alternative use of a reasonable number of on-site parking spaces. Loading areas shall be located on the side or rear of the building. All loading areas shall be screened from abutting residences. [2]

**(F) PEDESTRIAN, BICYCLE AND TRANSIT ACCOMMODATIONS.** Adequate provisions shall be made to accommodate pedestrians, bicyclists and users of public transportation (or "transit"), as follows: [2]

- (1) Pedestrians. All sites shall have sidewalks extending from the main entrance to the sidewalk and to parking areas, as applicable. In large parking lots with multiple aisles, driving aisles shall generally be oriented perpendicular to the building to reduce the number of traffic aisles that pedestrians must cross to reach the building. Sidewalks within parking areas may be required, where appropriate.
- (2) Bicycles. The City encourages bicycling to reduce auto emissions and reduce congestion. All sites shall provide lockable bicycle storage facilities, if stipulated by the Planning Board. The number of bicycles which must be accommodated shall be at least 5% of the number of required on site parking spaces stipulated in D (1), above, or two, whichever is greater. (Provision of this facility shall not necessarily, in and of itself, constitute a reason for granting a waiver in the number of required spaces under Parking Plan, above.) [14]
- (3) Transit. The City encourages use of public transportation to reduce auto emissions and congestion and to enhance mobility of all people. Where a transit stop is located within 500 feet of the site, the Planning Board may grant a 10% reduction in the required number of on-site parking.

**(G) SCREENING.** All nonresidential uses shall be appropriately screened from abutting residences or vacant lots in residential zoning districts (R1, R2, or A) located at the side or rear of the property with a wall, fence, vegetation or other means which provides at least 70% vertical opacity up to a height of six (6) feet above grade. If vegetation is used a hedge should be planted which is reasonably expected to reach this opacity and height within three years. (90% opacity is required for parking lots; see Screening from Residences, above). [2]

**(H) LANDSCAPING AND BUFFERS** [2]

- (1) Service, storage, and utility areas shall be located at the side or rear of buildings and shall be screened by walls, fences, berms, vegetation, or other suitable materials. Utility elements situated on a roof shall be adequately screened.
- (2) There shall be no paving, parking, storage, or driveways (except for access driveways located in the front buffer area roughly perpendicular to the front property line) located within the 15 feet of the front property line nor 10 feet of the side property line. These areas shall be maintained as landscaped buffer areas except when buildings are located closer to the property lines within the Special Downtown District.
- (3) A minimum of 25% of the total land area of any development site shall remain in its natural state or be maintained as landscaped area. The landscaping plan shall specify appropriate materials to be planted including ground covers, shrubbery, and trees, to be approved by the Planning Board. Those properties located within the Special Downtown Overlay District are exempt from this provision.

**(I) OUTDOOR LIGHTING** [6]

- (1) Purpose

Inappropriate, poorly designed, and excessive outdoor lighting causes glare and unsafe driving conditions; adversely impacts effectiveness of lighting on adjacent properties; depresses quiet enjoyment of neighboring residential property; hampers citizens' ability to enjoy the nighttime sky ("sky glow"); and results in unnecessary use of electric power.

The purpose of these regulations is to avoid these negative impacts and to promote high quality, effective lighting designs.

(2) Applicability

The following lighting plans must be approved by the Planning Board:

- (a) lighting plans that are part of a site plan proposal; and
- (b) any significant modifications or increases to existing lighting for existing developments, even if no other changes are proposed to those developments, where those existing developments would be subject to site plan review

(3) Definitions

- (a) Cone of Illumination. A regular conical shaped volume situated directly below, and centered upon, a light fixture. The sides of the cone radiate out from the fixture at an angle of 80 degrees from the vertical. For wall mounted fixtures, the cone of illumination is a half cone.
- (b) Cut-off fixture. A type of fixture as defined by the Illuminating Engineering Society of North America. The standards are incorporated herein.
- (c) Floodlight. A light fixture which is positioned or designed to concentrate substantial light, often in a single beam, in a direction other than directly downward.
- (d) Footcandle. The measure of light falling on a particular surface. One footcandle equals the amount of light generated by one candle shining on a one square foot surface one foot away.
- (e) Glare. Light emitted from a fixture with sufficient intensity and in a direction such that it impairs a viewer's ability to see. In extreme cases it causes momentary blindness.
- (f) Light trespass. The shining of light beyond the subject property boundary.

(4) Submission materials

The applicant shall submit the following information for any proposal subject to these regulations:

- (a) A site plan drawn to scale showing buildings, landscaping, parking areas, and all proposed outdoor lighting fixtures.
- (b) Specifications for each fixture including mounting height of fixtures, wattage, type of lamp (high pressure sodium, metal halide, etc.), and a detail drawing of the fixture.
- (c) A photometric layout showing a numerical grid (or "contours") of lighting levels in footcandles on the ground. Submission of a photometric layout will not be required

for small, simple, or low level lighting installations where the plan would clearly conform with the intensity requirements herein.

(5) Standards

- (a) Design. Lighting plans should be designed to enhance the attractiveness, usability, comfort, and security of a site. Plans should be designed with due consideration of setting, use, architecture, landscaping, existing trees, neighboring properties, and the character of the adjacent roadway.
- (b) Glare. All exterior lights shall be designed, located, installed, and directed in such a manner so as to prevent glare and objectionable light trespass.
- (c) Shielding. All lights, including those placed on building walls (i.e. wall-packs), shall be fully shielded such that the light source can not be seen directly from any point on the same horizontal plane as the light source (i.e. "cut-off fixtures"). No more than 10% of the total light output (lumens) from any fixture may be directed above the cone of illumination and no more than 2.5% of the total output may be directed above the horizontal plane even with the fixture.
- (d) Maximum illuminance. Horizontal illuminance on the ground shall not exceed the following: 5 footcandles in the Residence and Agricultural zoning districts, 10 footcandles in the Special Downtown and Hospital Districts, and 15 footcandles in the Business and Industrial districts (except for gasoline station canopies, below).
- (e) Property line. Horizontal illuminance at the property line may not exceed ½ foot-candle adjacent to a residential property nor 1 foot-candle adjacent to a nonresidential property. This limitation does not apply in the vicinity of driveway entrances and exits.
- (f) Mounting heights. Light poles shall not exceed the following heights, measured from the ground to the bottom of the light fixture: 15 feet in the Residence and Agricultural zoning districts, 20 feet in the Special Downtown and Hospital Districts, and 25 feet in the Business and Industrial districts (though use of shorter poles is encouraged).
- (g) Gas station canopies. Light levels directly under a gas station canopy shall not exceed 25 footcandles. Light fixtures mounted under canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy. There shall be no lighting attached to the sides or top of the canopy, nor may the sides or top of the canopy be illuminated.
- (h) Vertical lighting. Exterior lighting of buildings is discouraged except for highlighting of exceptional architecture. Illumination of any vertical surface, including building walls, shall not exceed 4 footcandles.
- (i) Floodlighting. Floodlighting is prohibited, unless a) lights are directed toward the rear of a lot and away from the road and neighboring properties, and b) the Planning Board determines that there will be no negative impact upon motorists and neighboring properties.

- (j) Flashing lights. Flashing, blinking, and moving lights clearly intended to attract attention to a commercial operation are prohibited.
- (k) Timing of lights. The Planning Board may stipulate that all unnecessary lighting (i.e. lighting not used for security) be turned off outside of business hours. Use of timers, sensors, and other energy saving devices is strongly encouraged.
- (l) Wiring. Wiring for all fixtures must be placed underground.
- (m) Decorative lighting. Notwithstanding the shielding requirement, above, the Planning Board may approve an alternative to the cut-off fixture for special architectural or decorative lighting provided such installations are pedestrian oriented, do not exceed 15 feet in height, and do not exceed 100 watts per fixture.
- (n) Holiday lighting. Holiday lighting during the months of November, December, and January is exempt from these regulations provided the lighting is clearly consistent with light levels of conventional holiday lighting and does not cause hazardous glare on adjacent streets or objectionable conditions on neighboring properties, as reasonably determined by the Planning Department.
- (o) Sports lighting. The Planning Board may waive certain requirements herein in the special case of sports lighting, at its reasonable discretion. However, the board shall review such applications to ensure minimal impact upon passing motorists and neighboring properties.
- (p) Correcting problems. Various methods may be used to mitigate existing lighting problems including installing shields, reducing wattage, changing the lens, redirecting light, changing the lamp type, and darkening the lens.
- (q) Lamp type. In situations where accurate color rendering is desirable, the use of metal halide lamps (or color corrected high pressure sodium) is recommended.
- (r) Grandfathering. All lighting installations lawfully in place prior to the date of these regulations shall be grandfathered. However, any significant changes to such existing installations shall be brought into conformity to the extent practical.

## **SECTION 7 – ARCHITECTURAL DESIGN** [5]

### Subsections

A- Findings

B- Purpose

C- Adoption

D- Applicability

E- Various Sections of the City

F- General Guidelines

G- Elements of Design

H- Particular Buildings Types and Components

I- Process

Appendix - Definitions

## **(A) FINDINGS**

The City of Rochester Planning Board finds that:

- (1) Our city contains three historic downtown areas, myriad attractive residential neighborhoods, beautiful rural landscape replete with unique natural and cultural resources, an excellent architectural tradition, a colorful history, and much visual appeal.
- (2) Preserving and enhancing these features is integral to maintaining the character and identity of our community.
- (3) Building designs which are indifferent to the traditions of our city and region, aggressively seek the attention of passing motorists, do not consider the quality of the pedestrian environment, or are erected at the lowest possible cost without due concern for aesthetics harm the character of our community, depress property values, and impair our quality of life.
- (4) While subjectivity and judgment is invariably part of reviewing architectural designs there are universal principles of good design.
- (5) Well-crafted design standards can promote building design that is functional, economical, attractive, and harmonious. Quality development and sustainable economic development are not mutually exclusive; rather, they are interdependent.

## **(B) PURPOSE**

The purpose of the Architectural Design Regulations is to:

- (1) Provide for high quality architecture that respects universal design principles, enhances the appearance of Rochester, reinforces pedestrian character where appropriate, and is sensitive to neighboring buildings, the broader setting, and natural and cultural resources.
- (2) Protect and enhance the positive visual qualities of Rochester's downtowns, residential neighborhoods, commercial corridors, industrial parks, and scenic and rural landscapes.
- (3) Encourage design, which is compatible with the traditional character of Rochester and New England.
- (4) Enhance property values and foster civic pride.
- (5) Minimize potential aesthetic conflicts between residential and nonresidential uses and between single family and multifamily uses.

Adherence to these standards should not be burdensome and they are by no means intended to stifle creativity or variety. On the contrary, the standards will likely encourage more thoughtful approaches to building design than often seen in recent years. There is much flexibility embodied in the regulations and many ways of meeting the objectives. It is hoped that they will serve as useful guidelines for design professionals and applicants seeking to produce quality designs respectful of place and context.

## **(C) ADOPTION**

This section is adopted pursuant to the City of Rochester Land Use Plan and New Hampshire Revised Statutes Annotated sections 674:21 (Innovative Land Use Controls) and 674:44 (Site Plan Review Regulations).

#### **(D) APPLICABILITY**

Architectural design review is required as part of Site Plan Review for all nonresidential structures and for all residential structures where the total number of dwelling units, whether in one or more structures, in one development exceeds four (however, in no event would single family properties be subject to review). This includes all new construction, building additions, and alterations to buildings if those alterations would significantly affect the exterior appearance of the building. Design review is required only for building elevations and portions of structures that would be visible from a public street or path or from neighboring residential properties. All applicable development must conform with these regulations as reasonably interpreted and applied by the Planning Board.

Architectural design review is not conducted for development related to single family or two family structures, routine repair or maintenance of structures, any work on the interior of a building, any existing structures for which no exterior alterations are proposed, and modifications solely for the purpose of providing safe means of egress or access in order to meet requirements of the Code Enforcement Department.

#### **(E) VARIOUS SECTIONS OF THE CITY**

Various sections of the City differ from one another in character and in appropriate treatment. The following sections are listed in order, generally, from the most sensitive to the least sensitive section.

- (1) Downtowns. The three downtown areas (downtown, East Rochester, and Gonic) are highly sensitive because of the importance and challenge of maintaining a pleasing pedestrian environment. The most intensive area of downtown is the one block section of North Main Street between Wakefield and Union Street. As one moves closer to the core areas traditionally the buildings are taller, closer to the sidewalk, built of more substantial materials, and more elaborate in design and detailing.
- (2) Existing residential neighborhoods. These areas are sensitive because some older neighborhoods that are zoned for mixed use have been harmed by incompatible multifamily - and in some cases nonresidential - development. New development should blend in with the traditional character of these neighborhoods in order not to diminish property values and the small-scale pedestrian nature of these areas.
- (3) New residential areas. These areas are not as sensitive as existing neighborhoods in which existing residents could be vulnerable to new development over which they have little control. New residents have a choice whether or not to locate in these developments. Nonetheless, careful consideration of designs is important to enhance quality of life for new residents.
- (4) Development in a rural setting. These areas (such as along Pickering Road and including other roads identified as scenic roads in the Transportation Master Plan) are sensitive due

to the potential impact upon scenic views, recreation areas, historic properties, and cultural resources.

- (5) Intensive commercial corridors. It is important to enhance the quality of commercial development along these corridors (such as Routes 11 and 125). Many serve as gateways to the city, carry high levels of traffic, and are the most prominent areas of the city. On the other hand, an intensive automobile oriented and big box/small box character is already established in many areas. Thus, while we seek to enhance the visual experience along these corridors there are generally fewer sensitive resources vulnerable to this type of development.
- (6) Industrial park type settings. We seek to enhance the quality of our industrial parks (such as Airport Drive and Industrial Way). However, because these are located on dead end streets with almost no incidental traffic and with few vulnerable existing visual resources they are less sensitive.

**(F) GENERAL GUIDELINES**. An application is considered to meet the design requirements of the Architectural Design Regulations herein if the Planning Board, in its judgment, determines that the application overall demonstrates reasonable conformity with the Purpose, above, the General Guidelines, that follow, and Elements of Design in the next subsection.

- (1) Recognizing that every property, every proposal, and every situation is unique the Planning Board may waive, modify, or soften any of the standards herein as it reasonably deems appropriate, based upon the individual circumstances of any application. No particular architectural style is stipulated and innovative, contemporary, and distinctive designs are encouraged, provided they are respectful of general design principles and context.
- (2) Buildings should be compatible with traditional New England architecture. They should be articulated to express an architectural identity and ideally will be handsome and dignified.
- (3) While the use of a traditional architectural vocabulary (gables, porticos, beltcourses, etc.) is desirable, designers are encouraged to use this vocabulary in an original manner that reads as contemporary.
- (4) It is recognized that many national and regional chain businesses seek to build a standard design across the country or region without regard to local conditions. However, the Planning Board will evaluate all proposed designs for their compatibility with our own local community character and for conformance with the goals of these regulations. It shall be the obligation of the applicants to develop designs that are compatible with our community character; the City need not make adjustments to accommodate these template designs.
- (5) Use of false or partial mansard roofs, unconventionally shaped roofs, overly bright colors, disproportionately sized building elements, crudeness of features, or a general a plastic feel of the building, is not appropriate.
- (6) Buildings should possess an overall integrity. Architectural details should not give the impression of being tacked on but rather should be integral to the overall design. (For example, use of undersized shutters on a picture window or installation of an elaborate

classical portico or cupola on an otherwise clearly utilitarian, a big box would be discouraged.)

- (7) Generally, the less visible or prominent a structure or facade is the lower the level of standards will be. For example, less strict review is in order for a building located a good distance from the road or for one that is partly obscured by another structure.
- (8) While it cannot be required under these regulations the reuse of existing structures that have special architectural, historical, cultural, or contextual value by the applicant is strongly encouraged.
- (9) Modifications and additions to existing buildings should be harmonious with the character of the existing building when the existing building would reasonably be considered to be in general conformance with the goals of these regulations.
- (10) Building design should blend with other features of the site - signage, landscaping, lighting, fencing, outbuildings, etc. - to the extent practical.

**(G) ELEMENTS OF DESIGN.** Proposed designs should be harmonious with neighboring structures that have a visual relationship with the subject building in terms of mass, width, height, proportion, spacing, setback, and all of the other elements of design discussed below *when those neighboring structures* would reasonably be considered to be in general conformance with the goals of these regulations. This is particularly applicable to older buildings located in downtown areas and residential neighborhoods.

- (1) Sitting of building.** To the extent practical, structures should be located and configured in a visually harmonious manner in keeping with the terrain and vegetation and should not impede scenic views.

Most buildings are oriented parallel or perpendicular to the street. This pattern reinforces the streetscape. Buildings should not be oriented at odd angles to the street unless this is already the prevailing pattern in the area or if it is dictated by strong topographic or site considerations.

- (2) Scale.** Every effort should be made to provide an appropriate scale to new buildings both in their overall size and in their details.

If practical, it is preferred that buildings contain at least two stories. Alternatively, a single story building should have a relatively steep roof or a high parapet. It is especially important in downtown areas for buildings to be multistory in order to reinforce the sense of enclosure of the street.

- (3) Proportion.** Buildings and their details should be well proportioned in accordance with commonly accepted design principles so as to create a sense of order and balance.

- (4) Massing.** Large structures should be broken into smaller masses to provide human scale, variation, and depth. These smaller masses should have a strong relationship to one another and, ideally, each smaller mass will have an integrity of form. Construction of unadulterated warehouses style a big box should generally be avoided (though their use is

of less concern on Route 11 and in industrial parks). Blocky multifamily structures within predominantly single and two family neighborhoods are highly inappropriate.

- (5) Roof.** As a design element the roof has a significant effect on the buildings character. The lack of a roof often promotes a feeling of a boxiness. The taller the building the less necessary is a pitched roof. Multistory buildings in downtown and mill buildings rarely included a pitched roof.

Incorporation of a moderate slope is preferred. Where flat roofs are used, however, there should be a distinct cornice and/or parapet to emphasize the top of the building. Extensive areas of visible roof should be broken up with dormers, cross gables, cupolas, chimneys, parapets, balustrades, and towers.

- (6) Building façade.** Much attention should be given to create an attractive building facade. Broad expanses of blank walls are inappropriate. Traditionally, the parts of a facade that might be embellished, or at least articulated in some fashion include:

- (a) The horizontal *base* where the building meets the ground (such as a different treatment for the foundation or a water table)
- (b) The horizontal *top* where the building meets the sky (such as a projecting cornice with brackets)
- (c) A horizontal section in between (such as a belt course between stories)
- (d) The vertical corners on the left and right sides (such as corner boards or quoins)
- (e) Vertical articulation in the middle (such as pilasters)
- (f) The area around the door/entry (such as a portico)
- (g) The areas around the windows (such as window surrounds)

In addition, depth may be created for the facade through use of porches, projecting or recessed sections, bay windows, or arcades.

- (7) Fenestration.** Windows are an integral part of a building and should be incorporated on front facades, and preferably side facades to humanize the building. It is desirable that the windows along with the door establish a coherent, orderly pattern and rhythm.

It is preferable that windows be vertical or at least no more squat than square" (except as described in downtown areas, below). Horizontally shaped windows are discouraged. Where horizontal windows are sought a series of contiguous vertical windows with mullions in between should be used arranged in a horizontal band.

In pedestrian oriented downtown or village commercial centers use of large picture type windows for retail uses on the first floor is strongly encouraged. In residential areas and on upper floors of downtown buildings use of multiple panes of glass (or the appearance of multiple panes) rather than picture type windows is preferred.

Shutters, where appropriate, should be sized properly for the window opening (approximately one half the width of the opening).

**(8) Entrance.** The entrance is an important element in defining a building. Articulation of the entrance is encouraged through use of a portico, canopy, awning, sidelights, surround, or other device.

Generally, there should be an entrance, if not the primary entrance, located on the front facade. Use of a usable front porch on residential buildings is strongly encouraged.

**(9) Materials.** The use of natural materials or materials that appear natural is preferred. Materials should be high quality and durable. Wood (clapboard and shakes), brick, stone, fiber reinforced stucco, textured block, and terra cotta are the preferred materials, although fabricated materials which effectively imitate the character of these materials is acceptable. Conventional vinyl and aluminum siding arranged in horizontal clapboard pattern is acceptable but not preferred. Its use is inappropriate in downtown areas.

Sheet plastic, sheet fiberglass, T-111 plywood, pecky shingles, simulated brick, and similar materials should not be used. Use of highly reflective plastic or metal surfaces are inappropriate. Use of salvage style brick with multiple colors is discouraged. Prefabricated metal wall panels and undressed concrete/cinder block should not be used except in industrial park areas. When these materials are used in industrial park areas it is preferable to minimize the area over which they are used, minimize their use on front facades, and to combine their use with other materials, such as installing metal walls over a foundation of textured block.

**(10) Color.** Color of buildings is reviewed for nonresidential property only. Generally, it is preferable to use two or three colors. The main color(s) on a building should generally be nature blending, earth tone, neutral, or pastel in character. Bright colors should be limited to accent areas. High intensity colors, metallic colors, or fluorescent colors should not be used.

Subtle colors are appropriate on larger, plain buildings whereas smaller buildings with more detailing can more effectively incorporate brighter colors.

**(11) Lighting.** Use of low key, low intensity wall pack or spot type lighting, or lighting of signage on buildings is appropriate. Use of lighting to highlight the building in a prominent manner, such as brightly illuminated roof fins or neon tube lighting is discouraged.

## **(H) PARTICULAR BUILDING TYPES AND COMPONENTS**

**(1) Gasoline Station.** Canopies should incorporate features to avoid the sense of a large, hovering mass. A pitched roof or other traditional roof form should be used (attractive examples include the Irving Stations in Northwood and Meredith). The fascia of the canopy should be short in height, generally not to exceed two feet. It is preferable that columns be articulated in some manner. All vertical surfaces should be nonreflective and colors should be muted.

**(2) Miniwarehouses/Self Storage Facilities.** When these facilities are located on major roads their design must be very carefully considered. Deep setbacks should be established. The structures should be located perpendicular to the road with no doors facing the road. Use of corrugated metal on the front facades is unacceptable. Use of textured block, brick, wood, or stucco is preferred though flat metal may be acceptable. Colors should be muted. (The facility located on Route 155 in Dover is well designed, including the fine selection of colors).

**(3) Garages.** Garage doors should be relatively unobtrusive. To the extent practical, doors should be placed on side facades not facing the street, doors should be screened from view by landscaping or other structures, or garages should be set back a greater distance from the street. Where the garage is attached to the main building it is preferable for the garage section to be subordinate to the main section by reducing the size and recessing it beyond the main section.

**(4) Utility elements.** To the extent practical, all utility elements, such as dumpsters, utility meters, and ground mounted air conditioning units, should be screened and located such that they are not visible from a public way or neighboring residential properties.

Above ground storage tanks, with the exception of businesses, which sell fuel, should be screened or hidden from view.

**(5) Fences.** Use of chain link fences in front or side yards is discouraged. When they are used in these areas the chains should be covered in a colored vinyl (such as dark green) or equivalent.

## **(I) PROCESS**

Applicants should submit elevation drawings drawn to scale of each pertinent facade. A color board containing actual color samples of exterior finishes, keyed to the elevations and indicating the manufacturers name and color designation should also be submitted. Applicants should also submit a material sample if appropriate, such as the type of brick proposed.

Any proposed building illumination must be submitted and approved. No such lighting may be installed without approval.

Elevation drawings must be prepared by a registered engineer, architect, or landscape architect (use of a registered architect is strongly encouraged). The Planning Board may waive this requirement in the case of smaller structures, less prominent structures, or as it deems appropriate.

While applicants are required to meet the guidelines herein it is not necessary to submit waiver requests from any specific design guidelines herein. It shall be up to the Planning Board to determine if the overall proposal meets the intent of this section.

At its option the Planning Board may secure the services of a consulting architect or other professional to assist in the review of an application. The board may impose reasonable fees upon an applicant to cover this expense.

These regulations are administered by the Minor Site Committee in the case of minor site applications and the Planning Department in the case of Special Downtown applications.

## **APPENDIX to SECTION 7 – ARCHITECTURAL DESIGN**

The following definitions are incorporated herein as an appendix to Section 7 – Architectural Design of the City of Rochester Site Plan Regulations

### **DEFINITIONS**

Note. Definitions are given for some words, which are not included in the text of these regulations for the purpose of enhancing discussions about architectural design among applicants, agents, staff, and the Planning Board.

**Arcade:** A series of arches supported by columns, sometimes forming a covered walkway.

**Arch:** A curved form spanning an opening; it may take various rounded forms including a pointed shape.

**Axis:** A line established by two points in space and about which forms and spaces can be arranged.

**Axonometric drawing:** A drawing showing a building in three dimensions.

**Awning:** A single sash window that opens outward from the top.

**Baluster:** An upright, often vase-shaped, support for a rail.

**Balustrade:** A series of balusters with a rail.

**Bargeboard:** A board, typically decorated, on the sloping edge of an overhanging gable roof.

**Bay:** Vertical division of a building facade as delineated by some regular recurring feature such as windows or columns.

**Bay window:** A window element projecting from a building facade.

**Bond:** The pattern formed by bricks in a wall using one or more sides or positions (oblong or upright) of the brick.

**Box:** Generally refers either to "big box" or "small box"; a very simple building with minimal adornment or complexity in its form, usually a rectangular footprint with a flat roof, and few if any windows.

**Bracket:** A structural (or visually structural) element projecting from a wall which supports a roof overhang or other overhang, generally in the form of an "L" or a right triangle.

**Build to line:** The opposite of the conventional front setback requirements a maximum setback to which buildings must be placed, as opposed to a minimum setback.

**Cantilever:** A horizontal element projecting from a wall without external support.

**Capital:** The top portion of a column or pilaster crowning the shaft.

**Casement:** A single sash window that opens outward from the side.

**Clapboard:** Narrow, horizontal, overlapping wooded boards that form the outer skin of an exterior building wall.

**Colonial:** The style of architecture in the American colonies in the 17<sup>th</sup> and 18<sup>th</sup> centuries (prior to the American Revolution), derived mainly from English traditions.

**Colonnade:** A row of columns supporting a roof, arches, or an entablature.

**Column:** A freestanding upright support element usually round in cross section. In classical architecture consists of a base, shaft, and capital.

**Corner board:** A decorative vertical board placed at the corner of a wood frame building.

**Cornice:** Projecting top portion of an entablature or any linear element placed along the top of a buildings facade or atop a section of the facade to divide the facade into sections.

**Course:** A horizontal decorative band extending across a facade. Stringcourse refers to a narrow course while beltcourse refers to a wide course.

**Cupola:** Small enclosed or partially enclosed structure crowning a roof or tower.

**Cross gable:** A gable form attached to and placed perpendicular to a larger gable roof

**Dentils:** Small, rectangular blocks arranged in a tooth-like series under an overhang.

**Dormer:** Window rising vertically atop a roof.

**Double hung window:** A window with two vertical sliding sash, each closing half of the window opening.

**Eave:** The horizontal or downward projecting overhang at the lower edge of a roof.

**Elevation:** A head-on drawing of a building facade, without any allowance for perspective, in fixed proportion to the measurement on the actual building; one exterior face or side of a building (comparable to a facade).

**Engaged column:** A column, which is attached to a wall (rounded in cross section).

**Entablature:** The horizontal top part of an order of classical architecture. It is supported by columns and consists of three levels - architrave, frieze, and cornice.

**Facade:** The front or principal exterior face of a building; may refer to other prominent exterior faces as well.

- False front:** A facade that extends well above the rest of the building, to give the impression that a building is larger than its actual size.
- Fascia:** A flat vertical board that forms the face along the edge of a flat roof or along the horizontal (or eave) side of a pitched roof.
- Fenestration:** Arrangement of windows on a façade including number, size, proportion, spacing, and composition.
- Finial:** Small vertical ornament at the top of a roof.
- Frieze:** A decorative, horizontal band set just below the cornice.
- Frontispiece:** An ornamental portal around the entrance.
- Gable:** A simple pitched roof form with two opposite sloping sides; the triangular part of a wall formed by a gable roof.
- Gambrel:** A roof form with a double-sloped profile - a steep lower plane and a less steep upper plane (differs from a mansard in that a gambrel is two sided while a mansard is four sided; also angle of the two planes on a mansard is closer to 90 degrees).
- Hierarchy:** The articulation of the importance of a form by its size, shape, or placement relative to the other related forms.
- Hipped roof:** A roof, which slopes upward from all four sides of a building (it may have a ridge or end in a point).
- Lintel:** A horizontal structural member that bridges an opening.
- Lozenge:** A diamond shaped ornament applied to a wall.
- Lunette:** A semicircular or half-moon window or other element on a facade.
- Mansard:** A steep, story high roof with two planes on all four sides, the first plane almost vertical and the second plane above, nearly flat; named for Francois Mansart, 17<sup>th</sup> century French architect.
- Masonry:** Heavy materials including stone, brick, concrete, concrete block, and stucco.
- Massing:** The shapes, sizes, and arrangement of the three dimensional forms that compose a building.
- Medallion:** An ornamental plaque applied to a wall.
- Modern architecture:** A style characterized by largely undecorated and simple building forms with relatively large windows and a horizontal emphasis.

**Molding:** Architectural detailing applied around a window or door or to the surface of a wall.

**Mullion:** Vertical element separating windows or doors set in a series.

**Muntin:** Dividers between panes of glass within an individual window.

**Neoclassical:** A formal style of design evoking ancient Greek or Roman architectural forms.

**Oriel window:** A bay window projecting from a building's upper floor.

**Panel:** A decorative recessed rectangular portion of a wall.

**Parapet:** A low wall or railing extending above and in the front of a roof.

**Pecky shingles:** Irregular wood shingles, frequently untreated or stained rather than painted, with various curves and splits that give an appearance of peeling off an exterior surface (such as one might see at a "Fish Shack Restaurant").

**Pediment:** Triangular front end of a roof, comparable to a gable except a pediment always has an articulated horizontal side.

**Pergola:** The unenclosed structure with an open wood framed roof, often latticed.

**Piazza:** An open space oriented to pedestrians, usually rectangular in shape, defined by a building or buildings on two or more sides.

**Pier:** A freestanding upright support element, usually rectangular in cross section, and wider and more squat than a column.

**Pilaster:** A column or pier affixed to a wall surface (rectangular in cross section).

**Plan:** The layout of a building drawn in the horizontal plane.

**Porthole window:** A circular window (also called a bull's eye window).

**Portico:** A covered space usually supported by columns surrounding an entrance and forming the centerpiece of the facade.

**Proportion:** The relation of one dimension to another, such as the height of a window compared to its width. Proportion affects visual order through coordination of such elements as height, width, depth, and spacing.

**Quoins:** Corner stones or other material made to resemble stones, at a corner or edge of a building.

**Rhythm:** The use of recurring patterns to organize a series of like forms or spaces.

**Ridge:** The linear intersection of two sloping roof planes.

**Sash:** A single window section within its frame that opens in some manner.

**Scale:** The perception of the size of a building or building element relative to the human body or other buildings or objects in the vicinity.

**Sense of enclosure:** An outdoor area where the height and continuity of adjacent or surrounding buildings or other structures loosely establishes the feeling of a three dimensional space.

**Shed roof:** A roof composed simply of one sloping plane.

**Sill:** The horizontal bottom element of a window or doorframe.

**Soffit:** The underside of any building part, such as under an eave, arch, or lintel.

**Symmetry:** The balanced distribution of equivalent forms and spaces about a common line (axis) or point.

**Skin:** The outer clothing or membrane of a building - clapboard, brick, steel, etc.

**Steeple:** The combined tower and spire of a church.

**Surround:** An ornamental device used to enframe all or part of a window or door.

**Texture:** The quality of finish on a wall or roof surface being smooth, rough, bumpy, etc.

**Tower:** A distinctly vertical structure, which may be freestanding or attached to another structure.

**Traditional:** Sensitive to, evocative of, or harmonious with any particular style of architecture established prior to 1950 or to the prevailing patterns, forms, or styles of architecture dating from the original settlement of the United States up to 1950.

**Turret:** A small, slender tower usually at the corner of a building.

**Universal Design Principles:** Rules and guidelines that are generally recognized and respected among design professionals.

**Victorian:** Term used to cover all of the various styles of architecture during the reign of Queen Victoria - 1837 to 1901, including Second Empire, Italianate, Gothic Revival, Colonial Revival, Queen Anne, Renaissance Revival, and others. (Georgian, Federal, and Greek Revival styles predate the Victorian era).

**Water table:** A thickened and frequently adorned part of the foundation of a building originally designed to make the foundation less permeable to stormwater.

## **SECTION 8 - STANDARDS FOR PARTICULAR USES**

**(A) CONTRACTOR'S STORAGE YARDS** - The following requirements shall apply to all contractors' storage yards.

(See also 42.6 **Definitions**, (14) **Contractor's Storage Yard**, and 42.15 **Permitted Uses - Detail**, (m) **Contractor's Storage Yard** in the Zoning Ordinance). [1]

**(1) Screening**. Contractor storage yard activity shall be screened from abutting properties and public roads by one of the following:

(a) A six-foot stockade fence;

(b) A vegetative buffer, naturally occurring or planted, of sufficient density that storage yard activity cannot be observed through it at any time of the year;

(c) Any alternative screening, including a combination of the above, which the Planning Board determines satisfies the intent of this provision.

**(2) Security**. To ensure public safety the applicant shall present a plan, graphic or textual, for securing any dangerous vehicles, equipment, or materials from unauthorized access, said plan to be approved by the Planning Board as part of the Site Plan review process. (A simple plan specifying such items as lighting, fencing, and locking of equipment may be sufficient.)

**(3) Repair Work**. On-site maintenance and repair of heavy vehicles is restricted to those owned by the contractor storage yard owner and operator. Commercial maintenance and repair of heavy equipment and vehicles owned by others is permitted only if such work is permitted within the applicable zoning district and such work is approved as part of the contractor storage yard site plan review process.

**(4) Salt Storage**. Salts, and any bulk materials containing salts, commonly used in snow and ice removal, shall not be exposed to precipitation. A permanent, impermeable surface shall be installed beneath the salts to prevent ground infiltration. This provision applies to any bulk materials containing salt.

**(5) Wastes**. All waste materials shall be contained in dumpsters or similar receptacles, provided, however, that any material or substance that is subject to state or federal regulations regarding its handling and storage shall be handled and stored in accordance with such regulations.

## **(B) COMMERCIAL WIRELESS COMMUNICATIONS FACILITIES**

**(1) Purpose**. It is the goal of the City of Rochester to protect the public health, safety, and general welfare of the community while accommodating the communications needs of residents and businesses. The purpose of these regulations and the zoning provisions is to:

(a) Facilitate the provision of wireless communication services to the residents and businesses of the city;

- (b) Minimize adverse visual impacts of wireless communications facilities through design and siting standards;
- (c) Encourage the location of facilities in non-residential areas;
- (d) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,
- (e) Discourage proliferation of antenna support structures through sharing requirements.

**(2) Process**

In addition to the information required for site plans elsewhere in these regulations, development applications for wireless communications facilities shall include the following information:

- (a) A report from a qualified professional engineer which:
  - (i) Specifies the facility's height and design including a cross section and elevation,
  - (ii) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  - (iii) Describes the antenna support structure's capacity, including the number and type of antennas that it can accommodate;
  - (iv) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
  - (v) Includes an engineer's stamp and registration number; and,
- (b) For all wireless communication service towers, a letter of intent committing the owner and his or her successors in interest to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- (c) The following items shall be submitted as part of any application (at the Planning Board's option they may be submitted as part of precedent conditions on any approval, prior to issuance of a building permit).
  - (i) A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);
  - (ii) Proof of compliance with applicable Federal Communications Commission regulations; and,
  - (iii) A report from a qualified professional engineer which demonstrates the facility's compliance with Rochester's structural and electrical standards (to be submitted to the Code Enforcement Department).

(d) The following supplemental information:

- (i) Location, uses, and approximate size and height of all buildings and structures within 500 feet of the proposed wireless communication facility.
- (ii) Elevations of all facades, indicating exterior materials and color of the facility.
- (iii) Plans shall be drawn at the scale of 1-inch equals 50 feet, maximum.

**(3) Design.** The following design standards apply:

- (a) The lowest six (6) feet of the facility shall be visually screened by trees, large shrubs, solid walls, fences and/or other structures.
- (b) The height and mass of the facility shall not exceed that which is essential for its intended use.
- (c) The color of the proposed facility will be of a light tone or color (except where otherwise required by the FAA) so as to minimize the visual impact.
- (d) There shall be a security fence around the base of the support structure base or the lot where the support structure is located.
- (e) The proposed facility will not unreasonably impair the view of or from any public park, natural scenic vista, historic building or district, or significant view corridor.
- (f) Towers shall be of a monopole design unless the Planning Board determines that an alternative design would better blend in to the particular environment.

**(4) Process for antennas mounted on existing structures.** The placement of antennas on existing support structures may be approved administratively - jointly by the Code Enforcement and Planning Departments - provided the proposal meets all applicable City requirements, as follows:

- (a) Site and building plans shall be submitted and approved as specified herein.
- (b) A report prepared by a qualified professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure shall be submitted along with complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- (c) In cases where insignificant additional support structures are needed, such as the erection of a small structure on an existing rooftop, which will not be visible from the road, these applications may be approved administratively, at the reasonable discretion of the staff.

**SECTION 9 - SCHEDULE OF FEES** (adopted December 6, 2004) [7]

## **Site Plan Review**

### **Residential**

Base	\$300.00
Per new Unit (s)	\$150.00

### **Commercial**

Base	\$250.00
Per Square Foot:	
0-1,000 sq. ft.	\$.15 per sq. ft.
1,001-5,000 sq. ft.	\$.12 per sq. ft.
5,001-10,000 sq. ft.	\$.09 per sq. ft.
10,001 + sq. ft.	\$.06 per sq. ft.

### **Industrial**

Base	\$250.00
Per Square Foot:	
0-1,000 sq. ft.	\$.08 per sq. ft.
1,001-5,000 sq. ft.	\$.07 per sq. ft.
5,001-10,000 sq. ft.	\$.05 per sq. ft.
10,001 + sq. ft.	\$.03 per sq. ft.

## **Minor Site Plan Review**

Base	\$250.00
------	----------

Farmers or Flea Market Base	\$100.00
--------------------------------	----------

## **Conceptual or preliminary review**

Base	\$100.00
------	----------

## **Miscellaneous**

Abutter's Notification: This is done by the applicant and paid to the Post Office.

For requests to extend the timeframe to meet precedent conditions that are submitted after the deadline for meeting the conditions has expired: \$100.00

Amendment to a site plan: \$100.00 [10] [15]

Modification to a site plan that is brought to the Planning Board for consideration: \$100 [15]

## **SECTION 10 - INSPECTION FEE**

Inspections shall be billed at an hourly rate as determined by the City of Rochester Public Works Department. [12]

## **SECTION 11 - IMPACT FEES**

The Planning Board may, as a condition of approval, and consistent with the provisions of

RSA 674:16, RSA 674:21 and Section 42-31 of the General Ordinances of the City of Rochester, as the same are currently enacted or the corresponding provisions of any recodification or amendment of such statutes and/or ordinances, require an applicant to pay an impact fee for the applicants fair share of off-site improvements to public facilities affected by the development. [4]

### **ARTICLE III**

## **ENFORCEMENT, VARIANCES, AND WAIVERS VALIDITY AND EFFECTIVE DATE**

### **SECTION 1 - ENFORCEMENT**

In accordance with the provisions of Chapter 676 Of the New Hampshire Revised Statutes Annotated, and Section 42.25(b) of the General Ordinances of the City of Rochester, these regulations shall be enforced by the Director of Code Enforcement, Building Inspector, Commissioner of Public Works, City Engineer, City Solicitor, City Manager and/or such other local official(s) as may be designated, by the City Manager, with authority to enforce the provisions of Title LXIV of the New Hampshire Revised Statutes Annotated, or of any other local ordinance, code or regulation adopted under such Title, including any provision or specification of any application, plat, or plan approved by, or requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this ordinance or the authority of Title LXIV. [13]

### **SECTION 2 - WAIVERS**

The Planning Board may waive any provision of these regulations herein where the board finds by majority vote that:

- (A) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations; or
- (B) Specific circumstances relative to the site plan or the conditions of the land in the site plan indicate that the waiver will properly carry out the spirit and intent of these regulations.

The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the board. [16]

### **SECTION 3 - INTERPRETATION AND CONFLICT**

In matters of judgment or interpretation of the requirements contained in these regulations, the opinion and determination of the Planning Board shall prevail. In any particular where these regulations are in conflict with any other rules, regulations, or ordinances of the City of Rochester, the more restrictive regulation or provision shall prevail.

### **SECTION 4 - VALIDITY**

If any section, paragraph, subdivision, or provision of these regulations shall be adjudged invalid or shall be held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof, other than such part so decided to be invalid or unconstitutional.

### **SECTION 5 - FUTURE AMENDMENT**

These regulations may be amended, changed, altered, added to, or rescinded in whole or in part in the same manner in which amendments to subdivision regulations are made.

## **AMENDMENTS**

- [1] Amended 2/3/97 – Contractor storage yard provisions
- [2] Amended 3/16/98 – Various amendments and new sections related to vertical opacity definition; vehicle access; driveway design and circulation; traffic impact; parking lot design; loading; pedestrian, bicycle, and transit; screening; and landscaping and buffers
- [3] Amended 9/11/00 – New definition for “abutter”
- [4] Amended 4/16/01 – Impact fees
- [5] Amended 3/25/02 - Enactment of architectural regulations
- [6] Amended 7/19/04 – Enactment of lighting regulations
- [7] Amended 12/6/04 – New fee schedule
- [8] Amended 8/1/05 – Review of applications by outside consultant
- [9] Amended 8/1/05 – Requirement for 22 sets of packets
- [10] Amended 8/1/05 – Fees for amendments after certification
- [11] Amended 1/23/06 – Modifications to special site plan review process
- [12] Amended 3/26/07 – Change terms for inspection fees
- [13] Amended 6/18/07 – Change terms for enforcement
- [14] Amended 3/24/08 – Various changes to regulations
- [15] Amended 1/26/09 – Adding definitions for “amendments” and “modifications” and changing fees
- [16] Amended 10/19/09 – Rewrite of waiver provision per changes to RSA 674:36 II (n)

[N:\Regulations - Site & Sub\Site Plan Regs\Site Regs - CORRECT VERSION.doc]